

THE VILLAGE OF



RIDGEWAY

PLAN COMMISSION PUBLIC HEARING AGENDA

November 06, 2024 at 6:30 PM

Ridgeway Community Center - Room 101/102 208 Jarvis Street, Ridgeway, WI 53582

CALL TO ORDER AND ROLL CALL

CONFIRMATION OF OPEN MEETING

ITEMS FOR CONSIDERATION AND ACTION

- [1.](#) Amending Code of Ordinances

ADJOURNMENT

Any person(s) with a qualifying disability, as defined by the Americans with Disabilities Act, that requires the meeting or material at the meeting to be in an accessible location or format, must contact the Village Clerk at the address listed above or call 608-924-5881, prior to the meeting so that any necessary arrangements can be made to accommodate each request.

Ordinance No. 2402-02

VILLAGE OF RIDGEWAY
AN ORDINANCE AMENDING THE VILLAGE OF RIDGEWAY MUNICIPAL CODE
OF ORDINANCES TO SET FEES VIA RESOLUTION

RECITALS

- A. The Village of Ridgeway currently specifies its fees in its Municipal Code of Ordinances.
- B. Currently, in order to adjust Village imposed fees the Village Board must adopt an ordinance amendment.
- C. The Village Board has determined it is more efficient to set a fee schedule via resolution instead of identifying every fee in its ordinances.
- D. The Village Board desires to amend its municipal code to allow for establishing any and all fees via resolution instead of specifying fees in its municipal code.

ORDINANCE

Now, therefore, the Village Board of the Village of Ridgeway, Iowa County, Wisconsin, do ordain as follows:

- 1. The Village of Ridgeway Municipal Code of Ordinances shall be amended as depicted in Exhibit A.
- 2. This ordinance shall take effect upon publication in accordance with Wisconsin law.

Adopted this ___ day of _____, 2024.

APPROVED:

ATTEST:

Michele Casper
Village President

Lori Phelan
Village Clerk

VILLAGE OF RIDGEWAY MUNICIPAL CODE OF ORDINANCES

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CHAPTER 1 - FORM OF GOVERNMENT AND OFFICIALS

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1.01 FORM OF GOVERMMMENT.

The Village of Ridgeway, Wisconsin, operates under the “village” form of government pursuant to Chapter 61 of the Wisconsin Statutes. The certificate to establish Village status was issued and is recorded in Vol. 69, Miscellaneous Records of the Secretary of State, Page 38.

1.02 ELECTED OFFICIALS.

(1) Trustees. There shall be Trustees of the Village of Ridgeway. Three Trustees shall be elected at each annual spring election for a term of two years, commencing on the third Tuesday of April in the year of their election.

(2) Village President. The Village President of the Village of Ridgeway shall be chosen at the regular spring election in odd numbered years for a term of two years commencing on the third Tuesday in April in the year of their election.

1.03 APPOINTED OFFICIALS.

(1) (Ord. Am. May 7, 1963; Ord. Am. Jan. 7 1969, Am. Mar. 12, 2019). The appointed officials, the method of selection and the terms of office shall be as follows:

Clerk/Treasurer	Affirmative vote of majority of all members elect of the Village Board.	Indefinite
Assessor	Affirmative vote of majority of all members elect of the Village Board.	Indefinite
Building Inspector	Affirmative vote of majority of all members elect of the Village Board.	Indefinite
Village Attorney	Affirmative vote of majority of all members elect of the Village Board.	Indefinite
Director of Public Works	Affirmative vote of majority of all members elect of the Village Board.	Indefinite
Streets/Parks Superintendent	Affirmative vote of majority of all members elect of the Village Board.	Indefinite
Marshal	Affirmative vote of majority of all members elect of the Village Board.	Indefinite
Police Officer	Affirmative vote of majority of all members elect of the Village Board.	Indefinite

(2) All appointed candidates, in order to be eligible for the election by the Board, must be a resident of the State of Wisconsin. (Ord. Am. Oct. 7, 2003.)

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(3) All appointed offices of officials are for an indefinite term, subject to removal by a 3/4 vote of the Board for incompetency, misconduct, inefficiency, cowardice or failure to perform their duties.

1.04 BOARDS AND COMMISSIONS.

(1) Board of Health, Health Officer. The Village Board of the Village of Ridgeway shall, within 30 days after its election, organize into a Board of Health and shall elect a chairman and clerk as provided by section 141.01(3), Wis. Stat. The Health Officer by virtue of his office shall be an ex-officious member of such board, and shall have voting power.

(2) Board of Review. The Board of Review of the Village of Ridgeway shall be composed of eight members, including the Village President, the Village Clerk, and all members of the Village Board of Trustees. The Board of Review shall have the duties and powers prescribed by section 70.47, Wis. Stat.

(3) Plan Commission.

(a) How constituted. The Village Plan Commission shall consist of seven members as follows: The Village President, who shall be its presiding officer; the Director of Public Works; a Trustee and four citizens. Citizen members shall be persons of recognized experience and qualifications.

(b) Appointment.

1. Trustee Member. The Trustee member of the Commission shall be elected by a 2/3 vote of the Village Board upon creation of the Commission and during each April thereafter, for a one year term commencing on the succeeding May 1.

2. Citizen Members.

a. Annually, during April, one such member shall be appointed for a term of three years.

b. Additional Citizen Member. The additional citizen members, who shall be appointed by the Village President, shall be appointed annually during April, to hold office for a period of one year. Whenever a park board is created, the President of such board shall succeed to a place on said commission when the term of such additional citizen shall expire.

(c) Powers and Duties. The Plan Commission shall perform all of the duties for the physical development of the Village pursuant to section 61.35, Wis. Stat.,

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and have such further powers as may be granted to it by the statutes and code of the Village.

(4) Board of Zoning Appeals.

(a) Board. The Board of Zoning Appeals of the Village of Ridgeway shall consist of five members and one alternate member who shall be residents of the Village, appointed by the Village President, and confirmed by a majority vote of the Village Board years.

(b) Term. Each member shall serve for a term of three years.

(c) Powers and Duties. The Board shall have the powers and duties prescribed under sections 61.35, 61.351, 61.354, and 62.23, Wis. Stats.

(5) Park and Recreation Commission. (Created August 10, 2021)

(a) How constituted: The Village Park and Recreation Commission shall consist of seven members as follows: The Village President, who shall be its presiding officer; the Streets and Parks Superintendent; two Trustees and three citizens. Citizen members shall be persons of recognized experience and qualifications.

(b) Appointment.

1. Trustee Member. The Trustee member of the Park and Recreation Commission shall be appointed by the Village President during each April, for a one-year term commencing on the succeeding May 1.

2. Citizen Members.

a. Bi-annually, during April, citizen members shall be appointed by the Village President to hold office for a period of two years.

(c) Powers and Duties. The Park and Recreation Commission shall perform all of the duties for the Village pursuant to section 27.08 and 27.13, Wis. Stats., and have such further powers as may be granted to it by state statute and code of the Village.

1.05 GENERAL REGULATIONS GOVERNING ALL VILLAGE OFFICERS.

(1) Effect. The provisions of this section shall apply to all officers of the Village, regardless of the time of creation of the office or selection of the officer unless otherwise specifically provided by ordinance or resolution of the Village Board.

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(2) Fiscal Year. The calendar year shall be the fiscal year.

(3) Budget.

(a) Departmental Estimates. Each year, each officer, department and committee shall file with the Treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the Treasurer and shall be designated as "Departmental Estimates", and shall be as nearly uniform as possible for the main division of all departments.

(b) Preparation of Budget.

1. Budget to Include. Each year the Treasurer, Village President and Finance Committee shall prepare a proposed budget presenting a financial plan for conducting the affairs of the Village for the ensuing calendar year. The budget shall include the following information:

a. The expense of conducting each department and activity of the Village for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increase and decrease recommended as compared with appropriations for the current year.

b. An itemization of all anticipated income of the Village from sources other than general property taxes and bond issued, with a comparative statement of the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal year.

c. An itemization of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.

d. Such other information as may be required by the Village and by State Law.

2. Copies. The Village shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

(c) Hearing. The Village Board shall hold a public hearing on the budget

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as required by law. Following the public hearing, the proposed budget may be changed or amended and shall take the same course in the Board as ordinances.

(d) Changes in Budget. The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purpose thereof, shall not be changed after approval of the budget except by a 2/3 vote of the entire membership of the Village Board. Notice of such transfer shall be given by publication with 15 days thereafter in the official village newspaper.

(4) Village Funds to be spent in Accordance with Appropriations. No money shall be drawn from the treasury of the Village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by section 1.07(3)(d) of this chapter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and be subject to re-appropriation; but appropriations may be made by the Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriations shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

1.06 SALARIES, WAGES AND FRINGE BENEFITS.

(Ord. Am. May 1, 2012, Am. March 12, 2019).

(1) Salaries and Wages. The compensation paid to all elected officials and employees shall be determined at such time and in such manner as the Board of Trustees shall deem necessary. Employee reviews will be done in the months of August through September of each year. All adjustments to the employees' payroll or benefits, though not deemed an absolute given at time of review, will not become effective until the beginning of the new fiscal year following.

(2) Vacation. All full time Village employees shall be entitled to paid vacations as set forth in The Village of Ridgeway Employee Handbook, as amended and revised from time to time.

(3) Holidays. Each full time official or employee with 30 days of prior continuous employment shall be entitled to the paid legal holidays as set forth in The Village of Ridgeway Employee Handbook, as amended and revised from time to time.

(4) Sick Leave. Each full time official or employee of the Village shall be entitled to sick leave as set forth in The Village of Ridgeway Employee Handbook, as amended and revised from time to time.

(5) Bereavement. When there is a death in the family, an employee shall be entitled to a leave of absence as set forth in The Village of Ridgeway Employee

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Handbook, as amended and revised from time to time.

(6) Other Benefits (Am. 12-11-18). Employees shall be entitled to such other benefits as set forth in The Village of Ridgeway Employee Handbook, as amended and revised from time to time.

1.07 VILLAGE FINANCES.

(1) Village Liable for Default of Treasurer. Pursuant to section 70.67(1), Wis. Stat., the Village of Ridgeway shall be obligated to pay, in case the Treasurer shall fail to do so, all State and County taxes required by law to be paid by such Treasurer to the County Treasurer.

(2) Oath of Office. Every officer of the Village, including members of village Boards and commissions, before entering upon his duties and within five days of his/her election or appointment or notice thereof take the oath of office prescribed by law and file said oath in the office of the Village Clerk, except the Village Clerk who shall file his/her oath in the office of the Village Treasurer; provided that the Municipal Justice shall take his/her oath within ten days after his/her election and file it with the Clerk of the Circuit Court. Any person re-elected or re-appointed to the same office shall take and file an official oath for each term of service.

(3) Bond. Every officer shall, if required by law or the Village Board, upon entering the duties of his/her office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performances of the duties of his/her office. Official bonds shall be filed as are oaths as provided in sub. (2) of this section.

(4) Salaries. All officers of the Village shall receive such salaries as may be provided from time to time by the Village Board by ordinance. No officer receiving a salary from the Village shall be entitled to retain any portion of any fees collected by him/her for the performance of his/her duties as such officer in the absence of a specific law or ordinance to that effect. Payment of regular wages and salaries established by the Village Board shall be by payroll. The regular pay day shall be the fifteenth day and the last day of each month.

(5) Vacancies. Vacancies in elective offices shall be filled by appointment by majority vote of the Village Board for the remainder of the unexpired term. Vacancies in appointive offices shall be filled in the same manner as the original appointment for the residue of the unexpired term unless the term for such office is indefinite.

(6) Outside Employment. No full-time officer of the Village shall engage in any other remunerative employment within or without the Village; provided that the Village Board may approve such outside employment or activity if it finds that it does not interfere

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or conflict with such officer's ability to perform his/her duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer.

1.08 LETTING OF CONTRACTS.

(1) How Executed. Section 61.50, Wis. Stat., shall be applicable to Village contracts.

(2) Contracts; How Let. Contracts for public construction shall be let in accordance with section 62.15, Wis. Stat.

1.09 ELECTION OFFICIALS.

There shall be two shifts for election workers on all election days. The first shift shall commence at 6:30 a.m. and end at 1:30 p.m. The second shift shall commence at 1:30 p.m. and end with completion of all required Election Day duties that follow the closure of the polls. (Cr. Feb. 4, 2014).

1.10 FORMAL ADOPTION OF A COMPREHENSIVE PLAN.

(Cr. March 1, 2005) (Eff. March 2, 2005) (Amended April 10, 2023)

(1) Pursuant to sections 62.23(2) and (3), for cities, villages, and towns exercising village powers under 60.22(3) of the Wisconsin Statutes, the Village of Ridgeway, is authorized to prepare and adopt a comprehensive plan as defined in section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

(2) The Plan Commission of the Village of Ridgeway, by a majority vote of the commission, recorded in its official minutes of April 7, 2021, has recommended approval of the Village of Ridgeway, Wisconsin Comprehensive Plan (Update 2021).

(3) The Village of Ridgeway has held at least one public hearing on the Comprehensive Plan updates, with notice in compliance with the requirements section [66.1001 \(4\) \(d\)](#), of the Wisconsin Statutes.

(4) The village board, by the enactment of this ordinance, formally adopts the document entitled Village of Ridgeway, Wisconsin Comprehensive Plan (Update 2021) pursuant to section [66.1001 \(4\) \(c\)](#), of the Wisconsin Statutes.

(5) If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid

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provision or application, and to this end the provisions of this ordinance are severable.

(6) This ordinance shall take effect upon passage by a majority vote of the members elect of the Village Board and publication as required under section [60.80](#), of the Wisconsin Statutes. A copy of the ordinance and the comprehensive plan, shall be filed with at least all of the entities specified under section [66.1001 \(4\) \(b\)](#), of the Wisconsin Statutes.

1.11 SPECIAL ASSESSMENT PROCEDURES.

(Cr. July 13, 2006).

(1) In addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied in accordance with the provisions of this section.

(2) Whenever the governing body shall determine that any public work or improvement or any current service shall be financed in whole or in part by special assessments levied under this section, it shall adopt a resolution specifying this intention and the time, either before or after completion of the work or improvement, when the amount of the assessments will be determined and levied, the number of annual installments, if any, in which assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of the assessments may be deferred while no use of the improvement is made in connection with the property.

(3) The provisions of section 66.0703, Wis. Stat., shall apply to special assessments levied under this section except that when the governing body determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of the service, the report required by section 66.0703(4), Wis. Stat., shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

(4) Notice of the time and place of the public hearing on any special assessment proposed to be levied and notice of the final assessment and terms of payment thereof shall be given in the manner prescribed by sections 66.0703(7) and (8)(d), Wis. Stat.

(5) Any special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the governing body determining the amount of the levy.

(6) Any person against whose property a special assessment is levied under this section may appeal therefrom in the manner prescribed by section 66.0703(12), Wis. Stat., within 40 days of the date of the final determination of the governing body.

1.12 SUBSTITUTION FOR TREASURERS BOND.

(Cr. Dec. 6, 2005, s. 3.10).

The Village of Ridgeway, Wisconsin, is hereby obligated to pay all state and county taxes required by law to be paid by the Clerk-Treasurer to the county treasurer. This obligation is assumed in lieu of the Treasurers bond required by section 70.67 of the Wisconsin Statutes.

CHAPTER 2 - VILLAGE BOARD MEETINGS

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Chapter 2 Village Board Meetings

2.01 MEETING TIME AND PLACE

(1) Regular Meetings. Regular meetings of the Village Board shall be held on the second Tuesday of each calendar month at 7:00 p.m. Any regular meeting date falling on a legal holiday shall be held the next following secular day at the same hour and place.

(2) Special Meetings. Special meetings of the Board may be called by two trustees by filing a written request with the Clerk at least 24 hours prior to the time specified for such meeting. The Clerk shall immediately notify each trustee of the time and purpose of such meeting. The notice shall be delivered to each trustee personally or let at his/her usual place of abode at least 6 (six) hours before the meeting. The Clerk shall cause an affidavit of service of such notice to be filed in his/her office prior to the time fixed for such special meeting. Special meetings may be held without notice when all members of the Board are present or consent in writing for the holding of said meeting. Unless all trustees are in attendance, no business shall be transacted at the special meeting except for the purpose stated in the notice thereof. To transact business other than that for which notice was given require unanimous consent of all members of the Board.

(3) Initial Meeting of the Board of Review. Under the provisions of section 70.47 (3)(b), Wis. Stat., the hours for the initial meeting of the Board of Review each year shall be from 8:00 a.m. on the second Monday of May of each year at least until 12:00 p.m.

(4) Place of Meetings. All meetings of the Board, including special and adjourned meetings, shall be held in the Board Room of the Ridgeway Community Center.

(5) Meetings to be Public. Except as provided in section 66.77, Wis. Stat., all meetings of the Board, committees thereof, and boards and commissions shall be open to the public.

2.02 QUORUM AND ATTENDANCE.

Four trustees, including the Village President, shall constitute a quorum but a lesser number may adjourn from time to time or compel the attendance of absent members. A call of the house may be ordered by a majority vote if three trustees are present. Any trustee who shall without good cause fail to attend a regular or adjourned meeting or special meeting called in accordance with these rules shall be subject to a fine of \$5.00 by vote of all members present at such meeting whether or not such members constitute a quorum.

2.03 PRESIDING OFFICER.

(1) Control of Meeting. The Village President shall preserve order and conduct the proceedings of the meeting. A member may appeal from the decision of the presiding

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officer. Such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.

(2) Absence of President. If the President is absent from any meeting the, Clerk shall call the meeting to order and preside until the Board selects a trustee to preside for the meeting.

(3) Participation in Debate. The presiding officer may speak upon any question or make any motion if he vacates the chair and designates a trustee to preside temporarily.

2.04 COMMITTEES. (Am. August 10, 2021)

(1) Committee Appointments. At the first regular meeting in May the President shall appoint a trustee to each of the following standing committees:

(a) Committee on Finance (including licenses and permits, employee relations etc.).

(b) Committee on Public Works, Safety, and Health (including police, fire, streets, sewer, lighting, water, etc.).

The President shall be ex-officious chairperson of the Committee on Finance and shall designate the chairperson of other standing committees. They shall appoint all special committees and designate the chairperson of each. All committee appointments, except designation of chairperson, shall be subject to confirmation by a majority vote of the Board.

(2) Committee Reports. Each committee shall at the next regular board meeting submit a written report on all matters referred to it. Such report shall recommend a definite action on each item and shall be signed by a majority of the committee. Any committee may require any Village officer to confer with it and supply information in connection with any matter pending before it.

2.05 AGENDA.

The Agenda for every meeting shall be posted in one public place in the Village of Ridgeway and posted on the Village Website, www.villageofridgeway.com, at least 24 hours prior to meeting time. Said Agenda is to be approximately as follows and coincide with 2.07, General Rules.

2.06 ORDINANCES AND RESOLUTIONS. (Am. June 9, 2020)

(1) Ordinances, resolutions, by-laws, communications and other matters submitted to the Board shall be read by title and author and referred to the appropriate committee by the President. No ordinance, resolution or by-law shall be considered unless presented in writing by a trustee. No ordinance, resolution or by-law need be read

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in full unless requested by a trustee before final vote is taken.

(2) Clerk to file ordinances: Supplemental sheets; Correction of non-substantive errors (Cr. June 9, 2020)

(a) The Clerk shall certify one copy of this Code as the original Municipal Code of the Village of Ridgeway and shall file the same as part of the Village Code of Ordinances. Such copy shall be retained in its original form. In addition, the Clerk shall retain in his or her office at least one copy of the Municipal Code of the Village of Ridgeway in current form in which shall be inserted all supplemental sheets as hereinafter provided.

(b) Whenever any ordinance amending, repealing, revising or creating any action of this Code is adopted by the Board of Trustees, the Clerk after recording such ordinance in the ordinance book, shall cause copies to such ordinance to be reproduced on supplemental sheets in proper form for insertion in the municipal code and shall insert such ordinances in all copies of this Code in possession except the aforementioned original copy. The Clerk shall make such supplemental sheets available at cost to all persons requesting the same.

(c) The Clerk may make non-substantive changes necessary to accommodate page numbering and section numbering and may correct typographical errors but no other changes shall be made without Board of Trustee approval.

2.07 GENERAL RULES.

(3) Parliamentary Procedure. Unless otherwise provided in these rules, the Board in its deliberations shall be guided by Robert's Rules of Order, Revised.

(4) Recognition and Speaking. No member shall address the Board until he has been recognized by the presiding officer. He/she shall address the presiding officer and confine their remarks to the questions under discussion and avoid all personalities. When two or more members seek recognition, the presiding officer shall name the member who is to speak first. No person other than a member shall address the Board except by a majority vote of the members present.

(3) Motions. No ordinance, resolution or other motion shall be discussed or acted upon until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

When a question is under discussion, the following motions shall have precedence in the order listed:

(a) To adjourn.

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- (b) To recess.
- (c) To lay on the table.
- (d) To move the previous question.
- (e) To postpone to a day certain.
- (f) To refer to a committee.
- (g) To amend.
- (h) To postpone indefinitely.

Any member wishing to terminate debate may move the previous question which shall require a 2/3 vote of the members present.

(4) Voting. Any member of the Board may demand an aye and nay vote on any matter, and all aye and nay votes shall be recorded in the journal. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money or creating any liability or charge against the Village, or any fund thereof, the vote shall be aye and nay. Every member of the Board shall vote when a question is put unless the Board by a majority vote of those present shall excuse him/her for special cause. A member of the Board may not change his/her vote on any question after the result has been announced.

A majority vote of all members of the Board in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.

2.08 RECONSIDERATION OF QUESTIONS.

Any member noting in the majority may move reconsideration of any question, except confirmation of the appointment of a Village official, at the same meeting or at the next succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed.

2.09 SUSPENSION OF RULES.

These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of the members present.

2.10 AMENDMENT OF RULES.

These rules or any part thereof may be amended by a recorded vote of 2/3 of all the members of the Board present.

CHAPTER 3 - POLICE, CIVIL DEFENSE, AND FIRE DEPARTMENT

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Chapter 3 Police, Civil Defense, and Fire Department

3.01 VILLAGE MARSHAL ORDINANCE

(Am. June 6, 2006) (Am. December 8, 2020)

PREAMBLE:

In December of 2018, the Village Board voted to return to the original Wisconsin State Statute 61.28, Office of the Marshal. The move to go from an Officer in Charge of a Police Department to a Marshal of a Marshal's Office was to embrace community policing in the Village of Ridgeway. The title of Marshal is used to recognize that police are to be a part of the community. The office of the Marshal is granted with the authority over affairs similar to the sheriff of a county with jurisdiction ending at village borders, but with a focus on establishing community ties and working closely with residents of the village to ensure law and order.

CREATION:

The Marshal's Office of the Village of Ridgeway shall consist of the Marshal and such other Deputy Marshals as the Board may prescribe from time to time by ordinance or resolution. The Marshal and other Deputy Marshals shall be appointed by an affirmative vote of majority of all members of the Board. The Marshal shall be a certified law enforcement officer in the State of Wisconsin.

All references in any of the Village of Ridgeway Code of Ordinances to "Police", "Police Department", "Police Chief", "Officer in Charge", "Deputy" or "Officer" shall mean the Marshal Office, as amended hereby.

3.02 JURISDICTION, POWER, AND DUTIES OF THE MARSHAL OFFICE

(Cr. June 6, 2006) (Am. December 8, 2020)

The Marshal shall have command of the Marshal's Office of the Village of Ridgeway. They shall have custody, care and control of the property and equipment of the Department.

Additionally, the Village Marshal:

- 1) Shall be responsible for administering a philosophy of community policing and staying informed of current trends and technologies.
- 2) Shall file an inventory of all equipment in the department.
- 3) Shall maintain an inventory of all evidence and property seized by them or their Deputy Marshals
- 4) Shall submit a monthly report to the Village Board or Public Health & Safety Committee of all activities and transactions of the Department during the preceding month.

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- 5) Shall be subject to oversight by the Village Board and Public Safety & Health Committee.
- 6) Shall administer the budget and expenses for the Department.
- 7) Shall perform other administrative and managerial duties necessary to operate the Department.
- 8) Shall supervise the other deputy marshals in the Department.
- 9) The above duties shall be in addition to the duties imposed upon the office under Sec. 3.03 of this code.

3.03 GENERAL POWERS OF POLICE OFFICERS.

(Or. Am. June 6, 2006) (Am. December 8, 2020)

The Village Marshal and deputy marshals shall possess the powers, enjoy the privileges, and be subject to the liability conferred upon Marshals and Constables pursuant to Section 61.31(2), Wisconsin Statutes. Every member of the Marshal's Office shall be a certified State of Wisconsin law enforcement officer and enjoy the same authority. It shall be their duty to:

- (1) Know and understand the ordinances of the Village and attend to the enforcement of such ordinances by all lawful means.
- (2) Obey all lawful written orders, directions, policies, and/or approved motions of the Village Board.
- (3) Cause the public peace to be preserved and see that all laws and ordinances of the Village and State are enforced, and upon any violation thereof shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders.
- (4) Shall keep a record of all arrests made by members of the Marshal's Office. Additionally, traffic citations issued, offenses charged, actions taken, complaints filed, and all other law enforcement actions as otherwise required by law.
- (5) Shall have the authority to arrest or cite any persons of the Village found in the act of violating any law or ordinance of the Village, State, or Federal Statute upon their discretion.
- (6) Additionally, they may upon their discretion arrest or cite any citizen aiding or abetting in such violation, and they shall arrest without warrant all persons whom they have reasonable grounds to believe have violated any

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law or ordinance and who will not be apprehended unless immediately arrested, shall take all arrested persons in charge and confine them, and shall within a reasonable time bring such persons before the Court having jurisdiction thereof to be dealt with according to law.

- (7) Help prevent crimes, misdemeanors and violation of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- (8) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals and defective or dangerous streets and sidewalks to the Director of Public Works.
- (9) Assist the Fire Department/First Response in maintaining order at the scene of an emergency, fire, or other rescue operation.
- (10) See that the necessary permits and licenses issued by the proper authority of the State or Village are in the possession of and/or properly displayed by any person engaged in an activity or business within the Village for which such a permit or license is required.
- (11) In situations or on subjects where no policy or direction has been set forth by the Village Board, the Village President may be the person to give directions. Or, in the President's absence, such direction may be given by the Chair of the Public Safety & Health Committee.

3.04 POLICE DISCIPLINE COMMITTEE.

(Cr. June 6, 2006).

(1) Establishment of Police Discipline Committee. In addition to and separate from the Public Safety & Health Committee, there shall be a Police Discipline Committee (PDC) established in the Village. All rules contained in Chapters 1 and 2 of the Village Code apply to the PDC, except where inconsistent with the rules enumerated in this subsection.

(2) Purpose of Police Discipline Committee. The PDC shall serve as a committee that meets the requirements set forth in Wis. Stat. § 61.65(1)(am). The PDC shall review all matters that may result in the suspension, reduction, suspension and reduction, or removal of the Marshal or other deputies that are not probationary. Such matters may be directly referred to the PDC by the Village Board and/or may be referred to the PDC by other Village Committees.

(3) Appointment and Term. The PDC shall consist of three (3) members, none of whom may be an elected official, an appointed Village official, or a Village employee. Appointments shall be made by the Village President subject to confirmation

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by the Village Board. Terms shall be for two years. To provide for continuity on the PDC, one committee member shall be appointed for a one-year term, and two committee members will be appointed for two-year terms on staggered years. As each term expires, new members shall be appointed for two-year terms.

(4) Committee Meetings and Reports.

(a) Election and Duties of Chairperson. At its initial meeting the PDC shall elect a Chairperson, who shall serve a one-year term and may be re-elected for additional one-year terms. The Chairperson shall call and preside at all meetings of the PDC and shall see that all actions of the PDC are carried into effect.

(b) Meetings. Meetings of the PDC shall be held on an as-needed basis, or whenever called by the Chairperson of the PDC, called by the Village President, called by majority vote of the Village Board, or upon the written direction of at least two members of the PDC. Once called, the meeting shall be convened as soon thereafter as practicable. The Chairperson shall call the meeting and specify the date, time and location for the meeting.

(c) Notice of Meetings. The person calling the meeting of the PDC shall advise the Village Clerk of the nature of the meeting, the agenda, and the time and location for the meeting. The Village Clerk shall provide notice of the meeting in accordance with Wisconsin's Open Meeting Laws and Village Ordinances.

(d) General Rules and Procedures. The PDC shall develop a review process that is both consistent with Wisconsin Statutes and designed to meet the needs of the particular matter referred to the PDC. General rules and procedures governing the review process may be set forth in writing. Any rules set forth in writing shall be referred to the Village Board for review and shall be effective when adopted by resolution of the Village Board.

(e) Communications with Village Board. The PDC shall keep the Village Board adequately and appropriately apprised of the status of any matters before the PDC.

3.05 VILLAGE PRESIDENT AND TRUSTEES: POLICE POWERS OF

The Village President and Trustees shall have and exercise the powers of Peace officers and may summarily suppress any riotous or disorderly conduct in the streets or public places of the Village.

3.06 CIVILIANS TO ASSIST.

It shall be the duty of any persons in the Village, when called upon by the Marshal or Deputy Marshal to promptly aid and assist them in the execution of their duties as reasonably practicable. Whoever shall neglect or refuse to give such aid or assistance without good reason shall be subject to a penalty as provided by this Code.

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3.07 IMPERSONATING POLICE OFFICERS.

Whoever impersonates a peace or police officer with intent to mislead others into believing that the person is actually a peace or police officer is guilty of a Class B misdemeanor under Sec. 946.70 Wis. Stat.

3.08 ASSISTING ESCAPE OF PRISONER.

Whoever does assist in the escape of a prisoner, as defined under Sec. 946.44, Wis. Stats., is guilty of a Class D felony.

3.09 FIRE DEPARTMENT.

(1) The Village Board of the Village of Ridgeway officially recognizes the Ridgeway Volunteer Fire Department which serves the property owners of both the Village of Ridgeway and the Town of Ridgeway and has reciprocal agreements with the adjoining city and village fire departments.

(2) The Village of Ridgeway by action of the Village Board and the Town of Ridgeway by action of its Town Board share equally in providing a fire station for the Ridgeway Volunteer Fire Department and share equally in the costs of operating the Department by providing funds as they are billed by the Department.

3.10 FIRE DEPARTMENT ORGANIZATION.

(1) The Fire Department of the Village and Town of Ridgeway consists of residents of the Village and Town of Ridgeway.

(2) The members of the Department adopt their own by-laws, elect their Fire Chief and elect any other officers as called for in their by-laws.

(3) The Fire Department shall carry its own insurance, including fire and extended coverage, liability, property damage, workmen's compensation, etc.

3.11 FIRE CHIEF.

1) The Fire Chief is elected by members of the Fire Department.

2) Duties and Powers. The Fire Chief shall enforce, or cause to be enforced, all fire prevention ordinances, laws and regulations of the Village, Town and State.

3) Fire Inspector. The Fire Chief may appoint a deputy Fire Inspector who shall perform all duties required of Fire Inspectors by the laws of the State and rules of the State Industrial Commission, particularly Sec. 101.14, Wis. Stat.

3.12 FIRE DEPARTMENT MEMBERS.

The members of the Fire Department may or may not be residents of the Village and Town of Ridgeway. Applications are voted upon by the members of the Department.

3.13 EQUIPMENT AND APPARATUS.

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Use as requested by the Village or Town Board of Ridgeway.

3.14 POLICE POWERS OF THE FIRE DEPARTMENT.

(1) Authority at Fires. The Fire Chief and his assistants or officers in command are hereby vested with full and complete police authority at fires and may cause the arrest of any person failing to give the right-of-way to the Fire Department responding to a fire call.

(2) Removal of Property. The Fire Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spread of fire or protect adjoining property. During the progress of any fire, he shall have the power to order the destruction of any property necessary to prevent the further spread of the fire. He shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impede the work of the Fire Department during the progress of a fire.

(3) Members of the Fire Department May Enter Adjacent Property. It shall be lawful for any member of the Fire Department acting under the direction of the Fire Chief or any officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire. No person shall hinder, resist or obstruct any member of the Fire Department in the discharge of his duty as herein-before provided.

(4) Duty of Bystanders to Assist. Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person refusing to obey such orders.

3.15 FALSE FIRE ALARMS PROHIBITED.

Whoever intentionally gives a false alarm to any public officer is guilty of a Class A misdemeanor as provided under Sec. 941.13, Wis. Stat.

3.16 PENALTIES.

(Cr. 1986 Ch. 3). (Am. 2020 Ch. 3).

The penalty for violation of any provision of this chapter shall be a penalty as provided by this code, under Chapter 12.

CHAPTER 4 - TRAFFIC CODE

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4.02 ERECTION OF SIGNS AND SIGNALS.....25
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Created 1986
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Chapter 4 Traffic Code

4.01 STATE TRAFFIC LAWS ADOPTED. (Cr. May 2, 1967; Am. 1986).

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stat. chs. 340 to 348, describing and defining regulations with respect to vehicles and traffic and Wis. Stat. § 941.01, concerning negligent operation of a vehicle, are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by a statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State.

4.02 ERECTION OF SIGNS AND SIGNALS. (Cr. 1986).

The Director of Public Works is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Highway Commission giving such notice of the provisions of this Chapter as required by State Law. Signs shall also be erected in such locations and in such manner as authorized by the governing body as to give adequate warning to users of the street, alley or highway in question.

4.03 THROUGH STREETS DESIGNATED. (Cr. 1986).

- (1) Kirby Street southwest from Grove Street to Richards Street.
- (2) West Farwell Street west from Weaver Street to Main Street.
- (3) Richards Street southeast to Kirby Street.

4.04 SPEED LIMITS. (Cr. May 3, 1983; Am. Dec. 7, 1999).

- (1) Posting of Speed Limits South H and Grove Street. Speed Limit from the Village Limits on South H to the current speed limit of 15 miles per hour will be 25 Miles per hour.

4.05 PARKING LIMITATIONS.

(Cr. 1986; Am. Dec. 1, 2000; Am. June 2, 2008; Am. February 8, 2022).

 Chapter 4 Traffic Code

(1) No Parking Sign Postings. When signs are erected in any block giving notice of a parking limitation, no person shall park a vehicle for longer than the period therein specified upon the streets or portions of streets so marked. (Am. Oct. 4, 2005; Am. June 2, 2008).

- a. There shall be no parking in the last 200 feet of dead-end streets/cul de sacs from November 15 to April 15 between the hours of 12:01 AM and 7:30 AM.
- b. Posting of No Van or Truck Parking Corners of Richards and Main. No Van or Truck Parking will be allowed in front of 623 and 701 Main Street. This is the intersection of Richards and Main. (Cr. Jan. 1, 2000)
- c. There shall be no parking on Grove Street/County Highway H from Main Street County Highway HHH to the houses numbered 108/109 past the corner of ingress/egress from Main Street between the hours of 9 am to 5 pm Monday through Friday.

(2) Semi-Tractor/Trailer Parking Prohibited. (Cr. June 14, 2016) (Am February 2022).

- a. There shall be no parking of any trailers/semi-tractor trailers/or tow behind trailers on Main Street/County Hwy HHH in the Village for longer than 48 hours without special permission granted by the Village Board, Marshal, or Director of Public Works for contractors or public service
- b. Except as provided in subsection c, no person owning or having control of a semi-tractor/trailer shall park upon any street, avenue or public way.
- c. The village board may designate specific truck or trailer parking zones

(3) Alternate Side of Street Parking. (Cr. Jan. 1, 1980 as 4.05; Am. 1986; Am. May 14, 2008, June 4, 2013, Am. February 2022).

- a. No person shall park any vehicle on the streets of the village between the hours of 12:01 AM and 7:30 AM, from November 15 of each year until April 15 of the following year except as follows:
 - b. On even numbered days of the month, vehicles will be considered properly parked between the hours of 12:01 AM and 7:30 AM on the even house numbered sides of the street
 - c. On odd numbered days of the month, vehicles will be considered properly parked between the hours of 12:01 AM and 7:30 AM on the odd house

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numbered sides of the street.

d. There shall be no parking on either side of any alley in the Village during the time and months that this section is in force.

e. A snow emergency may be declared by the Marshal or Director of Public Works when circumstances require and there shall be no parking on Village streets or lots, with the exception of emergency vehicles.

(4) Streets with Special Parking Restrictions or Exemptions. (Cr. Jan. 12, 2011; Am. Sept. 12, 2011; Am. June 14, 2016). All streets within the Village of Ridgeway are subjected to Alternate Side Parking as set forth in Section 4.05(3) unless so stated:

a. Grove Street: Parking only allowed on West side of street at all times.

b. Weaver Street: No parking allowed on either side of street from Main Street/CTH HHH to West Farwell Street. Tow away zone. . (4.05(3)Alternate Side Parking(4)Streets with Special Parking Restrictions or exemptions Cr. Jan. 1, 1980 as 4.05; Am. 1986; Am. May 14, 2008)

(1) No person shall park any vehicle at any time on either side of Weaver Street between Main Street/CTH HHH and West Farwell Street between 5PM and 7AM unless it is their primary residence. (Cr. Oct. 4, 2005).

c. Main Street:

(1) There shall be no parking on either side of the 600 and 700 blocks of Main Street in the Village between 3 AM and 7 AM from November 15 to April 15. (Cr. Jan. 1, 2000; Am. June 2, 2008).

(2) Posting of Parking Limits 609-611-613 Main Street. There shall be 30 minute only parking in front of 609-611-613 Main Street in the Village from 8 AM to 4 PM every day excluding Saturdays, and Sundays. (Cr. Jan. 1, 2000).

(3) Parking only allowed on South side of street from H North to Grove Street.

(4) Alternate side parking from Grove Street to Weaver Street.

(5) Parking only allowed on South side of the street from North Street to Level Street.

(6) Alternate side parking from Level Street to Lorraine Court.

(5) Penalties. (Cr. Oct. 4, 2005; Am. June 2, 2008).

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(a) Any motor vehicle found parked in violation of this section may be towed away by or at the direction of the Ridgeway Police Department or the Director of Public Works at the owner's expense and may be held by the Village of Ridgeway or a private towing service until the fee for such towing has been paid together with a minimum sum of \$1.00 per day as a storage charge, or actual cost if higher. The removal of a vehicle under this provision shall not bar the prosecution of the owner thereof from a violation of this section.

(b) Any person, firm or corporation who violates any part of this section shall, on conviction thereof, forfeit a fine of not less \$10.00 and not more than \$50.00, together with the cost of prosecution.

4.06 PENALTY. (Cr. 1986).

(1) State Forfeiture Statutes. Forfeitures for violations Wis. Stat. chs. 340 to 348 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offences.

(2) State Fine Statutes. The forfeiture for violation of any statute adopted by reference under this chapter for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

(3) Other Violations. Any person who shall violate any section of this chapter for which a penalty is not otherwise established by this chapter, upon conviction, shall forfeit not less than \$25.00 or more than \$1,000.00, together with costs of prosecution.

4.07 ENFORCEMENT. (Cr. 1986).

(1) Uniform Citation. The uniform traffic citation promulgated under Wis. Stat. § 345.11, shall be used for all moving traffic violations under this chapter.

(2) Parking Citations. Citations for all nonmoving traffic violations under this chapter shall conform to Wis. Stats. § 345.28, and shall permit direct mail payment of the applicable forfeiture to the Village Clerk/Treasurer within five days of the issuance of the citation in lieu of court appearance. The issuing officer shall specify thereon the amount of the applicable forfeiture as provided in this chapter.

CHAPTER 5 - DIRECTOR OF PUBLIC WORKS, STREETS AND SIDEWALKS

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Chapter 5 Director of Public Works, Streets, and Sidewalks

5.01 DIRECTOR OF PUBLIC WORKS.

- A. Appointment. The director of Public Works shall be appointed by a majority vote of the Village Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- B. Term. The Director of Public Works shall hold office for an indefinite term subject to removal for cause after a public hearing by a 3/4 vote of the Village Board.
- C. Duties and Powers. The Director of Public Works shall have the following duties and powers:
- 1) They shall have general charge and supervision of all public works in the Village.
 - 2) They shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, sewers, Village buildings and structures and all machinery, equipment and property used in the activities under their control.
 - 3) They shall have charge of all public services, garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.
 - 4) They shall perform such other activities and duties as are imposed upon them from time to time by the Village Board.

5.02 STREET AND SIDEWALK GRADES.

- A. Establishment. The grade of all streets and alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk in their office. No street, alley or sidewalk shall be worked on until the grade is established.
- B. Alteration of Grade Prohibited. No person shall alter the grade of any street, alley sidewalk or public ground or any part in the Village of Ridgeway by any means whatsoever unless authorized or instructed to do so by the Village Board or the Director of Public Works. All such alterations of grade shall be recorded in the office of the Village Clerk by the Clerk or the officer authorizing the alterations.

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- C. Penalty. The penalty for violating any provision of this section shall be a penalty as provided in this Code under Chapter 12.

5.03 SIDEWALK CONSTRUCTION AND REPAIR.

(Cr. Nov. 3, 1982; Am. May 20, 2014; Am. May 27, 2014) (Am. June 13, 2017).

- A. Owner to Construct. It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Ridgeway. The entire cost of the curb, gutter and sidewalk installation, repair or improvement shall hereafter be paid 100% by the abutting property owners.
- B. Whenever the Village Board shall, by resolution, determine that a curb or sidewalk be rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Ridgeway, the cost of such work shall be split equally between the Village of Ridgeway and the abutting property owner. All new installation of curb, gutter, and/or sidewalk shall be paid 100% by the abutting property owners. The cost of such work may be deferred and paid equally over a five (5) year period which amounts shall bear interest at a rate equal to the first published Wall Street Journal prime rate of the calendar year.
- C. Permit Required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Ridgeway unless he/she is under contract with the Village to do such work or has obtained a permit therefor from the Director of Public Works at least seven days before work is proposed to be undertaken. The fee for such permits shall be set forth in the Village's Fee Schedule as amended and updated from time to time.
- D. Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in this Code under Chapter 12.

5.04 DRIVEWAYS.

(Am, June 13, 2017)

- A. Approval Required. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a permit from the Director of Public Works and without first paying a permit fee as set forth in the Village's Fee Schedule as amended and updated from time to time.
- B. Specifications for Driveway Construction.
1. Width. No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Village Board.
 2. Interference with Intersections Prohibited. At street intersections a driveway shall not provide direct ingress egress to or from the street intersection area and

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shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.

3. Interference with Street. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with an existing structure on the right of way. When required by the Director of Public Works to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.

4. Number of Approaches Limited. No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the Director of Public Works. Any 2 approaches shall be at least 10 feet apart.

5. Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction including thickness.

6. Permittee Liable for Damages or Injury. 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 approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavements and sidewalk in a neat workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced as required.

C. Driveways Greater than 300 Feet in Length Installed After March 1, 2002.

1. Specifications.

Minimum Road surface width	12 feet
Minimum Width clearance	24 feet
Minimum height clearance	18 feet
Maximum grade	10%

2. Other Requirements.

A. At least one 25ft length and 18 ft width segment of road surface shall be provided for each 300ft of driveway length.

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B. The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto public road. An adequate roadbed of suitable material to support the projected traffic and any requirements for culverts shall be determined by the Planning Commission and the Village Public Works in considering an application for driveway approval. At the dead end of the driveway, a turnaround of at least 25ft radius or some other method to allow vehicles to turn around shall be provided.

(c) Inspection. An inspection fee as set forth in the Village's Fee Schedule as amended and updated from time to time is required to be submitted with all applications for a driveway. All applications will be delivered to the village clerk along with required fee. The clerk will notify the planning commission, all applications will be reviewed at a regular meeting and inspections will be done by a minimum of two planning member and approval done in writing before building permits will be issued if second inspections is not up to code, a new application must be submitted and a: new fee will be charged. If planning decision is disputed and at becomes necessary to have an engineer inspect, the cost for the engineer will be the responsibility of the applicant.

(d) Construction; Maintenance. All driveways shall be constructed in accordance with the above requirements and other specifications as may be set forth by the Planning Commission. The maintenance of the driveway shall be the responsibility of the applicant and/or owner.

D. Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in this Code under Chapter 12.

5.05 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

(Am. June 13, 2017)

A. Permit Required. No person shall make or cause to be made any excavation or opening in any street alley, highway, sidewalk or any other public way within the Village of Ridgeway until obtaining a permit from the Director of Public Works.

B. Fee. The fee for a street opening permit shall be set forth in the Village's Fee Schedule as amended and updated from time to time and shall be paid to the Village Treasurer who shall issue the receipt.

C. Bond. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk an indemnity bond, approved by the Village President, in the sum of \$5,000 conditioned that they will indemnify and save harmless the Village of Ridgeway and its officers from all liability for accidents and damage caused by any of the work covered by their permit, and that they will fill up

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and place in good condition all excavations and openings made in the street, and will replace and restore the pavement over any opening they may make as near as can be to the state and condition in which they found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Director of Public Works for a period of one year, and that they will pay all fines imposed upon them for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such bond shall also guarantee that if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same one year.

Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.

An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which will be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

- D. Insurance. Prior to commencement of excavation work, a permittee must furnish to the Director of Public Works satisfactory written evidence that they have in force and will maintain during the life of the permit and the period of excavation, public liability insurance for one person, for one accident and property damage insurance. Amounts to be set at the discretion of the Village for the project.
- E. Regulations Governing Street and Sidewalk Openings.
1. Frozen Ground. No opening in the street or sidewalk for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Director of Public Works.
 2. Removal of Paving. In opening any street or other public way, all paving or ballast materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along the gutters.
 3. Protection of Public. Every person shall enclose with sufficient barriers

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each opening which they may make in the streets or public ways of the Village. All machinery or equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, their agents or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, one red light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Director of Public Works, no trench may be excavated more than 250 feet in advance of pipe laying or left unfilled more than 500 feet where pipe have been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as the cost of any appeal, that may result from the neglect by such person or his/her employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

4. Replacing Street Surface. In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which, in the opinion of the Director of Public Works, is not suitable for refilling shall be replaced with suitable backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than 6 inches in depth and each layer rammed, tamped or flushed to prevent after-setting. When the sides of the trench will not stand perpendicularly, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.
5. Excavation in New Streets Limited. Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Director of Public Works shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street. All such

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excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate such street for a period of five years after the date of improvement or repaving unless, in the opinion of the Director of Public Works, an emergency exists which makes it absolutely essential that the permit be issued.

6. Emergency Excavation Authorized. In the event of an emergency any person owning or controlling any sewer, water main, conduit or utility in or under any street and their agents may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavating permit, provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit.
 7. Village Work Excluded. The provisions of this section shall not apply to excavation work under the direction of the Director of Public Works or Village employees or contractors performing work under contract with the Village necessitating opening or excavations in the Village streets.
- F. Penalty. The penalty for violating any provision of this section shall be a penalty as provided in Chapter 12 of this Code.

5.06 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED. (Cr. 1986).

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

5.07 CONSTRUCTIONS AND ENCROACHMENTS. (Am. June 13, 2017)

- A. Constructions and Encroachments Prohibited. No person shall encroach upon or in any way construct or encumber any street, alley, walk, public grounds or land dedicated to public use, or any part thereof or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which they are the owner or occupant except as provided in sub. (B) of this section.
- B. Exceptions. The prohibitions of sub. (A) shall not apply to the following:
 - 1) Signs or clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point ten feet above the sidewalk, street or alley.

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- 2) Awnings which do not extend below any point seven feet above the sidewalk, street or alley.
- 3) Public utility encroachment duly authorized by State Law or the Village Board.
- 4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two hours.
- 5) Temporary encroachments or constructions authorized by permit under sub. (C) of this section.
- 6) Excavations and openings permitted under Section 5.05.

C. Street Privilege Permit.

- 1) When Required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to the applicant by the Director of Public Works for the purpose of moving any building or structure, or encumbering the street, alley or way with materials necessary in or about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by Section 7.02 of this Code.
- 2) Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk a bond in an amount determined by the Director of Public Works, conditioned that the applicant will indemnify and save harmless the Village of Ridgeway from all liability for accidents or damage caused by reason of operations under such permit and will remove such encumbrance upon termination of the operations, and will leave the vacated premises in a clean and sanitary condition, and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.
- 3) Fee. The fee for a street privilege permit shall be set forth in the Village's Fee Schedule as amended and updated from time to time.
- 4) Conditions of Occupancy. The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair and removal of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Director of Public Works for violation:
 - a. Such temporary construction shall cover not more than 1/3 of any street or alley.
 - b. Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.

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- c. Sidewalk shall not be interrupted, but temporary sidewalks of not less than 4 feet in width guarded by a closed fence at least 4 feet high on both sides may be maintained during the period of occupancy.
 - d. The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by the Director of Public Works, shall continue during all hours of the day and night.
 - e. No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 - f. Buildings shall be moved only in accordance with the route prescribed by the Director of Public Works.
 - g. Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubble and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- 5) Termination. All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified at the direction of the Director of Public Works.
- 6) Removal by Village. In addition to any other penalty imposed on the owner or occupant of the premises, any unlawfully obstructed sidewalk in which the owner has refused or neglected to remove such obstruction within 24 hours after notice from the Director of Public Works to do so, it shall be the duty of the Director of Public Works to remove such obstruction and make return of the cost and expense to the Village Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other taxes against real estate.
- 7) Penalty. The penalty for violations of any of the provisions of this section shall be a penalty as provided in this Code under Chapter 12.

5.08 SNOW AND ICE REMOVAL FROM SIDEWALKS.

(Cr. Oct. 6, 1981; Am. May 14, 2008; Am. Feb. 9, 2011).

- A. Responsibility of Owner, Occupant and Etc. The owner, occupant or person

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in charge of each and every building or structure or unoccupied lot in the Village of Ridgeway fronting or abutting any street shall clean or cause to clean the sidewalk in front of or adjoining such building or unoccupied lot or dwelling as the case may be, of snow or ice to the width of such sidewalk by 11:00 a.m. of each day shall cause the same to be kept clear of ice and snow, provided that in case snow shall continue to fall during and after 11:00 a.m., then it shall be removed within six hours after daylight after it shall cease to fall. In case of failure to do so, it is hereby made the duty of the Director of Public Works to, at once, clear such sidewalk or cause the same to be cleared.

- B. Cost When Village Assumes Owner's, Occupant's or Etc.'s Responsibility. The Director of Public Works shall keep an accurate record of such snow or ice removal in front of all lots, parts of lots or parcels of land fronting or abutting upon any street from which the same has been removed and shall report the same to the Village Clerk on or before the first day of June of each year. The charge for such snow and ice removal shall be assessed to the owner of the property fronting or abutting upon the streets where sidewalks have been cleaned and such charge shall be included in the next tax roll and shall be collected as other taxes are collected, unless the same has previously been paid by such owner.
- C. Penalty. Any owner, occupant or person in charge of any building who shall fail to remove such snow and ice as required herein shall, upon conviction thereof, be subject to a forfeiture of not less than \$50.00 nor more than \$100.00 together with the costs of prosecution, and in default of the payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs are paid but not exceeding five (5) days. Such forfeiture may be imposed even though the sidewalk has been cleaned by the Director of Public Works as previously provided in this section.

5.09 TREE TRIMMING AND SANITATION.

(Am. Sept. 15, 2011).

- A. Trees to be kept trimmed. Trees standing in and upon any public street or place, or upon any land adjacent thereto shall be pruned and trimmed by the owner or occupant of the property or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and, over any other public place, will provide a clearance of not less than 10 feet so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public.
- B. Hazardous and infected trees. Any tree or part thereof, whether alive or dead, which the Director of Public Works shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs

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growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which tree or part thereof is located. The Director of Public Works shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the Director of Public Works on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Director of Public Works shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk who shall thereupon enter such cost as a special charge against the property.

- C. Cottonwood and box elder trees prohibited. No person shall plant or maintain within the Village of Ridgeway any female tree of the species *Populus Deloides*, commonly called the "Cottonwood", or any tree commonly called the seed-bearing infected Elder or *Acer Negundo*, which may now or hereafter become infected with Box Elder bugs, and such trees are hereby declared a nuisance. Any person having the same on his premises shall cause them to be removed. If any owner shall fail to remove any such tree within 30 days after receiving written notice from the Director of Public Works, the Director shall cause the removal of such tree and the full cost shall be reported to the Village Clerk who shall place such charge upon the next tax roll as a special charge against the premises.
- D. Planting of certain trees restricted. No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Village of Ridgeway, unless he shall first secure written permission from the Director of Public Works, who shall not approve any such planting if, in his opinion, said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operating of any sewer or water system. The Director of Public Works shall cause the removal of any tree planted in violation of this subsection.
- E. Penalty. The Penalty for violation of any provision of this section shall be a penalty provided in Chapter 12 of this Code.

5.10 COLLECTION OF GARBAGE AND REFUSE. (Cr. March 7, 1994; Am. June 3, 1998, Am. April 11,2023).

A. Every residence, residential unit, place of business, industry, commerce or other place providing goods or services of any type shall cooperate in the collection of garbage and recycling by performing according to this section. Industrial and commercial

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establishments may contract with any licensed collector of their choice, at their sole expense, and will not be billed by the Village of Ridgeway.

B. Definitions. As used in this section, the following terms shall mean:

1. **COLLECTION**. The pickup and collecting of all garbage and refuse which is deposited in standard containers or which is securely tied in bundles of appropriate size and weight and set at or near the curb or street edge at single or double dwellings within the corporate limits of the municipality. Collection shall also include the transporting of such garbage and refuse to a sanitary landfill licenses and approved by the State Department of Natural Resources.

2. **COLLECTOR**. The person or person specifically authorized by the Village board to collect garbage, rubbish and recyclable materials and dispose of the same.

3. **COMMERCIAL** A business operating wholly or partly within the municipality boundaries and all residences or houses having more than 2 families occupying it and all single dwelling units more than 3 boarders or roomers living there being wholly or partly within the municipality boundaries.

4. **DISPOSAL**. Disposal of any material collected or brought to the sanitary landfill site, such disposal to be done in accordance with all village, county, state and federal regulations.

5. **DWELLING OR DWELLING UNIT**. A separate dwelling place or residence with a kitchen housing one or two families.

6. **INDUSTRIAL**. A manufacturing operation or its equivalent operating wholly or partly within the municipality boundaries.

7. **STANDARD GARBAGE OR REFUSE CONTAINER**. A can or container of not more than 30 gallons capacity which has a tight filling lid and which is waterproof or a plastic garbage bag of suitable strength and not to exceed the same size and capacity. Contractor shall not be obligated to pick or to employ bundles or containers weighing over 50 pounds each.

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

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

10. "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

11. Is designed for serving food or beverages.

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12. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
13. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
14. “Glass Container” means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
2. 15. “HDPE” means high density polyethylene, labeled by the SPI code #
4. 16. “LDPE” means low density polyethylene, labeled by the SPI code #
17. “Magazines” means magazines and other materials printed on similar paper.
18. “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
19. “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
20. “Newspaper” means a newspaper and other materials printed on newsprint.
21. “Non-residential facilities and properties” mean commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
22. “Office paper” means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
23. “Other resins or multiple resins” mean plastic resins labeled by the SPI code # 7.
24. “Person” includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
25. “PETE” or “PET” means polyethylene terephthalate, labeled by the SPI code # 1.
26. “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.
27. “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.
28. “PP” means polypropylene, labeled by the SPI code # 5.
29. “PS” means polystyrene, labeled by the SPI code # 6.

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

31. "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

32. "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.

33. "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.

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

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

36. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

C. Curb Pickup. All containers and bundles shall be at the curb or near the street edge for collection by the contractor not more than 24 hours on the day designated by the contractor for collection.

D. Recycling. All recycling materials shall be separated from other garbage.

1) The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

2) This ordinance is adopted as authorized under Section 287.09(3)(b), of the Wisconsin Statutes and the Village of Ridgeway.

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

4) **Interpretation**. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance

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provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

- 5) **Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- 6) **Applicability.** The requirements of this ordinance apply to all persons, entities, and waste generating activities within the Village of Ridgeway.
- 7) **Administration.** The provisions of this ordinance shall be administered by The Clerk of the Village of Ridgeway.
- 8) **Effective Date.** The provisions of this ordinance shall take effect upon passing and posting as required by law.
- 9) **Separation of Recyclable Materials.** Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste: Lead acid batteries, Major appliances, Waste oil, Yard waste, Aluminum containers, Bi-metal containers, Corrugated paper or other container board, Foam polystyrene packaging, Glass containers, Magazines, Newspaper, Office paper, Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins, Steel containers, Waste tires
- 10) **Separation Requirements Exempted.** The separation requirements of section I do not apply to the following:
 - a) Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as is technically feasible.
 - b) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.
 - c) A recyclable material specified in s. 1.11(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.
- 11) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Section I shall be clean, and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical

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waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

- 12) **Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.** Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste by disposing at an approved facility.
- 13) **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 Section 9:
- (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, 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 a) 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 section I from solid waste in as pure a form as is technically feasible.
- 14) **Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**
- a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 9:
- (1) Provide adequate, separate containers for the recyclable materials.

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- (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.
- 15) The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in section I from solid waste in as pure a form as is technically feasible.
- 16) **Prohibitions on Disposal of Recyclable Materials Separated for Recycling.** No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in section I which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- E. Branches and Tree Cuttings. Branches, limbs and tree cuttings from trees, shrubs and brush, not exceeding 3" in diameter nor more than 5' in length, shall be placed curbside for pickup the first Monday of the months of April through November by Village Public Works personnel.
- F. Seasonal Leaves and Lawn Raking. Leaves and yard refuse shall be bagged and placed curbside for pickup by Village Public Works personnel. Pickup will be on the first Monday of the months of April through November. Village personnel may refuse to remove any yard refuse not placed in a proper container.
- G. Rules and Regulations Published. All rules and regulations from time to time adopted by the Village Board and pertaining to the collections and disposal of garbage, rubbish and recyclable material shall take effect upon publication in the manner of an ordinance.

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- H. Refusal of Service. The collector may refuse to furnish collection service to any person who fails or refuses to comply with any provision of this section or any rule or regulation in furtherance hereof.
- I. Established Fees. The Village shall establish fees for residential recipients for the payment of collection services for solid waste and recycled material. Fees shall be assessed on a household basis. Billing will be done on a monthly basis and charged as a separate item on each eligible property's water and sewer bill. Industrial and commercial operations shall contract for their own collection of refuse and recycled material, and shall be responsible for one hundred percent (100%) of all fees.
- J. Unpaid or Delinquent Garbage/Refuse Fees. Any unpaid Village of Ridgeway garbage or recycling fees for the billing periods shall be placed on the next regular tax roll by the Village Clerk as a special assessment against the property. All such charges, whether incurred by the renters or owners of the eligible property, shall be the responsibility of the owner of the real estate involved and shall be charged back as set forth previously against such real estate.
- K. Users Excluded. Garbage and refuse collection service shall not be provided by the Village to Industrial or Commercial Users
- L. Collection Schedule. The Village shall establish the time of collection of solid waste and recyclable material and the clerk shall publish notice of the collection schedule at least once in the spring and fall of each year and at any time when the collection schedule is changed.
- M. Specified Containers. Solid waste shall be placed for collection in bags or cans not to exceed 50 pounds per container nor more than 32 gallons capacity, which has a tight-fitting lid and which is waterproof; or a plastic bag of suitable strength. All refuse that is contained in a container, including dumpsters must be able to have the lid closed. If the dumpster lid cannot be kept closed at all times, the dumpster must be contained in a fenced in area. Recycled material shall be placed as herein required at the specified collection point not sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the curb longer than 12 hours thereafter.
- N. Placement of Recyclable and Solid Waste for Collection. Except as otherwise specially directed or authorized by the Village Board, solid waste and recycling containers shall be placed at the curb, adjacent to the premises owned or occupied by the person, of the street designated in the

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published collection schedule for collection. Materials shall be placed out for collections according to the scheduled days established and published by the Village.

- O. Special Materials. Residents shall contact the hauler when they have bulk items to make arrangements for collection.
- P. Construction material from household remodeling or repair shall be disposed of in a dumpster obtained and contracted for by the property owner.
- Q. CC. Penalties. Except as otherwise provided, the penalty for violation of any provision of this chapter shall be a penalty as provided in this code under Chapter 12. A separate offense shall be deemed committed on each day on which a violation occurs or continues to occur.

5.11 DEPOSIT OF SNOW, GRASS CLIPPINGS, LEAVES AND YARD WASTE IN PUBLIC STREETS

(Cr. Aug. 13, 2018)

- A. It shall be unlawful to deposit, rake, place, or mow fallen tree leaves, grass clippings, weeds or other yard waste onto the pavement or into the gutter of any public street, road, alley or highway.
- B. It shall be unlawful to plow or push snow onto the pavement of any public street, road, alley or highway.
- C. Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$25 nor more than \$250. The deposit amount shall be \$50.

5.12 LITTERING PROHIBITED.

(Cr. Oct. 7, 1981).

No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village or upon private property or upon the surface of any body of water within the Village.

5.13 IMPLEMENT OF HUSBANDRY (IOH).

(Cr. Jan. 6, 2015).

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A. Pursuant to section 348.15 (9)(f), Wis. Stat., all implements of husbandry (including Category B implements of husbandry defined in section 340.01 (24)(a)1.b.) may not exceed the weight limits imposed by section 348.15 (3)(g), Wis. Stat.

B. To exceed the length and/or weight limitations on highways under this jurisdiction, a permit may be applied for from the municipal jurisdiction. The fee for such permit shall be set forth in the Village's Fee Schedule as amended and updated from time to time

C. Pursuant to section 348.27 (19)(b)4m.a., Wis. Stat., in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in section 340.01 (24)(a)1.b., Wis. Stat., the municipal jurisdiction or county is required to provide an approved alternate route, which may include highways that are not under this jurisdiction if prior approval has been given by the jurisdiction over the alternate routes not under this entity's jurisdiction for operation of Category B implements of husbandry as defined in section 340.01 (24)(a)1.b., Wis. Stat.

Amended Ord. 5.03, 5.04, 5.05 and 5.06 August 8, 2017

5.14 MAILBOX REPLACEMENT POLICY

Snowplow operators use a great deal of care when plowing Village roads under sometimes very difficult conditions. However, accidents can happen and mailboxes may be damaged. The property owner is obliged to contact the Village Office within seventy-two (72) hours of suspected damage to the mailbox by Village Equipment. A Village Employee will inspect the alleged damage.

Should the Village Employee determine the damage was due to improper installation, deteriorated posts and/or mounting material, or for any other reason other than being physically hit by the Village equipment, the Village of Ridgeway will not be responsible for damage to the mailbox or post. Replacement will be at the property owner's expense.

Should the Village Employee determine that the Village equipment actually hit and damaged the mailbox, the Village will reimburse the property owner an amount not to exceed \$30.00.

Mailboxes tipped, damaged, or knocked down by the weight of the snow will not be repaired or replaced by the Village. Since trucks cannot plow directly up to the edge of a mailbox, residents will need to clear the area around the mailboxes according to the United States Postal Service (USPS) specifications in order to ensure mail delivery.

Mailboxes that are not installed per USPS regulations will not be replaced and will not be

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eligible for any monetary reimbursement.

CHAPTER 6 - WATER AND SEWER

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6.01 MANAGEMENT OF WATER AND SEWER UTILITIES.

The Village Board shall manage the water and sewer municipal utilities. All records of the utilities shall be kept on file in the Clerk/Treasurer's office.

6.02 RIDGEWAY MUNICIPAL WATER UTILITY ORGANIZATION. (Am. May 6, 2014; Am. Jan. 6, 2015; Am. June 30, 2015; Am. May 10, 2016).

(1) Rates for Service.

The Village Board shall have the authority to establish rates, subject to Wisconsin Public Service Commission approval, rules and regulations of the Ridgeway Municipal Water Utility (RMWU).

(2) Operating Rules.

(a) All persons receiving water supply from RMWU, or who make application therefor, shall be bound by all rules and regulations as filed with the PSC.

(b) The following provisions of Wis. Adm. Code Ch. PSC 185, and any future amendments to the administrative code, are adopted by reference and made a part of these rules as if set forth in full. A violation of any such rules shall constitute a violation of this section and shall be punishable as provided in this Code as seen in Chapter 12.

<u>SECTION</u>	<u>TITLE</u>
185.11	Authorization for and Application of Rules
185.12	Definitions
185.13	General Requirements
185.15	Free or Discriminatory Service Prohibited
185.16	Protection of Utility Facilities
185.17	Interference with Public Service Structures
185.18	Location of Records
185.19	Retention of Records
185.21	Schedules to be Filed with the Commission
185.22	Information Available to Customers
185.31	Metered Service
185.32	Meter Readings and Billings Periods
185.33	Billing
185.35	Adjustment of Bills

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185.36	Deposits
185.37	Disconnection and Refusal of Service
185.38	Deferred Payment Agreement
185.39	Dispute Procedures
185.41	Employees Authorized to Enter Customers' Premises
185.42	Customer Complaints
185.44	Records and Reports of Service Interruptions
185.45	Pumpage Records
185.46	Metering Equipment Records
185.47	Other Records
185.51	Requirement for Good Engineering Practice
185.52	Construction Standards
185.61	Meters
185.65	Accuracy Requirements for Customer Meters
185.71	Meter Testing Facilities & Equipment
185.72	Calibration of Meter Testing Equipment
185.73	Testing of Customer Meters
185.74	Test Flows
185.75	Required Tests of Customer Meters
185.76	Periodic Tests
185.77	Referee Tests
185.79	Testing of Metering Installations Having Remote Registers
185.795	Electrical Safety
185.81	Quality of Water
185.82	Pressure Standards
185.83	Station Meters
185.85	System Losses
185.86	Flushing Mains
185.88	Frozen Laterals
185.89	Interruptions of Service

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(3) Minimum Charge Based on Meter Size (Am. 6-30-17), (Am. 7-1-19) (Am.6-11-2020) (Am.6-22-22). The minimum monthly water service charges are as follows:

5/8" meter	\$17.00	3" meter	\$74.00
3/4" meter	\$17.00	4" meter	\$106.00
1" meter	\$24.00	6" meter	\$168.00
1 ¼" meter	\$30.00	8" meter	\$243.00
1 ½" meter	\$40.00	10" meter	\$340.00
2" meter	\$50.00	12" meter	\$437.00

(4) Plus Volume Charges (Am. 6-30-17, Am. 7-1-19) (Am. 6-8-2021). The volume charges are as follows:

First	10,000 gallons used bimonthly	\$5.76 per 1,000 Gallons
Next	23,333 gallons used bimonthly	\$4.67 per 1,000 Gallons
Over	33,333 gallons used bimonthly	\$4.30 per 1,000 Gallons

Bills for water and sewer services are rendered monthly and are due the 21st of the month following the period for which service is rendered.

(5) Late Payments. A late payment charge as set forth in the Village's Fee Schedule as amended and updated from time to time will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. The late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued.

(6) Disconnection Notice. Unless payment or satisfactory arrangement for payment is made within 10 days of a disconnection notice being sent, service may be disconnected pursuant to Wis. Adm. Code Ch. PSC 185. A charge will be applied if reconnection is completed within regular work hours as set forth in the Village's Fee Schedule as amended and updated from time to time. This may increase if reconnection is completed after hours, Sundays or holidays.

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(7) Combined Metering. (Cr. May 6, 2014). Volumetric meter readings will be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for utility convenience and shall not be combined for billing. This requirement does not preclude the utility from combining readings when metering configurations support such an approach. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.

6.03 UNPAID OR DELINQUENT WATER AND/OR SEWER BILLS. (Cr. Aug. 3, 1976; Am. Aug. 1989).

(1) Any unpaid Village of Ridgeway sewer and/or water bills for billing periods shall be placed on the next regular tax roll by the Village Clerk as a special assessment against the property.

(2) All such charges, whether incurred by renters or owners, shall be the responsibility of the owner of the real estate involved and shall be charged back as set forth above against such real estate.

6.04 RIDGEWAY SEWER UTILITY. (Cr. Oct. 5, 1976; Am. Sept. 1, 1981; Am. Dec. 1, 1983; Am. Aug. 1989; Am. June 2, 1998; Am. July 7, 2000; Am. Dec. 4, 2003; Am. March 4, 2014; Am. May 10, 2016; Am. Jan. 9, 2018).

(1) General Provisions. This section is adopted under the authority granted by Wis. Stat. §§ 61.36 and 61.39.

(2) Organization and Control.

(a) The management, operation and control of the sewer system for the Village of Ridgeway is vested in the Village Board of Ridgeway. All records, minutes and all written proceedings thereof shall be maintained by the Clerk of the Village. The Clerk shall also maintain all the financial records. The Sewer Utility managed, controlled, and operated by the Village Board is a Utility, but it is not subject to the rules and regulations of the Public Service Commission of the State of Wisconsin.

(b) The Sewer Utility of the Village shall have the power to construct sewer lines for public use; to lay sewer pipes in and through the alleys, streets, and public grounds of the Village; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Village, its officers, agents, or servants, may enter upon any land for the purpose of making examination or supervise in the performance of their duties under this section, without liability therefor. The Village shall have power to purchase and acquire all real and personal property which may be

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necessary for construction of the sewer system, or for any repair, remodeling or additions thereto.

(c) Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall, in the judgement of the Village Board, be necessary to the sewer system, and, whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Village Board shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

(d) Title to Real Estate and Property. All property, real, personal and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books and records connected therewith of said sewer system, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the Village.

(3) User Rules and Regulations. This ordinance shall apply to every person, company, or corporation who is connected with the sewer system of the Village. Whenever any of said rules and regulations, or such others as the said Village Board may hereafter adopt, are violated, the services shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection), after notice is given. Service shall not be re-established upon shutoff, except by order of the Village Board, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Village may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Village may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The Village may change any rules, regulations, and sewer rates from time to time, and to make special rates and contracts in all proper cases. This section is established pursuant to Wis. Stat. § 66.0821.

(4) Rules and Regulations for Licensed Plumbers, Users, Etc. The following rules and regulations governing licensed plumbers, sewer users, and others are hereby adopted and established.

(a) Plumbers. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin.

(b) Users.

1. Application for Service.

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a. Every person connecting with the sewer system shall file an application in writing to the Village in such form as in prescribed for that purpose.

b. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Village of Ridgeway are referred to herein as "Users".

c. The application may be for service to more than one building, or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly. If it appears that the service applied for will not provide adequate service for the contemplated use, the Village Board may reject the application. If the Village Board approves the application, it shall issue a permit for services as shown on the application.

2. Deposit. Each User shall pay prior to hookup, to guarantee payment of all charges herein, a deposit in cash in the amount equal to the minimum quarterly sewer charge pursuant as hereinafter provided. Said minimum charge to be determined by the type of service by which the property is connected to the mains. Such deposit will be refunded after two years of timely payment of quarterly charges, or when the User moves from the premises, whichever is first, providing all charges are current.

3. Tap Permits. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Village.

4. User to keep in good repair. All Users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system. No charge, however, shall be made for the services for the superintendent in directing where and in what manner the mains shall be tapped, and excavations made in the street for laying pipe.

5. Use only. No User shall allow others or other services to connect to the sewer system through the User's lateral.

(5) User to Permit Inspection.

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(a) Every User shall permit the Village Board, or their duly authorized agent bearing proper credentials and identification, at all reasonable hours of the day, to enter the User's premises or building to examine the pipes and fixtures, and the manner in which the drains and were connections operate. Users must, at all times, frankly and without concealment, answer all questions put to them relative to their use of the system.

(6) Utility Responsibility. No claim shall be made against the Village or Village representative by reason of breaking, clogging, stoppage or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The Village reserves the right to cut off service at any time for the purpose any permit granted, or regulation to the contrary notwithstanding.

(a) If the User, or any successor or assigns thereof, shall fail to pay the amount of service charge when due, the Ridgeway Sewer Utility has the right, with notice, to disconnect service to the user, or successor.

(b) In addition to the right of disconnection, the Village shall have the right to place charges for unpaid sewer bills on the next regular tax roll as a special assessment against the property.

(7) Excavations.

(a) In making excavations to streets or highways for laying service pipe or making repairs, the planks, paving stones, and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.

(b) No person shall leave any such excavation made in any street or highway open at any time without barricades; and warning lights must be maintained at such excavations during the night.

(c) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly rammed or puddled to prevent settling. This work, together with the replacing of sidewalks, ballast, and paving must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Village. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

(8) Tapping the Mains.

(a) No persons, except those having special permission from the Village Board, or persons in their service and approved by them, will be permitted, under any

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circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order form the Village.

(b) Pipes shall be tapped on the top, and not within six inches of the join, nor within 24 inches of another lateral connection.

(9) Installation of House Laterals.

(a) All sewers (laterals) on private property will be installed in accordance with the Wis. Admin. Code. SPS 380-384.

(b) All laterals will be inspected. The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling; and tested before or after backfilling.

(10) Septic Tank and Holding Tank Disposal.

(a) Septage shall only be discharged to the Village's sewerage system by Village of Ridgeway approved and State of Wisconsin licensed disposers, and at locations, times, and conditions as specified by the Village Board and the wastewater treatment Plant Operator ("Plant Operator"). Septage discharges to specified manholes may, under special circumstances, be allowed provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the wastewater treatment facility. Discharges may be limited to the normal working hours of the Plant Operator and require written documentation of the discharge to be submitted to the Plant Operator within one working day of the discharge to the Ridgeway sewerage system.

(b) Forms are prescribed for the purpose of documentation of the discharge will be furnished at the Village Hall and will include the following information:

1. Name, address and telephone number of the hauler
2. License Number
3. Type of septage
4. Quantity of septage
5. Estimated quality of septage
6. Location, date, time and feed rate of discharge to the sewerage system
7. Source of Septage
8. Name and address of septage generator
9. Other information as required by the Village of Ridgeway objectives set forth in this Ordinance

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(11) Dilution.

(a) Limitations on Wastewater Strength.

1. National Categorical Pretreatment Standards. National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency shall be met by all Dischargers of the regulated industrial categories.

2. State Requirements. State requirements and limitations on discharges to the Publicly Owned Treatment Works shall be met by all Discharges which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.

3. Right of Revision. The Village of Ridgeway reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the Publicly Owned Treatment Works where deemed necessary to comply with the objectives set forth in this Ordinance.

4. Dilution. No Discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance.

5. Supplementary Limitations. No Discharger shall discharge wastewater containing concentrations [and/or mass limitations] of the following enumerated materials, exceeding the following values:

Material	Concentration (mg/l)	[Mass Limitation lb/Day]
BODs	250	156
SS	200	125
NH ₃ -N	30	19

The Village of Ridgeway may impose mass limitations on Dischargers which are using dilution to meet the Pretreatment Standards or Requirements of this Ordinance, or in other cases where the imposition of mass limitations is deemed appropriate by the Village Board.

(12) Sewer User Charge System.

(a) The User Charge System takes precedence over pre-existing agreements inconsistent with the governing regulations of the Wisconsin Fund Grant Program.

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(b) Definitions. The following terms shall have the following meaning under this Ordinance:

1. Service Charges shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system and treatment facility.

2. Normal Domestic Strength Wastewater shall mean wastewater with concentrations of BOD5 and suspended solid no greater than 250 and 200 milligrams per liter (mg/l) respectively.

3. Normal User shall be a user whose contributions to the sewerage system consist only of normal domestic strength waste water originating from a house, apartment, flat, or other living quarters occupied by a person or person constituting a distinct household, business or commercial enterprise.

4. Operation and Maintenance Costs means all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, including costs associated with extraneous (clear water) flows, shall be divided proportionately among the various sewer users.

5. Replacement Costs shall include all costs associated with establishing a fund to accumulate the necessary resources to replace equipment as required to maintain capacity and performance during the (design life of the facility). A separate segregated distinct replacement fund shall be established and used for only replacement of equipment.

6. Sewer Service Charge is a service charge levied on users of the sewerage system for payment of capital expenses as well as the operation and maintenance costs, including replacement of said facilities.

(c) Basis for Service Charges. The minimum monthly billing shall be sufficient to pay the billing and customer related administration expenses. The unit price per volume shall be sufficient to pay the remaining annual costs of operation and maintenance, including any replacement fund, of the sewerage facilities. The method for determining the user charges is given in the User Charge System. The Village Clerk has provided the initial estimates of number of users, costs, etc., to calculate the user charges.

(d) The rates in this ordinance, shall be reviewed not less than biennially. Users will be notified annually of the portion of service charges attributed to operation and maintenance.

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(13) Sewer Service Charges. (Am. June 16, 1998; Am. July 7, 2000, Am. Jan. 9, 2018) (Am. 6-8-2021).

(a) A sewer service charge is imposed upon each lot, parcel of land, building, or premise served by the public sewer and wastewater facility or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such sewer service charge shall be payable as indicated below:

1. Sewer Fees. The sewer rates shall be:

a. Standard Fee per Dwelling Unit for Domestic Strength Wastewater: \$49.56 monthly charge.

b. Volume rate: \$4.89 per 1000 gallons of water consumption.

c. Seasonal Fee per Dwelling Unit for Domestic Strength Wastewater: to remain the same, the average of two previous readings.

2. GROUP A is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD₅) no greater than 250 milligrams per liter (mg/l) and suspended solids no greater than 200 milligrams per liter (mg/l).

Flat Fee: Monthly charge of \$153.05 / Unit

Variable Rate Charge: \$4.89 / 1000 gallons

3. GROUP B is defined as wastewater having organic concentration of Biochemical Oxygen Demand (BONS) greater than 250 milligrams per liter (mg/l) and/or suspended solids (SS) greater than 200 milligrams per liter (mg/l). The minimum Category B charge will be based on a concentration of 250 mg/l BOD₅ and 200 mg/l SS. Group B would be users connected to the system and found to be discharging wastewater with a concentration greater than mentioned above.

Flat Fee: Quarterly: \$153.05 / Unit

Volume Charge Base: \$4.89 / 1000 Gallons

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Surcharge:

BOD₅: (Additional charge if greater than 250 mg/1) \$ 0.27/lb

BOD₅

SS: (Additional charge if greater than 200 mg/1) \$ 0.34/lb SS

NH₃N: (Additional charge if greater than 30 mg/1) \$.76/lb NH₃-N

Flow: \$.57/1000 gal.

4. GROUP C is defined as septage which has organic concentrations of biochemical oxygen demand (BOD) greater than 250 milligrams per liter (mg/1) and/or suspended solids (SS) greater than 200 milligrams per liter (mg/1). It will be assumed that holding tank wastewater have a BOD of 600 mg/l, a S.S. of 1,800 mg/1 and NH₃N of 45 mg/1 and septic tank wastewater will have a BOD of 5,000 of mg/1, S.S. of 15,000 mg/1 and NH₃N of 150 mg/1.

HOLDING TANK WASTEWATER

Dumping Fee: \$ 25.00 /Load

Minimum Volume Charge: \$ 22.50 / 1000 Gallons

Surcharge:

BOD₅: (Additional charge if greater than 600 mg/1) \$ 1.40/lb BOD₅

SS: (Additional charge if greater than 1800 mg/1) \$ 0.95/lb SS

NH₃-N: (Additional charge if greater than 45 mg/1) \$ 3.20/lb NH₃-N

SEPTIC TANK WASTEWATER

Flat Fee: \$ 25.00 /Load

Minimum Volume Charge: \$ 181.30 / 1000 Gallons

Surcharge:

BOD₅: (Additional charge if greater than 5000 mg/1) \$ 1.40/lb BOD₅

SS: (Additional charge if greater than 15,000 mg/1) \$ 0.95/lb SS

NH₃N: (Additional charge if greater than 150 mg/1) \$ 3.20/lb NH₃-N

(b) Reassignment of Sewer Users. The Village of Ridgeway may reassign sewer users into appropriate Sewer charge categories if wastewater sampling programs and other related information indicate a change of categories is appropriate.

(14) Mandatory Hookup.

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(a) The owner of each parcel of land adjacent to a sewer main on which there exists a building useable for human habitation or in a block through which such system is extended, shall connect to such system within 200 days of notice in writing from the Village. Upon failure to do so, the Village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, pursuant to Wis. Stat. § 281.45 provided, however, that the owner may within thirty (30) days after the completion of the work file a written notice with the Village Clerk stating that he cannot pay such amount in one sum and ask that there be levied in, not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of 15% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Wis. Stat. § 281.45.

(b) In lieu of subsection (a), the Village Ridgeway, at its option, may impose a penalty for the period that the violation continues, after ten (10) days prior written notice to any owner failing to make a connection to the sewer system in an amount of \$20.00 per month for each residential unit equivalent payable quarterly, for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Wis. Stat. § 281.45.

(c) Failure to connect to the sewer system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, comfort, and safety of the Village. The Village shall impose a penalty to be as great as the average residential user costs (per residential unit equivalent) plus 20% for administrative cost.

(15) Maintenance of Services. Property owners shall be responsible for all damages and costs of repairs resulting from property owner, tenant, or agent of the property owner negligence or carelessness. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such.

(16) Penalty for Improper Use.

(a) The loading parameters from this Village of Ridgeway Sewer Utility are as follows:

Design Flow	125,000 GPD
BOD ₅	250 mg/1 or 156 # BOD ₅ /Day
S.S.	200 mg/1 or 125# S.S./Day
NH ₃ -N	30 mg/1 or 19 # NH ₃ -N/Day

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(b) It shall be unlawful for any person to willfully injure the system, or any building, machinery, or fixture pertaining thereto, or, to willfully and without authority of the Village Board, bore or otherwise cause to leak, any tunnel, audited, reservoir, pipe or other piece of equipment used in the system for holding, conveying, or distributing sewage. It shall be unlawful for any person to introduce sewage into the system with a concentration of BOD₅, suspended solids or ammonia nitrogen in excess of the above mentioned limits; a surcharge shall be based on the excess of BOD₅, suspended solids or ammonia nitrogen as discussed in Section (13)(b)(2) and (3). The Village reserves the right to test the sewage at any point within the connection system of the User. Users discharging pollutants shall pay for any added costs resulting from a prohibited discharge of pollutants.

(c) No User shall discharge or cause to be discharged to the sanitary sewer any storm water, surface water, ground water, roof run-off, or surface drainage.

(d) No User shall discharge or cause to be discharged any of the following liquids or solid wastes to any sanitary sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.
3. Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans and animals, or create any hazard in the receiving treatment facility.
4. Any waters or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
5. Any noxious or malodorous gas or substance capable of creating a public nuisance.
6. Any garbage that has not been properly shredded.

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7. Any liquid or vapor having a temperature higher than 150 degrees F.
8. Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease.
9. Any waters of wastes having pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
10. **Septic Tanks Prohibited.** The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Village of Ridgeway serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after January 1, 1978, the use of septic tanks or any private sewage disposal system within the area of the Village serviced by the sewage system shall be prohibited.

(17) Miscellaneous Rules and Regulations.

(a) Vacating of premises and Discontinuance of Service. Whenever premises serviced by the system are to be vacated, or whenever any person desires to discontinue services from the system, the Village must be notified in writing. The owner of the premises shall be liable for any damages to the property of the system by reason of failure to notify the Village of a vacancy or any such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

(b) Unit of Service Definition (if applicable).

1. A unit of service shall consist of any residential, commercial, industrial, or charitable aggregation of space or area occupied for a distinct purpose such as a residence apartment, flat, store, office, industrial plant, church, or school.
2. Suites in houses, or apartments, which complete housekeeping functions (such as cooking), shall be classified as apartment houses; thus houses and apartments having suites on one, two, or more rooms with toilet facilities, but without kitchen for cooking, are classified as rooming houses.

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3. When a consumer's premises has several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the Village shall set a separate rate for such a complex.

(18) Adoption of Other Rules. There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Workplace Development of the State of Wisconsin insofar as the same are applicable to the Village of Ridgeway.

(19) Control of Industrial and Septage Wastes.

(a) Industrial Discharges. If any waters, wastes or septage are discharged, or proposed to be discharged, to the public sewerage system, and contain substances or possess the characteristics enumerated in Section (11) and which, in the judgment of the Village Board and Plant Operator may be detrimental to the sewerage system, the Village Board may:

1. Reject the wastes
2. Require pretreatment to an acceptable condition for discharge to the sewerage system.
3. Require a control over the quantities and rates of discharge.
4. Require payment to cover the cost of handling and treating the waste not covered by existing taxes or sewer charges under the provisions of Section (5) (h) (2).

(b) Control Manholes.

1. Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling their waste, including domestic sewage.
2. Control manholes or access facilities shall be located and built in a manner acceptable to the Village Board and Plant Operator. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village Board and Plant Operator.

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3. Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at their expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Village Board and Plant Operator prior to the beginning of construction.

(c) Measurement of Flow. The volume of flow used for computing the sewer service and cost recovery charges for nonseptage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the Village Water Utility.

(d) Provision for Deductions. In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Village Board that more than 10 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Village of Ridgeway and the industrial waste discharger.

(e) Metering of Waste. Devices for measuring the volume of waste discharged may be required by the Village Board if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of water shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Plant Operator and Village Board.

(f) Waste Sampling.

1. Industrial wastes and septage discharge into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste at least quarterly.
2. Samples shall be collected in such a manner as to be representative of the composition of wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Village Board.¹ A

¹ Depending on the type of industry, monthly monitoring may be required. No industry should be monitored less than quarterly. Monitoring must be done so the industry will be

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minimum of at least quarterly sampling shall be necessary to determine sewer service charges.

3. Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Plant Operator and Village board or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(g) Pretreatment. When required, in the opinion of the Plant Operator or Village Board, to modify or eliminate waste that are harmful to the structures, processes, or operation of the sewerage system, the discharger shall provide at their expense such preliminary treatment or processing facilities as they may be required to render waste acceptable for admission to the public sewers.

(h) Grease and/or Sand Interceptors. Grease, oil, and sand interceptors shall be provided by the industrial discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Plant Operator and Village Board. Any removal and hauling of the collected materials not performed by the discharger(s) personnel, must be performed by currently licensed disposal firms.

(i) Analyses.

1. All measurements, tests, and analyses of the characteristics of water, waste and septage to which reference is made in the Ordinances shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants," (40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village Board and Plant Operator.
2. Determination of the character and concentration of the industrial waste shall be made by the person discharging

properly billed for sewer use charges.

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them or their agent, as designated and required by the Village Board. The Village Board or Plant Operator may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Village may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under NR 149 and be acceptable to both the Village and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

(j) Submission of Information. Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review by the Village Board and Plant Operator prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

(k) Submission of Basic Data. Each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall, three months prior to discharging to the public sewers, prepare and file with the Village Board and Plant Operator a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(l) Extension of Time. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration to the Village Board.

(20) Payment for Charges.

(a) Payment and Penalty. All charges for sewerage service shall be made quarterly and shall be payable on the first day of January, April, July, and October in each year. A three percent (3%) penalty will be added to those bills not paid on or before the 20th day after the due date of the bill with a thirty cent (30 cent) minimum penalty charge. A failure to receive a bill shall not excuse non-payment. Sewerage service charges shall be a lien on the property served in accordance with Wis. Stat. § 66.0821(3).

1. Billing. The property owner is held responsible for all sewer bills on premises that he owns. All sewer bills and notices of any nature, relative to the sewer service, will be addressed to the owner and delivered to the premises referred to on such bill or notice.

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2. Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, and shall not exempt any person from any penalty imposed for delinquency in the payment thereof.

(b) Charges a Lien. All sewage charges and special assessments shall be a lien upon the property serviced pursuant to Wis. Stat. § 66.0821(3), and shall be collected in the manner therein provided.

(c) Disposition of Revenue. The amounts received from the collection of charges authorized by this Ordinance shall be credited to a sanitary sewerage account which shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, non-lapsing replacement account, and are to be used exclusively for replacement expenses. When appropriated by the Village Board, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system. Any surplus in said account shall be available for the payment of principal and interest of bonds issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Village Board may resolve to pledge each surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including the refunding bonds, shall be paid from this fund as to both principal and interest.

(d) Additional Charges. Additional charges shall be imposed upon each lot, parcel of land, building, or premises served by public sewer and wastewater facilities located outside the boundaries of the Village of Ridgeway to equalize local capital costs. Such additional charges shall result in a minimum charge for each user according to the schedule for debt repayment for utility revenues. Such additional charges shall be added to the sewer bill for each billing period.

(e) Excess Revenues. Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for the next year.

(21) Violations and Penalties.

(a) Damages. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of

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pertinence of equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(b) Written Notice of Violation.

1. Any person connected to the sewerage system found to be violating a provision of this Ordinance shall be served with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any licensed disposer discharging to the sewerage system, found to be violating a provision of this ordinance or of any conditions of the Village Board approval for septage disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reasons for revoking the septage disposal approval.

(c) Accidental Discharge. Any person allowing a deleterious discharge into the sewerage system which causes damage to the sewerage system and/or receiving water body shall, in addition to a fine, pay the amount to cover all damages, both of which will be established by the Village Board.

(d) Accidental Discharge Reporting. Any person responsible for an accidental discharge, that may have a detrimental impact on the sewerage system, shall immediately report the nature and amount of the discharge to the Plant Operator and the Village Board Members.

(e) Continued Violations. Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violations beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not less than twenty dollars, (\$20.00), together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed five (5) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offence.

(f) Liability to the Village of Ridgeway for Losses. Any person violating any provision of this Ordinance shall become liable to the Village of Ridgeway for any expenses, loss, or damage occasioned by reason of such violation which the Village of Ridgeway may suffer as a result thereof.

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(g) Damage Recovery. The Village shall have the right of recovery from all persons, any expense incurred for the repair or replacement of any part of the sewerage system damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.

(h) Penalties.

1. Any person who shall violate any of the provision of this Ordinance or rules or regulations of the Village of Ridgeway or who shall connect a service pipe or discharge without first having obtained a permit therefore; or who shall violate any provisions of at the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$20.00 nor more than \$200.00 and the costs of prosecution. This, however, shall not bar the Village of Ridgeway from enforcing the connection duties for mandatory hookup.

2. Appeal Procedures. Any user, affected by any decision, action, or determination, including cease and desist orders, made by this Ordinance may file with the Village of Ridgeway a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the User's request for reconsideration. The Village upon receiving the request for reconsideration shall publish the request in the official newspaper. The Village Board shall render a decision on the request for reconsideration to the user in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Village Board is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal.

(22) Validity.

(a) Repeal of Conflicting Ordinances. All ordinances, resolutions, orders or parts thereof heretofore adopted, enacted or entered in that conflict with this Ordinance are hereby repealed.

(b) Savings Clause. If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision of application.

(c) Amendments. The Village of Ridgeway, through its duly qualified governing body, may amend this section in part or in whole whenever it may deem necessary.

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6.05 CROSS CONNECTION AND BACKFLOW PREVENTION ORDINANCE. (Cr. 2006).

(1) Purpose. The purpose of this ordinance is to protect the health, safety and welfare of village residents and users of the Ridgeway Municipal Water Utility's potable water system. In addition, the purpose of this section is to comply with the Wisconsin Administrative Code which requires protection of the Village water system from pollution and other harm due to back-flow of contaminants through the water service connection. The Wisconsin Department of Natural Resources requires the maintenance of a continuing program of cross-connection control to systematically and effectively prevent the contamination of all public potable water systems.

(2) Definitions.

(a) Backflow. The undesirable flow of water or mixtures of water and other liquids, solids, gases or other substances under positive or reduced pressure into the Ridgeway Municipal Water Utility potable water supply from any source.

(b) Backflow Prevention. A means designed to prevent backflow caused by backpressure or backsiphonage, most commonly categorized as air gap, reduced pressure principle back-flow assembly, double check valve assembly, pressure vacuum breaker assembly, backsiphonage backflow vacuum breaker (spill resistant pressure vacuum breaker) assembly, pipe applied atmospheric vacuum breaker, flush tank ballcock, laboratory faucet backflow preventer, backflow preventer for carbonated beverage machine, vacuum breaker wall hydrants, (freeze resistant automatic draining type), chemical dispensing machine, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent and barometric loop.

(c) Backpressure. An elevation of pressure in the downstream piping system (i.e. pump, elevation of piping, or steam and/or air pressure) above the utility supply pressure, which would cause or tend to reverse the normal direction of flow.

(d) Backsiphonage. The flow of water or other liquids, mixtures or substances into the Ridgeway Municipal Water Utility's potable water system from any source caused by the sudden reduction of pressure in the utility's potable water supply system.

(e) Cross Connection. Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Ridgeway Municipal Water Utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a

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flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(f) Utility. The Ridgeway Municipal Water Utility.

(3) Cross Connection Prohibited. No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the public water supply of the Ridgeway Municipal Water Utility, may enter the Ridgeway Municipal Water Utility water supply and distribution system, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply have been approved by the Ridgeway Municipal Water Utility and the Wisconsin Department of Natural Resources in accordance with Wis. Admin. Code § NR 811.09, or its successor.

(4) Owner Responsibility. The property owner shall be required to eliminate or protect the utility from all cross connections on owner's premises. The owner shall, at owner's expense, install, maintain and test any and all backflow preventers on their premises in compliance with the Wis. Admin. Code Ch. SPS 383 requirements. The property owner shall correct any malfunction revealed by periodic testing of any backflow preventer on owner's premises. The property owner shall inform the utility of any proposed or modified cross connections and also any existing cross connections that are not protected by an approved backflow prevention means. The property owner shall not install a by-pass around any backflow preventer unless there is a back-flow preventer of the same type in the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention assembly must supply additional assemblies necessary to allow testing and maintenance to take place. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M-14 titled H "Recommended Backflow Prevention and Cross Connection Control", United States Environmental Protection Agency publication titled "Cross Connection Control Manual", Wis. Admin. Code Chs. SPS 380-387 and the utility's "Cross Connection Control Manual", unless the utility requires or authorizes other means of protecting the potable water supply system.

(5) Inspections. The utility may inspect all properties serviced by the utility where cross connections with the public water system is deemed possible. Residential properties serviced by the utility shall be inspected on a 10-year interval. The utility may, but is not required to, perform the cross connection inspection of the customer's property. If, in the opinion of the utility, the utility is not able to perform the inspection, the property owner must, at their own expense, have the water system inspected for cross connections by a person who has been properly trained in accordance with the American Society of Sanitary Engineers (ASSE) Standard number 5120 as a Cross Connection Control

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Surveyor. All non-residential properties serviced by the utility shall be surveyed on an interval exceeding .2 years. The frequency of required surveys and resurveys, based upon the potential health hazards, may be shortened by the utility.

(6) Right of Entry. Upon presentation of credentials, representatives of the utility shall have the right to request entry at any reasonable time to examine property for cross connections. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stats. § 66.0119. Upon request, the owner, lessee or occupant of any property served shall furnish to the inspection agency any pertinent information regarding the water system on such property.

(7) Authority to Discontinue Service. The utility may discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage to or contamination of the potable water system. Water service shall be discontinued if the means of back flow prevention required by the utility is not installed, tested, maintained and/or repaired in compliance with this ordinance, the Wis. Admin. Code Chs. SPS 380-387, or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in subsection (9) or (10) of this section. The owner shall be required to immediately correct any violation upon receipt of written notice of such violation from the Village. Upon conviction, the user shall be subject to penalties as prescribed herein and water service to such property shall not be restored until such violations have been eliminated and full payment of any such payments have been made.

(8) Reconnection of Service. Water service to any property disconnected under provisions of this ordinance shall not be restored until the cross connection has been eliminated or a back-flow prevention means approved by the utility has been installed in compliance with the provisions of this section.

(9) Emergency Discontinuance of Service. If it is determined by the utility that a cross connection or an emergency endangers public health safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes within 10 days of such emergency discontinuance. Such hearing shall be before the Village of Ridgeway Water and Sewer Committee.

(10) Additional Protection. In the case of premises having (a) cross connections that cannot be permanently corrected or controlled, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the utility may install appropriate backflow prevention at owner's

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cost. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the utility, could create an actual or potential hazard to the public water supply system, an approved air gap separation or an approved reduced pressure principle backflow assembly shall protect the public water supply system. In the case of any presence of toxic substances, the utility may require an approved air gap or reduced pressure principle backflow assembly at the service connection to protect the public water supply system. This requirement will be at the discretion of the utility.

(11) Public Water Supplies. This section does not supersede the State of Wisconsin Department of Natural Resources Administrative Code NR 811, but is supplementary to it.

(12) Plumbing Code. The Village of Ridgeway hereby adopts by reference the Wisconsin Uniform Plumbing Code, Wis. Admin Chs. SPS 382-384, as may be amended from time to time.

6.06 PENALTY. (Cr. 2006).

(1) Penalty. In addition to any other sanction, penalty or forfeiture set forth elsewhere, any person, company or corporation who violates any provision of this Chapter or any resolution, rule or regulation of the Village hereunder, or who turns on the water in any premises in which the water has been shut off, or into which the water has not yet been turned on, or who connects any water or sewer main or service pipe without first having obtained a permit therefor, who violates any provision regarding cross connections, or who violates any related provision of the Wisconsin Statutes, Wisconsin Administrative Code or any other materials which are incorporated by reference, shall upon conviction forfeit not less than \$10.00 nor more than \$200.00 together with the cost of prosecution. Each day during which the violation continues after the date of notice, shall be deemed a separate violation. The violation shall be determined to be in effect until such violation is corrected by payment of all arrears, of the expenses and established charges of shutting off and turning on, and of any such other expenses as the Board may incur.

(2) Damage Recovery. The utility shall have the right of recovery from all persons, any expense incurred by the utility for the repair or replacement of any water or sewer pipe, curb-cock, gate valve, hydrant, or valve box damaged in any manner by any person in the performance of any work under their control, or by any negligent act. Owners or operators of motor vehicles shall be liable for the cost of repair of any hydrant or any other water service fixture damaged by them and the Utility will not be responsible for the damage due the motor vehicle by reason of such accident.

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(a) Charges are a Lien on Property. All sewer services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the Village Clerk to be placed on the tax roll for collection pursuant to Wis. Stat. § 66.0717.

6.07 LEAD WATER SERVICE LINE REPLACEMENT

(1) Intent and purpose - The Village of Ridgeway Board of Trustees finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe water service lines in use within both the Village utility water system and in private systems and, to that end, declares the purposes of this section to be as follows:

(a) To ensure that the water quality at every tap of utility customers meets the water quality standards specified under the federal law;

(b) To reduce the lead in Village drinking water to meet the Environmental Protection Agency (EPA) standards and ideally to a lead contaminant level of zero in city drinking water for the health of Village residents;

(c) To eliminate the constriction of water flow caused by mineral rich groundwater flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and

(d) To meet the Wisconsin Department of Natural Resource (DNR) requirements for local compliance with the Lead and Copper Rule (see C.F.R. 6460, 40 C.F.R. parts 141.80 -141.90 and Wis. Admin. Code ss NR 809.541 - 809.55.)

(2) Replacement of Lead Water Service Laterals.

(a) Any existing private lead water lateral shall be considered illegal.

(b)

(c) In the event that the Village discovers that a private water lateral contains lead, the public works director or his designee shall immediately notify the lateral owner in writing of that fact.

(d)

(e) Owner to Replace Lead Service Lateral – Any property owner shall, at the owner's expense, replace any lead service laterals on their property. In all cases, the Village shall supply an appropriate connection point. The owner may elect to:

i. Contract with licensed contractor to complete the repair.
All work needed to accomplish the repair shall be done

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at the expense of the owner. Within 30 days of the giving of notice for the repairs to be completed.

- ii. Have the Village contractors, if available, complete the repair.
 1. The Village may, as part of any project, request unit bid prices for the calculation of the cost of making appropriate repair to the private building water laterals.
 2. If available, and should the owner select this option, the owner shall make arrangements with the contractor to pay the entire cost of making the repair.
- iii. Authority to discontinue service - As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding replacement of illegal private water laterals, the utility may, no sooner than 30 days after the giving of notice, discontinue water service to such property served by illegal private water lateral after reasonable opportunity has been given to make the appropriate repairs.

6.08 OTHER RULES ADOPTED.

1. There is hereby adopted all the rules and regulations, and future amendments thereto, of the State Plumbing and State Building Codes and the building rules of the Department of Safety and Professional Services of the State of Wisconsin, insofar as the same are applicable to the Village of Ridgeway sewer and water services.

Chapter 6, Amended June 16, 2020

6.09 WELL ABANDONMENT AND WELL OPERATION PERMIT

- (1) Purpose: To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may

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be illegally cross- connected to the municipal water system, are properly maintained or abandoned.

(2) **Applicability:** This ordinance applies to all wells located on premises served by the Ridgeway municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above.

(3) **Definitions**

- (a) “Municipal water systems” means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
- (b) “Noncomplying” means a well or pump installation which does not comply with
- (c) s. NR812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.
- (d) “Pump Installation” means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pit less adapters, pressure tanks, pits, sampling faucets and well seals or caps.
- (e) “Unsafe” well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of chs. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- (f) “Unused” well or pump installation means one which is not used for does not have a functional pumping system.
- (g) “Well” means a drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.
- (h) “Well abandonment” means the proper filling and sealing of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

(4) **Abandonment Required:** All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 6 of this ordinance by (date) or no later than (days) [90 days to 1 year] from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by (municipality) under terms of Section 5 of this ordinance.

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- (i) **Well Operation Permit:** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than (days) [90 days to 1 year] after connection to the municipal water system. The (municipality) shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operations permit may be renewed by submitting an application verifying that the conditions of this section are met. The (municipality) or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. All initial and renewal applications must be accompanied by a fee as set forth in the Village's Fee Schedule as amended and updated from time to time.

The following conditions must be met for issuance or renewal of a well operation permit:

- (a) The well and pump installation shall meet the Standards for Existing Installations describe in s. NR 812.42, Wisconsin Administrative Code.
- (b) The well and pump shall have a history of producing safe water evidenced by at least 1 coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical sampling may be required to document the safety of the water.
- (c) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
- (d) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- (e) The private well shall have a functional pumping system.
- (f) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

(5) Abandonment Procedures

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- (a) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of s. NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment. As of June 1, 2008, only licensed well drillers and pump installers may perform abandonment (filling and sealing) of wells.
 - (b) The owner of the well, or the owner's agent, [(optional) may be required to obtain a well abandonment permit prior to any well abandonment] and shall notify the clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
 - (c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.
- (6) Penalties: Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$20 nor more than \$250 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

CHAPTER 7 - BUILDING CODE

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Chapter 7 Building Code

7.01 BUILDING INSPECTOR. (Cr. Jan. 7, 1969) (Am. 1986).

(1) Appointment and Term. The Building Inspector shall be appointed by the Village President, subject to confirmation by the Village Board, and shall hold office until removed by a 3/4 vote of the Village Board.

(2) Duties. The Building Inspector shall have the power and it shall be his/her duty to enforce the provisions of this chapter and all laws and orders relating to building, and for this purpose he/she shall have the right at all times to enter upon any public or private premises and make inspection thereof and may require the production of the permit for any building.

(3) Record. The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in order of issuance.

(4) Interference with Inspector. Any person interfering with the Building Inspector while in the performance of the duties of his office shall forfeit a sum of not less than \$10.00, nor more than \$25.00; and in default in payment thereof shall be imprisoned in the County Jail for a period not exceeding ten (10) days.

7.02 STATE CODES

The following provisions of the State of Wisconsin Administrative Code, including all subsequent amendments and recodifications thereto, are hereby adopted by reference and incorporated in this code as if fully set forth, exclusive of any penalties or enforcement and abatement procedures. Violations of the provisions hereby adopted shall be subject to penalties, enforcement and abatement procedures as set forth in Section 7.05 of this code. This section shall apply to all additions and alterations to existing structures:

(1) Electrical Code, Chapter SPS 316, and SPS 324 Wisconsin Administrative Code as laid out in Section 7.07 of this code

(2) Uniform Dwelling, Chapters SPS 320, 321, 323-325, Wisconsin Administrative Code

(3) Wisconsin Commercial Building Code, Chapters SPS 361-366

(4) Plumbing Code, Chapters SPS 381-387, Wisconsin Administrative Code.

7.03 BUILDING PERMITS AND INSPECTION. (Cr. Jan. 7, 1969) (Am. 1986).

(1) Permit Required. No building or structure, or any part shall hereafter be built, enlarged, altered, moved or demolished within the Village of Ridgeway except as provided in this section, unless a permit shall first be obtained by the owner or their agent from the Building Inspector.

(2) Application. Application for a building permit shall be made in writing upon a blank form furnished by the Building Inspector, and shall state the name and address

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of the owner of the building, the location of the building and the purpose for which it is to be used, a plot showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings, and shall contain such other information as the Building Inspector may require.

(3) Plans to be Submitted. With such application there shall be submitted two complete sets of plans and specifications unless this requirement shall be waived by the Building Inspector. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the State of Wisconsin.

(4) Approval of Plans. If the Building Inspector determines that the proposed building will comply in every respect with all ordinances of the Village of Ridgeway they shall officially approve and stamp one set of the plans and return it to the owner and shall issue a building permit therefor. After being approved, the plans and specifications shall not be altered in any respect which involves the above-mentioned ordinances, or which involves the location of the building or the safety of the building or occupants, except with the written consent of the Building Inspector. The Village of Ridgeway Building Inspector is not required to verify that the owner or their agent on the permit application has stated that the plans comply with State regulations. It is the duty of the Building Inspector to see that the building location on the lot complies with Village ordinances.

(5) Permit Card. With every permit issued, the Building Inspector shall issue to the applicant a building approval card. It shall be the duty of such applicant to place such card in a conspicuous place on the premises where the building is to be erected, the card to be unobstructed from public view and not more than 10 feet above grade.

(6) Minor Repairs. This section shall not be construed to require a permit for any repairs or minor alterations which do not change the occupancy, area, structural strength, fire protection, exits, light, ventilation or roof line of the building.

(7) Fees. The following fees shall be paid for the permits indicated:

(a) (Am. June 5, 1985) New construction of any type, as set forth in the Village's Fee Schedule as amended and updated from time to time. The square foot area is to be figured on the ground floor only, but is to include all portions of the building or structure which are covered by a roof, including, but not limited to, car ports, breeze ways, garages and etc.

(b) For wrecking buildings, either partially or completely, a permit shall be required with a fee as set forth in the Village's Fee Schedule as amended and updated from time to time. Should the fire department be requested to attend the intentional destruction of any such building by fire, the fee therefor shall be as set forth in the Village's Fee Schedule as amended and updated from time to time

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(c) For moving buildings, as set forth in the Village's Fee Schedule as amended and updated from time to time. Following the moving, any deposit amount is to be returned to the depositor upon notification from the Director of Public Works that no damage was done or fee for street occupancy incurred.

(d) The fee for relocating a moved building within the Village of Ridgeway limits shall be set forth in the Village's Fee Schedule as amended and updated from time to time.

(e) (Cr. June 2, 1987) The Village of Ridgeway will hereby require a building permit for all remodeling or alterations done on your property in the Village of Ridgeway. Such a permit will be issued without payment for all remodeling or alterations done for under \$500.00.

(f) (Am. June 5, 1985) For street occupancy, the charge shall be as set forth in the Village's Fee Schedule as amended and updated from time to time. The term "street occupancy" is hereby defined as either the partial or complete blocking of any street, alley or other thoroughfare during the "nighttime" as the same is defined in the Wisconsin Statutes. A permit shall be required under this section for all such street occupancy.

(g) All fees shall be to the Village of Ridgeway, given to the Building Inspector, who will turn the same over to the Village Treasurer for deposit to the Village General Fund.

(8) Double Fee. In case a permit is not obtained before work on a building has been started, except in emergencies as certified to by the Building Inspector, the total fees for such permit shall be double the fees charged in subsection 7 of this code. For the purpose of this subsection, work on the construction of a building shall be deemed to have started upon either the commencement of excavation or of the construction of forms for concrete work. The collection of a fee pursuant to this section shall not be a bar to prosecution for a violation of any of the provisions to this chapter.

(9) Inspection of Work. The owner or builder shall notify the Building Inspector when the building has been staked-out and again upon completion of the foundation forms or before the foundation is laid.

(10) Report of Violation. It shall be the duty of all police officers and other Municipal employees to report at once to the Building Inspector any building work which is being carried on without a permit as required by this chapter.

7.04 LOT REQUIREMENTS. (Cr. Jan. 7, 1969) (Am. 1986).

(1) Lot Area Per Family. Every building hereafter erected or structurally altered shall provide a lot area of not less than 8,000 square feet per single family residence unit

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and no such lot shall be less than 80 feet in width. A lot of record at the time of passage of this chapter shall not be affected hereby.

(2) Building Location. Buildings hereafter erected or structurally altered which are to be used as a single family residence shall have total required side yards of not less than 20 feet and no single side yard shall be less than 8 feet in width. They shall also have a minimum setback from the street of at least 30 feet or, in the alternative, of the average of the existing setbacks of the occupied frontage and they shall have a rear yard having a minimum depth of 25 feet. A lot of record at the time of passage of this ordinance shall not be affected thereby. Accessory buildings which are not part of the main building shall not occupy more than 30% of the area of the required rear yard, and shall not be more than 12 feet high, and shall not be nearer than 6 feet to any lot line.

7.05 VILLAGE NOT LIABLE. (Cr. Jan. 7, 1969) (Am. 1986).

No part of this chapter shall be construed so as to make the Village of Ridgeway liable to anyone injured, or for any damage to any property, by any defect in any building or equipment.

7.06 PENALTY. (Cr. Jan. 7, 1969) (Am. 1986).

In addition to the revocation provisions herein, the penalty for violation of any provision of this chapter shall be as provided by this code, under chapter 12.

7.07 HOUSE AND BUILDING NUMBERS. (Cr. Sept. 4, 2012).

(1) House Numbers. All house and building numbers are to be visible from the street for emergency or delivery personnel.

(2) Cost. The cost of the numbers and the installation to be paid by the owner of the property.

(3) Numbers To Be Easily Seen. The numbers shall be not less than three inches. The numbers shall be conspicuously placed immediately above, on, or at the side of the PROPER DOOR of each building so that the number can be seen from the street. A property owner may use any style number; it must be at least three inches large and visible from the street.

(4) Numbers Not Meeting This Standard. If a property has a number that doesn't meet this standard, the Owner will be notified to improve the visibility of the property number or be penalized.

(5) Multi Family Buildings. Where only one number can be assigned to any house or building, the owner or agent of such house or building shall use distinctive numbers for the upper and lower portion of any such house or building, or for any part of

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such house or building fronting on any street, may use the suffix "A", "B" or "-1", "-2", or "1/2", etc. as would designate separate dwellings.

(6) Authority of Village Clerk. It shall be the duty of the Village Clerk to inform any party applying therefor of the number or numbers belonging to or embraced within the limits of said lot or property.

(7) Violation; Report By Law Enforcement Officer. It shall be the duty of all law enforcement officers of the Village to report the violation of any provision of this ordinance.

(8) Notice. If the owner or occupant of any building required to be numbered by this ordinance shall neglect for more than 30 days to duly attach and maintain the proper number of such building, the Village Clerk shall cause to be served upon the Owner the notice requiring such Owner to properly number the same, and if he/she neglects to do so within ten days after the serving of such notice, he/she shall be deemed to have violated this ordinance. Upon conviction thereof, he/she shall be subject to a penalty as provided by Paragraph Nine of Chapter Seven.

(9) Penalty. Upon conviction of this section, persons shall forfeit not less than \$50 together with the costs of prosecution and in addition to the forfeitures that may be levied for violations of this ordinance, the cost of and the installation of the house number by Village Personnel and shall be charged to the property under sec. 66.0701, Wis. Stat.

7.08 ELECTRICAL INSPECTION. (Cr. Nov. 12, 2019).

(1) SPS 324. The provisions of Wis. Admin. Code ch. SPS 324 are hereby adopted by reference and made a part of this chapter and shall apply to the construction and inspection of new one- and two-family dwellings and additions or modifications to existing one- and two-family dwellings.

(3) SPS 316. The Electrical Code, Wis. Admin. Code ch. SPS 316, is hereby adopted by reference and made a part of this chapter and shall apply to all buildings, except one- and two-family dwellings.

7.09 FENCES. (Cr. Oct. 1, 2002).

(1) Building Inspector Approval. Plans and site design for the construction of fences, or planting of shrubs, hedges, trees, or landscaping being used as a fence or screen shall be reviewed by the Building Inspector prior to the issuance of a building permit. The Building Inspector may require that moneys be placed in escrow for a period not to exceed one (1) year to insure replacement of any landscaping should it perish with one (1) year.

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(2) Maintenance. Any fencing or landscaping erected or planted under this Chapter shall be maintained in good order to achieve the objective of this Chapter. Failure to maintain fencing or permitting shrubs or landscaping to die without replacing it shall be considered a violation of this division.

(3) Definitions. For the purposes of this Section, the following definitions shall apply:

(a) Fences. A barrier greater than 1 foot tall made of wood, iron, stone or other material

(b) Hedge. A barrier greater than 18 inches tall consisting of natural or artificial vegetation.

(4) Fence Permit. No person shall erect a fence or plant a boundary hedge in the Village unless the owner or his agent first obtains a permit from the building Inspector. Upon application for the permit, a fee will be charged as set forth in the Village's Fee Schedule as amended and updated from time to time. The Building Inspector has the right to waive the enforcement of this Ordinance at his or her discretion in case of decorative fencing, hedges, or barriers.

(5) Property Boundary Determinations. Fences and hedges shall be erected on owner's property and responsibility for establishing the property line shall rest with the property owner erecting the fence or planting the hedge or upon mutual agreement with the adjoining property owner.

(6) Construction and Maintenance. Every fence shall be constructed and shall be maintained and repaired. No fence or hedge shall be allowed to deteriorate into an unsightly or hazardous condition. The finished side of the fence shall be faced to the outside of the property lines.

(7) Prohibited Construction Materials. The use of barbed wire, electric wire, or double or triple strand wire shall not be used in the construction of a fence, except as specifically allowed under the appropriate provisions of this Section. Wooden and plastic snow fence may not be used except as a temporary fence between November 1 and April 1.

(8) Nonconforming Fences and Hedges. All fences and hedges which exist on the enacted date of this ordinance November 4, 2002 and do not conform to this division may be maintained; however, no alteration, modification or improvement of such nonconforming fence or hedge shall be permitted unless said conforming fence has been destroyed by an act of God or by the criminal acts of another person.

(9) Residential Fences and Hedges. Fences and hedges in a residential district shall conform to the following conditions:

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- (a) All side yard fences shall not exceed six (6) feet in height:
- (b) All rear yard fences shall not exceed eight (8) feet in height;
- (c) No front yard fences will be permitted:

(d) For a property at the intersection of multiple streets, the front yard shall be defined as the side of the house that the address corresponds to. On these properties, ALL FENCES must be at least three (3) feet from any and all sidewalks, curbs, or other features marking the edge of the roadway or public right of way.

(10) Business and Thoroughfare Commercial Fences and Hedges. In a business of thoroughfare commercial zone, a fence consisting of chain links without barbed wire shall be allowed in the rear of the yard, front yard and side yards; however, the fence shall not exceed eight (8) feet in height. Any fence constructed of other materials shall abide by the regulations of residential fences and hedges.

(11) Industrial Fences. In an industrial zone, a chain link fence not exceeding eight (8) feet in height with two (2) barbed wires tilting into the inside of the property will be permitted in the rear yard, front yard and side yards. The fencing material requirements and fencing/Hedge requirements of the other zoned areas shall also be permitted in the industrial zone.

(12) Public Zone Fences. In a public zone, a chain link fence not exceeding eight (8) feet will be permitted. Any fence or hedge constructed of other materials shall comply with site plan approval of the Plan Commission or Zoning Committee (whichever is in effect at the time).

(13) Rural Development Zone Fences. In a rural development zone barbed wire, electric wire of double, or triple strand wire shall be allowed for agricultural and farming purposes. Residential, business, thoroughfare commercial and industrial uses shall meet the requirements of the respective zoning, district when built in a rural development zone.

(14) Appeals. Upon appeal to the Zoning Board of Appeals, an aggrieved property owner can receive a variance to the terms of this Section in order to avoid unreasonable or impractical application of the strict interpretation of the law due to unique characteristics of the site.

(15) Special Exception; Property Owner Agreement. Upon written agreement between the property owner who erects the fence or hedge and the property owner who immediately about the fence or hedge a special exception to the terms of this Section is granted provided that such exception does not allow the dimensional requirements of this Section be exceeded by more than twenty (20%). The property owner erecting the fence or hedge shall file the agreement with the Building Inspector and shall record the agreement with the Iowa County Register of Deeds in order to provide constructive notice to future owners of the properties. The special agreement between property owners shall

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not superseded any existing or future requirements or prohibitions mandated by the Village due to the concern for public health, safety, and morals.

7.10 BARBED WIRE. (Cr. Nov. 1, 1954).

The placing, affixing or maintaining of barbed wire or barbed wires on, in or upon any fence along side of and within four (4) feet of any sidewalk in any public street or alley of this Village is hereby declared to be a common and public nuisance.

CHAPTER 8 - LICENSES AND PERMITS

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8.01 LICENSES AND PERMITS REQUIRED.

- (1) Building Permit. See Chapter 7.
- (2) Driveway Permit. See Chapter 5.
- (3) Burn Permit. See Chapter 10.
- (4) Excavation/Street Opening/Street Privilege Permit. See Chapter 5.
- (5) Cigarette License. As set forth in the Village's Fee Schedule as amended and updated from time to time.
- (6) Picnic Permit. A Temporary Class B License is required along with a fee as set forth in the Village's Fee Schedule as amended and updated from time to time.
- (7) Dogs. As set forth in the Village's Fee Schedule as amended and updated from time to time.
- (8) Fences See Chapter 7
- (9) Fermented Malt Beverages. Licenses issued for terms beginning July 1 thru June 30.
 - (a) Class A Fermented Malt Beverage Retailer License – as set forth in the Village's Fee Schedule as amended and updated from time to time.
 - (b) Class B Fermented Malt Beverage Retailer's License – as set forth in the Village's Fee Schedule as amended and updated from time to time .
 - (c) Wholesaler's License – as set forth in the Village's Fee Schedule as amended and updated from time to time.
 - (d) Operator's License – as set forth in the Village's Fee Schedule as amended and updated from time to time.
- (10) Intoxicating Liquors.
 - (a) Class A Retailer's License – as set forth in the Village's Fee Schedule as amended and updated from time to time.
 - (b) Class B Retailer's License – as set forth in the Village's Fee Schedule as amended and updated from time to time.

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- (c) Wholesaler's License – as set forth in the Village's Fee Schedule as amended and updated from time to time.
- (d) Pharmacist's License – as set forth in the Village's Fee Schedule as amended and updated from time to time.
- (e) Manager's License – as set forth in the Village's Fee Schedule as amended and updated from time to time.
- (11) Junk and Salvage Dealers. Permit required with a fee as set forth in the Village's Fee Schedule as amended and updated from time to time.
- (12) Mobile Homes. Assessed according to Wis. Stat. § 66.0435.
- (13) Mobile Home Parks.
 - (a) Per Space – as set forth in the Village's Fee Schedule as amended and updated from time to time.
 - (b) Transfer Fee – as set forth in the Village's Fee Schedule as amended and updated from time to time
- (14) Peddlers, Canvassers, Solicitors and Transient Merchants. as set forth in the Village's Fee Schedule as amended and updated from time to time.
- (15) Soda Water Beverages. As set forth in the Village's Fee Schedule as amended and updated from time to time..

8.02 ISSUANCE AND REVOCATION OF LICENSES. (Am 3-10-20) (Am. 06-13-2023)

(1) License Required. No person shall engage in any business or activity enumerated in this chapter without a license or permit therefor as provided by this section. The words "license" and "permit" as used throughout this chapter shall be considered interchangeable.

(2) Application. Application for a license under this chapter shall be made to the Village Clerk on a form furnished by the Village. Such application shall contain such information as may be required by the provisions of this chapter or as may be otherwise required by the Village Board.

(3) Payment of License Fee. License fees imposed under Sec. 8.01 shall accompany the license application. If a license is granted, the Village Clerk shall issue the applicant a receipt for his/her license fee.

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(4) Refund of License Fee. No fee paid shall be refunded unless the license is denied.

(5) Granting of Licenses. The Village Clerk may issue the following licenses subject to the standards established by this chapter without prior approval of the Board:

- (a) Dog licenses.
- (b) Chicken licenses.
- (c) Operator licenses.
- (d) Burn Permits.
- (e) Provisional Liquor Licenses.
- (f) All other licenses shall be issued by the Village Board unless otherwise designated.

(6) Terms of Licenses. All licenses issued hereunder shall expire on June 30th in the year of issuance unless issued for a shorter term. Then they shall expire on midnight of the last effective day of the license, or unless otherwise provided by these ordinances or State laws.

(7) Form of License. All licenses issued hereunder shall show the day of issue, the activity licenses, and the term of the license, and shall be signed by the Village President and Village Clerk and be impressed with the Village Seal.

(8) Record of Licenses. The Village Clerk shall keep a record of all licenses issued.

(9) Display of Licenses. All licenses hereunder shall be displayed upon the premises or vehicle for which issued, or if carried on the person shall be displayed to any officer of the Village upon request.

(10) Compliance with Ordinances Required. It shall be a condition of holding a license under this chapter that the licensee comply with all ordinances of the Village. Failure to do so shall be cause for revocation of the license.

(11) Transfer of License. All licenses issued hereunder shall be personal to whom issued and shall not be transferred except with the consent of the Board.

(12) Exemptions. No license other than a liquor or beer license shall be required under this section for any non-profit, education, charitable, civic, military or religious organization where the activity which would otherwise be licensed if conducted for the benefit of the members or for the benefit of the public generally.

(13) Renewal of Licenses. All applications for renewal of licenses hereunder shall be made to the Village Clerk by April 15th.

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(14) Consent to Inspection. An applicant for a license under this chapter thereby consents to the entry of police or authorized representatives of the Village upon licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this chapter all things found therein in violation of this chapter or State law.

(15) Revocation of Licenses. Except as otherwise provided within this chapter, any license issued under this chapter may be revoked for cause by the Village President or Board. Any licensee whose license is so revoked may apply within 10 days of the revocation for a public hearing before the Village Board. At such hearing the licensee shall be entitled to be represented by counsel. After hearing the evidence, the Board may confirm or reverse the revocation or modify the revocation by imposing a limited period of suspension. The determination of the Board shall be final. The police department shall repossess any license revoked hereunder.

8.03 SODA WATER BEVERAGES.

Licenses shall be regulated pursuant to Wis. Stat. § 66.0433(2).

8.04 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES. (Cr. Oct. 4, 1954) (Am. Dec. 6, 1954) (Am. June 13, 2023).

(1) State Statutes Adopted. The provisions of Wis. Stat. Ch. 125, defining and regulating the sale, procurement, dispensing, transfer, and consumption of alcohol beverages, including provisions relating to underage persons and the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) Licenses, Permits, Authorization Required

(a) When Required. No person, firm, partnership, corporation or association, except as provided by Wis. Stat. § 125.06, shall, within the Village, serve, sell, manufacture, rectify, brew, barter, or engage in any other activity for which this chapter or Wis. Stat. Ch. 125, required a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See Wis. Stat. § 125.04.

(b) No license shall be issued for the purpose of selling, offering for sale, or trafficking in any such beverages in any dwelling house, flat or apartment.

(c) Exceptions. Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication to each other where alcohol beverages are stored, sold or offered for sale. See Wis. Stat. § 125.04(9).

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(3) Classes of Licenses and Fees. The following classes and denominations of licenses may be issued by the Village Clerk, under the authority of the Village Board after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in Wis. Stat. §§ 125.17, 125.25, 125.26, 125.28, 125.51 and 125.57. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(a) Class A Fermented Malt Beverages Wholesaler's License. See Wis. Stat. § 125.28. The fee for a wholesaler's license shall be as set forth in the Village's Fee Schedule as amended and updated from time to time.

(b) Class A Fermented Malt Beverage Retailer's License. See Wis. Stat. § 125.25. The fee for such Class "A" license shall be as set forth in the Village's Fee Schedule as amended and updated from time to time.

(c) Class B Fermented Malt Beverage Retailer's License. See Wis. Stat. § 125.26. The license fee for a retail Class "B" license shall be as set forth in the Village's Fee Schedule as amended and updated from time to time. A license may be issued at any time for six (6) months in any calendar year, for which 3/4 of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.

(d) Retail Class A Liquor License. See Wis. Stat. § 125.51 (2). The fee for such retail Class "A" license shall be as set forth in the Village's Fee Schedule as amended and updated from time to time.

(e) Retail Class B Liquor License. Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises. See Wis. Stat. § 125.51 (3). The fee for such retail Class "B" liquor license shall be as set forth in the Village's Fee Schedule as amended and updated from time to time.

1. A license may be issued after July 1, in any license year which shall expire on the following June 30th. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30th.

2. Licenses valid for 6 months may be issued at any time. The fee for such license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which issued.

(f) Provisional License

1. The Village of Ridgeway Clerk may issue a provisional retail license to a person who has applied for a Class "A", Class "B", "Class A", "Class B", or "Class C" license and authorizes only the activities that the type of retail license applied for authorizes in accordance with § 125.185, Wis. Stats.

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2. The fee for such license shall be forth in the Village's Fee Schedule as amended and updated from time to time.

3. The provisional license shall expire 60 days after its issuance or when the Class "A", Class "B", "Class A", "Class B", or "Class C" license is issued or denied to the holder, whichever is sooner. The Clerk may revoke the provisional retail license sooner if it is discovered that the holder of the license made a false statement on the application.

(g) Operator's License. See Wis. Stat. § 125.17. (Am 03-10-2020)

1. Operator's licenses may be granted to individuals by the Village Board designated staff member for the purposes of complying with Wis. Stat. §§ 125.32 (2) and 125.68 (2).

2. Operator's licenses may be issued only by written application on forms provided by the Village Clerk.

3. Operator's licenses shall be valid for one year and shall expire on June 30th of each year.

4. The fee for such license shall be as set forth in the Village's Fee Schedule as amended and updated from time to time.

(h) Special Class "B" Fermented Malt Liquor Retailer's License for Picnics and Meetings. See Wis. Stat. § 125.26 (6). The fee for such license shall be as set forth in the Village's Fee Schedule as amended and updated from time to time. No license shall be granted for longer than one (1) week.

(4) License Application.

(a) See Wis. Stat. § 125.04.

(b) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by Wisconsin Department of Revenue, or governing body for operators' licenses, and filed with the Village Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(c) Application shall be filed with the Village Clerk not less than 15 days prior to the granting of such license.

(d) Application to be Notarized: The application shall be signed and sworn to by the applicant as provided by Wis. Stat. § 887.01.

(e) The Village Board shall meet and act upon applications as provided by Wis. Stat. § 125.51 (1)(c).

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(f) Duplicate: Upon approval, a duplicate copy of each application shall be forwarded by the Village Clerk to the State Department of Revenue.

(5) License Restrictions.

(a) Statutory Requirements. Licenses shall be issued only to persons eligible therefor under Wis. Stat. §§ 125.04 and 125.32 (3)(b).

(b) Location.

1. No retail "Class A" or "Class B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance to the premises covered by the license.

2. The above paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

3. No retail "Class A" or "Class B" license shall be issued within a residence district. Any premises shall be deemed to be included within a residence district if 2/3 of the buildings with a radius of 300 feet are used exclusively for residence purposes or the uses incidental thereto. Restrictions on Class B retail licenses shall not apply to those establishments exempted from restriction under Wis. Stat. § 125.32(4).

(c) Violators of Liquor or Beer Laws or Ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any Federal or State liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(d) Applicants for licenses and permits must follow requirements pursuant to Wis. Stat. § 125.04 (5).

(e) Health and Sanitation Requirements. No retail Class B license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Village Board.

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(f) License Quota. The number of persons and places that may be granted a retail Class B liquor license under this section is limited as provided in Wis. Stat. § 125.51 (4).

(g) Corporations. No license shall be granted to any corporation when more than 50% of the voting stock interest, legal interest or beneficial interest is held by a person or persons not eligible for a license under this section.

(h) Age Requirements. No license hereunder shall be granted to any person under the legal drinking age.

(i) Effect of Revocation of License. Whenever any license shall be revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises, and twelve (12) months shall elapse before any other license shall be granted to the person whose license was revoked.

(j) Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid, or to any person delinquent in payment of such claims to the Village.

(k) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(6) Granting of License.

(a) Opportunity to be Heard. Opportunity shall be governed by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the Village Board and payment of the required license fee to the Village Treasurer, the Village Clerk shall attest and issue to the applicant the proper license.

(b) Form and Expiration of Licenses. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30th thereafter except as otherwise provided. The Village Clerk shall affix his/her affidavit as required by Wis. Stat. § 125.04 (4). If license is revoked sooner than June 30th, it will be pursuant to Wis. Stat. § 125.12 (1) and (2).

(7) Transfer of Licenses.

(a) As to Person. No license shall be transferrable as to licensee except as provided by Wis. Stat. § 125.04 (12).

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(b) As to Place. Licenses issued pursuant to this section may be transferred as provided in Wis. Stat. § 125.04 (12). Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(8) Posting and Care of Licenses. Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Wis. Stat. § 125.04 (10). No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license. Whenever a license shall be lost or destroyed without fault on the part of the holder or his/her agent or employee, a duplicate license in lieu thereof under the original application shall be issued by the Village Clerk on satisfying himself/herself as to the facts.

(9) Inspection and Investigation.

(a) Prior to issuance of license. The Village Clerk shall notify the Chief of Police and the Village Board of such application for license, and these officials may inspect or cause to be inspected each application and the premises covered thereby to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Village Board in writing the information derived from such investigation accompanied by a recommendation as to whether a license should be granted or refused.

(b) Search of Licenses Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer, his/her deputies or assistants and any Trustee and the President of the Village of Ridgeway, without a search warrant, and application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection and search shall automatically operate as revocation of any license issued hereunder and shall be deemed a violation of this Section.

(10) Regulation of Licensed Premises and Licensees.

(a) There shall be upon premises operated under a retail Class A or Class B beverage license, at all times, the licensee or some person who shall have an operator's license under Wis. Stat. § 125.04., and who shall be responsible for the acts of all persons serving as waiters, or in any other manner to customers. No other person other than the licensee shall serve alcohol beverages in any place operated under a retail Class A or Class B liquor license unless he shall possess such operator's license, or unless he shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be at the time of such service upon said premises.

(b) Gambling and Disorderly Conduct Prohibited. Each licensed and permitted premises shall at all times be conducted in an orderly manner; and no

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disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any such premises.

(c) **Employment of Underage Person.** No licensee shall employ any underage person to serve, sell, dispense or give away any alcohol beverage.

(d) **Sales by Clubs.** No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(e) **Safety and Sanitation Requirements.** Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(f) **Windows Not to be Obstructed.** All windows in the front of any licensed premises shall be of clear glass, and the premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk. There shall be no partition, box, stall, screen, curtain, blinds, or other device which shall obstruct the view of said room from the general observation of persons. During the hours in which the sale of alcohol beverages is permitted, the premises shall be properly and adequately lighted. However, retail Class B licenses shall entitle the holder thereof to serve such beverages in a separate room on the licensed premises at banquets or dinners.

(g) **Intoxicated Persons.** No alcohol beverages shall be served or sold to any person who shall be intoxicated, pursuant to Wis. Stat. § 125.07 (2).

(h) **Underage Persons.** Concerning alcoholic beverages, restrictions relating to underage persons shall be governed under Wis. Stat. § 125.07.

(i) **Evidence of Alcohol Sales.** The existence of any license, permit or special tax stamp from the United States Government, or from the State of Wisconsin, to any licensee or any person in the employ of the licensee authorizing or permitting such licensee or any person in his employ to engage in the occupation of selling alcohol beverages at the time and place of any alleged violation of the provisions of this Chapter, shall be accepted as prima facie evidence that such licensee is vending, selling, dealing or trafficking in alcohol beverages in violation of the provisions of this Chapter.

(j) **Evidence of Revocation.** The existence of the issue of any license, permit, or special tax stamp from the United States Government, or from the State of Wisconsin, to any licensee or any person in the employ of the licensee, authorizing or permitting such licensee or any person in his/her employ to engage in the occupation of selling intoxicating alcohol shall automatically work a revocation of any license issued to the licensee under the provisions of this Chapter and he/she shall thereupon forfeit his/her license fees.

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(11) Closing Hours. (Am. Jan. 3, 1955). This section shall be pursuant to Wis. Stat. §§ 125.32 (3), and 125.68 (4). No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

(a) If a wholesale license, between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.

(b) If a retail Class A license, for fermented malt beverages, between midnight and 8:00 a.m.

(c) If a retail Class A license for intoxicating liquors, between 9:00 p.m. and 8:00 a.m.

(d) If a retail Class B license, between 2:00 a.m. and 6:00 a.m. except on January 1st, when the premises is not required to close. No package, container or bottle sales may be made after midnight.

(e) A licensed premise whose principal business is the furnishing of food or lodging to patrons, bowling alleys, and golf courses, may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(12) Revocation and Suspension of Licenses.

(a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Wis. Stat. § 125.12, and the provisions therein relating to granting a new license shall likewise be applicable.

(b) Suspension of Licenses. The Village President or Police Department, by direction of the Village President, upon obtaining reasonable information that any licensee has violated any provision of this section or any State or Federal liquor or fermented beverage law, or committed any felony, may suspend the license or permit of such person not to exceed ten (10) days pending hearing by the Board, pursuant to par. (a).

(c) Repossession of License or Permit. Whenever any license or permit under this section shall be revoked or suspended by the Board, Village President, Police Department or action of any court, the Village Clerk shall notify the licensee or permittee of such suspension or revocation and shall notify the Police Department, who shall take physical possession of the license or permit where ever it may be found and file it in the Village Clerk's office.

(d) Effect of Revocation. See sub. (5)(i) of this section.

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(13) Non-renewal of License. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for non-renewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before the Village Board.

(14) Violations by Agents and Employees. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(15) Prohibition of Sale or Consumption of Fermented Malt Beverages and Intoxicating Liquor.

(a) No person shall sell or serve, or offer to sell or serve, any fermented malt beverages or intoxicating liquor upon any public street within the Village.

(b) No person shall consume any fermented malt beverages or intoxicating liquor upon any public street within the Village except when such street or portion thereof is included within an area for which the Village Board has granted, under Wis. Stat. § 125.32 (4)(b), a temporary malt beverage license.

(c) No owner, operator or any person employed in any place, other than a public park, where food or soft drinks are sold or any place or entertainment or amusement, shall permit any person to drink alcohol beverages therein or consume therein any alcohol beverages.

(d) No person shall drink or have in his possession any alcohol beverages in any Village Park after the hours set by the Park Committee.

(e) Each holder of an intoxicating liquor or fermented malt beverage license granted by the Village shall:

1. Keep prominently displayed in the licensed premises, at all times, a notice to customers that no consumption of fermented malt beverages or intoxicating liquors is allowed upon public street within the Village.

2. Be held personally responsible to ensure that no customer exits the licensed establishment consuming any fermented malt beverages or intoxicating liquor upon entry to the street within the Village.

(16) Manager's License.

(a) No person shall manage a premise operating under a Class B license issued under this Chapter unless such person is the licensee or has a manager's license.

(b) A person manages a premise if they are responsible or have authority for:

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1. Personnel management of all employees regardless of whether that person is authorized to sign employment contracts.

2. The terms of contracts for the purchase or sale of goods or services regardless whether the person is authorized to sign contracts for the goods or services.

3. The daily operation of the premises.

(c) Upon the proper application of an individual over the legal drinking age and a resident of the State for a manager's license, the Village Board may, in its discretion, issue such license for a period of one year. A person holding a manager's license shall also be considered to hold an operator's license

(17) Penalty. Any person, firm, or corporation violating any provision of this section shall, upon conviction thereof, forfeit not more than \$200.00 and the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution may be imprisoned in the County jail until payment of such forfeiture and the costs of prosecution, but not exceeding thirty (30) days for each violation. Each day of violation shall constitute a separate offense.

8.05 LICENSING AND REGULATION OF PETS. (Cr. Oct. 7, 1981) (Am. Jan. 15, 2003) (Am. June 16, 2020).

(1) Purpose.

(a) The purpose of this ordinance is to control feral or otherwise uncontrolled animals, and the noise, odor, health and other safety problems which could be associated with any pet.

(b) The owning, harboring and keeping by any person(s) of a large number of dogs, cats or combination thereof, or other pets within the city detracts from the quality of life within the entire residential district due to various noise, odor, health and safety problems which constitute a public nuisance.

(2) Licensing and regulation of any animal.

(a) Licenses required. Licenses shall be required as follows:

1. No person residing in the Village shall own, keep, harbor, or have custody or possession of any dog which is more than 5 months of age, unless a license has been obtained for the dog in accordance with this section. A license shall be obtained for each dog prior to the date on which it becomes 5 months of age, and that license shall remain in effect until December 31, of the year in which it is obtained. All licenses shall be renewed annually, and are effective for the calendar year (January 1-December 31). All - licenses shall be obtained or renewed prior to March 31st.

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2. A certificate, issued by a licensed veterinarian, indicating that the dog has been currently inoculated for Rabies and Distemper shall be supplied to the Village Clerk-Treasurer along with the appropriate license fee.

3. This section shall apply to dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons, provided that no fee shall be charged for a license for such a dog.

4. Every person residing in the Village who owns, keeps, harbors or has custody or possession of any animal required to be licensed in accordance with this section shall ensure that the animal, when away from the person's premises, is wearing a collar to which a current license tag and a current Rabies vaccination tag are attached. The collar tags may be removed from a dog during competition.

(b) Fees. (Am. Dec. 9, 2010). Licenses shall be as follows:

1. Such license tax shall be paid to the Village Clerk, and shall be \$8.00 per year for each neutered male or spayed female dog and \$18.00 per year for each un-neutered male and un-spayed female dog, or half (1/2) of these amounts if the dog becomes five (5) months of age after July 1 of the license year. A late fee of \$10.00 shall be assessed against anyone purchasing a license after April 1 of the license year or against anyone purchasing a license more than thirty (30) days after the dog becomes five (5) months during the license year. The license year begins January 1st of each year and ends on the following December 31st.

(c) Issuance of License. Upon receipt of the required fee and certificate of inoculation, the Clerk-Treasurer shall issue to the owner a license to keep such dog during the current license year.

(d) State Regulations Adopted. The provisions of Ch. 174, Wisconsin Statutes, and all subsequent amendments and modifications thereof, are incorporated herein by reference.

(e) Animals Not Permitted To Be At Large. Animals are not permitted to be at large within the Village at any time. For the purposes of this section, the phrase "at large" embraces all places within the Village except the owner's premises, and includes all streets, alleys, sidewalks, or other public or private property, and not under the owner or keeper's control by means of a leash, animal transport cage or other similar device, or confined within a vehicle owned or controlled by the owner or keeper. The owner or keeper of any animal, tied outdoors by means of a leash, chain or similar device, shall prevent the animal from being present on the private property of other persons, public property, and the street, alley, sidewalk, or other public rights-of-way.

(f) Harboring Certain Animals Prohibited. No person shall own, keep, have in their possession, or harbor any animal which:

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1. Habitually pursues any vehicle upon any public street, alley or highway, or

2. Is Vicious. A showing that an animal has bitten, attacked or injured any person shall constitute prima facie that such animal is vicious, or

3. Habitually or frequently Barks, yelps, howls or makes any other noise which would unreasonably disturb or annoy a person of ordinary sensibilities, or

4. Has not been licensed as required by this section, or

5. Which, while away from the owner or keeper's premises, causes property damage or injury to any dog, cat, domestic animal, or other desirable wildlife.

(g) Impoundment and Disposition. Animals are impounded humanely and securely in the following manner:

1. Any Village police officer or maintenance worker may apprehend any animal which is at large within the Village.

2. The Village police officer or maintenance worker will make a reasonable effort to notify the owner of the apprehension of the animal if the identity of the owner can be readily determined from the information shown on the animal's license tag. If the identity of the owner cannot be readily determined, the Village police officer or maintenance worker may take the stray animal to be impounded at a bona-fide kennel or Humane Society for a maximum of 48 hours. If the rightful owner does not reclaim any animal within 48 hours of notification of the owner (or within 48 hours of impoundment when owner cannot be notified), the animal shall be deemed surrendered to the Village Police Department or its designee, and may be sold for all or a portion of the amount incurred in apprehending, keeping and caring for the animal, or it may be destroyed in a proper and humane manner and any previous owners shall have no further claim to such animal. The Village Clerk-Treasurer, or the keeper of the bona-fide kennel or Humane Society shall collect the amount incurred in apprehending, keeping and caring for the animal if the owner can be ascertained and located. The Clerk-Treasurer shall be authorized to commence a civil action in order to collect such amount.

3. All unlicensed and unidentifiable animals shall be considered feral and may be subject to being destroyed in a proper and humane manner at the discretion of the Village Police Department. For such animals, neither impoundment nor notification of owners shall be required prior to destroying the animal, because unreasonable measures would be required to determine the animals' owner.

4. The owner or keeper of any animal so confined may reclaim the animal at any time before it is disposed of upon payment of ALL costs and charges

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incurred in apprehending, keeping, caring for, and licensing the animal. Such costs and charges may include expenses for inoculations or other medical treatment of the animal. The owner or keeper's payment of cost and charges incurred in apprehending, keeping, caring for and licensing the animal shall be made directly to the Village Clerk-Treasurer, or to the keeper of the bona-fide kennel or Humane Society indebted. The owner may also be proceeded against, for violation of this chapter, and the license or permit may be revoked by the Village for any or all animals owned by the person(s) in violation.

(h) **Removal of Animal Defecation from Public and Private Properties.** An owner or keeper of any animal shall not allow the animal to soil, defile, or defecate on nor commit any nuisance on any public or private property within the Village other than the premises of the owner or keeper of the animal unless such defecation is immediately removed. The foregoing provisions of this paragraph shall not apply to any person being assisted by a seeing-eye dog. All pens, yards, structures or areas where animals are kept shall be maintained in a reasonably safe and sanitary condition. Maintenance shall include the regular removal and disposal of defecation, so as not to attract insects or rodents, or to become unsightly or cause objectionable odors, or to result in any other condition recognized as a nuisance by this municipal code or by any other common or statutory law.

(i) **Maximum Number of Dogs and Cats.** The maximum number of dogs and cats shall be as follows:

1. **Single Family Residential Areas.** No person shall, either individually, or in combination with one or more other persons, keep, possess, harbor or routinely allow the presence of more than three (3) dogs over 5 months of age, or three (3) cats over 5 months of age, or any combination of such dogs and cats exceeding four (4), within the residential unit in which the person resides or upon the lot or portion of a lot upon which such residential unit is located, within a zoning district classified as either R-1 Single Family Residential District or R-2 One and Two Family Residential District.

2. **Multi-Family Residential Areas.** No person shall, either individually, or in combination with one or more other persons, keep, possess, harbor or routinely allow the presence of more than two (2) dogs over 5 months of age, or two (2) cats over 5 months of age, or any combination of such dogs and cats exceeding three (3), within the residential unit in which the person resides or upon the lot or portion of a lot upon which such residential unit is located, within a zoning district classified as R-3 Multiple Family Residential District.

(j) **Providing Proper Food and Drink to Confined Animals.** No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and potable water. In order to be sufficient, the supply of food and potable water must be adequate to maintain the animal in good health. In order to be sufficient, a supply of potable water shall be provided daily to the animal, fresh and in sufficient quantities for the health of the animal to be maintained.

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(k) **Providing Proper Shelter to Confined Animals.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter from sunlight and inclement weather. Proper shelter from sunlight shall require that when sunlight is likely to cause heat stress or exhaustion of an animal tied or caged outdoors, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. Sufficient ventilation shall be provided to prevent any animal confined within a vehicle from suffering heat stress or exhaustion. If a dog or a cat is tied or confined unattended outdoors under weather conditions which are likely to adversely affect the health of the animal, a shelter of suitable size to accommodate the animal shall be provided which is sufficient to protect the animal from such weather conditions.

(l) **Kennels.** The Village may allow kennels allowing more than 3 dogs for residential pet ownership, and kennel licenses may be granted (but are not guaranteed) only under the following circumstances:

1. The Village shall not issue any kennel licenses in or adjacent to any R-1 and R-2 zoned districts.

2. Any portion of the property harboring the proposed kennel shall be at least 100 feet from schools, parks, and playgrounds.

3. A public hearing and subsequent board approval is required for each individual license application. Application for the kennel license shall in no way guarantee issuance of the license.—not guaranteed to be granted.

(m) **Penalties.**

1. Any person violating any provision of this section shall forfeit not less than \$25, nor more than \$100, plus court costs, for the first offense, and not less than \$50, nor more than \$200, plus court costs, for each subsequent offense within a calendar year.

2. **Destruction or Death of Vicious Animals.** If a vicious animal [defined in this Section, in paragraph (f)] is euthanized, the owner thereof shall provide to the Village Police Department within ten (10) days of the date of death of the animal a certificate or other written proof of euthanasia from a licensed veterinarian. If a vicious animal is killed, destroyed or dies from any other cause or means, the owner shall within ten days of the date of death of the animal provide in writing to the Village Police Department verification of the death of the animal.

8.06 PEDDLERS, CANVASSERS, SOLICITORS AND TRANSIENT MERCHANTS.
(Cr. Nov. 3, 1981) (Amended June 16, 2020).

(1) Definitions.

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(a) **Peddler.** A peddler is a person who goes from place to place within the Village offering for sale property which he/she carries with him/her. It includes vendors who distribute their products to regular customers on established routes.

(b) **Canvasser or Solicitor.** A canvasser or solicitor is a person who goes from place to place within the Village soliciting orders for the future delivery of property or for services to be performed in the future. It includes any person who occupies any place within the Village for the purpose of exhibiting samples and taking orders for future delivery.

(c) **Transient Merchant.** A transient merchant is a person who engages at a fixed location in the Village in the temporary business of selling property at such location. It does not include a person who does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. It includes a person who associates temporarily with any local business or conducts business in the name of a local merchant, dealer or auctioneer.

(2) **License Required.** No person shall engage in the business of transient merchant, peddler, solicitor or canvasser within the Village of Ridgeway without first obtaining a license from the Village Clerk in compliance with the provisions of this section.

(3) **Exemptions.** No license shall be required hereunder of the following:

(a) Persons selling personal property at wholesale to dealers in such articles.

(b) Newsboys or Newsgirls.

(c) Children under 18 years of age who are residents of the Village.

(d) Vendors of milk, or other food items, distributing products to regular customers on established routes.

(e) Merchants or their employees delivering goods in the regular course of business.

(f) Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them.

(g) A veteran holding a special State license under Wis. Stat. § 440.41 (Im).

(h) Any person soliciting for charitable, religious, patriotic or philanthropic purposes where the proceeds thereof are devoted solely to the purposes of the organization.

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- (i) Sales required by statute or order of the court.
- (j) Bona fide auction sales conducted pursuant to law.
- (k) Any Iowa County School District representative.
- (l) Persons calling on individual Ridgeway residents by appointment or at the request of the resident.

(4) License Fee. The license fee shall be as set forth in the Village's Fee Schedule as amended and updated from time to time, with the license year to run from July 1st to June 30th. There shall be an optional daily license available for a fee as set forth in the Village's Fee Schedule as amended and updated from time to time . No such license shall be assignable or transferrable.

(5) Bond. Every applicant who is not a resident of Iowa County or who represents a firm whose principal place of business is located outside of the State shall file with the Village Clerk a surety bond in the amount of \$500.00, approved by the Village President, conditioned that the applicant will comply with all provisions of the ordinances of the Village and the State laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee. Action on such bond may be brought by any person aggrieved.

(6) Regulations and Restrictions.

(a) Consent Required. No transient merchant, peddler, solicitor or canvasser as herein defined shall go in or upon any private residence, business establishment or office in the Village of Ridgeway for the purpose of soliciting orders for goods, wares or merchandise or peddling or hawking the same or soliciting subscriptions for magazines or other periodicals without having been requested or invited to do so by the owner or owners, occupant or occupants of said place.

(b) Display of License. Persons licensed under this section shall carry their license with them while engaged in licensed activities and shall display such license to any police officer or citizen upon request.

(c) Misrepresentation Prohibited. No licensee shall intentionally misrepresent to any prospective customer the purpose of his/her visit or solicitation, nor the name or business of his/her principal, if any, nor the source of supply of the goods, wares or merchandise which he/she sells or offers for sale nor the disposition of the proceeds or profits of his/her sales.

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(d) Termination of Presentation. No presentation required to be licensed under this section shall continue after 8:00 p.m., and such presentation shall terminate immediately upon the request of the local resident and the licensed representative shall immediately leave the premises.

(e) Excessive Noise Prohibited. No person licensed hereunder shall in hawking his/her wares create such noise as is annoying to a person of ordinary sensibilities.

(f) Use of Streets. No licensee shall use the public streets or sidewalks for purposes of sales in such a manner as to impede or inconvenience the public use of the streets or sidewalks.

(7) Suspension or Revocation of License. Licenses issued under the provisions of this section may be revoked or suspended by the Village President, or in his/her absence, by any member of the Village Board, for a period not to exceed 16 days pending hearing by the Village Board, for fraud, misrepresentation or incorrect statements contained in the application or made in the course of carrying on business, or conviction of the licensee of any crime or misdemeanor, or conducting the licensed business in an unlawful or disorderly manner or in such a manner as to menace the health, safety or general welfare of the public.

8.07 PUBLIC ENTERTAINMENT. (Am. Feb. 7, 2011, Eff. March 7, 2011) (Am. May 13, 2009).

(1) Permit Required. No person, group or organization shall hold public entertainment events within the Village of Ridgeway without obtaining an application from the Village Clerk, and obtaining permit approval from the Village Board.

(2) Temporary Class B License Required. All persons, groups and organizations shall not hold public entertainment events without obtaining a Temporary Class B license issued by the Village Board.

(3) Application. Application for such permit shall be filed with the Village Clerk along with the appropriate permit fee for each day the permit is sought. The application shall be filed thirty days prior to the proposed event. Failure to comply will result in an additional administrative fee as set forth in the Village's Fee Schedule as amended and updated from time to time.

(4) Public Entertainment Defined. "Public entertainment" means any gathering, event, or entertainment which is held in or located at a public facility or park, which is open to the public, and where alcohol is served. "Open to the public" includes payment of an admission charge or where any collection or other means of raising money is used.

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(5) Exemptions. "Public entertainment" does not include gatherings, events, or entertainment:

(a) Conducted by churches, schools, sporting events, or bona fide clubs where no alcohol is served or consumed; or

(b) Held at a personal residence provided alcohol is not being served or transferred in violation of Wis. Stat. Ch. 125; or

(c) Held at a business bearing a class B beer or liquor license, if the special event coordinator is satisfied that such organization provides adequate security measures necessary to protect the health and safety of the public.

(6) Special Event Coordinator. The Ridgeway Marshal's Office/Police Department shall act as the special events coordinator unless or until changed by resolution of the Village Board.

(7) Powers of the Special Event Coordinator. The special event coordinator shall maintain order and decency at all public entertainment events. The special events coordinator is responsible for providing security during all entertainment events when a license and security is required.

(8) Application for Permit. The Public Entertainment Permit applicant shall provide the following information upon submission of the application:

(a) Name, address and telephone number of the applicant; and

(b) The date and duration for the proposed activity or event; and

(c) A description of the property proposed to be used for the event; and

(d) An estimated number of persons attending the proposed event.

(e) In addition to the Public Entertainment Permit application, the applicant shall apply for a temporary "Class B" beer and/or wine cooler license, using the state application form AT-315. There shall be a fee as set forth in the Village's Fee Schedule as amended and updated from time to time payable upon submission of this application.

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All applications shall be filed with the Village Clerk thirty days prior to the proposed event, and are subject to approval by the Village Board.

(9) Compliance with Eligibility Standards. The organization applying for the temporary "class B" beer and/or wine cooler license shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Wis. Stat. § 125.26 (6), and shall fully comply with the requirements of Wis. Stat. Ch. 125.

(10) Requirements Upon Approval of the Public Entertainment Permit and Temporary "Class B" License. The organization applying for the Public Entertainment Permit and the temporary "Class B" license, upon approval, will be required to follow the following guidelines:

(a) Fencing. All public entertainment events shall have a double fence installed around the main point of sale to control ingress and egress ("Point of Sale Area"). The double fence shall be a minimum of four (4) feet high. A licensed operator, licensed bartender or person assigned by the special events coordinator must remain at the entrance for the purpose of checking identification prior to entry. The entrance shall be a minimum of six (6) feet wide.

(b) Underage Persons Prohibited. No underage person shall enter, loiter or linger in the Point of Sale Area, unless accompanied by a parent, legal guardian or spouse who has attained the legal drinking age. No underage persons shall consume any intoxicating beverage unless accompanied by a parent, legal guardian or spouse who has attained the legal drinking age, and all such persons under the age of twenty-one must remain next to said parent, legal guardian or spouse at all times when consuming an intoxicating beverage.

(c) Licensed Operators Requirement. A licensed operator shall be stationed at all points of sales at all times. In the event that the licensed permit holder is not present a licensed bartender must be present.

(d) Posting of Signs and Licenses. All organizations that are issued a temporary "Class B" license shall post a sufficient number of signs stating that no alcohol shall be served to any person without proper identification.

(e) Regulations of Types of Containers Allowed on Public Property. It shall be unlawful for any organization to sell, dispense or serve any alcoholic beverages to any person or persons unless the beverage is served in plastic or paper cups or in the original metal can. Bottled beverages or other glass containers are prohibited.

(f) Open Intoxicants. No person shall bring alcohol in any form to any public entertainment function for his/her consumption or the consumption of others. No person shall carry out any alcoholic beverage from any such public entertainment function.

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(g) Insurance: The applicant for the Public Entertainment Permit shall indemnify, defend and hold the Village of Ridgeway and its employees, agents and officials harmless against any and all claims arising from injury or death of any person, or any damage to property caused by or resulting from or in any way related to the activities for which the permit is granted. The applicant may also be required to furnish a certificate of comprehensive general liability insurance or a performance bond prior to being granted the permit.

(h) Waiver. The Village of Ridgeway Board may modify the requirements of this section due to the physical characteristics of the site.

(i) Disposal of Alcoholic Beverages. It shall be the permit holder's responsibility to ensure that all alcoholic beverages and containers and trash are cleaned up immediately following the event.

(11) Fees.

(a) Public Entertainment Permit Fee. The fee for the Public Entertainment Permit shall be as set forth in the Village's Fee Schedule as amended and updated from time to time, and all applicants and permit holders will be required to comply with all requirements of this ordinance and pay for all expenses and deposits set forth herein.

(b) Temporary "Class B" Beer and/or Wine Cooler License Fee. The fee as set forth in the Village's Fee Schedule as amended and updated from time to time.

(c) Security Fee. It shall be the permit holder's responsibility to provide the special event coordinator with the approximate number of attendees for any proposed public entertainment event. The special event coordinator will arrange for the security at the event. The permit holder will be charged for any security needed for the event. The security charge will be based on the approximate number of attendees at a ratio of one (1) police officer for every fifty anticipated guests present. The special event coordinator will provide a written estimate of the cost to the permit holder prior to the public entertainment event. The permit holder may provide their own security but this may not be substituted for any police officers required to be present. All security fees must be paid prior to the event. Failure to pay such security fees in advance or providing any false or misleading information may result in the Public Entertainment Permit or Temporary "Class B" License being revoked and having the event shut down by the special event coordinator.

(12) Penalties. Failure to comply with any provision of this ordinance will result in the following:

(a) The special event coordinator will revoke the Public Entertainment Permit and/or the Temporary "Class B" License and shut down the event.

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(b) The permit holder/licensee will be fined \$500.00 for non-compliance.

(c) Failure to comply with section 9 (l) will result in a clean-up fee of \$500.00 charged to the permit holder/licensee.

8.08 JUNK AND SALVAGE DEALERS. (Cr. May 14, 1968).

(1) Permit Required. No person, firm partnership or corporation shall engage in the business of junk or salvage dealer, including the accumulation or storage of junked automobiles or parts thereof outside of any area of real property located within the Village of Ridgeway, without a permit therefor as required by this section. No fee is required for this permit.

(2) Defined. A junk or salvage dealer is a person who engages in the business of buying, selling or collecting any article of personality which, from its worn condition, renders it practically useless for the purpose for which it was made, and which is customarily defined as "junk". This definition shall include persons involved in wrecking or dismantling motor vehicles and those who deal in junked motor vehicles or parts thereof.

(3) Residence Required. No person shall be granted a license hereunder who is not a resident of or been in business in the Village of Ridgeway. If the applicant is an association, partnership or corporation, all officers and directors shall comply with this residence requirement.

(4) Application. Application for a license under this section shall be made upon an application form provided by the Village and it shall provide the following information:

(a) Name and address of all applicants and officers and directors.

(b) Length of residence in the Village.

(c) Whether the applicant or any officer or director of the applicant has been convicted of a felony or misdemeanor and the nature thereof and where the judgment of conviction was entered.

(d) Previous experience as a junk or salvage dealer.

(e) Nature and location of the business to be conducted.

(5) Application to be Verified. The application shall be sworn to by the applicant.

(6) License Investigation. The Village Clerk shall refer any application hereunder to the Officer in Charge, the Fire Chief, or the Building Inspector who shall cause to be inspected the applicant and the proposed premises. No application shall be issued hereunder unless the building or buildings proposed to be used in connection with

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the business are of fireproof construction. The officers shall report the results of their investigation to the Village Board for review and action upon the application.

(7) Premises Not to be Located in Residence Districts. No license shall be granted hereunder for any premises if located within 2,000 feet of 3 or more residential dwellings.

(8) Issuance of Permit. The permit issued by the Village Board shall be signed by the Village President upon the vote of three-fourths of the members of the Village Board, after application has been made and inspected in compliance with this section. Such permit shall be revocable at any time by a majority vote of said Village Board after a hearing at which it has been found that the permit holder has failed or refused to comply with the State and/or local statutes or ordinances. Junked automobiles shall be regulated pursuant to Wis. Stat. § 175.25.

(9) Hearing on Complaint. A hearing may be held by the Village Board upon its own motion or upon the complaint in writing duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such regulations. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than 10 days prior to the date of the hearing either by personal service or by certified mail, return receipt requested, sent to his/her last known address.

(10) Renewal of Application. If an application for a license hereunder is rejected, no further application shall be entertained for 6 months unless the applicant can show that the reasons for rejection have been corrected.

(11) Posting Permit Required. Any person to whom a license has been issued hereunder shall post the license in a conspicuous place of the license premise.

8.09 MOBILE HOMES AND MOBILE HOME PARKS. (Cr. Aug. 2, 1983).

(1) State Statutes Adopted by Reference. The provisions of Wis. Stat. § 66.0435, including its definitions, are adopted by reference.

(2) Mobile Homes Outside Licensed Parks.

(a) It shall be unlawful, except as provided in this section, for any person to park any mobile home on any street, alley, highway or other public place, or on any tract of land or residential lot owned by any person within the Village of Ridgeway.

(b) The Village Board may issue special written permits allowing the location of a mobile home outside a mobile home park.

(c) The person to whom such permit is granted shall be subject to the parking permit fee as provided in Sub. (4) of this section. The permit shall be granted

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only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued. The Village Board may limit the number of permits granted to locate a mobile home outside of a licensed park.

(d) Application for the permit shall be made to the Village Clerk and shall be accompanied by an inspection fee as set forth in the Village's Fee Schedule as amended and updated from time to time, and shall state the name and permanent addresses of the occupants of the mobile home, the license number of their mobile home and towing vehicle, place of last stay, intended purpose of stay at requested location, whether the occupants are non-resident tourists, whether any occupant is employed in this state; the exact location of the premises, the name of the owner and the occupant of any dwelling on the premises, and the owner's and/or occupant's permission to locate; a statement of the nature and location of sanitary facilities and the permission of the occupant of the dwelling house for their use; and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within 200 feet of the proposed location of the mobile home; and a statement of permission from the owner for their use.

(e) Mobile homes presently located within the Village of Ridgeway other than in mobile home parks may remain as presently located. It shall be unlawful to replace existing mobile homes in the Village of Ridgeway unless a permit for replacement is received from the Village Board. The Board will grant such a permit only upon proof that the replacement mobile home will be an improvement over the existing mobile home, and that Mobile Home Parks such replacement is in the best interest of the neighborhood.

(3) Mobile Home Parks.

(a) Mobile home parks hereafter created within the Village of Ridgeway shall consist of a minimum of 5 mobile home spaces. No mobile homes shall hereafter be permitted or placed in the Village of Ridgeway except in a licensed and qualified mobile home park, except as provided in Sub. (2). No mobile home park shall hereafter be licensed within a single-family residence district zoned area in the Village of Ridgeway.

(b) **Park License Required.** It shall be unlawful for any person, firm, corporation or other organization to maintain or operate a mobile home park within the limits of the Village of Ridgeway without obtaining a license therefor. The annual fee for such a license shall be as set forth in the Village's Fee Schedule as amended and updated from time to time for each space or fraction thereof within each mobile home park. See Sec. 8.01 (9). Such license shall expire on the 30th day of June following its issuance and shall be subject to the provisions of Wis. Stat. § 66. 0435. Such parks shall comply with Wis. Admin. Code ch. ATCP 125 which is hereby adopted by reference. The Village may collect a fee as set forth in the Village's Fee Schedule as amended and updated from time to time for each transfer of a license, as provided in Sec. 8.01 (9) of this code. Every application for a mobile home park license shall contain the legal description of the

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property to be licensed and such other information as may hereafter be determined to be necessary.

(c) Mobile Home Park Plan. The mobile home park shall conform to the following requirements:

1. Mobile home spaces shall be provided consisting of a minimum of 2,100 square feet for each space which shall be at least 35 feet wide and clearly defined.

2. Each mobile home space shall be adjacent to its own driveway parking space of at least 10 feet in width, and each driveway parking space shall have unobstructed access to a public street.

3. Mobile homes shall be so placed on each space that there shall be at least a 20 foot clearance between mobile homes and at least a 15 foot setback from a street or from any property line bounding on the park.

4. Not more than 5 mobile home spaces shall be served by sewerage hookups per lateral connection to a main. All lateral connections to a main shall be at least 4 inch pipe. Not more than 3 mobile home spaces shall be served by water hookups per lateral connection to a main. All water connections throughout the park shall be at least 3/4 inch pipe and each mobile home space shall be separately metered.

(d) Additions to Parks. Licensees of mobile home parks shall furnish information to the Village Clerk and Assessor on such homes added to their park within 5 days after their arrival.

(e) Inspections of Parks. No park license shall be issued under this section until the Village Clerk shall notify the Chief of Police, Health Officer, Fire Chief and Building Inspector, or their authorized agents of such application, and these officials shall inspect each application on the premises described therein to determine whether the applicant and the premises on which the mobile homes will be located comply with the provisions of this section. These officials shall furnish to the Village Board in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet all department requirements. No license shall be renewed without a re-inspection of the premises. For the purpose of making inspections, such officials or their authorized agents shall enter on any premises on which a mobile home is located or about to be located and to inspect the same and all accommodations connected therewith at any reasonable time.

(f) Management.

1. In every mobile home park, there shall be located an office of the attendant or person in charge of such park. A copy of the park license and of this

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section shall be posted therein and the park register shall at all times be kept in such office.

2. The attendant or person in charge together with the licensee shall:

a. Keep a register of all residents to be open at all times to inspection by local, State and Federal officials and shall show for all residents:

- 1) Names and addresses.
- 2) Number of children of school age.
- 3) State of legal residence.
- 4) Dates of entrance and departure.
- 5) License numbers of all mobile homes and towing or other vehicles.

6) States issuing such licenses.

7) Purpose of stay in park.

8) Place of last location and length of stay.

9) Place of employment of each occupant.

b. Maintain the park in a clean, orderly and sanitary condition at times.

c. Insure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of this section or any other violation of law which may come to the attendant's attention.

d. Report to the Health Officer all cases of persons or animals affected or suspected of being affected with any communicable diseases.

e. Maintain in convenient places, approved by the Fire Chief, hand fire extinguishers in the ratio of one extinguisher to each 8 units.

f. Prohibit the lighting of open fires on the park premises.

(4) Parking Permit Fees. There is hereby imposed on each non-exempt mobile home located in the Village of Ridgeway a monthly parking fee, such amount as determined in accordance with Wis. Stat. § 66.0435. Such fee shall be paid to the Village Clerk on or before the 10th day of the month following the month for which such fees are

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due, except that the fee for the first month or any portion thereof shall be paid at the time and before any permit is issued. The licensee of a mobile home park shall collect such fees from each occupied non-exempt mobile home therein and to remit such fees to the Village Clerk. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Wis. Stat. chapters 70 and 74. Occupants of non-exempt mobile homes outside of a mobile home park shall remit monthly parking permit fees directly to the Village Clerk.

8.10 RESERVED

8.11 RESERVED

8.12 PENALTY.

In addition to the penalty provision in section 8.04, the penalty for violation of any provision of this chapter shall be as provided by this code, under Chapter 12.

Amended 2-14-17 Repeal 8.11 and all references to Public Amusements, Entertainments and Pinballs. Repealed 04-11-2017

8.02 (5) Amended March 10, 2020

8.04 (3) Amended March 10, 2020

8.04, 8.05 Amended June 16, 2020

CHAPTER 9 - PUBLIC NUISANCES

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Chapter 9 Public Nuisances

9.01 STATE STATUTES ADOPTED.

The provisions of Wis. Stat. Ch. 823 regulating public nuisances are adopted and made a part of this chapter by reference. A violation of such provisions shall constitute a violation of this chapter.

9.02 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

9.03 PUBLIC NUISANCE DEFINED.

- 1) Public Nuisance. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - b) In any way render the public insecure in life or in the use of property;
 - c) Greatly offend the public morals or decency;
 - d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property;
- 2) Continuous Violation of Ordinances. Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

9.04 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of section 9.03;

- 1) Adulterated Food. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- 2) Unburied Carcasses. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- 3) Breeding Places for Vermin. Accumulations of decayed animals or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- 4) Stagnant Water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- 5) Privy Vaults and Garbage Cans. Privy vaults and garbage cans which are not fly tight.
- 6) Grass, Vegetation, and Noxious Weeds. (Am. Oct. 4, 2005) (Am. Aug. 2, 2011). All noxious weeds and other rank growth of vegetation. All weeds and grass greater than six (6) inches in height are declared to be a noxious weed, pursuant to Wis. Stat. § 66.0407(1)(b). All weeds and grass shall be kept cut to a height of six (6) inches or less. The Village of Ridgeway, Iowa County, Wisconsin may cause all brush, weeds and grass greater than six (6) inches in height to be cut

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and removed, pursuant to § 66.0407(1)(a). The special charges/forfeitures that may be levied for violations of this ordinance shall as set forth in the Village's Fee Schedule as amended and updated from time to time.. The cost of cutting or destroying noxious weeds and grass greater than six (6) inches in height shall be charged to the property under either Wis. Stat. § 66.0517 or § 66.0627.

- 7) Water Pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- 8) Noxious Odors. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gasses, effluvial or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- 9) Street Pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to, flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- 10) Air Pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Village.
- 11) Storage of junk, etc. The open storage of junk, refuse, litter, garbage, and scrap or waste matter.
- 12) Animal Defecation. All excreted animal feces which is not removed immediately and properly disposed of by burial or other suitable sanitary means by the person owning or having control of such animal.

9.05 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency within the definition of section 9.03:

- 1) Disorderly Houses. All disorderly houses, bawdy houses, houses of ill-fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- 2) Gambling Devices. All gambling devices and slot machines.
- 3) Unlicensed Sale of Liquor and Beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village.
- 4) Continuous Violation of Village Ordinances. Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

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9.06 NUDE AND NEARLY NUDE DANCING AND ACTIVITIES PROHIBITED.

(Cr. June 11, 1990).

- 1) It shall be unlawful for a person to dance or engage in other activities on the premises of any establishment open to the public and/or licensed to sell intoxicating beverages if the person dances or engages in other activities in such a manner or utilizing such attire as to expose to view the following portions of the human anatomy less than completely or opaquely covered:
 - a) Human genitals and pubic region; or
 - b) Cleave of the human buttocks; or
 - c) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola; this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or
 - d) Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - e) Any simulation of such part of the human body as referred to herein.
- 2) The proprietor or owner of a business open to the public who knowingly permits the nude or nearly nude activity described in subsection (1) on such premises shall be subject to a penalty as set forth in section 9.10 of this chapter. Each performance, appearance or activity in violation of subsection (1) on such premises shall be a separate offense.
- 3) The proprietor or owner of a premises licensed to sell intoxicating beverages for consumption on the premises who knowingly permits the nude or nearly nude activity described in subsection (1) on such premises shall have his or her fermented malt beverage or intoxicating liquor license for said premises revoked for a period of not less than six months nor more than one year and shall be subject to a forfeiture as provided by law or as set forth section 9.10 of this chapter. Each performance, appearance or activity in violation of subsection (1) shall be a separate offense.
- 4) Any person who performs nude or nearly nude dancing or activities in violation of subsection (1) shall themselves be subject to a forfeiture as provided by law or as set forth in section 9.10 of this chapter.

9.07 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of section 9.03:

- 1) Signs and Billboards. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

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- 2) Illegal Buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- 3) Unauthorized Traffic Signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.
- 4) Obstruction of Intersections. All tree, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- 5) Tree Limbs. All limbs of trees which project over and less than 10 feet above any sidewalk, street or other public place.
- 6) Shrubs. All shrubs or plantings adjacent to sidewalks which encroach the sidewalk.
- 7) Dangerous Trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- 8) Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village.
- 9) Dilapidated Buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- 10) Wires and Cables Over Streets. All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- 11) Noisy Animals or Fowl. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- 12) Obstructions of Streets; Excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.
- 13) Unlawful Assemblies. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- 14) Flammable liquids. Repeated or continuous violations of ordinance or law relating to the storage of flammable liquids.

9.08 LOUD AND UNNECESSARY NOISE PROHIBITED. (Cr. May 1, 2012) (Am. May 10, 2022).

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- 1) General: No person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley, park, or any private residence.
- 2) Public Address Systems and Amplifiers: No person shall use or operate any PA System, amplifier, or device which increases the volume of voice, music, or other sounds so loud as to disturb the public peace or the quiet and peacefulness of the neighborhood.
- 3) Construction and Machinery Noise: Between the hours of 10:00 pm, and 7:00 am no person shall do construction work or operate any chain saw, lawn mower, or any other loud machinery of a similar nature, except for municipal, state, and/or county staff and/or vehicles operating at night when public welfare and convenience renders it impossible to perform such work during the day.
- 4) Penalties. Any persons violating any provisions of this ordinance, whether negligently or otherwise, shall be punished as outlined in Chapter 12.

9.09 STORAGE OF JUNK REGULATED.

(Cr. 1986).

(1) No person shall accumulate or store any junked motor vehicle, scrap iron, junked machinery, wrecked machinery, junked trailers, wrecked trailers, bottles, jugs, broken glass or scrap metal or anything pertaining to a junk yard including unlicensed wrecked or inoperative motor vehicles outside of any building or property located in the Village. Excluded from the above are wrecked or inoperable motor vehicles bearing valid, current license plates and wrecked or inoperative motor vehicles on the premises of a licensed automobile dealer.

(2) Clutter shall be determined by signed or verified complaint about materials being left lying around a house.

(3) If the police department finds any inoperable motor vehicle which does not bear a valid license plate placed or stored in the open upon public property within the Village, the department shall cause such vehicle to be removed to a junk or salvage yard and stored there for 10 days, at the end of which time the junk or salvage yard shall dispose of such vehicle, unless claimed by the owner thereof.

(4) If the department shall find any such vehicle placed or stored in the open upon private property, the department shall notify the owner of the property to remove such vehicle within 10 days. If such vehicle is not removed within such time, the department shall cause the vehicle to be removed and the cost charged to the property as a special tax.

(5) If the owner of any such vehicle shall claim the vehicle, the junk or salvage yard may charge a reasonable fee for towing and store.

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9.10 ABANDONED VEHICLES. (Cr. 1986).

(1) Vehicle Abandonment Prohibited. No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any Village street or highway or on any public or private property within the Village without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(2) Removal and Impoundment of Abandoned Vehicles. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under sub. (3), except that if the Chief of Police or his/her duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Village prior to expiration of the impoundment period upon determination by the Chief of Police or his/her duly authorized representative that the vehicle is not wanted for evidence or some other reason.

(3) Disposal of Abandoned Vehicles.

(a) Vehicle Value Exceeds \$100.00.

1. If the Officer in Charge or his/her duly authorized representative determines that the value of the abandoned vehicle exceeds \$100.00, he/she shall notify the owner and lien holders of record by certified mail that the vehicle has been deemed abandoned and impounded by the Village and may be reclaimed within 15 days upon payment of accrued towing, storage, and notice charges, and if not so reclaimed, shall be sold.

2. If an abandoned vehicle determined to exceed \$100.00 in value is not reclaimed within the period and under the conditions as provided above, it may be sold at private sale.

3. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid to the Village Treasury.

(b) Any abandoned vehicle which is determined by the Chief of Police or his/her duly authorized representative to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

(4) Owner Responsible for Impoundments and Sale Costs. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all

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costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered in a civil action by the Village against the owner.

(5) Notice of Sale or Disposition. Within five (5) days after the sale or disposal of a vehicle as provided in sub. (3) (a) or (b), the Chief of Police or his/her authorized representative shall advise the Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such form shall also be given to the purchaser of the vehicle. A copy shall also be retained on file in the Village.

9.11 ABATEMENT OF PUBLIC NUISANCES.

- 1) Enforcement. The Officer in Charge and the Building Inspector shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied themselves that a nuisance does in fact exist.
- 2) Summary Abatement. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is a great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the proper officer to cause the same to be abated and charge the costs thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- 3) Abatement After Notice. If the inspecting officer shall determine that a public nuisance exists on the private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within ten (10) days, the proper officer shall cause the nuisances to be removed as provided in sub. (2).
- 4) Other Methods Not Excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.
- 5) Court Order. Except when necessary under sub. (2), no officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any Court having jurisdiction for an order assisting the abatement of the public nuisance.

9.12 COST OF ABATEMENT.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has

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been given to the owner, such costs shall be assessed against the real estate as a special charge.

9.13 PENALTY.

Any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as provided in this code, under Chapter 12.

9.14 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following state statutes described as public nuisances are adopted by reference to define nuisances and offenses against the public health, peace and order of the Village provided that the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under this municipal code.

- (1) Wis. Stat. § 823.01 Jurisdiction
- (2) Wis. Stat. § 823.02 Injunction
- (3) Wis. Stat. § 823.03 Judgment
- (4) Wis. Stat. § 823.04 Execution and Warrant
- (5) Wis. Stat. § 823.05 Warrant - Stayed
- (6) Wis. Stat. § 823.06 Expenses
- (7) Wis. Stat. § 823.065 Repeated Violations
- (8) Wis. Stat. § 823.07 Noxious Business
- (9) Wis. Stat. § 823.08 Agricultural Uses
- (10) Wis. Stat. § 823.20 Gambling Places
- (11) Wis. Stat. § 823.21 Dilapidated Buildings

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10.01 OFFENSES AGAINST PUBLIC HEALTH AND SAFETY AND PUBLIC AND PRIVATE PROPERTY.

(Cr. Nov. 1, 1954) (Am. Oct. 7, 1981) (Am. 1986) (Am. June 13, 2017). (Am. Jan. 12, 2020)

(1) State Laws Adopted by Reference. The following statutes, as amended, are adopted by reference in this section as if fully set forth in this section:

Wis. Stat. § 101.123	Smoking Prohibited
Wis. Stat. § 118.15	Compulsory School Attendance
Wis. Stat. § 939.22	Words and Phrases Defined
Wis. Stat. § 940.19	Battery
Wis. Stat. § 941.01	Negligent Operation of a Vehicle
Wis. Stat. § 941.10	Negligent Handling of Burning Materials
Wis. Stat. § 941.11	Unsafe Burning of Buildings
Wis. Stat. § 941.12	Interfering with or Failing to Assist in Fire Fighting
Wis. Stat. § 941.13	False Alarms
Wis. Stat. § 941.20	Reckless Use of Weapon
Wis. Stat. § 941.21	Disarming a Police Officer
Wis. Stat. § 941.23	Carrying a Concealed Weapon
Wis. Stat. § 941.231	Carrying a Concealed Knife
Wis. Stat. § 941.235	Carrying Firearm in Public Building
Wis. Stat. § 941.299	Restriction on the use of Laser Pointers
Wis. Stat. § 941.35	Emergency Phone Calls
Wis. Stat. § 941.36	Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
Wis. Stat. § 943.01(1)	Damage to Property
Wis. Stat. § 943.06	Molotov Cocktails
Wis. Stat. § 943.065	Injury Caused by Arson
Wis. Stat. § 943.11	Entry into locked vehicle
Wis. Stat. § 943.125	Entry into locked coin box
Wis. Stat. § 943.13	Trespass to Land
Wis. Stat. § 943.14	Criminal Trespass to Dwellings
Wis. Stat. § 943.15	Entry Onto a Construction Site or Into a Locked Building, Dwelling or Room
Wis. Stat. § 943.2	Theft
Wis. Stat. § 943.21	Fraud on hotel or restaurant keeper
Wis. Stat. § 943.23	Operating Vehicle without owner's consent
Wis. Stat. § 943.32	Robbery
Wis. Stat. § 943.34	Receiving Stolen Property

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Wis. Stat. § 943.37	Alteration of Property Identification Marks
Wis. Stat. § 943.38(3)	Forgery
Wis. Stat. § 943.065	Theft of Cable Television Service
Wis. Stat. § 943.50	Retail Theft; Theft of Services
Wis. Stat. § 944.20	Lewd and Lascivious Behavior
Wis. Stat. § 944.21	Lewd, Obscene or Indecent Matter, Pictures and Performances
Wis. Stat. § 944.23	Making Lewd, Obscene or Indecent Drawings
Wis. Stat. § 944.25	Sending Obscene or Sexually Explicit Electronic Messages
Wis. Stat. § 944.30	Prostitution
Wis. Stat. § 944.31	Patronizing Prostitutes
Wis. Stat. § 944.32	Soliciting Prostitutes
Wis. Stat. § 944.33	Pandering
Wis. Stat. § 944.34	Keeping a Place of Prostitution
Wis. Stat. § 945.01	Definitions Relating to Gambling
Wis. Stat. § 945.02	Gambling
Wis. Stat. § 945.03	Commercial Gambling
Wis. Stat. § 945.04	Permitting Premises to be Used for Commercial Gambling
Wis. Stat. § 946.40	Refusing to Aid Officer
Wis. Stat. § 946.41	Resisting or Obstructing Officer
Wis. Stat. § 946.415	Failure to Comply with Officer's Attempt to Take Person Into Custody
Wis. Stat. § 946.42	Escape test
Wis. Stat. § 946.44	Assisting or Permitting Escape
Wis. Stat. § 946.65	Obstructing Justice
Wis. Stat. § 946.70	Personating Peace Officer
Wis. Stat. § 946.72	Tampering with Public Records and Notices
Wis. Stat. § 947.01	Disorderly Conduct
Wis. Stat. § 947.012	Unlawful Use of Telephone
Wis. Stat. § 947.0125	Unlawful Use of Computerized Communication Systems
Wis. Stat. § 947.013	Harassment
Wis. Stat. § 947.015	Bomb Scares
Wis. Stat. § 947.02	Vagrancy
Wis. Stat. § 947.06	Unlawful Assemblies and Their Suppression
Wis. Stat. § 948.01	Definitions
Wis. Stat. § 948.015	Other Offenses Against Children
Wis. Stat. § 948.07	Child Enticement
Wis. Stat. § 948.10	Exposing Genitals or Pubic Area
Wis. Stat. § 948.11	Exposing a Child to Harmful Material
Wis. Stat. § 948.40	Contributing to the Delinquency of a Child
Wis. Stat. § 948.45	Contributing to Truancy
Wis. Stat. § 948.51	Hazing
Wis. Stat. § 948.55	Leaving or Storing Loaded Firearm Within the Real or

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	Easy Access of a Child
Wis. Stat. § 948.605	Gun-Free School Zones
Wis. Stat. § 948.61	Dangerous Weapons Other than Firearms on School Premises
Wis. Stat. § 948.62	Receiving Stolen Property From a Child
Wis. Stat. § 948.63	Receiving Property From a Child
Wis. Stat. § 948.70	Tattooing of Children
Wis. Stat. § 951.01	Definitions
Wis. Stat. § 951.02	Mistreating Animals
Wis. Stat. § 951.025	Decompression Prohibited
Wis. Stat. § 951.03	Dog napping and Catnapping
Wis. Stat. § 951.04	Leading Animal from Motor Vehicle
Wis. Stat. § 951.05	Transportation of Animals
Wis. Stat. § 951.08	Instigating Fights Between Animals
Wis. Stat. § 951.09	Shooting at Caged or Staked Animals
Wis. Stat. § 951.18	Penalties

10.02 Reserved

10.03 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.

(Cr. 1986, Am. 12-12-2017).

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village, except as followed in 10.03(1)

(1) Shooting of arrows will be allowed ONLY in the designated area north of the Ridgeway Park:

(a) The purpose of target shooting shall be for practice, league or planned shoots by the Ghost Ridge Sportsman's Club.

10.04 REGULATION OF FIREWORKS.

(Cr. Nov. 1, 1954).

Wis. Stat. § 167.10, regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this section as though set forth in full.

10.05 DISORDERLY CONDUCT.

(Cr. Nov. 1, 1954).

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(1) It shall be unlawful for any person to commit any of the following offenses within the limits of the Village of Ridgeway:

(a) Profane Language. No person shall use any profane, vulgar, or obscene language or gestures tending to excite a breach of the peace or being inimical to the public peace and good order.

(b) Fright and Violence. No person shall make any threats of violence or resort to violence or frighten any other person, within the Village of Ridgeway.

(c) Assault and Disorderly Assemblage. No person shall commit or participate in, or being present, aid abet or encourage any assault, affray, riot or disorderly assemblage of any kind.

(d) Disturbance of Peace. No person shall commit any breach of peace or disturb the peace and good order of the Village.

(e) No person shall, within any public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance or tends to disturb or annoy any other person or persons. No person shall intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

(2) Loud or Unnecessary Noises.

(a) No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

(b) Operation of Motor Vehicles. It shall be a violation of this section for a person to operate a motor vehicle so as to cause the tires thereof to squeal, the horn to blow excessively or the motor to race excessively.

(c) Operation of Motor Vehicles. No person shall operate a Motor vehicle so as to make any loud, disturbing or unnecessary noise in or about any public street, alley, park or private residence, which, may tend to annoy or disturb another by causing the tires of said vehicle to squeal, horn to blow excessively or motor to race excessively.

(d) Any person violating this section shall be subject to a forfeiture of not less than \$10 nor more than \$200.

10.06 LOITERING PROHIBITED. (Cr. 1986).

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(1) Loitering or Prowling. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person fakes flight upon appearance of a police officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall prior to any arrest for an offense under this section afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) Obstruction of Traffic Loitering. No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public places within the Village in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, sidewalks, street crossings and bridges or other public places by persons passing along and over the same.

(3) Loitering After Being Requested to Move. No person shall loaf or liter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move by a police officer or by a person in authority at such places.

(4) Loitering in Public Places. No person shall loiter in or about any depot, theater, dancehall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

10.07 EXPLOSIVES.

(Cr. Nov. 1, 1954).

(1) Limitation on Quantity. Not more than sixty (60) gallons of gasoline, and thirty (30) pounds of black powder, and no dynamite, nitroglycerine or other explosive shall be handled, stored or kept for sale within the Village of Ridgeway, except as herein provided.

(2) Storage Regulations. All explosives of whatever name or nature, except as above provided, shall be stored in magazines or tanks, and no magazine or tank for keeping or storing any such explosives shall be built or located within five hundred (500) feet of any dwelling house or other building within the said Village.

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10.08 BURNING OF GRASS, TRASH OR GENERAL BONFIRES RESTRICTED. (Cr. Nov. 1, 1954). (Am. June 16, 2020)

(1) Grass Fires Regulated. No person shall kindle any fire within the Village without first securing a written permit from the Village Clerk or Deputy Clerk. The Village Clerk or Deputy Clerk may issue such permit subject to any conditions he/she deems necessary for the protection of life and property.

(2) Trash Burning Restricted. No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private property within the Village within 15 feet of any building or within 10 feet of any property line or within any fire lane unless same be confined within a refuse burner, basket or metal enclosure with a metal cover attached to prevent the escape of sparks and burning material and unless so authorized by the Village Clerk or Deputy Clerk. No such permit shall be valid for more than one year from its date.

(3) Bonfires Restricted. No person shall start any bonfire within the Village limits without first securing the written permission of the Village Clerk or Deputy Clerk.

 10.09 GASOLINE AND OIL STORAGE.
 (Cr. June 7, 1960) (Am. Nov. 1, 1954).

No bulk storage tank with a capacity of over 300 gallons for the storage of gasoline, kerosene, fuel oil, naphtha, benzene, benzyl or compounds thereof, shall hereafter be erected or placed above ground within the limits of the Village of Ridgeway, at any point within one hundred fifty (150) feet of the center line of Main Street, also known as old U. S. Highway No. 151 and 18, or at any point within the limits of said Village o Ridgeway within one hundred fifty (150) feet of any building or structure.

10.10 KEEPING OF LIVESTOCK AND POULTRY REGULATED. No person shall keep or maintain any poultry or fowl except as permitted under s. 10.11.1 of this Code, or any livestock such as horses, cattle, sheep or goats, in any zoning district except agricultural districts (Cr. 1986, Am. Oct. 2017, adopted 11-17-17).

(1) Except as herein provided, the housing, pasturing or keeping of cattle, livestock, hogs, horses, and sheep within the Village of Ridgeway is hereby declared a public nuisance, detrimental to the public health and welfare of the citizens of the Village of Ridgeway.

(2) No cattle, livestock, hogs, horses, and sheep shall be housed, pastured or kept within the Village limits within four hundred (400) feet of any dwelling house without written consent of all adjoining property owners, said written consent to be filed with the Village Clerk, and at no time will they be allowed within two hundred (200) feet of any dwelling house.

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(3) Any person who desires to comply with the terms of this chapter and to keep any of the foregoing animals shall, in addition to complying with the foregoing sections of this chapter, make application for permission to the Village Board, and supply such information thereon as shall be required, with respect to the location of the animals, the type and number of the animals to be maintained thereon, and such other information as shall be required.

(4) The Village Board shall refer such application to the Board of Health or Health Committee of said Village and to such other officer or officers as they may designate, who shall inspect the site of the proposed premises and shall make such recommendations to the Village Board as they may deem advisable from the information obtained.

(5) The Village Board, on receiving the recommendations referred to in sec. (4) of this chapter, shall either issue or deny the issuance of such permit on such terms and conditions as are stated therein, basing their decision on whether or not the terms of this chapter are complied with and whether or not the keeping of such animals in the proposed location would be detrimental to the public health and welfare of the citizens of the Village.

(6) Sections (2), (3), and (4) of this chapter shall not apply to any person presently housing, keeping or pasturing any cattle, livestock, hogs, poultry, horses and sheep while at their present location.

(7) Any person presently housing, pasturing or keeping within the Village limits of the Village of Ridgeway any cattle, livestock, hogs, poultry, horses and sheep must keep all housing, pastures and premises in a clean and sanitary way, subject to the Board of Health or Committee on Health of the Village of Ridgeway. Housing must be cleaned daily.

(8) No person having in his/her possession or under his/her control any animal or fowl shall allow the same to run at large within the Village.

(9) In issuing a permit to allow such animals as mentioned in this chapter to be housed, pastured or kept within the Village, the Board shall consider the number of such animals expected to be kept, the location and the likelihood of a public or private nuisance being created.

10.11 KEEPING OF CHICKENS WITHIN THE VILLAGE LIMITS (Cr. Oct. 2017, Am. April 2018)

(1) Effective November 17, 2017 30 days after posting date of October 18, 2017

(2) Chickens Allowed. Within the Village of Ridgeway, hens (female chickens) are allowed on residential lots with single-family dwellings.

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- (3) **Roosters Not Allowed.** Within the Village of Ridgeway, roosters (male chickens) shall not be allowed.
- (4) **Maximum number of Hens.** No more than five (5) hens may be kept on any property.
- (5) **No Slaughtering.** There will be no slaughtering of chickens within the Village.
- (6) **No Selling of Products Produced.** No individual may sell any products produced from the chicken hens.
- (7) **Bird Fighting.** Raising or keeping hens for fighting and the fighting of hens is not allowed within the Village as prohibited under Wis. §951.08.
- (8) **Chicken Feed.** All food must be kept in airtight containers that are out of reach of wild animals.
- (9) **Chicken Coops.** Hens must be provided with a building structure that houses them and that is constructed in accordance with the following rules:
- a. Hens must be provided at least three square feet of floor space each.
 - b. A coop must have minimum dimensions of two feet long by two feet wide by four feet tall.
 - c. There must be at least one nesting box per hen.
 - d. Coops must include elevated perches to ensure chickens are able to rest in their natural position.
 - e. Coops must be structurally sound and insulated, moisture proof and kept in good repair.
 - f. Coops must have vents to insure proper ventilation during all times of the year.
 - g. There must be a minimum of one foot of window for each ten feet of wall space.
 - h. Coops must be cleaned daily and waste must be properly disposed of. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three cubic feet of manure shall be stored on the premises. All other manure not used for composting or fertilizing shall be removed. The henhouse or chicken coop and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.
 - i. During the winter months:
 - i. Windows must be covered with plastic to minimize drafts.
 - ii. Heating lamps or other technology may need to be provided to keep the coop at the proper temperature of no less than 40 degrees F.

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- iii. Water must not be frozen in the winter.
 - j. Coops must provide access to the chicken run.
 - k. No coop shall be located closer than 25 feet from any residential structure and 15 feet from the property line on an adjacent lot. Coops must be located in the rear yard of the property or non-address side yard on corner lots.
- (9) Chicken Runs. The chickens must be provided with an outdoor fenced structure in which to run around.
- a. Hens must be provided with at least six square feet of space each to run.
 - b. The minimum dimensions are two feet wide by two feet long by three feet tall.
 - c. The fencing must have spacing of no more than one inch.
 - d. The top of the run must be covered with fencing with spacing of one inch or less.
 - e. The fencing should be buried one foot under the ground if the run is NOT mobile.
 - f. During the winter months:
 - i. The run must be surrounded by heavy plastic on all sides.
 - ii. The top of the run must be covered in heavy plastic.
- (10) General Care Requirements. Chickens must be cared for properly.
- a. Food must be provided daily and must be proper for chickens in accordance with Wis. §951.13(2).
- (11) Premises Registration. Registration through Wisconsin Department of Agriculture, Trade & Consumer Protection required to be filed with the Village Clerk.
- (12) Application Process. Applications will be submitted to the Village Clerk's office and must contain the following information:
- a. The desired location for the coop and run on a scaled drawing of the lot. The drawing shall include dwelling units on properties within 100 feet of the proposed coop location and shall be approved by the Building Inspector.
 - b. The design for the desired coop along with proof of the building inspector approval for the building of the same.
 - c. A copy of the proof of having obtained a site number and proof of registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (13) Licenses and Fees.
- a. Licenses are for a one year term, beginning January 1 of each year.

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- b. License fee as set forth in the Village's Fee Schedule as amended and updated from time to time.
 - c. Licenses not renewed by March 1st will be assessed a late fee as set forth in the Village's Fee Schedule as amended and updated from time to time.
 - d. The resident is responsible for any costs charged by the building inspector to obtain such approval or building permit if required by building codes.
- (14) **Renewal Process.** All licenses must be renewed on an annual basis, prior to January 1 of each year. License renewals will be submitted to the Village Clerk's office and shall include:
- a. Current proof of registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection and site number.
 - b. Annual Fee.
- (15) **Exemption.** The provisions of this section shall not apply to chickens maintained in the agricultural zoning sections of the Village.
- (16) **Penalties.**
- a. **General violations:**
 - i. First offense: a warning will be given to the license holder that if similar complaints continue, a forfeiture of \$50.00 will be assessed and license may be revoked.
 - ii. Second offense: a forfeiture of \$75.00 will be assessed and the license will be revoked for 12 months.
 - iii. Third offense: a forfeiture of \$100.00 will be assessed and the license will be permanently revoked.
 - b. **Animal Cruelty violations.** These consist of but are not limited to inadequate food or water, dirty coop, improper temperature conditions for the birds, sick or unhealthy birds, and improper size coop.
 - i. Permit revoked permanently
 - c. Nothing in this section shall prohibit the Village from pursuing violations of this section as public nuisances or referring violations of this section to the district attorney's office when the Village deems it appropriate to do so.

10.12 BEE KEEPING. (Cr. Nov. 1, 1954).

(10) **Swarms Limited.** It shall be unlawful to keep, harbor, or set out more than thirty (30) swarms of bees within the Village limits, and then only upon the conditions hereinafter set forth. The maximum number of swarms permitted upon any premises shall not exceed thirty (30) in number.

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(11) Location Restricted. The hives of all bees kept within the Village limits shall be located not less than two hundred (200) feet from any residence other than the one situated upon the premises where the bees are kept.

10.13 ROLLERSKATING, COASTING AND BICYCLING.
(Cr. Nov. 1, 1954).

(1) Roller-skating. Roller-skating on the sidewalk on Main Street in the Village of Ridgeway is prohibited.

(2) Coasting. Coasting, sliding with hand sleighs, or skating on any street in the Village is prohibited, except in areas designated by the Ridgeway Marshal.

(3) Bicycle. The operation of a bicycle on any sidewalk in the Village is prohibited.

10.14 RIDING OF BIKES IN THE CONCESSION STAND AREA OF THE BALLPARK.
(Cr. Aug. 6, 1985; Am. 1986).

The riding of all types of bicycles in the concession stand area of the ballpark is hereby prohibited.

10.15 LIQUOR RESTRICTIONS ON VILLAGE PROPERTY.
(Cr. Oct. 7, 1981) (Am. May 10, 2022)

(a) No person shall possess any open intoxicating liquor or fermented malt containers on Village property nor shall any person drink any intoxicating liquors or fermented malt beverages on Village property; property specifically including the Village Green and the streets and sidewalks of the 500, 600, and 700 blocks of Main Street.

(b) The Ridgeway Community Center, Village Park, and ball diamond area are exempt from this restriction.

10.16 VILLAGE GREEN CLOSED. (Cr. Oct. 7, 1981).

The Village Green shall be closed to all persons from 1:30 a.m. to 6:00 a.m.

10.17 GLASS CONTAINERS RESTRICTED. (Cr. Aug. 6, 1985).

All glass containers on Village of Ridgeway property are prohibited.

10.18 CURFEW. (Cr. Nov. 1, 1981).

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It shall be unlawful for any minor under the age of 18 years to loiter idle, wander, play, stroll or be found upon the public streets, alleys, public grounds or public places in the Village between the hours of 11:00 p.m. and 5:00 a.m., unless accompanied by his/her parent or guardian or unless upon some errand for, or with the permission of said parent or guardian. Said errand or permission to be evidenced by a written document carried upon said minor's person. Exception will be made for a minor en route to or actually engaged in his/her regular employment.

10.19 RADIO OR TELEVISION INTERFERENCE PROHIBITED. (Cr. 1986).

No person shall operate any machine or equipment which causes interference with radio or television reception, when such interference can be prevented by repairs, adjustments, and the installation of corrective appliances or other practicable alterations, at a reasonable expense.

10.20 WELLS, CISTERNS AND EXCAVATIONS. (Cr. Nov. 1, 1954).

(1) Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited. No person shall have or permit on any premises owned or occupied by any open cisterns, cesspools, wells, unused excavations or other dangerous openings. All be filled, securely covered or fastened, to prevent injury to any person and any a design, size and weight that the same by small children.

(2) Damage to Wells and Cisterns. No person shall abuse, damage, befoul or corrupt any public or private wells, cisterns or other public or private property belonging to the Village or to any individual.

10.21 ABANDONED OR UNATTENDED ICE BOXES PROHIBITED.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his/her control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing such door or lid, snap lock or other locking device from such ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his/her agent and is securely locked or fastened.

10.22 USE OF MILITARY RIDGE BICYCLE TRAIL. (Cr. Aug. 6, 1985).

Wisconsin Administrative Code Adopted. Except as otherwise specifically provided in this Chapter, the provisions of Chapter NR 45 of the Wisconsin Administrative Code, entitled Use of Department Properties, describing and defining regulations with respect

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to use of lands, structures and property owned, under easement, leased or administered by the State of Wisconsin, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any Administrative Code section incorporated herein by reference is required or prohibited by this section.

10.23 REGULATING SNOWMOBILES. (Cr. 1986).

10.24 SNOWMOBILE ROUTES. (Cr. Feb. 2, 1971).

Pursuant to section 350.04(2), Wis. Stat., the Village of Ridgeway does hereby designate Richard Street and Adamsville Road as snowmobile routes for the purpose of entering or leaving the Village of Ridgeway. Said streets shall be appropriately marked with signs bearing the symbol of an "X."

The Village Board of the Village of Ridgeway ordains that pursuant to Wis. Stat. Chapter 350, the following statutory provisions be adopted by reference, in the regulation of snowmobiles:

- | | | |
|------|-----------|--|
| (1) | 350.01 | (Definitions) |
| (2) | 350.102 | (Operation of Snowmobiles on or in the Vicinity of Highways) |
| (3) | 350.03 | (Right-of-Way) |
| (4) | 350.04 | (Snowmobile Races, Derbies and Routes) |
| (5) | 350.045 | (Public Utility Exemption) |
| (6) | 350.047 | (Local Ordinance to be Filed) |
| (7) | 350.05 | (Operation by Youthful Operators Restricted) |
| (8) | 350.07 | (Driving Animals) |
| (9) | 350.08 | (Owner Permitting Operation) |
| (10) | 350.09 | (Head Lamps, Tail Lamps and Brakes) |
| (11) | 350.095 | (Noise Level Requirements) |
| (12) | 350.10(3) | (Miscellaneous Provisions for Snowmobile Operation) |
| (13) | 350.11 | (Penalties) |

a. Any person who violates any provision of this section except Wis. Stat. §§ 350.07, 350.08 and 350.10(3) shall forfeit not more than \$250.00.

b. Any person who violates Wis. Stat. §§ 350.07, 350.08 or 350.10(3),

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shall forfeit not more than \$200.00.

- (14) 350.12 (Registration of Snowmobiles)
- (15) 350.135 (Interference with Uniform Trail Sign and Standards)
- (16) 350.15 (Accidents and Accident Reports)
- (17) 350.99 (Parties to a Violation)

10.25 FAIR AND OPEN HOUSING.

(Cr. Nov. 5, 1990) (Eff. Nov. 15, 1990).

(1) The Village Board of the Village of Ridgeway hereby adopts Section 106.50, Wis. Stat. and all subsequent amendments thereto.

(2) The officials and employees of the Village shall assist in the orderly prevention and removal of all discrimination in housing within the Village by implementing the authority and enforcement procedures set forth in section 106.50, Wis. Stat.

(3) The municipal clerk shall maintain forms for complaints to be filed under section 106.50, Wis. Stat., and shall assist any person alleging a violation thereof the Village to file a complaint thereunder with the Wisconsin Department of Workforce Development for enforcement of section 106.50, Wis. Stat.

10.26 FAIR HOUSING.

(1) Declaration of Policy. The Village, in the exercise of its police power for the public safety, health and general welfare, assures equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex or national origin and, to that end, prohibits discrimination in housing by any person.

(2) Definitions. When used herein, the following words shall mean:

a. Discrimination or Discriminatory Housing Practice. Any difference in treatment based upon, race, color, religion, sex or national origin; or any act that is prohibited under this section.

b. Financial Institution. Any person, as defined herein, engaged in the business of lending money or guaranteeing loans.

c. Housing Accommodation or Dwelling. Any building, mobile home or trailer, structure or portion thereof which is occupied, or designed or intended for occupancy, as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home

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or trailer, structure or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.

d. Mortgage Broker. An individual who is engaged in or performs the business or services of a mortgage broker as the same are defined by Wisconsin Statutes.

e. Open Market. The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker, advertising by publication, signs or by any other advertising methods directed to the public, or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

f. Owner. A lessee, sub-lessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

g. Person. Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

h. Real Estate Broker or Real Estate Salesperson. Any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who, with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

i. Real Property. Buildings, structures, lands tenements, leaseholds, cooperatives and condominiums.

(3) Prohibited Practices. In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be prohibited within the Village for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above to:

a. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his/her race, color, religion, ancestry, national origin, sex or place of birth; or

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b. To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; on the basis of race, color, religion, ancestry, national origin, sex or place of birth; or

c. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his/her race, color, religion, ancestry, national origin, sex or place of birth; or

d. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his/her race, color, religion, ancestry, national origin, sex or place of birth; or

e. To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation because of his/her race, color, religion or national origin, sex or place of birth; or

f. To make public, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy or sign or use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicated any discrimination or any intent to make a discrimination.

g. To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental, or lease, or in the furnishing of facilities or services in connection therewith;

h. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, sex or national origin or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either;

1. The lowering of property values in the area.
2. An increase in criminal or anti-social behavior in the area; or
3. A decline in the quality of schools serving the area.

i. To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any housing accommodation in any

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area in the Village for the purpose of including or attempting to induce and such listing or any of the above transactions; or

j. To engage in, hire to be done, or conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or

k. To retaliate or discriminate in any manner against a person because he/she has opposed a practice declared unlawful by this section, or because he/she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this section; or

l. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this section; or to obstruct or prevent any person from complying with the provisions of this section; or any order issued there under; or

m. By canvassing, to commit any unlawful practice prohibited by this section; or

n. Otherwise to deny to or withhold any housing accommodation from a person because of his/her race, color, religion, ancestry, national origin, sex or place of birth; or

o. For any bank, building and loan association, insurance company or other corporation, association, firm, or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him/her in the fixing of the amount, interest rate, duration or other terms or conditions of such loans or other financial assistance, because of the race, color, religion, sex or national origin of such person or of any person associated with him/her in connection with such loan or other financial assistance is to be made or given; or

p. To deny any qualified person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwelling, or to discriminate against him/her in their terms or condition of such access, membership or participation on account of race, color, religion, sex or national origin.

(4) Exemptions. This section shall not apply to:

a. A religious organization, association or society, or any non-profit institution or organization operating, supervised or controlled by or in conjunction with a religious organization, association or society which limits the sale, rental or occupancy of

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dwelling which it owns or operates for other than commercial purpose to persons of the same religion, or which give preference to such persons, unless membership in such a religion is restricted on account of race, color, sex or national origin.

b. A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provided lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or give preference to its members.

c. Any single family house sold or rented by an owner, with the following provisions:

1. Such private individual owner does not own more than three (3) such single family houses at any one time.

2. In the case of the sale of any such single family house by a private individual owner not residing in such house at the time of such sale, or who was not the most recent resident of such house prior to such sale, the exemption granted by this sub-section shall apply only with respect to one such sale within any 24-month period.

3. That such bona fide private individual owner does not own any interest in, nor is there owned or served on his/her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single family houses at any one time.

4. The sale or rental of any such single family house shall be exempted from the application of this section only if such house is sold or rented.

i. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwelling, or of any employee or agent of any such broker, agent, salesperson or person.

ii. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 USC§3604(c) or sub. (3) above, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title; or

iii. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by nor more than 4 families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.

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5. Procedure. Any person aggrieved by an unlawful practice prohibited by this section may file a complaint with the Village Attorney within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than sixty (60) days after the alleged unlawful practice occurred. The Village Attorney or his/her duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties in compliance with this section shall cause the Village Attorney to forward the complaint and his/her findings to appropriate State and Federal officials.

6. Other Remedies. Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his/her complaint with any appropriate governmental agency.

10.27 PENALTIES

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in this code under Chapter 12. In addition to any penalty imposed for violation of Wis. Stat. § 943.01(1), any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any un-emancipated minor child who violates § 10.943.02(1) may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Wis. Stat. § 895.035.

10.28 ALL-TERRAIN AND UTILITY-TERRAIN VEHICLE ROUTES. (Cr. June 20, 2014) (Am. June 13, 2017) (Am. Sept 12, 2017), (Am. June 12, 2018)

(1) Introduction.

(a) Authority. Following due consideration of the recreational and economic value to connect with trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic, this ordinance has been created pursuant to the Village Board authority under Wis. Stat. §§ 61.34(1), 23.33(8)(b) and 23.33(11).

(b) State ATV/UTV Laws Adopted. Statutory provisions found in Wis. Stat. § 23.33 are adopted by reference as a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this Chapter.

(c) Definitions.

1. "All-terrain vehicle" or "ATV" has the meaning specified under Wis. Stat. § 340.01(2g).

2. "Utility-terrain vehicle" or "UTV" has the meaning specified under Wis. Stat. § 23.33(1)(ng).

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(d) Severability. If any provision of this Ordinance or the application to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons and circumstances shall not be deemed affected.

(2) Designation of ATV/UTV Routes. (Am. 06-18)

(a) The village streets designated as ATV/UTV routes shall be proposed by the Village Board for approval and adoption. The Village Board shall develop policies and procedures for designation of ATV/UTV routes including appropriate criteria for making a designation. Any modification to be designated ATV/UTV route shall be approved by the Village Board.

(b) A copy of ATV/UTV routes, along with a map showing their location, shall be kept on file at the Village of Ridgeway Clerk/Treasure Office. The Village Board shall have the authority to temporarily close or terminate any ATV/UTV route in the Village of Ridgeway enacted by this Ordinance for a period of ninety (90) days due to emergency situation or condition. Closures for duration of greater than ninety (90) days shall be reviewed by the Village Board.

(c) All Village Streets are included in the ATV/UTV route

a. All Village Streets are included in the ATV/UTV route (See Appendix A for map).

(3) Conditions Applicable to ATV/UTV Routes.

(a) Signage of ATV/UTV Routes.

1. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking ATV/UTV routes:

a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with effective operation of any uniform ATV/UTV route or trail sign or standard if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

b. Possess any uniform ATV/UTV route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform ATV/UTV route or Trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

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2. All required designated route signs shall be paid for, installed, and maintained by an ATV/UTV club, approved and under the direction of the Village Board. The Village is responsible for providing sign posts.

3. The location of the ATV/UTV route or trail signs shall be reviewed and approved by the Village Board where appropriate, placed at each of the four entrances into the Village.

4. No sign may be mounted in the Village without the proper authorization. Posts shall be suitably sized for mounting the necessary amount of signs at the location.

5. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

(b) Rules of Operation.

1. Operation shall be subject to all provisions of Wis. Stat. § 23.33, which is adopted as a part of this ordinance by reference, pursuant to § 23.33(11).

2. In addition to the provisions of Wis. Stat. § 23.33 the following restrictions are in place for operators on the village ATV/UTV routes designed by this Ordinance:

a. No ATV/UTV shall be operated with open intoxicants on any village street.

b. All ATV/UTVs shall operate only on the paved portion of the village streets. Operation on the gravel shoulders, grassy in-slope, ditches, or other village streets' right-of-way area is prohibited.

c. No ATV/UTV shall be operated at the speed greater than 10 miles per hour (MPH), unless on a posted route. No ATV/UTV shall be operated in excess of posted speed limit on any village street.

d. No ATV/UTV may be operated between the hours of 11:00PM and 6:00AM daily.

e. All ATV/UTV operators shall ride in single file on the extreme right hand side of the paved portion of the road except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

f. All ATV/UTV operators must have the lights on at all times.

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g. All ATV/UTV operators who are born after January 1, 1988 are required to have a valid state issued ATV Safety Certificate. Children under the age of 15 must be directly supervised by the parent or legal guardian when riding on village streets.

h. All ATV/UTV operators and passengers under the age of 18 shall wear protective headgear while operating on village streets.

(4) Enforcement and Penalties.

(a) Enforcement. This ordinance shall be enforced by any officer employed by the Village of Ridgeway Police Department or any other law enforcement official as set forth in Wis. Stat. § 23.33(12).

(b) Penalties. The penalties under Wis. Stat. § 23.33(13) are adopted by reference.

10.29 ISSUANCE OF WORTHLESS CHECKS. (Cr. 2007).

(1) Checks Less Than \$500.00. Whoever issues any check or other order for the payment of money less than five hundred dollars (\$500.00) which, at the time of issuance, he or she intends shall not be paid, may be penalized as provided in Section 12.03(1)(a) of this Code.

(2) Checks Greater than \$500.00. Whoever issues any single check or other order for the payment of five hundred dollars (\$500.00) or more or whoever, within a fifteen (15) day period, issues more than one check or other order amounting in the aggregate to five hundred dollars (\$500.00) or more which, at the time of issuance, the person intends shall not be paid, may be penalized as provided in Section 12.03(1)(b) of this Code.

(3) Proof of Intent. Any of the following is prima facie evidence that the person, at the time he or she issued the check or other order for the payment of money, intended it should not be paid:

a. Proof that, at the time of issuance, the person did not have an account with the bank or drawee; or

b. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the bank or drawee and that the person failed within five (5) days after receiving notice of insufficient funds, nonpayment or dishonor to pay the check or other order; or

c. Proof that, when presentment was made to the bank or drawee, that the person did not have sufficient funds or credit with the bank or drawee and the person failed within five (5) days after receiving notice of insufficient funds, nonpayment or

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dishonor to pay the check or other order. This includes a check that is returned from a bank stamped NSF.

(4) Order for Restitution. In addition to the other penalties provided for a violation of this section, if the violation is against the Village, the judge may order a violator to pay restitution to the Village in the amount of the check pursuant to Wis. Stat. § 800.093. Non-payment of restitution authorizes the Village to institute any collection proceedings authorized by law to recover the amount of restitution at the expense of the violator.

(5) Village Administrative Fee for Returned Checks. In addition to the other penalties provided for a violation of this section, any check made payable to the Village and returned to the Village due to insufficient or non-sufficient funds shall be subject to a fee as set forth in the Village's Fee Schedule as amended and updated from time to time

(6) Village Collection Action. The Village is authorized to institute any collection proceeding authorized by law to collect payment of any check made payable to the Village and returned to the Village due to insufficient or non-sufficient funds. Such collection action shall include the face amount of the check, the administrative fee and any other banks fees or other costs charged to the Village.

10.30 DRUG PARAPHERNALIA (adopted 01-15-2017).

(1) Definitions. The definition of "drug paraphernalia" stated in Wis. Stat. § 961.571 is adopted and incorporated by reference as the definition of "drug paraphernalia" for purposes of this ordinance.

(2) Determination. In determining whether an object is drug paraphernalia under this ordinance, a court or other authority shall consider, in addition to all other legally relevant factors, those factors stated in Wis. Stat. § 961.572.

(3) Use or Possession of Drug Paraphernalia. No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter and Wis. Stat. Ch. 961.

10.31 MARIJUANA AND CONTROLLED SUBSTANCES PROHIBITED (adopted 01-15-2017).

(1) Possession Generally. It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Wis. Stats. Ch. 961.

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(2) Possession of Marijuana Prohibited. No person shall possess an amount of marijuana, as defined in Wis. Stat. § 961.01(14), tetrahydrocannabinol or any derivative thereof, unless the substance was obtained directly from or pursuant to a valid prescription or order of a licensed physician or pharmacist for a valid medical purpose.

10.32 LORRAINE COURT. (Cr. Sept. 4, 1979).

The street known as Lorraine Court on the proposed plat of Haga's Hill is hereby permitted, authorized and established to be fifty (50) feet in width.

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Ord. 10.01 and 10.29 Amended 06-17-2017

Ord. 10.29 Amended 09-12-2017, Amended 06-12-18

Ord. 10.11. Amended 10-10-2017

Ord 10.11.1 Created 10-10-2017, Adopted 11-17-17, Amended 04-10-18

Ord 10.03 Amended 12-12-17

Ord. 10.09 Created 11-1-1954, Amended 6-16-2020

CHAPTER 11 - LAND DIVISION ORDINANCE

Reclassified December 8, 2020

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Chapter 11 Land Division Ordinance

11.00 INTRODUCTION

11.01 AUTHORITY

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

11.02 PURPOSE

The purpose of the ordinance is to regulate and control the division of land within the corporate limits and plat approval jurisdiction of the Village of Ridgeway in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community; to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this ordinance; to provide penalties for its violation; and, in general, to facilitate enforcement of community development standards as set forth in the master plan/zoning ordinance, building code and official map of the Village of Ridgeway.

11.03 ABROGATION AND GREATER RESTRICTIONS

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

11.04 INTERPRETATION

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

11.05 VILLAGE BOARD

The authority to approve or object to preliminary plats, final plats, and certified surveys is, to the extent necessary to implement the provisions of this ordinance.

11.06 SEVERABILITY

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

11.07 REPEAL

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

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11.08 TITLE

This ordinance shall be known as, referred to, or cited as the "Land Division Ordinance."

11.09 EFFECTIVE DATE

This ordinance shall take effect on the day after its publication as provided by law.

11.10 CONDOMINIUMS

This ordinance shall apply to condominium created under Wisconsin Statutes Chapter 703, the Condominium Ownership Act, where an actual subdivision or land division results.

11.11 GENERAL PROVISIONS

11.11.1 JURISDICTION

Jurisdiction of these regulations shall include all lands within the corporate limits of the Village. The provisions of this ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

- A. Transfers of interests in land by will or pursuant to court order;
- B. Leases for a term not to exceed ten years. mortgages or easements;
- C. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the Zoning Ordinance, or other applicable laws or ordinances.

11.11.2 COMPLIANCE

No person, firm, corporation, partnership, or legal entity of any sort shall divide any land located within the jurisdictional limits of these regulations which results in a land division, subdivision, or a replat as defined herein; no such land division, subdivision, or replat shall be entitled to record; and, no street shall be laid out or improvements made to land without compliance with all requirements of this ordinance and:

- A. Provisions of chapter 236, Stats.;
- B. Rules of the Wisconsin Department of Health and Social Services regulating lot size and lot elevation of the land to be subdivided is not served by a public sewer and provisions for such service have not made;
- C. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
- D. The Village Master Plan, Zoning Ordinance, official map as adopted under section 62.23 Stats., and all other applicable ordinances of the Village Ridgeway.
- E. All final plats shall be recorded within the time limits specified in section 236.25, Stats. and:
 - 1. Failure to record the final plat within 6 months of the first approval shall require the subdivider to resubmit a preliminary plat pursuant to section 13.03 of this ordinance and pay all fees required under section 13.15(2)(A)

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- of this ordinance;
2. Failure to record the final plat within 30 days of last approval shall require the subdivider to resubmit a final plat pursuant to section 13.03 (3) of this ordinance and pay all fees required under section 13.15(2){A} of this ordinance;
 3. All resubmitting of preliminary plats or final plats under this subsection shall be treated as new and independent preliminary or final plats and no approval of a previous preliminary or final plan shall be binding upon the Village Board even if such plat is unchanged.
- F. No building permits shall be issued and no improvements may be made until the final plat is recorded.

11.11.3 IMPROVEMENTS.

- A. Contract. Before any final plat or certified survey map is approved, the subdivider shall enter a contract with the Village wherein the subdivider agrees to install all required improvements within eighteen months or, where staging is permitted, such time period as agreed to by the Village Board provided, however, that all required improvements must be installed within four years of the date that the plat or certified survey map is recorded. When the subdivision is within the corporate limits of the Village the Village Board may permit construction to be staged pursuant to an installation and completion schedule within is approved by the Village Board. Where staging is permitted, the Village Board will accept the public improvements within designated parts of the subdivision or land division when they have been completed in accordance with the approved plans and specifications and have passed the necessary inspections, even though the particular improvements may not have been completed within the remainder of the subdivision, land division, or comprehensive development.
- B. SECURITY FOR PERFORMANCE REQUIRED
1. When the land is situated within the corporate limits of the Village, the subdivider shall, at the time the contract is entered, furnish a bond, certificate of deposit, irrevocable letter or credit or certified check to the Village in an amount equal to 125% of the estimated cost of all required improvements as determined by the Village Engineer. Where staging is permitted, the amount of the security and the time it is furnished shall be determined in accordance with Section 13.02(3)(B)3.
 2. Where staging is permitted, the subdivider shall deposit a bond, certificate of deposit, irrevocable letter of credit or certified check with the Village at the time the contract is entered and upon completion of the first and each successive stage of construction. The security deposit shall be an amount equal to 125% of the estimated costs of improvements next required by the installation and construction schedules as determined by the Village Engineer. Improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction or comprehensive development until the security required for the next stage of construction has been

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posted with the Village.

3. The security posted shall be in such form as is acceptable to the Village Board and approved by the Village Attorney: When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Village. When a letter of credit is posted as security the Village must be the beneficiary.
 4. The security deposit shall guarantee that all required improvements will be made and installed according to Village specifications by the subdivider or its contractors not later than eighteen (18) months from the date that the plat is recorded or, where staging is permitted, that each stage will be completed by the date specified in the installation and completion schedule, and shall be used, applied, or released pursuant to section 13.12.
- C. **GOVERNMENTAL UNITS.**, Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act: on their behalf agreeing to comply with the provisions of this section.

11.11.4 RESERVATION AND DEDICATION OF LAND

- A. **Dedication of Public Ways** Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the Master Plan or the official map of the Village of Ridgeway, said public way shall be made a part of the plat and dedicated by the subdivider in the locations and dimensions indicated on said plan or map.
- B. **Dedication of Parks, Playgrounds, and Open Spaces**
1. The subdivider shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division, subdivision, or comprehensive development. Where a definite commitment is made to the Village by the subdivider with respect to the number of dwelling units to be constructed on any parcel of land which has a zoning classification that permits multi-family use, the dedication shall be based upon that number. Where no such commitment exists, the dedication shall be based upon the maximum number of dwelling units which the zoning classification of the parcel will permit.
 2. Where, in the sole discretion of the Village Board there is no land suitable for parks within the proposed land division or subdivision, the dedication of land required by Section 13.02(4)(B)(1) is not feasible, the dedication of land would not be compatible with the Village Master Plan, or the Village Board determines that a cash contribution will better serve the public interest, the Village Board shall require the developer to pay a fee in lieu of making the required land dedication.
 3. The amount of any fee imposed pursuant to Section 13.02(4)(B)(2) shall be determined as follows: the number of proposed residential dwelling units within the land division or subdivision shall be multiplied by the

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average equalized value of a parcel of land within the Village of Ridgeway. The average equalized value of a parcel of land shall be the quotient obtained by dividing the value of residential land, without improvements, set forth in the most recent Statement of Equalized Values set by the Department of Revenue, by the parcel count for residential land set forth in the final Statement of Assessment Year for the same year.

4. The Village Board may, in its sole discretion, permit the subdivider to satisfy the requirements of Section 13.02(4) (B)(1) by combining a land dedication with a fee payment. The fee, in such cases, shall be determined by subtracting the most recent equalized value of the dedicated land, as determined by the Village Assessor, from the total fee which would have been imposed had no land been dedicated by the subdivider.
 5. Before the final plat or certified survey map is approved by the Village Board, the owner or owners of the land shall enter into a recordable agreement with the Village which provides that any fee payable in lieu of dedication shall be an assessment and lien upon the parcels within the land division or subdivision; that upon the sale of any parcel subject to such assessment and lien the fee shall be paid in full; and that should the subdivider build on any parcel which is subject to such assessment and lien the fee shall be; paid upon issuance of a building permit. In the case of a group housing project or a planned development project, any fee imposed in lieu of dedication shall be paid to the Village at the time a building permit is issued.
 6. The Village shall place any fee collected pursuant to the provisions of this section nonlapsing trust fund to be used for land development of adequate park, playground, in a separate acquisition and recreation and open space to meet the needs created by the subdivision.
- C. RESERVATION OF PUBLIC SITES AND OPEN SPACES. In designing a land division, subdivision or comprehensive development, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways, and other public purposes. In the location of such, consideration shall be given to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, water courses, watersheds, and ravines. The subdivider may be required to reserve such school, park, recreation and public use areas for a period not to exceed two (2) years for acquisition by the Village, or in the case of school areas by the school district, at undeveloped land cost.

11.11.5 SURVEY MONUMENTS.

Before final approval of any plat or certified survey map within the corporate limits of the Village, the subdivider shall install survey monuments placed in accordance with the requirements of chapter 236.15 of the Wisconsin Statutes and as may be required by the Village Engineer. The Village Board may waive the placing of monuments, required under Section 236.15 (b), (c) and (d), for a reasonable time on condition that the

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subdivider execute a surety bond to insure the placing of such monuments within the time required.

11.11.6 LAND SUITABILITY

No land shall be subdivided which is held by the Village Board to be unsuitable for use by reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Village Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Village Board may affirm, modify, or withdraw its determination of unsuitability.

11.11.7 OUTLOTS.

No outlet in a subdivision may be used as a building site unless it is in compliance with all restrictions imposed by Chapter 236 of the Wisconsin Statutes and the provisions of this ordinance. No outlet in a land division may be used as a building site unless it is in compliance with all the provisions of this ordinance. An outlet may be conveyed whether or not it may be used as a building site.

11.11.8 VIOLATIONS

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

11.11.9 PENALTIES

Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and the 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 six (6) months. Each day a violation exists or continues shall constitute a separate offense.

11.11.10 APPEALS

- A. The following decisions may be appealed to the Village Board:
1. Rejection of a preliminary plat;
 2. Rejection of a final plat;
 3. Rejection of a comprehensive development plan (CDP);
 4. Rejection of a certified survey map;

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5. Requirement of a preliminary plat in connection with a land division.
 6. Determination that land is unsuitable for a subdivision;
 7. Determination that a change in a recorded CDP and its exhibits is a major change;
 8. Rejection of a proposed change in a recorded CDP and its exhibits.
- B. A written notice of Appeal must be filed with the Village Clerk within 14 days of the date when notice of the action of the Village Board appealed from is mailed to the subdivider.
 - C. The notice of Appeal shall specify the reasons stated by the Village Board for taking such actions; shall specify the reasons why the subdivider believes said action was inappropriate; shall include an agreement to extend the time for acting on the preliminary plat, final plat, comprehensive development plan, or certified survey, for a period of ninety (90) days from the date that notice of the action appealed from was mailed to the subdivider; and shall state the names and addresses of the owners of all properties adjacent to the proposed land division or subdivision.
 - D. The Village Clerk shall file the Notice of Appeal with the Village Board and shall schedule the appeal for consideration by the Village Board at a meeting, open to the public, within forty-five (45) days of the filing of the Notice of Appeal. The clerk shall send notice of the time scheduled for the consideration of the appeal to the subdivider and to all property owners adjacent to the proposed land division or subdivision at least ten (10) days prior to the hearing of the appeal.
 - E. Within thirty (30) days of the appeal hearing, the Village Board shall affirm, modify, or reverse the action. Notice of the decision of the Village Board shall be sent to the subdivider.
 - F. The provisions of Chapter 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this ordinance.
 - G. Any person aggrieved by an objection to a plat or a failure to approve a plat may, after review by the Village Board, appeal therefrom, as provided in sections 236.13(5) and 62.23(7) (e)10 to 15 of the Wisconsin Statutes.

11.12 PROCEDURE

1. PRE-APPLICATION

It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider shall consult with the Village Board to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the Master Plan, and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his development.

2. PRELIMINARY PLAT REVIEW

- A. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a written application for approval, and shall file ten (10) copies of the plat and the application with the Village Clerk at least twenty-one (21) days prior to the meeting of the Village Board. at which action is desired. The subdivider shall also forward a copy to the local

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- electric and telephone utilities. When the subdivider expects the Village to act as the transmitting authority in accordance with sec. 236.12 States., the application shall state that transmittal responsibility lies with the Village, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
- B. The preliminary plat shall cover the entire area owned or controlled by the subdivider even though only a small portion thereof is proposed for development at t time, and shall be prepared in accordance with this ordinance. The Village Board may waive the requirement that the preliminary plat cover the entire area where it is unnecessary to fulfill the purpose of the ordinance and undue hardship would result from strict application thereof. Where a subdivider has control of lands equal to or in excess of 80 acres separated only by existing public roads or railroads, in lieu of a preliminary plat on the entire area, he may elect to submit a comprehensive development plan.
- C. The Clerk shall forward two copies of the preliminary plat to the Village Board which shall examine it for conformity with the requirements of this ordinance and with the requirements of any other ordinance, statute or administrative rule and regulations, and for compliance with the Master Plan.
- D. The Village Board shall then approve, conditionally approve, or reject the preliminary plat. One copy of the plat shall be returned to the subdivider, his surveyor, or engineer with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reason for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Village, failure to complete the action herein required within ninety (90) days of filing of the preliminary plat shall constitute an approval of the preliminary plat.
- E. Approval or conditional approval of a preliminary plat entitles the final plat to approval provided the final plat conforms substantially to the preliminary, including any conditions of that approval, and conforms to any applicable local plans and ordinances. If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat regardless of prior action taken on the preliminary plat.
- F. Whenever a proposal to replat or resubdivide one or more recorded subdivisions, or any part of a recorded subdivision, is filed with the Village Board, it shall schedule and hold a public hearing on the proposed preliminary plat of the replat or resubdivision before taking action. The Board shall mail notices of the proposed replat or resubdivision and of the scheduled hearing thereon at least 10 days prior to the time of such hearing to the owners of all properties adjacent to the proposed replat or resubdivision.

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3. FINAL PLAT REVIEW (*Amended September 8, 2020*)

- A. The subdivider shall prepare and file seven copies of the final plat together with a written application for approval with the Village Clerk within six (6) months of the approval of the preliminary plat and at least fourteen (14) days prior to the meeting of the Village Board at which action is desired. When the subdivider expects the Village to act as the transmitting authority in accordance with section 236.12 States., the application shall state that transmittal responsibility lies with the Village, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as necessary to be transmitted to such authorities.
- B. The Village Clerk shall forward two (2) copies of the plat to the Village Board. The Village Board shall examine it for conformity with the preliminary plat and any conditions of approval, with the requirements of this ordinance, and with the requirements of any other ordinances, statutes, administrative rules and regulations. or local plans which may be applicable to it.
- C. The Village Board shall then approve, or reject the final plat. One copy of the plat shall then be returned to the subdivider with the date and action endorsed thereon, or attached thereto. Unless the time is extended by written agreement between the subdivider and the Village, failure to complete the action required herein within sixty (60) days of filing the final plat shall constitute an approval of the final plat.
- D. The final plat may, if permitted by the Village Board, include only that portion of the approved preliminary plat which the subdivider propose to record at that time.
- E. The final plat is entitled to approval provided that it conforms substantially to the preliminary plat as approved, including any conditions of that approval, and conforms to any applicable Village plans and ordinances. Unless an extension of time has been approved by the Village Board, if the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, the Village Board may reject the final plat regardless of any prior action on the preliminary plat.
- F. The Village Board shall, when it determines to recommend approval of a plat, give at least ten (10) days prior written notice of its intention to the clerk of any municipality within 1,000 feet of the plat, provided, however, that failure to give such notice shall not invalidate any plat.
- G. After the final plat has been approved by the Village Board and the contract and security for the installation of improvements have been file in accordance with section 13.02(3) hereof, the subdivider shall submit the final plat to the Village Clerk. The clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording.
- H. The subdivider shall file a certified copy of the final plat with the Village clerk within ten days after it has been recorded.

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- I. Modification of an approved project plan. Any and all variation between development or land use activity on the subject property and the approved project plan is a violation of this chapter. Any modifications to a project plan require prior approval from the Village Board. (Added September 8, 2020)
4. COMPREHENSIVE DEVELOPMENT PLANS
 - A. When the subdivider has 80 acres or more of land under their control, they may elect to file a comprehensive development plan (CDP) in lieu of a preliminary plat for the entire lands under his control. The lands may be in a single parcel, or separated only by roads, streets, highways or railroad rights-of-way.
 - B. The subdivider shall file ten (10) blueline prints and ten (10) copies of all exhibits as required hereinafter together with a written application for with the Village Clerk.
 - C. The CDP and exhibits shall be reviewed by the Village Board which shall also refer the CDP and exhibits.
 - D. The Village Board shall then approve, conditionally approve, or reject the CDP. One copy of the CDP shall be returned to the subdivider with the date and action endorsed thereon and if approved or rejected. The conditions of approval or reason for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and Village, failure to complete the action required herein within ninety (90) days of the filing of the CDP shall constitute an approval of the CDP.
 - E. The subdivider shall record the CDP, together with the exhibits, after it has been approved by the Village Board and shall file a certified copy of the CDP with the Village Clerk after it has been recorded.
 - F. No major change in a recorded CDP or its exhibits can be made without the approval of the Village Board. Any proposed change in the CDP or its exhibits shall be filed with the Village Clerk the Village Board shall determine whether the change is major and within thirty (30) days of filing shall recommend approval or conditional approval of the change, or shall reject the change. Any approved major change to a CDP and its exhibits shall be recorded and the subdivider shall file a certified copy of the recorded instrument with the Village Clerk.
 5. REPLATS.
 - A. When it is proposed to replat a recorded subdivision, or part thereof, so as to change its boundaries, or a part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in sections 13.03 through 13.07
 - B. Whenever a preliminary plat of a replat is filed, the Village Board shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be mailed, at the subdivider's

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expense, to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties adjacent to the proposed replat.

6. LAND DIVISION BY CERTIFIED SURVEY

- A. A certified survey which has been approved by the Village Board, and meets all of the requirements of Section 236.34 of the Wisconsin Statutes and of this ordinance may be utilized to create not more than four (4) parcels or building sits, fifteen (15) acres each or less in size. The Village Board may require a preliminary plat to be filed by a subdivider who is seeking approval of a certified survey map. When required, the preliminary plat must include all lands under the control of the applicant within a parcel up to a maximum area of forty (40) acres. The land comprising the 40 acres will be determined by quarter-quarter section lines unless indicated otherwise. When a preliminary plat is not required, the certified survey map shall include the entire parcel owned by the subdivider. The subdivider shall comply with the requirements of Section 11.15. The Board resolution approving the certified survey map shall be reproduced legibly on the face of the map. All outstanding special assessments shall be paid prior to approval unless determined otherwise by the Village Board.
- B. The applicant for a land division shall file ten (10); blue-line prints or other acceptable reproductions of a certified survey map and a written application for approval with the Village Clerk.
- C. The Village Clerk shall transmit the copies of the map and application to the Village Board for their review and recommendations concerning matters within their jurisdiction. The map shall be reviewed by the Village Board for conformance with this ordinance, the Village Master Plan, and any statute, ordinance, rule, or regulation which affects it.
- D. The Village Board shall then approve, conditionally approve, or reject the map. One copy of the map shall be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reason for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Village failure to complete the action required herein within sixty (60) days of the filing of the map shall constitute an approval of the map.
- E. After the map has been approved by the Village Board, the contract is entered and recorded, and the security for the installation of improvements has been filed in accordance with Section 13.02 (3) and any fee imposed pursuant to Section 13.04 (4) has been paid, the subdivider shall submit the map to the Village Clerk. The Clerk shall cause the certificate inscribed upon the map attesting to such approval to be duly executed and the map returned to the subdivider for recording.
- F. All certified survey maps shall be recorded with the Register of Deeds for Iowa County within thirty (30) days of final approval and six (6) months of first approval, and:

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1. Failure to record a certified survey map within six (6) months of the first approval or thirty (30) days of last approval shall require the subdivider to resubmit a certified survey map pursuant to section 13.03(6) of this ordinance and pay all fee required under section 13.15 (2)(A) of this ordinance.
 2. All resubmitting of certified survey maps shall be treated as new and independent certified survey maps and no approval of a previous certified survey map shall be binding upon the Village Board even if such certified survey map is unchanged.
 3. The subdivider shall file a certified copy of the recorded map with the Village Clerk within ten (10) days after the map is recorded.
- G. No building permits shall be issued and no improvements may be made until the approved certified survey map is recorded.
- H. Modification of an approved project plan. Any and all variation between development or land use activity on the subject property and the approved project plan is a violation of this chapter. Any modifications to a project plan require prior approval from the Village Board. (Added September 8, 2020)

11.13 PRELIMINARY PLAT

11.13.1 GENERAL

A preliminary plat shall be required for all subdivisions and may be required for land divisions, and shall be based upon a survey by a land surveyor registered in this state. A preliminary plat shall be prepared on paper of good quality capable of clearly legible reproduction at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- A. Title under the proposed subdivision is to be recorded.
- B. Location of proposed subdivision by government lot, quarter-quarter section, township, range, county, and state; and a location map showing the relationship between the plat and its surrounding area and to existing streets.
- C. Date, scale and north point.
- D. A description of the material of which the corner maker is composed.
- E. Names and addresses of the owner, subdivider, the surveyor, the engineer, and the professional land planner involved in the plat preparation.
- F. The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Board may waive this requirement where it is unnecessary to fulfill the purpose and intent of this ordinance and undue hardship would result from strict application thereof.
- G. The present zoning and any proposed zoning change for the plat and all lands adjacent thereto.

11.13.2 PLAT DATA

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All preliminary plats shall show the following:

- A. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
- B. Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than twenty (20) percent, and of not more than five (5) feet where the slope of the ground surface is twenty (20) percent or more. Elevations shall be marked on such contours based on USGS data.
- C. Water elevations of adjoining streams at the date of the survey and approximate high and low water elevations, based upon or established by the best available data.
- D. Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- E. Location and subdivisions, parks and cemeteries, abutting unplatted lands.
- F. Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, based upon or established by the best available data.
- G. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, power and telephone poles; and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
- H. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto,
- I. Location, width, length, bearing and names of all proposed streets and public rights-of-way such as alleys and easements.
- J. Any proposed stream improvement or relocation,
- K. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- L. When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. All curved lines shall show, either on the lines or in an adjoining table, the radius of the circle, the central angle subtended, the chord bearing, the chord length and the arc length for each segment. The tangent bearing shall be shown for each end of the main chord for all circular lines. When a circular curve of 30-foot radius or less is used

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to round off the intersection between two straight lines, it shall be tangent to both straight lines, and in such event, it is sufficient to show on the plat the radius of the curve the tangent distances from the points of curvature to the point of intersection of the straight lines.

- M. Existing zoning on and adjacent to the proposed subdivision when the plat is located within the extraterritorial plat approval jurisdiction of the Village.
- N. Corporate limits lines.
- O. Any proposed stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- P. Approximate dimensions of all lots and outlots together with proposed lot, outlot and block numbers.

11.13.3 STREET PLANS AND PROFILES

The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS data, and plans and profiles shall meet the approval of the Village Engineer.

11.13.4 TESTING

- A. The engineer may require, and where sanitary sewers are unavailable shall require, that boring and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
- B. Where sanitary sewers are unavailable, the solid and percolation tests required by Wis. Adm. Code section H.65.06 shall be performed and the results shall be submitted with the preliminary plat. After approval of the preliminary plat but prior to submitting an application for approval of the final plat, each individual lot shall be test for percolation as specified in Wis. Adm. Code section H. 62.20 and the results of such tests shall be submitted to the Village Board.

11.13.5 CONVENANTS

The Village Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

11.13.6 AFFIDAVIT

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that they have fully complied with the provisions of this ordinance.

11.14 FINAL PLAT

11.14.1 GENERAL

A final plat prepared by a land surveyor registered in this state shall be required for all subdivisions. It shall comply in all respects with requirements of the section 236.20 of

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the Wisconsin Statutes.

11.14.2 INFORMATION REQUIRED

The plat shall show correctly on its face, in addition to the information required by section 236.20 of the Wisconsin Statutes, and Section 13.04 hereof, the following:

- A. Exact length and bearing of the center line of all streets.
- B. Exact street width along the line of any obliquely intersecting street.
- C. DNR rights-of-way within and abutting the plat.
- D. Setbacks or building lines required by the Village Board.
- E. All lands reserved for future public accusation or reserved for the common use of property owners within the plat.
- F. Special restrictions required by the Village Board relating to access control along public ways or to the provision of planting strips.
- G. The house number assigned to each lot.

11.14.3 DEED RESTRICTIONS

Deed restrictions required by the Village Board shall be filed with the final plat.

11.14.4 SURVEY ACCURACY

The accuracy of the final plat must be certified by the Wisconsin Department of Development.

11.14.5 SURVEYING AND MONUMENTING

All final plats shall meet all the surveying and monumental requirements of Section 236.15 of the Wisconsin Statutes.

11.14.6 CERTIFICATES

All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes: and, in addition, the surveyor shall certify that they have fully complied with the provisions of this ordinance.

11.14.7 APPLICATION FOR APPROVAL

The plat shall be accompanied by a written application for approval on forms furnished by the Village Board. The plat, if it has not been previously submitted, shall also be accompanied by plans, profiles, and specifications required by Sections 13.04(3) and 13.10(1) of this ordinance and by the results of the soil and percolation tests required by Section 13.04(4).

11.15 CERTIFIED SURVEY MAP

11.15.1 GENERAL.

A certified survey map prepared by a land surveyor registered in this state shall be required for all land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes.

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11.15.2 INFORMATION REQUIRED

The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- A. All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- B. Setbacks or building lines required by the Village Board.
- C. All lands reserved for future acquisition.
- D. Date of the Map.
- E. Graphic scale.
- F. Name and address of the owner, subdivider and surveyor.

11.15.3 CERTIFICATES.

- A. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this ordinance.
- B. The following certificate of approval shall be typed, lettered or otherwise reproduced legibly on the face of the map:
 1. This certified survey, including any dedications shown thereon, has been duly filed with and approved by the Village Board of the Village of Ridgeway, Iowa County, Wisconsin.
 2. And signed by the Village Clerk
- C. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

11.15.4 CRITICAL BUILDING LOCATIONS

Location on the lot shall be dimensioned to the nearest 0.1 foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

11.15.5 DEDICATIONS, TESTING, AND IMPROVEMENTS REQUIRED

Any land division effectuated by a certified survey shall be subject to the provisions of Section 11.11.4 concerning the reservation and dedication of land; and, unless a waiver is granted, to the provisions of Sections 11.16.2 and 11.18 concerning required improvements; and to the provisions of Section 11.13.4 concerning boring, soundings, and percolation tests.

11.15.6 APPLICATION FOR APPROVAL

The certified survey map shall be accompanied by a written application for approval on forms furnished by the Village Board. Where a change in zoning classification is being or will be requested in connection with the land division, a map showing the present zoning of the land and all lands adjacent thereto and the proposed zoning shall be submitted with the application for approval.

11.16 COMPREHENSIVE DEVELOPMENT PLANS

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11.16.1 REQUIREMENTS

Any comprehensive development plan shall include the following:

- A. A plan, drawn to scale of 1"=200' which shows all lands under the control of the applicant which are contiguous or separated only by existing public roads or D.N.R. rights-of-way. The plan shall show the items required by Sections 13.04 (2) (A) through (O), preliminary plat data, and all proposed collector and arterial streets.
- B. If a waiver of design standards is requested, details showing the proposed deviation from the standards and the reasons therefore.
- C. The projected population broken down into single-family and multi-family units.
- D. The multi-family dwelling units broken down into the number of units in each bedroom category on a percentage basis.
- E. A development schedule clearly indicating the time of completion for the proposed development and each phase thereof.
- F. A preliminary plat, meeting the requirements of this ordinance.

11.16.2 DESIGN STANDARDS

The provisions of Section 13.08 shall apply to a comprehensive developmental plan. However, they may be waived by the Village Board.

11.16.3 DEDICATIONS, TESTING, AND IMPROVEMENTS REQUIRED.

Comprehensive development plans shall be subject to the provisions of Section 11.11.4 concerning the reservation and dedication of land; to the provisions of Section 11.18 concerning required improvements; and to the provisions of Section 11.13.4 concerning boring, soundings, and percolation tests.

11.17 DESIGN STANDARDS

11.17.1 STREET ARRANGEMENT

In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the official map, Master Plan or component neighborhood development plan of the Village. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets. to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. Each lot of the subdivision must have satisfactory access to a public street.

- A. Arterial Streets: Arterial streets shall be arranged so as to provide ready access to centers of employment, center of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with

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which they are to connect.

- B. Collector Streets: Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, shopping centers, and other concentrations of population, and to the major streets into which they feed.
- C. Local Streets: Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- D. Proposed Streets: Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Temporary turnarounds may be required where the street ends at the boundary of the subdivision.
- E. Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
- F. Stream shores shall have sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half mile as required by Section 236.16(3) of the Wisconsin Statutes. The Village is not required to improve lands provided for public access under this subsection.
- G. Reserve Strips: Reserve strips controlling access to streets or alleys are prohibited except where control of such strips is placed with the Village under conditions approved by the Village Board.
- H. Alleys: Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Village Board. Alleys shall not be used in residential areas unless approved by the Village Board. Alleys shall not be less than 24 feet wide and shall be continuous through blocks. Dead-end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.

11.17.2 STREET NAMES AND BUILDING NUMBERS

- A. Duplication of existing street names by similar word, spelling, or sound shall not be permitted.
- B. Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the Street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.

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- C. A street name shall be changed when required to conform to the proposed or existing house numbering base.
- D. A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
- E. The following designations shall be used only in the situations indicated:
 1. boulevard- A street with a divided pavement either existing or planned. If the divided pavement ends, but the street continues, the same street name and suffix shall continue.
 2. Lane- A street, one block long, not ending in a cul-de-sac.
 3. Circle - A Cul-de-sac of nine lots or less.
 4. Parkway - A street abutting a park or greenway or creek.
- F. The maximum number of street names at one intersection shall be three.
- G. Street names shall be assigned so that two intersections shall not have the same exact street names.
- H. The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.
- I. The changing of a street name that: does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this section.
- J. Service roads and highways served by them shall have the same street name and designation.
- K. Approval of street names on a preliminary plat will not reserve the names nor shall the Village be required to accept such names at the time of final platting.
- L. A minimum number of letters is desirable in a street name. The maximum number of letters, not including the prefix or suffix shall not exceed twelve.

11.17.3 LIMITED ACCESS HIGHWAYS AND RAILROAD RIGHTS -OF-WAY

Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right- of-way, the design shall provide the following treatment:

- A. In Residential Districts a buffer strip at least 30 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to a D.N.R. right-of-way or a limited access arterial street. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner.
- B. Commercial and Industrial Districts shall have on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred and fifty (150) feet.
- C. Streets Parallel to a Limited Access Highway or DNR right-of-way shall, when

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intersecting a major street and highway or collector street which crosses said DNR right-of-way or highway, be located at a minimum distance of two hundred and fifty (250) feet from said highway or DNR right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

- D. The location of Local Streets immediately adjacent and parallel to DNR rights-of-way, and in residential areas immediately adjacent to arterial streets and highways and to DNR rights-of-way shall be avoided.

11.17.4 STREET DESIGN STANDARDS

- A. Minimum Right-of Way: The minimum right-of-way of proposed streets and alleys shall be of the width specified by the Zoning Plan, official map or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

Type of Street	Right of Way Width
Principal and Primary Arterials	120 feet
Standard Arterial and Collector Streets	80 feet
Local Streets	66 feet
Marginal Access Streets	66 feet
Alleys	24 feet

B. CUL-DE-SAC STREETS

1. Streets designed to have one end permanently closed shall not exceed 1,600 feet in length
2. Except as provided in Section 13.08 (4)(B) 3, streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way diameter of 120 feet, and a minimum outside curb diameter of 86 feet. The reverse curve on a cul-de-sac shall have a 50-foot minimum radius when the bulb is centered on the street and a 100-foot minimum radi.11s when the bulb is offset.
3. All streets which are designed to have one end permanently closed, in business, commercial. industrial and manufacturing areas, shall terminate in a circular turnaround having a minimum right-of-way diameter of 130 feet, and a minimum outside curb diameter of 96 feet. The reverse curve on a cul-de-sac shall have a 50-foot minimum radius when the bulb is centered on the street and a 100-foot minimum radius when the bulb is offset.

C. STREET GRADES:

1. Unless necessitated by exceptional topography and subject to the approval of the Village Engineer, the maximum street grades shall not exceed the following:
 - a. Arterial streets and highways: 6 percent
 - b. Collector and local streets and alleys: 8 percent

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- c. Pedestrian Ways: 10 percent unless steps of acceptable design are provided.
 2. The grade of any street shall in no case exceed 10 percent or be less than 0.48 percent.
 3. All changes in street grades shall provide sight distances as conditions require as determined by the Village Engineer.
 4. Street Grades shall be established wherever practicable in such a manner to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography
- D. RADII OF CURVATURE:
 1. When a continuous street deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
 - a. Arterial streets and highways: 500 feet
 - b. Collector streets: 300 feet
 - c. Local streets: 100 feet
- E. HALF STREETS

Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. Streets less than full width on the boundary of the tract being subdivided shall not be less than a width sufficient to produce a full pavement, a full terrace on the plat side and a reserve strip as determined by the Village Board.
- F. STREET INTERSECTIONS
 1. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
 2. The number of streets converging at one intersection shall not be more than two.
 3. The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than twelve hundred (1,200) feet.
 4. Property lines at street intersections shall be rounded with a minimum radius of 15 feet except that at all intersections along collector and arterial streets the radius shall be increased to 25 feet. The Village Board may require a larger radius where desirable.
 5. Local streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within one hundred-fifty (150) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a job is avoided.
- G. BLOCKS
 1. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography.
 2. Length. Blocks in residential areas shall not as a general rule be less than six

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- hundred (600) feet nor more than fifteen hundred (1,500) feet in length unless otherwise dedicated by exceptional topography or other limiting factors of good design,
3. Pedestrian ways of not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Village Board, to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
 4. Width. Blocks shall have sufficient: width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential I development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
 5. Utility easements. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles.

11.17.5 LOTS

- A. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- B. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- C. Residential lots shall have a minimum area of 9,000 sq. ft, and a minimum width of 80 feet at the building line provided, however, that the requirements of the zoning regulations insofar as they may specify greater areas or distance shall be complied with.
- D. Residential lots to be served by private sewerage disposal facilities shall comply with the rules of the Wisconsin Department of Health and Social Services and the State Board of Health.
- E. Access to public street. Every lot shall front or abut on a public street for a distance of at least fifty (50) feet.
- F. Lot lines. Side lot lines shall be substantially at right angles or radial to street lines.
- G. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.
- H. Side lot lines shall be as nearly as possible at right angles to straight street lines or radial to curved street lines on which the lots face.
- I. Corner lots shall have sufficient width to permit adequate building setbacks from side streets.
- J. Excessive depth in relation to width shall be avoided and a proportion of 1.5 to 1 (1.5:1) be considered as an acceptable ratio under normal conditions.

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- K. Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such trafficways.
- L. Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- M. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this ordinance.
- N. Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

11.17.6 BUILDING SETBACK LINES

Where not adequately controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established, as required by the Village Board.

11.17.7 EASEMENTS

- A. Lines to be underground in Newly Platted Areas:
 1. All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services, installed within a newly-platted area, mobile home park, cluster development or planned development, shall be underground unless the Village Board shall specifically find after study that:
 - a. The placing of such facilities underground would not be compatible with the planned development;
 - b. Location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or
 - c. The lots to be served by said facilities can be served directly from existing overhead facilities.
 2. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, subdivision, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.
 3. The subdivider or their agent shall furnish proof to the Village Board that such arrangements as may be required under applicable laws and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat, site plan, certified survey map or planned commercial sit plan.

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4. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such, temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Village Board under section 13.08 (9)(A)

B. EASEMENT CONDITIONS

1. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines where necessary, for the installation of storm and sanitary sewers, gas, water, electric lines, and communication lines. Such easements as required by the Village or other private utility lines shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map. All easements for storm and sanitary sewers, water and pedestrian walks, and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.
2. Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the plat.
3. Where the electric and/or communications facilities are to be installed underground. A plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six (6) inches by the subdivider, their agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or to the need to alter such facilities. When the utility company uses a service application, said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

C. Drainage Easements:

1. Where a subdivision is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Village Board. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Village Board and parallel streets or parkways may be

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required in connection therewith. Where ever possible, the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details to the subject to review and approval by the Village Engineer and Village Board. Where feasible, drainage easements should substantially maintain existing water flow patterns onto neighboring lands.

11.18 REQUIRED IMPROVEMENTS

11.18.1 STREETS

Standard street improvements shall be installed in all subdivisions within the corporate limits and where required, in any land division, or in any subdivision.

11.18.2 SANITARY SEWERS AND WATER MAINS

Sanitary sewers and water mains shall be installed in all subdivisions within the service area and, where required, in any land division.

11.18.3 STORM SEWERS AND WATER DRAINAGE FACILITIES

- A. Storm sewers shall be constructed where required by the Village Board.
- B. Ditches shall be constructed where required by the Village Board.
 - 1. Roadside ditches shall not exceed 10% grade. The maximum single ditch capacity for a 5-year intensity storm shall be not more than the values tabulated as follows:

Ditch Grade (%)	Q (c.f.s.)
1	2.34
2	3.78
3	4.14
4	4.86
5	5.22
6	5.76
7	6.30
8	6.84
9	7.20
10	7.74

- 2. Ditches shall be restored with 4" topsoil, fertilizing, and anchored sodding in accordance with the current Standard of Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation. All sod shall be bluegrass, free of sedges, quack grass, and bent grass.
- 3. Where ditches are utilized, the streets shall be constructed as indicated in Figure 4. The Thickness of the pavement shall be determined and prescribed by the Village Engineer in accordance with the functional classification of the proposed street and soil subgrade data available. Any soil subgrade data required by the Village Engineer shall be obtained by the developer's soils engineer and furnished to the Village Engineer

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without cost.

- C. At the time the preliminary plat, or plans for any condominium, group housing project or planned development are submitted to the Village Board for review, the Village Engineer shall prepare a study of the drainage basin or subbasin in which the plat or project is located to determine the design and routing, and of storm sewer and stormwater drainage facilities throughout such basin. If such study determines that it is necessary to increase the capacity of the facilities which are to be constructed within the plat or project record those to serve the entire basin or subbasin, the Engineer shall then determine that portion of the estimated cost of constructing the required storm sewers and storm water drainage facilities which is attributable to such increase in the capacity of the facilities.
- D. The cost of constructing storm sewer and stormwater drainage facilities which serve the plat or project but which are not necessary to serve the entire drainage basin or subbasin in which it is located shall be borne solely by the subdivider. Those costs which are attributable solely to increasing the capacity of the required storm sewer and storm water drainage facilities to enable them to serve the entire drainage base or subbasin shall be paid by the Village and recovered through area charges or special assessments levied against all benefited properties. Any area charge or special assessment levied pursuant to Section 13.09(3)(D) shall be paid before the final plat is inscribed by the Village Clerk or before any building permit is issued.
- E. Area charges levied pursuant to Section 13.09(3)(D) shall be subject to adjustment based upon the Engineering News Record Construction Price Index. In making such adjustments the year that the area charges for the drainage basis or subbasin were established shall be used as the base year. A copy of said Construction Price Index shall be kept on file at the office of the Village Engineer and shall be made available to the public for inspection and copying upon request.

11.18.4 WATER SUPPLY SYSTEM

- A. No water supply system serving or intended to serve more than four (4) but less than fifteen (15) parcels of land shall be constructed outside of the urban service area unless such system is designed and constructed in accordance with all federal, state, and local statutes, ordinances, and regulation which are applicable to public water supply systems including, but not limited to, the administrative regulation with respect there to adopted by the Wisconsin Department of Resources, the Wisconsin Department of Health and Social Services, and the Wisconsin Public Service Commission, which regulations are incorporated herein and adopted by reference.
- B. Prior to commencing construction of a water supply system, the subdivider shall submit the proposed plans, the specifications, construction schedule, and contract to the Village Engineer for review and approval.
- C. As used in this section the term "water supply system: means any facilities installed or constructed to obtain, store, treat, or convey water for human consumption or domestic use.

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11.18.5 IMPROVEMENTS TO BOUNDARY LINES

All required street, sidewalk, sanitary sewer, water main, and storm sewer improvements shall be installed to the boundary line of the subdivision, comprehensive development, or land division unless the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing by the Village Board.

11.18.6 PARTITION FENCES

When the land included in the plat, comprehensive development plan, or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider may be required to erect, keep and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. When partition fences are required, a covenant binding the subdivider, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes shall be included upon the face of the final plat, comprehensive development plan, or certified survey map.

11.18.7 WAIVER

- A. Where, in the judgement of the Village Board it would be inappropriate to apply literally the provisions of this section to a land division or to a subdivision because extraordinary or undue hardship would result, the Village Board may waive or modify any requirement, other than filing or recording a certified survey map or plat, to the extent deemed just and proper.
- B. Such relief will be granted only where it will not be detrimental to the public good, impair the intent and purpose of this ordinance, or impair the desirable general development of the community in accordance with the Master Plan of the Village. A five-sevenths (5/7) vote of the entire membership of the Village Board shall be required to grant any waiver or modification of this ordinance. Any waiver, exception, or variance which is granted pursuant to this section shall be made in writing, shall state the reasons which justified it, and shall be filed with the records relating to the land division.

11.19 REQUIRED IMPROVEMENTS PROCEDURE

11.19.1 PLANS AND CONSTRUCTION SPECIFICATIONS

Prior to commencing construction of any required improvement, the subdivider shall prepare any required improvement, the subdivider shall prepare construction plans and specifications and submit them to the Village Engineer for review and approval. The Village Engineer may require the submission of the following plans and accompanying construction specifications before authorizing construction or installation of the improvements:

- A. Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

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- B. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.
- C. Storm sewer plans and profiles showing the location, sizes, elevations and materials of required facilities.
- D. Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
- E. Planting plans showing locations, age, and species of any required street trees.
- F. Such additional special plans or information as may be required by the Village Engineer.

11.19.2 PRIVATE CONTRACTS

The developer shall engage one general contractor whose qualifications have been approved by the Village Board for each major phase of construction (grading, utilities, streets) or one general contractor for a contract which includes more than one phase of construction. No private contract shall be awarded until all bids have been reviewed by the Village Engineer.

11.19.3 SCHEDULING

All scheduling of the contemplated improvements shall be approved by the Village Engineer. Construction cannot be commenced on any phase of construction until all approvals and conditional requirements are satisfied and a copy of the private contract has been filed and approved by the Village Board. Construction shall not proceed until all State of Wisconsin approvals are granted.

11.19.4 STREET GRADING

- A. The developer shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat, and after review of design engineering work on the streets by the Village Engineer and approval of street grades by the Village Board the subdivider shall grade or cause to be graded the full width of the right of way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. In those cases where existing street right of way is made a part of the subdivider's plat or abuts the plat, they shall grade or cause to be graded that portion of the right of way shall be be graded to subgrade elevation. The Village Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right of way to ensure that the established grade will be preserved. The grading of rights of way for principal and primary arterials shall only re required where necessary to provide access to the streets or lots in the plat. Lots which abut principal and primary arterials shall be graded to proposed street grade or to a grade approved by the Village Engineer prior to the sale of affected properties.
- B. The developer shall engage a registered engineer to set subbase grade in accordance with approved centerline grade and cross section. They shall also set grade necessary to comply with other grading requirements, including vision clearance on corner lots, centerline and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall

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consist of the following elements:

1. The stripping and removal of all topsoil debris and vegetation within the street right of way.
2. Grading of full street rights of way to a tolerance of 0 to 0.2 feet below proposed centerline grade. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, vegetation, etc.
3. Grading beyond right of way to ensure that the established grade will be preserved.
4. Grading of vision clearance triangle on corner lots, (Maximum embankment of three (3) feet above curb elevation within a triangle formed by two intersection street lines or their projections and a line joining points on such street lines located 25 feet from the street intersection).
5. Where a public greenway is included in the plat, the developer is responsible for an acceptable continuous drainageway in the greenway as determined by the Village Engineer.
6. All additional plat grading, where applicable, lot abutting greenways, terraces of street abutting plat, public easements for sanitary sewer and sidewalk, and other requirement of ordinances and special conditions of plat approval.

11.19.5 UTILITIES

- A. Upon approval of the subgrading and installation of barricades, the developer shall proceed with the utility contract. All outstanding charges due against the lands for local sewer, interceptors, force mains, and lift station previously installed by the Village shall be paid in full prior to the Village granting final approvals of a utility contract.
- B. If the developer elects to install underground utilities and the standard street improvement in the same year, provision must be made for mechanical compaction of all ditches for underground utilities that fall within the street right of way.
- C. Prior to commencing construction of any required utilities, the developer shall submit his proposed construction schedule, plans, specifications, and contract to the Village Engineer.

11.19.6 GREENWAYS

Greenways included within platted or replatted areas shall receive the following prescribed treatment by the owner of the subdivision.

- A. The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Village Engineer. The subdivider shall furnish the Village Engineer with a plan outlining the greenway boundaries and location of existing drainageways, if any. In addition, the subdivider shall furnish the Village Engineer a set of cross-sections (on 50' stations) of the greenway oriented upon a base line as prescribed by the Village Engineer. Where a natural drainageway exists, which has acceptable hydraulic capacities

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including alignment and grade as determined by the Village Engineer, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the subdivider or their agent, they shall be responsible for repairing the disturbed areas by sodding. However, in certain locations, as determined by the Village Engineer, where the hydraulic capacities including alignment and grade are not acceptable, then such alignment, grade, and slopes shall be improved by the subdivider to the interim minimum requirements of a ten-foot-wide ditch bottom with four to one side slopes, all to be seeded.

- B. The subdivider shall install permanent pipes or culverts at a grade designated by the Village Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the Standard Specifications for Road and Bridge construction of the Department of Transportation of the State of Wisconsin. All costs of the installation shall be the responsibility of the subdivider. The permanent pipe or culvert shall not be installed previous to the installation of the sanitary sewer on a street crossing a greenway unless done pursuant to written agreement between the Village Engineer and the subdivider. Culverts required across intersections for temporary street drainage, shall be furnished and installed by the developer at their expense. All temporary culverts installed by the developer shall be completely removed when the streets are constructed to Village standards and the area restored to as near to original condition as possible as determined by the Village Engineer.
- C. All ditching and culvert installation shall be done in strict accordance with grades approved by the Village Engineer. The subdivider's engineer shall be responsible for setting those required grades in the field for construction purposes.
- D. In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall not be less than four (4) feet above the flowline of the greenway, or where designated to an elevation established by the Village Engineer, prior to the sale of affected properties. The flowline grade shall be established by the Village Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling with the greenway limit is prohibited except as authorized by the Village Engineer.

11.19.7 STREET CONSTRUCTION

A. General

- 1. After completion of the underground utilities and approval thereof, the streets shall be constructed. Except as provided in section 13.10(8)(A), building permits shall not be issued prior to the installation of the street's improvements.

B. Standard Street Improvements:

- 1. Standard street improvements shall include concrete curb and gutter, bituminous base course and bituminous surface course, and street lights and pedestrian walkways when required by the Village Board. Standard street improvements for all Village streets and any town streets connecting

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to a Village street shall also provide for curb ramping as required by Section 66.616 of the Wisconsin Statutes.

2. The construction of standard street improvements can begin only when either:
 - a. The underground utilities were installed in the previous construction season; or
 - b. The construction of underground utilities included mechanical compacting and compaction tests have been approved by the Village Engineer.
3. Upon satisfying either of the requirements of the preceding section, the developer shall prepare final plans and specifications for the standard street improvements and submit them, together with all soil subgrade data obtained by its soils engineer, to the Village Engineer. The Village Engineer shall review the plans and specifications; and shall determine and prescribe the thickness of the pavement in accordance with the functional classification of the proposed street and the soil subgrade data.
4. Upon written approval by the Village Engineer and the Village Board, the developer can proceed with the construction of the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived in writing, by the Village Board.
 - a. Local streets shall be constructed as indicated in Figure 2 provided, however, that a greater or lesser roadway width may be required by the Village Engineer where necessary to assure uniformity along the entire length of any street. The roadway width as indicated in Column 2 of Table 1 shall be required where the entire length of any street including any future extension thereof exceeds 1,600 feet and may be required by the Village Engineer based on anticipated traffic or land use. The anticipated traffic or land use. The thickness of the pavement shall be as prescribed by the Village Engineer.
 - b. Collector streets shall be constructed as indicated in Figure 3. The width of the roadway shall be as prescribed by the Village Engineer based upon the Area Transportation Studies when available unless a greater or lesser roadway width is necessary to assure uniformity along the entire length of any street. The thickness of the pavement shall be as prescribed by the Village Engineer.
 - c. The thickness and width of an arterial street shall be as prescribed by the Village Engineer based upon anticipated traffic volume and any applicable federal, state, or county requirements.

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11.19.8 TEMPORARY STREETS

- A. If the developer desires to obtain building permits prior to the completion of the standard street improvement, they may upon obtaining the written authorization of the Village Board, construct temporary, regular streets.
- B. All temporary streets shall be constructed in accordance with Figure 1 and the subdivider, their contractor, or their engineer shall:
 - a. Regrade the subbase to a tolerance of 0 to 0.1 foot below proposed subgrade;
 - b. Recheck subbase grade in the field to ensure that this grade has been met;
 - c. Notify the Village Engineer when the subbase grading has been completed and is ready for inspection;
 - d. Place a compacted 6" crushed stone base course in accordance with Village specification.
 - e. Construct all pipes, culverts, roadside ditches as required by the Village to provide temporary drainage.
 - f. Construct Permanent Class I barricades at the street ends of all streets included in the subdivision.
- C. Upon Village approval the subdivider may construct temporary streets, provided, however, that any all costs of the construction, maintenance, and repair thereof or damages of any nature arising out of or in any way related to the construction, maintenance, use or plowing of such temporary streets shall be borne by the subdivider.

11.19.9 WALKWAYS

- A. Surfaces: The surface of walkways should possess stability and firmness, be relatively smooth in texture, and have a nonslip surface. The use of expansion and construction joints should be minimized, and their size should be as small as possible preferably under 1/2" in width.
- B. Drainage Structures: Drainage structures should be placed flush with the surface on which they occur, and grates having narrow parallel bars or patterns with opening larger than 3/4" should not be used. Drainage structures should not be located between a curb ramp and the corner of a street or immediately downgrade from a curb ramp.
- C. Lighting: Lighting along walkways should vary from 1/2 to 5-foot candles, depending on the intensity of pedestrian use, hazards present, and relative need for personal safety.

11.19.10 EROSION CONTROL

Within fourteen (14) days of the completion of any activity which, in the sole discretion of the Village Engineer, may give rise to an erosion control problem, the subdivider shall take all steps necessary to prevent the erosion, siltation, sedimentation, washing, and blowing of dirt and debris caused by grading, excavations, open cuts, side slopes, and other activities by the subdivider or their contractors. Reasonable method of control shall include, but not be limited to, seeding and mulching, sodding, berm construction,

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ponding construction, and watering. In such cases where the method of control has failed, the subdivider shall clean up the materials which have been displaced prior to construction of additional improvements. Plans for erosion control shall be submitted to the Village Engineer for their approval before any land surface disturbances are made.

11.19.11 INSPECTION

Prior to commencing any work within the subdivision, the subdivider shall make arrangements with the Village Engineer to provide for adequate inspection. The Village Engineer shall inspect and approve all completed work prior to approval of the final plat or any release of the security deposited pursuant to Section 13.02(3).

11.19.12 ACCEPTANCE OF IMPROVEMENTS

After the subdivider has installed all required improvements, they shall notify the Village Engineer in writing that the work is complete and ready for final inspection. The Village Engineer shall inspect the improvements and forward a letter to the subdivider indicating his approval or disapproval. When the improvements have been approved by the Village Engineer, the Village Clerk will prepare a final billing for an engineering, inspection, and legal fees and submit it to the subdivider for payment. In addition, when the improvements are situated within the corporate limits of the Village, the subdivider and all general contractors shall file lien waivers or affidavits, in a form acceptable to the Village and approved by the Village Attorney, evidencing that there are no claims, actions, or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no monies are owed to any surveyor, mechanic, subcontractor, material person, or laborer. When the engineering, inspection, and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting those improvements constructed within the corporate limits of the Village will be prepared and presented to the Village Board.

11.19.13 RELEASE OF SECURITY

For improvements within the corporate limits:

- A. The security furnished pursuant to Section 13.02(3)(B), shall remain in full force for a period of one year after the completion of the project and acceptance by the Village Board unless partially releases as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts are free of defects in workmanship and materials. If any defect appears during the period of the guarantee, the subdivider or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event that the subdivider fails to install the replacement or perform the repairs, the Village may do so and deduct the cost thereof from the security deposit. Unless defects have appeared and have not been repaired, the Village will release the security to the subdivider upon expiration of the one-year guarantee period.
- B. The Village may from time to time but no more often than monthly during the course of construction partially release the security furnished pursuant to Section

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13.02(3)(B) when:

1. The reduced security deposit will be sufficient to guarantee the work performed pursuant to private contracts against defects in material and workmanship or will be at least twenty-five percent (25%) of the total cost of improvements, whichever is greater; and
2. Affidavits or lien waivers, in a form acceptable to the Village and approved by the Village Attorney, evidencing full payment for the subdivision improvement which have been completed, are submitted with the request for a partial security release; and
3. An application for a partial security release has been filed with the Village Engineer on or before the 10th day of the month.

11.19.14 SIGNING OF PLAT BY VILLAGE

After entering the contract to provide all required improvements, after positing the security required by Section 13.02(3)(B)(2) and Section 13.15, and after payment of any area assessments, and after the subdivider has met all other requirements, the Clerk shall execute the certificate inscribed upon the face of the plat or certified survey attesting to the approval thereof and return it to the subdivider for recording.

11.19.15 BUILDING PERMITS

No building permits shall be issued for erection of a structure on a parcel created by any division, subdivision, or comprehensive development of land within the corporate limits of the Village until all required improvements have been made and installed and have been inspected and accepted in accordance with Section 13.11 of this ordinance.

11.19.16 FEES

1. General: The subdivider shall pay the Village all fees as hereafter required and at the times specified.
2. Preliminary Review Fee
 - a. The subdivider shall pay a fee as set forth in the Village's Fee Schedule as amended and updated from time to time for each lot or parcel within a preliminary plat or certified survey map to the Village Treasurer at the time of first application for approval of any preliminary plat or certified survey map
 - b. Reapplication Fee as set forth in the Village's Fee Schedule as amended and updated from time to time shall be paid to the Village Treasurer at the time of reapplication for approval of any preliminary plat or certified survey map which has previously been reviewed and not approved.
3. Engineering, Inspection, and Attorney's Fees
 - a. The subdivider shall pay all engineering, inspection, consulting, and legal fees incurred by the Village for services performed by or on behalf of the Village in connection with the design, inspection and review of any preliminary plat, certified survey, final plat, comprehensive development plan, or contract, with the drafting of documents, and with such inspections as the Village Engineer deems necessary to assure that the

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construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority. Consulting, engineering, inspecting, and legal fees shall be the actual costs to the Village on the basis of submitted invoices plus twice (2x) the actual payroll costs for time spent by any employees of the Village. Such fees may be billed monthly or upon completion of the project as determined by the Village Board.

- b. To guarantee payment of the engineering, inspection and attorney's fees, the subdivider shall deposit the sum of \$250 plus \$50 for each lot or parcel within a preliminary plat or comprehensive development, or in the case of a certified survey, the sum of \$75 plus \$50 for each lot or parcel within the land division, with the Village Clerk at the time that the application for approval is filed. If such fees are paid timely, the deposit will be refunded at the time that the final plat, comprehensive development, or certified survey is approved by the Village Board or thirty (30) days after the preliminary plat, comprehensive development, certified survey, or final plat is rejected. In the event that the subdivider fails to pay such fees within fourteen (14) days of the time when the Village submits its bill therefor, the Village shall deduct the amount of such fees from the security deposit.

11.20 DEFINITIONS

In Chapter 13, the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

1. **Certified Survey map:** A drawing meeting all of the requirements of Section 136.34 of the Wisconsin Statutes which is the map or plan of record for a land division.
2. **Cluster Development:** A development pattern and technique wherein structures are arranged in closely related groups to enable building at higher densities in certain areas while preserving natural features in others. A cluster development would normally incorporate private common open space areas and give emphasis to the pedestrian as opposed to the automobile in its design. The development might also contain owner occupied row housing with privately owned common property comprising a major element of the development. The provisions of Section 13.08 relating to Design Standards may be waived for cluster developments by the Village Board upon recommendation of the village Board and the Village Engineer.
3. **Comprehensive Development Plan (CDP):** A total site plan of an area of land 80 acres or more in size all under the control of a developer(s) at the time of submission for review. Such a plan shall specify and clearly illustrate the location, relationship, and nature of all primary and secondary uses, public and private easements, public and private roads, pedestrian paths, and common open space. The term comprehensive development plan shall include cluster development.
4. **Greenway:** An open area of land, the primary purpose of which is to carry

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stormwater on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes in addition to their principle use including, but not limited to, vehicular, bicycle, and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basins, park development and other related uses.

5. Land Division: A division of a parcel of land where the act of division creates less than five lots, parcels or building sites of 15 acres each or less in area
6. Master Plan, or Zoning Ordinance: The plan adopted by the Village Board and certified to the Village Board pursuant to Section 62.23 of the Wisconsin Statutes including proposal for future land use, transportation, urban development and public facilities
7. Official map. A map indicating the location, width, and extent of existing and proposed streets, highways, parkways, parks, and playground as adopted and amended by the Village Board pursuant to Section 62.23(6) of the Wisconsin Statutes.
8. Outlot: A parcel of land, other than a lot or block so designated on the plat or certified survey map.
9. Parcel: contiguous lands, under the control of a subdivider whether or not separated by streets, highways, or railroad rights of way.
10. Planned Commercial Site: A specified area of land comprising one or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off-street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the Village of Ridgeway recorded in the office of the Iowa County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the Village of Ridgeway. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in the Village Zoning Ordinance or official map at the time of initial recording unless the designated facility is in public ownership or easement.
11. Planned Development District (PDD): Zoning districts provided for in the Iowa county and local zoning ordinance which allow diversification and variation in the physical development of land in return for an improved environment.
12. Preliminary Plat: A map showing the salient features of a proposed subdivision or land division, as describe in Section 13.4, submitted to the Village for purpose of preliminary consideration prior to all final plats and, when required, prior to all land division.
13. Public Way: Any public road, street, highway, walkway, drainageway, or part thereof.
14. Replat: Process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or a part thereof. The legal division of a larger block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot, or outlot is not a replat but is a land division.

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15. Residential Dwelling Unit: A single family dwelling or that part of a duplex, apartment, or other multiple family dwelling occupied by one family, or one distinct set of inhabitants.
16. Street: a public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
- a. Arterial Streets and Highways: Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity areas.
 1. Principal Arterials: Those streets serving the major interstate corridors and corridors which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control.
 2. Primary Arterials: Those streets serving long trips between important cities and the major intracommunity corridors within the metropolitan area. These routes provide a high level of mobility and constant operating conditions with only occasional minor restrictions.
 3. Standard Arterials: Those streets which more commonly provide for intermediate length trips, thus serving through traffic movement in trade areas or feeding traffic movement in trade areas or feeding traffic to the principal and primary arterial streets from lower order activity areas not served by such routes.
 - b. Collector Streets: Those streets which provide moderate speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets. The dual-purpose streets of the collector family are also subclassified into two subclasses, namely connectors and distributors.
 1. Connector Streets: Those streets which perform a semi-arterial function as well as serving as distribution and land access streets.
 2. Distributor Streets: Those streets which perform the function of gathering and distributing traffic from and to the local street's adjacent lands.
 - c. Local Streets: Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.
 - d. Marginal Access Streets: Those streets which are parallel and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
 - e. Alleys: Those streets which are a secondary means of access for

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vehicular service to the back or side of properties otherwise abutting on a street.

17. Structure: Anything which has the capacity to contain, used for the occupation or shelter of man or animal or for the storage, receiving, retaining, or confining of personal property, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.
18. Subdivider: Any person firm, corporation, partnership, or entity of any sort, which divides or proposes to divide land in any manner which results in a land division or subdivision.
19. Subdivision: The division of a lot, parcel, or tract of land where the act of division:
 - a. Creates five or more lots, parcels, or building sites of fifteen acres each or less in area; or
 - b. Creates five or more lots, parcels or building sites of fifteen acres each or less in area by successive division within a period of five years.

CHAPTER 12 - PENALTIES

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12.01 STATE LAWS ADOPTED. (Cr. 1986).

The Village of Ridgeway hereby declares that violations of the ordinances of this Village are subject to civil action and hereby adopts the provisions of Wis. Stat. §§ 66.0114, 66.0119, 66.0111, 66.0109, 66.0115, and 66.0113, by reference.

12.02 CITATION. (Cr. 1986).

(1) Form of Citation. Violations of Village ordinances shall be enforced by the issuance of a municipal citation, which shall contain:

- (a) Name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) Time and place of the offense.
- (d) Section of the Code violated.
- (e) Designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- (f) Time at which the alleged violator may appear in Court.
- (g) A statement which in essence informs the alleged violator:
 1. That a cash deposit based on the schedule established by this chapter may be made which shall be delivered or mailed to the Iowa County Clerk of Court prior to the time of the scheduled Court appearance.
 2. That if a deposit is made, no appearance in Court is necessary unless he/she is subsequently summoned.
 3. That if a cash deposit is made and the alleged violator does not appear in Court, he/she will be deemed to have entered a plea of no contest, or, if the Court does not accept the plea of no contest, a summons will be issued commanding him/her to appear in Court to answer the complaint.
 4. That if no cash deposit is made and the alleged violator does not appear in Court at the time specified, an action may be commenced to collect the forfeiture.
 - (a) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under (g) above has been read. Such statement shall be sent or brought with the cash deposit.

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(b) Such other information as the Village deems necessary.

(2) Other Remedies. The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

(3) Issuance of a Citation.

(a) Who May Issue. Any law enforcement officer may issue citations authorized under this section.

(b) Village Officials. The following village officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:

1. Village Marshal
2. Building Inspector
3. Director of Public Works

(4) Non-Exclusivity. The authorization for the issuance of a citation under this section shall not preclude the village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

12.03 PENALTY PROVISIONS. (Cr. 1986).

(1) General Penalty. Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$1000.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

(b) Second Offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$2000.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned

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in the County Jail until such forfeiture and costs are paid, but not exceeding six (6) months.

(2) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any Court for violation of any ordinance of the Village, the Court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(4) Dispositional Alternatives and Sanctions for Juveniles. (Cr. Feb. 26, 2008)..

(a) As an alternative to subsection (1) of this section, in juvenile matters, the following sanctions and dispositions are authorized and adopted by reference:

Jurisdiction and Proceedings:

Wis. Stat. § 938.17

Wis. Stat. § 938.237

Dispositional Alternatives:

Wis. Stat. § 938.342 Truancy/School Dropout Ordinance Violations

Wis. Stat. § 938.343 Civil Law or Ordinance Violations

Wis. Stat. § 938.344 Liquor, Beer and Drug Violations

Sanctions:

Wis. Stat. § 938.355(6)

(b) This subsection is enacted under the authority of Wis. Stat. § 938.17(2)(cm).

(5) Other Remedies. The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

CHAPTER 13 - CONSTRUCTION OF ORDINANCES

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Chapter 13 Construction of Ordinances

13.01 RULES OF CONSTRUCTION.

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

- (1) **Wisconsin Statutes.** All references to "Wisconsin Statutes" or "Wis. Stat." shall mean the Wisconsin Statutes as of the adoption of this Municipal Code, as amended or renumbered from time to time.
- (2) **Gender, Singular and Plural.** Every word in this Code referring to gender shall be gender neutral, and every word referring to the singular number only shall also be construed to apply to several persons or things.
- (3) **Person.** The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.
- (4) **Acts of Agents.** When an ordinance requires an act to be done by a person which may be legally performed by an agent as by the principal, such requirement shall be construed to include all acts when done by an authorized agent.
- (5) **Municipal Code and Code.** The words, "Codes," "Code of Ordinances," and "Municipal Code" when used in any section of this Code shall refer to this Municipal Code of the Village of Ridgeway unless the content of the section clearly indicates otherwise.
- (6) **Village.** The term "Village" shall mean the Village of Ridgeway, Iowa County, Wisconsin.

13.02 CONFLICT AND SEPARABILITY.

- (1) **Conflict of Provisions.** If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each individual chapter shall control as to all matters and questions arising out of the subject matter of that chapter. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.
- (2) **Separability of Code Provisions.** If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by reason of any decision of any Court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion of this Code.

13.03 TITLE; CITATION.

These ordinances shall be known as the "Municipal Code of the Village of Ridgeway." All references to the Municipal Code of the Village of Ridgeway shall be cited as follows: § 13.03, Municipal Code of the Village of Ridgeway.

13.04 KEEPING CODE CURRENT.

Chapter 13 Construction of Ordinances

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

13.05 EFFECTIVE DATE.

- (1) Municipal Code. The Municipal Code of the Village of Ridgeway shall take effect as provided by state law.
- (2) Subsequent Ordinances. All ordinances passed by the Village Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

CHAPTER 14 - ZONING ORDINANCE

Created May 15, 1990
Reclassified December 8, 2020

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Chapter 14 Zoning Ordinance

14.01 INTRODUCTION

14.02 AUTHORITY

These regulations are adopted under the authority granted by Sections 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Village Board of Ridgeway, Wisconsin, does ordain as follows:

14.03 PURPOSE

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.

14.04 INTENT

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

14.05 ABROGATION AND GREATER RESTRICTIONS

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

14.06 INTERPRETATION

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

14.07 SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Chapter 14 Zoning Ordinance

14.08 REPEAL

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this ordinance, to the extent of the inconsistency only are hereby repealed.

14.09 TITLE

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, VILLAGE OF RIDGEWAY, WISCONSIN."

14.10 EFFECTIVE DATE

This Ordinance shall be effective after a public hearing, adoption by the Village Board of Trustees, and publication or posting as provided by law.

Date of Publication: May 15, 1990

14.11 GENERAL PROVISIONS

14.11.01 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Village of Ridgeway.

14.11.02 VILIAGE PLAN COMMISSION DESIGNATED

A Village Plan Commission is hereby created to carry out the intent of the Village of Ridgeway Comprehensive Plan and Zoning Ordinance. The makeup of the commission and its powers and duties shall be prescribed by Chapter 62.23 of the Wisconsin Statutes.

14.11.03 ZONING ADMINISTRATOR DESIGNATED

The office of Zoning Administrator is hereby created as the administrative and enforcement officer for the provisions of this Ordinance. The duties of the Zoning Administrator shall be to interpret and administer this Ordinance and to issue, after on-site inspection, all approvals required by this Ordinance. The Zoning Administrator shall investigate all complaints, give notice of violations, issue order to comply with the zoning ordinance, and assist the Village Attorney in the prosecution of ordinance violators. The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

14.11.04 COMPLIANCE

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, and without full compliance with the provisions of this Ordinance and all other applicable Village, County, and State regulations.

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14.12 ZONING APPROVALS

Zoning approval shall be required for all new structures, exterior renovation, interior alterations, demolition, placement of signs, and changes in land use unless specifically accepted by this Ordinance. Applications for zoning approval shall be made to the Zoning Administrator and shall include the following where appropriate:

- Name and Addresses of the applicant, owner of the site, architect, professional engineer, or contractor.
- Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of employees; the zoning district within which the subject site lies.
- Site Plan showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the site plan shall show the location, elevation, and use of any abutting lands and their structures with 40 feet of the subject site.
- Water Supply/Sewage Disposal all new residential, commercial, and industrial structures shall be served by public water and sewer systems.
- Additional Information as may be required by the Village Plan Commission or the Village Zoning Administrator.

Zoning Approval shall be granted or denied in writing by the Zoning Administrator within 30 days. The approval shall expire within 6 months unless substantial work has commenced. Any approval given in conflict with the provisions of this Ordinance shall be null and void.

14.12.01 FEE RECEIPT

From the Village Treasurer, the fee to be computed in accordance with Village resolution.

14.12.02 USES NOT REQUIRING ZONING APPROVAL

- Any small, movable accessory or erection or construction such as bird houses, pet houses, play equipment, arbors; said minor structures shall be limited to 16 square feet in floor space.
- Walls and fences under 3 feet in height; however, no fences or walls under 3 feet in height shall be located within 6 inches of a street right-of-way
- Private sidewalks and driveways, poured or formed patios, decks, and walkways

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that do not exceed 6 inches in height above ground level.

14.13 SITE RESTRICTIONS

No land shall be used or structure erected where the land is held unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he/she bases their conclusions that the land is not suitable for certain uses. The applicant shall have an opportunity to appeal a finding of such unsuitability to the Board of Zoning Appeals if they so desire. Thereafter, the Zoning Administrator may affirm, modify, or withdraw the determination of unsuitability.

All Lots shall abut upon a public street, and each lot shall have an absolute minimum frontage of 50 feet.

All Principal Structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot.

No Zoning Approval shall be granted for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

Solar Access shall be protected in the following manner: No structure, whether Principal Use or Accessory Use; and no plant materials, whether trees, shrubs, or other; and no permanently -fixed equipment shall be of such a height that it would cast a shadow during daylight between 9 a.m. and 3 p.m. of the winter solstice on any portion of another building or the buildable area of a parcel if no building exists. Compliance with this standard must be graphically shown in application for zoning approval.

14.14 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

Principal Uses: Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in a designated district.

Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's, and watchman's quarters not for rent; private swimming pools; and private

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emergency shelters.

Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Plan Commission in accordance with Section 4.0 of this Ordinance.

Unclassified or Unspecified Uses may be permitted by the Village Plan Commission provided that such uses are similar in character to the principal uses permitted in the district.

Temporary Uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Plan Commission.

14.15 MOBILE HOMES

No mobile homes, other than non-conforming structures, shall be permitted to be used as permanent residences within the Village unless they are located in a mobile home park. (See also Sections 3.5 and 8.0.)

14.16 REDUCTION OR JOINT USE

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for structure or use shall be used for any other structure or use.

14.17 VIOLATIONS

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Board of Trustees, the Zoning Administrator, the Village Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

14.18 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$10 dollars nor more than \$200 and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

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14.19.01 ZONING DISTRICTS

14.19.02 ESTABLISHMENT

For the purpose of this Ordinance, the Village of Ridgeway is hereby divided into the following zoning districts. In addition, one overlay district is also established, as well as a Planned Unit Development District.

- R-1 Residential District (3.03)
- R-2 Residential District (3.04)
- R-3 Mobile Home Residential District (3.05)
- B-1 Retail Business District (3.06)
- B-2 Highway Business District (3.07)
- M-1 Industrial District (3.08)
- A-P Agricultural Preservation District (3.09)
- A-H Agricultural Holding District (3.10)
- A-T Agricultural Transition Area (3.11)
- C-1 Conservancy District (3.12)
- PUD Planned Unit Development District (3.13)

Boundaries of These Districts are hereby established as shown on maps entitled "Zoning Map, Village of Ridgeway, Wisconsin" which accompany and are part of this Ordinance. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the zoning map.

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

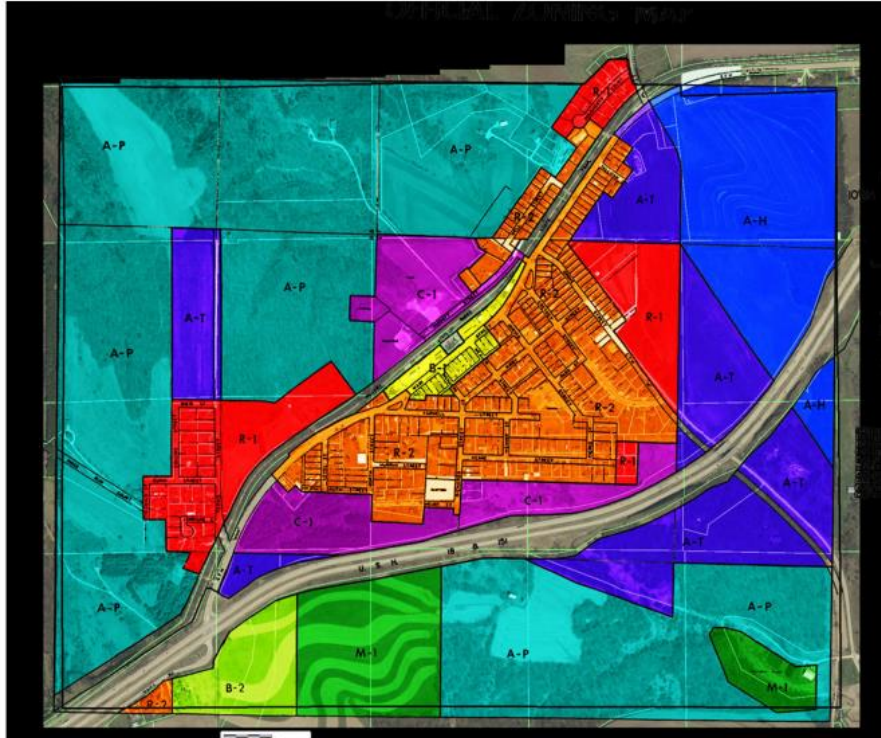
Annexations to or consolidations with the Village subsequent to the effective date of this Ordinance shall be placed in the A-T Agricultural Transition District unless the annexation ordinance places the land in another district. Within 90 days, the Village Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

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14.19.03 ZONING MAP

A certified copy of the zoning map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Village Clerk and shall be available to the public in the office of the Village Clerk.

Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.



VILLAGE OF RIDGEWAY

ZONING MAP

- IOWA COUNTY, WISCONSIN -

KEY:

- R-1 = Residential District
- R-2 = Residential District
- R-3 = Mobile Home Residential District
- B-1 = Retail Business District
- B-2 = Highway Business District
- M-1 = Industrial District
- A-P = Agricultural Preservation District
- A-H = Agricultural Holding District
- A-T = Agricultural Transition District
- C-1 = Conservancy District

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14.19.04 R-1 RESIDENTIAL DISTRICT

The R-1 Residential District is to provide for low density, detached single-family homes. In addition, the R-1. District allows two-family units with a conditional use permit.

Permitted Uses: Single family detached residences; horticulture and gardening, but not including commercial greenhouses; essential facilities and services; accessory uses such as private garages and carports and paved parking areas when located on the same lot and not including the conduct of business, except as permitted household occupation or conditional use, provided that no such garage shall be erected prior to the execution of the principal building to which it is accessory.

Conditional Uses: Two-family units; elementary and secondary schools; churches, farm buildings on an existing farm, provided farm buildings shall be kept at least 200 feet from the nearest residence on a non-farm lot: accessory uses; and permitted home occupations and professional offices when incidental to the principal residential use, situated on the same property, and carried on by the residential occupant, subject to the following conditions:

- Such use shall not occupy more than 25 percent of the classified floor area of the principal building in which it is located.
- Such use shall not employ more than one person not a resident on the premises.
- Any off-street parking area shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.
- Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes.
- Such use shall not include the operation of any machinery, tools, or other appliances, or the outside storage of materials or other operational activity any of which would create a nuisance or be otherwise incompatible to the surrounding residential area.

Within the R-1 District, the following standards shall apply:

- Minimum Front Yard Setback from edge of Highway or Street Right of Way:
 - 30 feet
 - Note: More restrictive standards may be imposed by state and county regulations in certain circumstances where lots abut on state or county highways.
- Minimum Rear Yard Setback:
 - Principal Buildings: 25 feet
 - Accessory Buildings: 6 feet
 - Accessory buildings shall not occupy more than 30% of the required rear yard area, and shall not be more than 12 feet high.
- Minimum Side Yard Setback:
 - Principal Buildings: 10 feet on each side
 - Accessory Buildings: 10 feet on each side

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- Minimum Lot Width:
 - 80 feet
- Minimum Lot Area:
 - 9,000 square feet for single-family unit; 15,000 square feet for two-family unit.
- Percent of Lot Coverage:
 - Maximum 30%
- Minimum Livable Floor Area for Single-Family Residences:
 - 864 square feet (single story);
 - 1440 square feet (two story)
- Minimum Floor Area per Family Unit for Duplexes:
 - 800 square feet/unit
- Maximum Building Height:
 - 35 feet, and no more than 2 1/2 stories

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14.19.05 R-2 RESIDENTIAL DISTRICT

The R-2 Residential District allows single-family residences as a permitted use, and two-family residences or apartment housing with a conditional use permit.

Permitted Uses: Single family residences, horticulture, but not including commercial greenhouses; charitable or non-profit institutions and facilities; accessory uses; permitted uses in the R-1 District.

Conditional Uses: Two-family units; multi-family units; rooming and boarding houses, public buildings, except sewage plants, garbage incinerators, warehouses, shops, and storage yards; clubs, lodges, and meeting places of a non-commercial nature; rest homes, nursing homes, and other group home facilities; historic sites; day care facilities; libraries, museums, and art galleries; hospitals and clinics; funeral homes; cemeteries; uses customarily incidental to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance; home occupations and professional offices, subject to conditions set forth under Section 3.03; and all conditional uses in the R-1 District.

Within the R-2 District, the following standards shall apply:

- Minimum Front Yard Setback:
 - 30 feet from the edge of the street right of way line for all structures.
- Minimum Rear Yard Setback:
 - Principal Buildings
 - 25 feet
 - Accessory Buildings
 - 5 feet
 - Accessory buildings shall not occupy more than 30 percent of the required rear yard area, and shall not be more than 12 feet high.
- Minimum Side Yard Setback:
 - Single or Two-Family Building:
 - 20 feet total; 8 feet minimum on each side
 - Multi-Family Building (three or more units):
 - 15 feet on each side
 - Accessory Buildings:
 - 5 feet on each side
- Minimum Lot Width:
 - 65 feet
- Minimum Lot Area for Single-Family Unit:
 - 7,500 square feet
- Minimum Lot Area for Two-Family Units:
 - 15,000 square feet
- Minimum Lot Area for Multi-Family Units: (3-family or more)

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- Minimum of 15,000 square feet with 3,500 square feet for each efficiency, and 4,000 square feet for each one-, two-, and three-bedroom unit.
- Percent of Lot Coverage: Maximum 30%
- Minimum Livable Floor Area for Single Family Home:
 - 960 square feet (single story)
 - 1,440 square feet (two-story)
- Minimum Floor Area per Family Unit for Duplexes:
 - 800 square feet/unit
- Minimum Floor Area per Unit for Multi-Family Structure:
 - 600 square feet/unit
- Maximum Building Height:
 - 40 feet or 3 stories

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14.19.06 R-3 MOBILE HOME RESIDENTIAL DISTRICT

The R-3 Mobile Home Residential District is intended to provide areas for planned mobile home parks within the Village of Ridgeway.

Permitted Uses: Mobile home parks which are developed exclusively for mobile home usage with the exception of community buildings, laundry facilities, or other common use buildings which are ancillary to the residential use of the development.

Conditional Uses: None

Regulations and Standards: For regulations and standards which apply to the R-3 Mobile Home District, refer to [Section 14.24](#) which lists the mobile home park requirements.

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14.19.07 B-1 RETAIL BUSINESS DISTRICT

The purpose of this district is to encourage the grouping of compatible businesses that will aid in further developing the downtown area as a retail service center.

Permitted Uses: Art and school supply stores; automotive servicing repairs and sales; antique shops; hotels and motels; appliance stores; barber shops and beauty parlors; banks and other financial institutions; business and professional; candy and ice cream stores; caterers; clothing repair shops; clinics; clubs; cocktail lounges; confectionaries; delicatessens; department stores; drug stores; electrical supply; food stores; furniture stores; jewelry stores; medical clinics; newspaper offices; opticians and optical stores; paint stores, retail only ; parking facilities, photographic studios; professional offices; small animal hospitals, taverns, with permit by City or Village Board, tourist information and hospitality centers; funeral homes; upholsterer's shops; government and cultural uses; utilities; churches; variety stores, and any other similar retail uses not specifically listed above which are compatible with established uses on adjoining properties. Also dwelling units above the ground floor.

Conditional Uses: None

Within the B-1 District, the following standards shall apply:

- Maximum Building Height:
 - 3 stories or 40 feet
- Minimum Side Yard Setback:
 - Fireproof construction: None
 - Non-Fire proof construction: 11 feet
- Minimum Front Yard Setback:
 - None
- Minimum Rear Yard Setback:
 - 25 feet
- Minimum Lot Width:
 - Fireproof construction: 25 feet
 - Non-fireproof construction: 45 feet
- Minimum Lot Area:
 - 8500 square feet

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14.19.08 B-2 HIGHWAY BUSINESS DISTRICT

The purpose of this district is to provide for principally motor vehicle oriented or dependent commercial activities that cater to the traveling public, and require larger land areas than can normally be found in the downtown business district. Lot dimensional requirements are established to provide for the orderly grouping of commercial uses and for adequate off-street parking.

Permitted Uses: Service stations and automobile repair places; motels; restaurants and drive-in establishments serving food or beverages; tourist information and hospitality centers; and convenience stores.

Conditional Uses: Any other highway commercial activities similar to above that cater to the traveling public; vehicle sales; car washing and upholstery shops; bowling alleys; small motor sales and/or service; farm machinery and equipment sales and service; food locker plants; wholesaling and warehousing; lumber yards; and veterinary clinics. Within the B-2 District, the following standards shall apply:

- Maximum Building Height:
 - 3 stories or 50 feet
- Minimum Side Yard Setback:
 - 20 feet
- Minimum Front Yard Setback:
 - 50 feet
- Minimum Rear Yard Setback:
 - 40 feet
- Minimum Lot Area:
 - 12,000 square feet
- Minimum Lot Width:
 - 80 feet

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14.19.09 M-1 INDUSTRIAL DISTRICT

The purpose of this district is to provide appropriate areas within the Village limits for manufacturing and related activities that strengthen the Village's economic base and that are not incompatible with other land uses in the Village.

Permitted Uses: Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textile, and wood; manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food (except cabbage, fish, and pea vining), instruments, jewelry, pharmaceuticals, tobacco, and toiletries; freight yards, freight terminals, and trans-shipment depots; inside storage; and any similar uses not specifically listed.

Conditional Uses: Disposal areas, incinerators and sewage disposal plants; manufacturing establishments that require outside storage areas that may be objectionable to surrounding land uses. The Village Board may require solid fencing or evergreen plantings to screen objectionable outside storage areas from other properties or from the public right-of-way.

Prohibited Uses: Residential, education, or institutional uses except a dwelling for a watchman employed on the premises and members of his family; uses in conflict with village or state ordinances governing nuisances; abattoirs, except for slaughter of poultry; acid manufacture; cement, lime, gypsum, or plaster of paris manufacture; distillation of bones; explosives manufacture or storage; fat rendering; fertilizer manufacture; dead animal reduction or dumping; glue manufacture; junk yards; petroleum refining.

Within the M-1 District, the following standards shall apply:

- Minimum Lot Area and Width:
 - 20,000 square feet, 100 feet width
- Minimum Yards:
 - Principal building
 - front 30 feet
 - side 20 feet
 - rear 25 feet
 - Accessory building
 - side 10 feet
 - rear 25 feet
- Maximum Building Height:
 - 2 stories or 50 feet
- Maximum Building Coverage:
 - 50 percent
- Required Buffer Strips:
 - Where the M-1 Industrial District abuts or adjoins along a street line

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opposite a residential district, a buffer strip of not less than 15 feet shall be provided. Plant materials at least 6 feet in height of such variety and growth habits as to provide a year-round effective visual screen when viewed from the residential district shall be planted within the buffer strip.

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14.19.10 A-P AGRICULTURAL PRESERVATION DISTRICT

The purpose of this district is to preserve those agricultural lands, woodlands, and wetlands where it has been determined that their highest and best uses are in long-term agriculture or wildlife habitat, and to prevent uneconomical scattering of residential, commercial, and industrial development in such areas.

Permitted Uses: Beekeeping, dairying, floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, paddocks, equestrian trails, nature trails, stables, forest and game management, livestock and poultry raising (except for commercial operations), roadside stands not exceeding one per farm, gazing, greenhouses, viticulture, and similar agricultural uses. Two single family dwelling unit for resident owner/operators and their children and parents or laborers principally engaged in conducting a permitted or approved conditional use.

Conditional Uses: Fish and fur farms, commercial livestock and poultry operations, livestock sales facilities, veterinary services for farm animals, sale and service of machinery used in agricultural production, utility uses except transmission corridors, airplane landing strips, alcohol fuel stills, and similar agriculturally related business uses. The storage and sale of seed, feed, fertilizer, and other products essential to farm production.

Housing for seasonal farm laborers More than two single-family dwelling units for resident owner/operators and their children and parents or laborers principally engaged in conducting a permitted or approved conditional use.

Placement of a mobile home for use as farm- related housing.

Lot Area Requirements:

- Farm Units
 - Minimum 35 acres
- Additional Farm-Related Housing:
 - Minimum 20,000 square feet
 - Maximum 80,00 square feet
- Agriculturally-Related Business Uses:
 - Minimum 1 acre

Minimum Yards: Additional farm-related housing shall comply with the provisions of the R-1 Residential District.

Farm Buildings:

- Side Yard: Minimum 50 feet
- Rear Yard: Minimum 50 feet
- Highway Yard: Minimum 50 feet

Maximum Building Height: Two times their distance from adjacent lot lines.

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Pre-existing Residences in the Agricultural Preservation District that do not conform to district standards may be continued in residential use and shall not be subject to any limitations imposed by Section 9.0 nonconforming uses.

Any Lot or Parcel of Less Than 35 acres that is recorded under separate ownership in the Office of the Register of Deeds at the time of adoption of the Zoning Ordinance may be used as a single residential building site provided that it can comply with the standards of the R-1 Residential District.

Farm Related Structures Remaining After Farm Consolidation may be divided from the farm provided that it can comply with the provisions of the R-1 Residential District.

Standards for Rezoning: Decisions on petitions for rezoning land from the Agricultural Preservation District shall be based on findings resulting from a comprehensive update to the Village Comprehensive Development Plan. Individual landowner requests for rezoning shall be held until the approving authorities have determined that such a Master Plan update is needed. Following the outcome of a plan update, if land is rezoned from the A-P Agricultural Preservation District, the Department of Agriculture Trade and Consumer Protection shall be notified.

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14.19.11 A-H AGRICULTURAL HOLDING DISTRICT

The purpose of this district is to preserve those agricultural lands and woodlands identified in the Village Comprehensive Development Plan as being potentially necessary for urban expansions within a 10-20 year period.

Permitted Uses: (Same as those established for the A-P Agricultural Preservation District.) Beekeeping, dairying, floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, paddocks, equestrian trails, nature trails, stables, forest and game management, livestock and poultry raising (except for commercial operations), roadside stands not exceeding one per farm, gazing, greenhouses, viticulture, and similar agricultural uses.

Conditional Uses: Non-farm residential use of unsewered lots recorded at the time of adoption of the Zoning Ordinance; plus those listed in the Agricultural Preservation District: Fish and fur farms, commercial livestock and poultry operations, livestock sales facilities, veterinary services for farm animals, sale and service of machinery used in agricultural production, utility uses except transmission corridors, airplane landing strips, alcohol fuel stills, and similar agriculturally related business uses. The storage and sale of seed, feed, fertilizer, and other products essential to farm production.

Lot Area: (Standards are the same as those for the Agricultural Preservation District.)

- Farm Units: Minimum 35 acres
- Additional Farm-Related Housing:
 - Minimum 20,000 square feet
 - Maximum 80,00 square feet
- Agriculturally-Related Business Uses:
 - Minimum 1 acre

Minimum Yards: (Standards are the same as those for the Agricultural Preservation District.) Additional farm-related housing shall comply with the provisions of the R-1 Residential District.

- Farm Buildings:
 - Side Yard: Minimum 50 feet
 - Rear Yard: Minimum 50 feet
- Highway Yard: Minimum 50 feet

Maximum Building Heights: (Standards are the same as those for the Agricultural Preservation District.)

Two times their distance from adjacent lot lines.

Other Use Standards: (Standards are the same as those for the Agricultural Preservation District.)

Standards for Rezoning: Decisions on petitions for rezoning land from the Agricultural Holding District to the Agricultural Transition District shall conform to the Village Comprehensive Development Plan.

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14.19.12 A-T AGRICULTURAL TRANSITION DISTRICT

The purpose of this district is to permit agricultural use of farmland that has been identified in the Village Comprehensive Development Plan as desirable for urban expansion within a 0-10 year period.

Permitted Uses: (The use and standards for this district are the same as those established for the A-H Agricultural Holding District and A-P Agricultural Preservation District.) Beekeeping, dairying, floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, paddocks, equestrian trails, nature trails, stables, forest and game management, livestock and poultry raising (except for commercial operations), roadside stands not exceeding one per farm, gazing, greenhouses, viticulture, and similar agricultural uses.

Conditional Uses: The use and standards for this district are the same as those established for the A-H Agricultural Holding District: Non-farm residential use of unsewered lots recorded at the time of adoption of the Zoning Ordinance; plus, those listed in the Agricultural Preservation District:

Fish and fur farms, commercial livestock and poultry operations, livestock sales facilities, veterinary services for farm animals, sale and service of machinery used in agricultural production, utility uses except transmission corridors, airplane landing strips, alcohol fuel stills, and similar agriculturally related business uses. The storage and sale of seed, feed, fertilizer, and other products essential to farm production.

Lot Area: (Standards for this district are the same as those established for the A-H Agricultural Holding District and those for the Agricultural Preservation District.)

- Farm Units: Minimum 35 acres
- Additional Farm-Related Housing:
 - Minimum 20,000 square feet
 - Maximum 80,00 square feet
- Agriculturally-Related Business Uses:
 - Minimum 1 acre

Minimum Yards: (Standards for this district are the same as those established for the A-H Agricultural Holding District/those for the Agricultural Preservation District.)

Additional farm-related housing shall comply with the provisions of the R-1 Residential District.

- Farm Buildings:
 - Side Yard: Minimum 50 feet
 - Rear Yard: Minimum 50 feet
- Highway Yard: Minimum 50 feet

Maximum Building Heights: (Standards are the same as those for the A-H Agricultural Holding District/Agricultural Preservation District)

- Two times their distance from adjacent lot lines.

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Other Use Standards: (Same as those established for the A-H Agricultural Holding District/Agricultural Preservation District.)

Standards for Rezoning: Decisions on petitions for rezoning land from the Agricultural Transition District shall be based on findings that consider the following:

- Adequate public facilities to serve the development are present or will be provided.
- The land is suitable for development.
- The development is designed to minimize the potential for conflict with remaining agricultural uses in the area.
- The development is consistent with the Village Comprehensive Development Plan.

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14.19.13 C-1 CONSERVANCY DISTRICT

This district is intended to preserve the natural state of scenic areas in the Village and to prevent the uncontrolled, uneconomical spread of residential or other development, and to help to discourage intensive development of marginal lands, particularly flood plain lands and steep slopes, as to prevent hazards to public and private property.

Permitted Uses: Flood mitigation facilities; forestry and the management of woodlands; wildlife preserves; the management of wildlife, including waterfowl, fish, and other similar lowland animals, and non-residential buildings used solely in conjunction with such activities; hunting, fishing, and trapping; park and recreation areas; hiking trails and bridle paths; preservation of areas of scenic, historic, or scientific value; uses similar and customarily incidental to any of the above uses; essential services and facilities.

Conditional Uses: None

There are no setback, lot size, and other dimensional standards applicable in the conservancy district.

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14.19.14 PUD PLANNED UNIT DEVELOPMENT DISTRICT

The Planned Unit Development District is established to promote improved environmental design and innovative uses of land in the Village of Ridgeway. To this intent this District allows variation in the relationship of uses, structures, and open spaces in developments conceived and implemented as cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, energy efficiency, and community appearance consistent with the overall intent of this Ordinance and the Comprehensive Plan of the Village of Ridgeway.

Permitted Use: Any permitted or conditional use in any of the other Districts in this Ordinance may be permitted subject to the criteria listed below, but such conditions or requirements as are made a part of an approved development plan shall be construed to be and enforced as a part of this Ordinance.

Lot, Building, Yard, and Parking Requirements: In the Planned Unit Development District, there shall be no specific lot area, lot width, yard, height, parking and open space requirements, but such requirements as are made a part of an approved development plan shall be construed to be and enforced as a part of this Ordinance.

Criteria for Approval: As a basis for determining the acceptability of application for zoning to the Planned Unit Development District, the following criteria shall be applied to the proposed development plan:

- The proposed development shall be compatible with the physical nature of the site with particular concern for preserving natural features, existing vegetation, and topography.
- The proposed development shall be an asset to the community aesthetically. The buildings and uses shall blend in with the surrounding neighborhood.
- The proposed development shall not create a traffic or parking demand incompatible with existing or proposed facilities. The width and location of streets, other paving, and lighting should be appropriate to the uses proposed. In no case shall standards be less than those necessary to ensure public safety as determined by the Village.
- The proposed development shall not place avoidable stress on the Village's water supply, sanitary sewer, and storm water drainage system
- The proposed development shall make adequate provisions for the permanent preservation and maintenance of open space.

Procedure

Step 1: Procedure for Rezoning

The procedure for rezoning to the Planned Unit Development District shall be the same as for any other Zoning District change ([Section 14.26](#)), except that in addition a general

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development plan shall be submitted to the Village Plan Commission. The general development plan of the proposed project shall be presented at a scale of 1" = 100' and shall show at least the following information:

- The pattern of public and private roads, driveways, and parking facilities.
- A description of land uses and building types, size, and arrangements.
- A utility feasibility analysis.
- The location of recreational and open space areas reserved or dedicated to the public.
- General landscape treatment.
- The plan for phasing the development.
- Any other data required by the Village Plan Commission or Board.

Upon final approval and adoption of the zoning change to the Planned Unit Development District, all plans submitted as well as other commitments, restrictions, and other factors pertinent to assuring that the project will be carried out as presented, shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans.

Step 2: Specific Implementation Plan Approval

Detailed plans are not required to be completed at the time the zoning is approved; however, the review process may be made faster by doing so. Before any building permit is issued, the Plan Commission shall review and approve a Specific Implementation Plan.

The applicant shall file the following with the Plan Commission:

- A final plat of the entire development area showing detailed lot layout, intended uses of each parcel, public dedication, public and private streets, driveways, walkways, and parking facilities.
- The location and treatment of open space areas.
- The arrangement of building groups other than single family residences and all final landscape plans.
- Architectural drawings and sketches illustrating the design of proposed structures.
- A utility plan locating all utility installations.
- A storm water drainage and erosion control plan.
- Agreements, by-laws, provisions, or covenants which govern the organizational structure, use, maintenance, and continued protection of the Planned Unit Development.

At a regular meeting, the Plan Commission shall approve or require changes consistent with the approved general development plan. Upon final approval of the specific implementation plans, they shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans. All covenants, restriction, or contractual agreements with the Village shall be recorded with

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the Register of Deeds before final issuance of building permits.

Modifications

Any subsequent change of use of any parcel of land or addition or modification of any approved development plans shall be submitted to the Plan Commission for approval. Minor changes can be granted administratively by the Plan Commission. Major changes shall require a public hearing preceded by a Class 1 Notice.

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14.20 CONDITIONAL USES

14.20.01 PERMITS

The Village Plan Commission may require the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

14.20.02 APPLICATION

Application for zoning permits for conditional uses shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following:

Name and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.

Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure proposed operation or use of the structure or site, number of employees, and the zoning district within which the subject site is located.

Site Plan showing all the information required under Section 2.5

Additional Information as may be required by the Village Plan Commission or Zoning Administrator

14.20.03 HEARINGS

The Village Plan Commission shall hold a public hearing upon each conditional use application giving Class 2 Notice thereof and written notice shall be given to all abutting and opposite property owners of record.

14.20.04 REVIEW AND APPROVAL

The Village Plan Commission shall use the following standards when reviewing applications for conditional use:

- That the establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or reduce the values of other property
- That the adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided;
- that the conditional use conforms to all applicable regulations of the district in which it is located;
- That the conditional use conforms to the purpose and intent of the village land use plans.

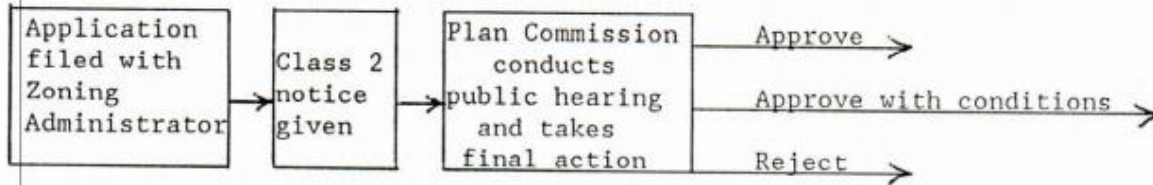
Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Village Plan commission upon its finding that these are necessary to fulfill the

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purpose and intent of the ordinance.

Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses. Variances shall only be granted as provided in Section 9.0.

Steps in Application for Conditional Use in Village:



Approval: Following the public hearing and review of the conditional use application, the plan commission shall approve, disapprove, or further conditionally approve the application. A simple majority approval by the plan commission constitute final approval of the conditional use. No further action by the Village Board is required.

Record Keeping: Records of all Village Plan Commission actions approving conditional uses shall be maintained by the Zoning Administrator and shall be referred to in regard to enforcement and modification of conditional use approvals.

14.21 PARKING, TRAFFIC, AND ACCESS

14.21.01 PARKING REQUIREMENTS

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

Adequate Access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for parking areas for less than 10 vehicles and 20 feet for parking lots for 10 or more vehicles.

Size of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.

Location to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district, and no residential driveway shall be closer than 8 feet from any lot line except on cul-de-sacs.

Lighting: Any lighting used to illuminate an off-street parking area shall be shaded or diffused in order to direct the light away from adjoining properties and adjoining streets.

Number of Parking Stalls Required for New Construction:

- Single-family dwellings: two stalls for each dwelling unit
- Multi-family dwellings: (housing for elderly exempted) two stalls for each dwelling unit
- Hotels, motels; lodging and boarding houses: one stall for each guest room plus one stall for each three employees
- Rest and nursing homes: one stall for each five beds plus one stall for each three employees

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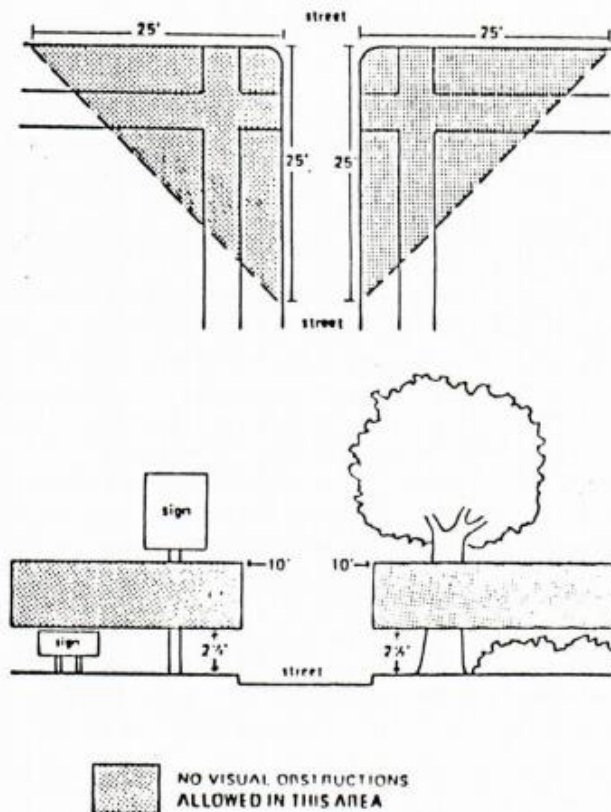
- Medical and dental clinics: three stalls for each doctor
- Churches, auditoriums, community centers, vocational and night schools and other places of public assembly: one stall for each five seats
- Restaurants, bars, places of entertainment, repair shops, retails and service stores: one stall for each 100 square feet of floor area
- Manufacturing and processing plants, laboratories, and warehouses: one stall for each three employees
- Financial institutions, business, governmental, and professional offices: one stall for each 20 square feet of floor area plus one stall per two employees
- Funeral homes: one stall for each four seats plus one stall for each vehicle used in the business
- Bowling alleys: five stalls for each alley

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

Uses Not Listed: In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

14.21.02 TRAFFIC VISIBILITY

Diagram:



No obstructions, such as structures, parking, or vegetation, shall be permitted in any

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district between the heights of 2.5 feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right of way lines and a line joining points on such lines located a minimum of 25 feet from their intersection. (Refer to diagram)

In the case of Arterial Streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

14.21.03 LOADING REQUIREMENTS

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

14.21.04 DRIVEWAYS

All driveways, installed altered changed, replaced, or extended after the effective date of this chapter shall meet the following requirements:

- Islands between driveway openings in business and industrial areas shall be provided with a minimum of 12 feet between all driveways and six feet at all lot lines
- Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.

14.22 MODIFICATIONS

14.22.01 HEIGHT

The district height limitations stipulated elsewhere in this ordinance may be exceeded, but such modifications shall be in accord with the following:

Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this ordinance

Special Structures such as gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, substations, smoke stacks and solar collectors, are exempt from the height limitations of this ordinance.

Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance.

Communication Structures such as radio and television transmissions and relay towers, aerials, and observation towers, shall not exceed in height three times their distance from the nearest lot line.

Agricultural Structures such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.

Public or Semipublic Facilities such as schools and churches may be erected to a height of 60 feet provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

14.22.02 YARDS

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(Amended July 16, 2017)

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

Uncovered Stairs, landings and fire escapes may project into any yard but not to exceed 6 feet and not closer than 3 feet to any lot line.

Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, ornaments, and solar collectors may project into any required yard.

Accessory Uses and detached accessory structures, except garages, are permitted in the rear yard only.

Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

Landscaping and vegetation are exempt from the yard requirements of this Ordinance, providing the required vision corners at street intersections can be met.

14.22.03 ADDITIONS

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

14.22.04 AVERAGE STREET YARDS

The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side. Where the established setback in any residential or business districts is greater than the minimum required, no structure shall be permitted to extend in front of the established building setback line.

On a reversed corner lot each yard abutting a street shall be governed by the front yard requirements.

14.23 SIGNS

14.23.01 PERMIT REQUIRED

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs excepted in Section 7.2 and without being in conformity with the provisions of this ordinance. The sign shall also meet all the structural requirements of the building code.

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14.23.02 SIGNS ACCEPTED IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

All signs are prohibited in all residential and agricultural districts except the following:

Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length.

Real Estate Signs not to exceed eight square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

Name, Home, Occupations, Professional office, and Warning Signs not to exceed two square feet located on the premises.

Farm Signs giving the name of the farm, farm owner, or commodities produced shall not exceed 15 square feet in total area.

Bulletin Boards for public, charitable, or religious institutions not to exceed eight square feet in area located on the premises.

Memorial Signs tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

Official Signs such as traffic control, parking restrictions, information, and notices.

Temporary Signs or banners when authorized by the Plan Commission.

14.23.03 SIGNS PERMITTED IN BUSINESS AND MANUFACTURING DISTRICTS

Signs are permitted in all business and manufacturing districts subject to the following restrictions:

Wall Signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building's wall surface, shall not exceed 400 square feet in area for any one premises, and shall not exceed twenty feet in height above the mean centerline street grade.

Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 10 square feet in area for any one premises, shall not extend more than six feet into any required yard, shall not extend more than three feet into any public right of way, shall not be less than ten feet from all side lot lines, shall not exceed a height of two feet above the sidewalk nor fifteen feet above a driveway or alley.

Ground Signs shall not exceed 20 feet in height above the main centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet in total advertising area.

Roof Signs shall not exceed ten feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 square feet on all sides for any one premises.

Window Signs shall be placed only on the inside of commercial buildings and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.

Combinations of any of the above signs shall meet all the requirements for the individual sign.

14.23.04 TRAFFIC

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs. Signs shall not obstruct or interfere with the effectiveness of traffic signs. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress

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from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. No signs shall be placed so as to obstruct or interfere with traffic visibility.

14.23.05 EXISTING SIGNS

Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size, or location does not conform with the provisions of this ordinance. However, it shall be deemed a nonconforming use or structure, and the provisions of [Section 14.25](#) shall apply.

14.23.06 SIGN REMOVAL

At the termination of an advertised use, all signs advertising that use shall be removed from public view within 30 days. Responsibility for violations shall be with the property owner according to the latest tax roll listing.

14.23.07 SIGNS GENERAL

No flashing, moving, or apparent moving signs shall be permitted except for time and temperature and changeable copy displays. Lighted signs shall be shielded to prevent glare onto adjoining properties or onto the public street. No sign shall be placed on a tree.

14.24 MOBILE HOME PARK REQUIREMENTS

14.24.01 SITE PLAN

At the time of application for a rezoning to the R-3 Mobile Home District and application for a mobile home park license under the Village's separate mobile home ordinance, the applicant shall submit a site plan to the Zoning Administrator containing the following:

- The name and address of all owners and developers of the proposed mobile home park.
- The legal description and lot size, in acres, of the proposed mobile home park.
- The location and size of all mobile home spaces, storage areas, recreation areas and facilities, landscaping, existing tree growth, water areas, roadways, sidewalks, and parking sites.
- Detailed landscaping plans and specifications
- Plans for sanitary sewage disposal, surface drainage, water system, electrical service, gas service, street lighting, and topography diagrams
- Location and size of all public roadways abutting the mobile home park and all street and sidewalk accesses from such street and sidewalk to the mobile home park.
- Preliminary road construction plans, specifications, and elevations.
- Preliminary floor plans and elevation for all structures.
- Description and method of disposing of garbage and refuse.
- Detailed description of proposed maintenance procedure and grounds supervision.
- Staging and timing of construction program whether or not the entire area will be developed at one time or in stages.

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- Such other reasonable information as shall be required by the Zoning Administrator

14.24.02 MOBILE HOME SPACE

Each mobile home space shall have at least 5,000 square feet of land area for the exclusive use of the residents of the mobile home located on the space with a minimum width of 50 feet and a minimum depth of 100 feet. The frontage on the approved roadway and the corner of each space shall be marked and each lot shall be numbered.

14.24.03 YARD REQUIREMENTS

No mobile home shall be parked closer than 10 feet to the side lot lines, 25 feet to the front lot line, nor 25 feet to the rear lot line. There shall be an open space of at least 20 feet between the sides of adjacent mobile homes.

14.24.04 PARKING REQUIREMENTS

The following are minimum parking requirements for mobile home parks:

- Each mobile home space shall have off-street parking space for two automobiles
- Each mobile home park shall maintain a hard-surfaced off-street parking lot for guests of occupants of a size equivalent to one space for each five mobile home spaces.
- Access drives off roads to all parking spaces and mobile home spaces shall be hard surfaced in bituminous concrete or Portland cement concrete designed to accommodate normal traffic.
- Automobiles shall not be parked nearer than five feet from any side lot line unless combined with a contiguous parking area.

14.24.05 UTILITIES

The following minimum requirements for utilities shall be maintained:

- There shall be no obstructions impeding the inspection of plumbing, electrical facilities, utilities or other related equipment.
- Garbage, waste, and trash disposal plans must be approved by the Zoning Administrator and must conform to all state and local health and pollution control regulations.
- The owner of a mobile home park shall pay all required sewer and utility connection fees to the Clerk-Treasurer.

14.24.06 INTERNAL STREETS, SIDEWALKS AND LIGHTING

All internal streets, sidewalks, and lighting shall meet the following requirements:

- Streets shall be hard surfaced with bituminous concrete or Portland cement concrete to accommodate the structural requirements in the village streets as approved by the Village Board.

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- All streets shall be developed with a roadbed of not less than 30 feet and a street surface of not less than 18 feet. Ancillary parking on one side may be allowed except at parking area entrances if the street is at least 28 feet wide
- A 30-inch Portland cement concrete sidewalk shall be built and maintained by the owner providing access to all recreational area, common use buildings and storage areas, and to the public street access.
- Artificial lights shall be maintained during all hours of darkness in all buildings provided for common facilities for occupants' use. The mobile home park grounds, street and pedestrian areas shall be lighted from sunset to sunrise in accordance with a lighting plan approved by the Village Board.

14.24.07 RECREATION AREAS

All mobile home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and shall, where the topography permits, be centrally located. The size of such recreational areas shall be a minimum of 10 percent of the land area of the mobile home park. All equipment installed in such areas shall be owned and maintained by the owner or operator of the mobile home park at their expense.

14.24.08 LANDSCAPING

The following minimum landscaping requirements shall be maintained in all mobile home parks:

- Each space shall be properly landscaped with at least one tree. All yards shall be sodded or planted in grass. There shall be a minimum of 20 trees per gross acre in all areas of a mobile home park. Tree, grass, and landscape materials shall be properly maintained and replaced to conform to the approved landscape plans and specifications.
- A visual screen consisting of a compact hedge, redwood fence, coniferous trees or other approved landscape materials or a screen fencing approved by the Zoning Administrator shall be installed and maintained around the periphery of the mobile home park to substantially inhibit the eye level vision from the exterior when adjacent to any R-1 or R-2 District and shall be maintained free of rubbish, debris, weeds, and paper.
- All areas shall be landscaped and the landscape plan shall be approved by the Zoning Administrator.

14.24.09 MOBILE HOME STANDS REQUIRED

All mobile homes shall be placed and leveled on stands consisting of a 16-inch by 16-inch by 4-inch deep square solid base, minimum, with a double tier of alternately crossed 8-inch block ascending; no I-beam or any portion of the mobile home frame shall rest directly on the concrete block. Wood shimming shall be used. No second or medium grade of concrete block may be used and all block must be installed with the hollow core in a vertical position. These stands shall be placed with a minimum spacing

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of eight feet.

14.24.10 TIE DOWNS, ANCHORS, SKIRTING, AND STORAGE BUILDINGS

Tie downs and anchors are required on all mobile homes. Straps and anchoring equipment shall be capable of resisting an allowable working load of not less than 3,150 pounds and capable of withstanding a 50 percent overload (4,750 pounds) without failure. (Example: Type 1 Finish B, Grade 1 steel strapping, 1 ¼ inch wide and 0.035 inch thick conforming with Federal specifications. Q-QS781-H is recommended to meet the above load requirements.) Tie downs and anchors shall be installed as follows:

Mobile Home Size	Number of Over-the-Roof Ties Required	Number of Frame Ties Required		
		2' pier	3' pier	4' pier
44x12	2	4	5	5
52x12	2	5	5	6
54x12	2	5	6	7
60x12	2	5	6	7
65x12	2	6	7	8
70x12	2	6	7	9
74x12	2	6	8	9
54x14	2	4	5	6
60x14	2	5	5	6
65x14	2	5	6	7
70x14	2	6	7	8
76x14	2	6	7	8
80x14	2	7	7	8

All mobile home units have skirts around the entire mobile home made of plastic, fiberglass, or other comparable noncombustible material approved by the Zoning Administrator and shall be of a permanent color or painted to match the appropriate mobile home so as to enhance the general appearance thereof.

Any storage building in a mobile home park shall be anchored.

14.24.11 REGISTER OF OCCUPANTS AND INSPECTION

The owner of a mobile home park shall keep a registration list available to the village or its agents for inspection at reasonable times. All mobile homes shall comply with State and Village fire, health and building regulations. Before a mobile home unit may be occupied, the owner must secure the inspection and approval of the Zoning Administrator regarding compliance with such regulations.

14.25 NONCONFORMING USES, STRUCTURES, AND LOTS

14.25.01 EXISTING NONCONFORMING USES

The lawful nonconforming use of a structure, land, or water existing at the time of the

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adoption or amendment of this ordinance may be continued although the use does not conform with the provisions of this ordinance.

Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this ordinance.

Total lifetime structural repairs or alterations shall not exceed 50 percent of the Village's current equalized assessed value of the structure unless it is permanently changed to conform to the use provisions of this ordinance.

Changes of use may be permitted by the Zoning Board of Appeals if such changes will reduce the incompatibility of the nonconforming use with the neighboring uses.

14.25.02 ABOLISHMENT OR REPLACEMENT

If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50 percent of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this ordinance.

14.25.03 EXISTING NONCONFORMING STRUCTURES

The lawful nonconforming structure existing at the time of the adoption or amendment of this ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this ordinance, however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this ordinance.

14.25.04 CHANGES AND SUBSTITUTIONS

Once a nonconforming use or structure has been changed to conform it shall not revert back to a nonconforming use or structure.

14.25.05 SUBSTANDARD LOTS

A lot which does not contain sufficient area to conform to the dimensional requirements of the ordinance but which is at least 50 feet wide and 5,000 square feet in area, may be used as a single-family building site provided that the use is permitted in the zoning district and providing the lot is on record in the county Register of Deeds office prior to the effective date or amendment of this ordinance. If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this ordinance.

14.26 BOARD OF ZONING APPEALS

14.26.01 ESTABLISHMENT

There is hereby established a Board of Zoning Appeals for the Village of Ridgeway for

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the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this ordinance in harmony with the purpose and intent of the zoning ordinance.

14.26.02 MEMBERSHIP

The Board of Zoning Appeals shall consist of five members appointed by the Village President and confirmed by the Village Board.

Terms shall be for staggered three-year periods

Chair shall be designated by the Village President.

An alternate member may be appointed by the Village President for a term of three years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.

Village Clerk

Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

Official Oaths shall be taken by all members in accordance with Section 19.1 of the Wisconsin Statutes within 10 days of receiving notice of this appointment.

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

14.26.03 ORGANIZATION

The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

Meetings shall be held at the call of the Chairman and shall be open to the public.

Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

The Concurring Vote of four members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted.

14.26.04 POWERS

The Board of Zoning Appeals shall have the following powers:

Errors: to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or body in the course of enforcing this Ordinance.

Variances: to hear and grant appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.

Substitutions: to hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Village Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not

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thereafter be changed without application.

14.26.05 APPEALS AND APPLICATIONS

Appeals may be made by any person aggrieved or by an officer, department, board, or commission of the Village. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator.

Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Clerk. Such appeals and application shall include the following:

Name and Address of the appellant or applicant and all abutting and opposite property owners of record.

Site Plan showing all of the information required under Section 2.03 for a zoning permit.

Additional Information required by the Village Plan Commission, Village Engineer, Board of Zoning Appeals, or Zoning Administrator.

14.26.06 HEARINGS

The Board of Zoning Appeals shall fix as reasonable time and place for the hearing, give class 2 notice thereof, and give written notice to all abutting and opposite property owners of record. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

14.26.07 FINDINGS

No variance to the provisions of this ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

Exceptional Circumstances: there must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the zoning ordinance should be changed.

Preservation of Property Rights: that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and vicinity.

Absence of Detriment: that the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.

14.26.08 DECISION

The Board of Zoning Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or application, Zoning Administrator, and Village Plan Commission.

Conditions may be placed upon any zoning permit ordered or authorized by this board. Approvals granted by the board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

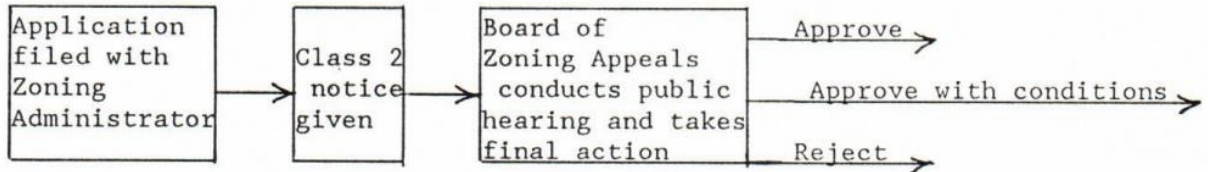
14.26.09 REVIEW BY COURT OF RECORD

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Any person or persons aggrieved by any decisions of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Zoning Appeals.

Steps for Appeals to Board of Zoning Appeals:

STEPS FOR APPEALS TO BOARD OF ZONING APPEALS:



14.27 CHANGES AND AMENDMENTS

14.27.01 AUTHORITY

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board of Trustees may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this ordinance or amendments thereto.

Such change or amendment shall be subject to the review and recommendation of the Village Plan Commission.

14.27.02 INITIATION

A change or amendment may be initiated by the Village Board, or any member thereof, Village Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

14.27.03 PETITIONS

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

Plat Plan drawn to a scale of 1-inch equals 100 feet showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.

Owners' Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.

Additional Information required by the Village Plan Commission or Village Board

14.27.04 RECOMMENDATIONS

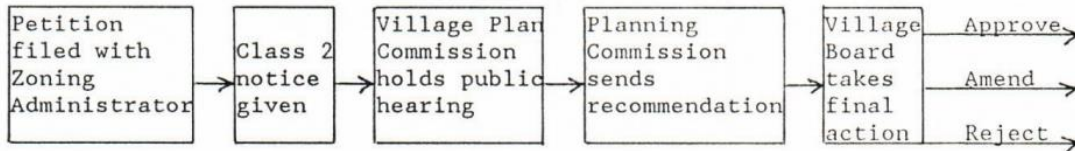
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The Village Plan commission shall review all proposed changes and amendments within the corporate limits, conduct a public hearing (with class 2 notice), and shall recommend that the petition be granted as requested, modified, or denied.

14.27.05 VILLAGE BOARD'S ACTIONS

Following such hearing and after careful consideration of the Village Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.

STEPS FOR ZONING AMENDMENT WITHIN VILLAGE LIMITS:



14.27.06 PROTEST

In the event of a protest against such district change or amendment to the regulations of this ordinance duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the full Village Board of Trustees.

14.28 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory, the word "should" is advisory and the word "may" is permissive. Any words not defined in this section shall be presumed to have the customary dictionary definitions.

Accessory Use or Structure: A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

Alley: A special public right of way affording only secondary access to abutting properties

Animal Unit: One animal unit shall be defined as being the equivalent of 1 cow, 1 -1, 000 lb. steer or bull, 4 hogs, 10 sheep, 10 goats, 100 poultry, 1 horse or pony.

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

Basement: That portion of any structure located partly below the average adjoining lot grade.

Building: Any structure having a roof supported by columns or walls used or intended to

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be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Building Height: The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.

Classes of Notice: References in this Ordinance to Class 1 and Class 2 notices refer to Chapter 985 of the Wisconsin Statutes.

Clothing Repair Shops: Shops where clothing is repaired such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but none employing over five persons.

Clothing Stores: Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.

Commercial Livestock Operation: An animal confinement facility used or designed for the feeding or holding of more than 400 animal units for 30 days or more.

Commercial Poultry Operation: A confinement facility used or designed for the raising of more than 150 animal units for egg or meat production.

Conditional Uses: Uses of a special nature as to make impractical their predetermination as a principal use in a district.

Dwelling: A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

Efficiency: A dwelling unit consisting of one principal room with no separate sleeping room.

Essential Services: Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants.

Family: Any number of persons related by blood, adoption, or marriage, or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.

Floor Area: The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

Garage: Structure whose primary purpose is the storing of personal vehicles.

Government Uses: Includes all public uses and facilities including parks.

Frontage: The smallest dimension of a lot abutting a public street measured along the street line.

Dwelling, Multiple Family: A residential building designed for or occupied by two or more families, with the number of families in residence not to exceed the number of dwelling units provided.

Household Occupation: Any occupation for gain or support conducted entirely within

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buildings by resident occupants which is customarily incidental to the principal use of the premises and does not exceed 25 percent of the area any floor. A household occupation includes uses such as millinery, dressmaking, canning, laundering, crafts, etc. Household occupations shall not cause any objectionable odors, noise, traffic, or unsightly storage. No activity from any household occupation shall be visible from the street or adjacent properties.

Joint Extraterritorial Zoning Committee: Any zoning committee established in accordance with Section 62. 23 (7a) of the Wisconsin Statutes.

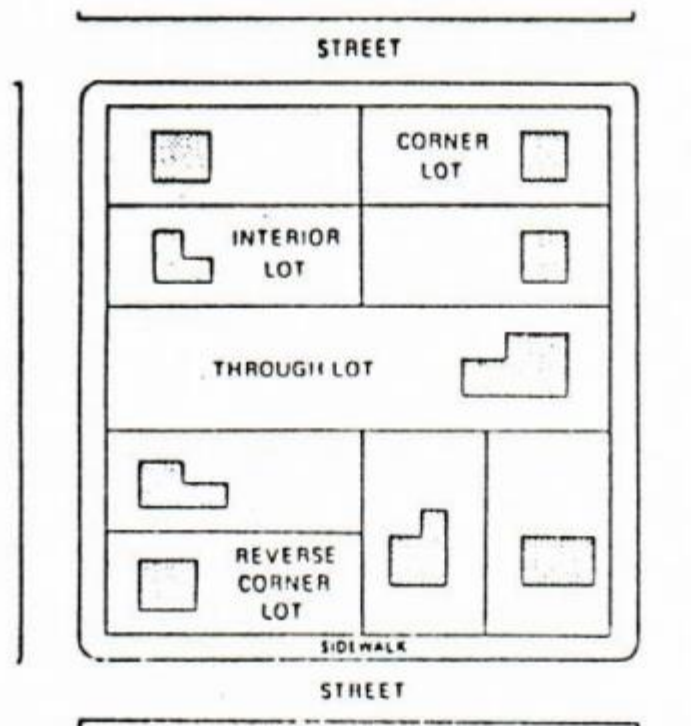
Loading Area: A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot: A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance.

Lot Lines and Area: The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Width: The width of a parcel of land measured at the rear of the specified street yard.

Lot Types:



Machine Shops: Shops where lathes, presses, grinders, shapers, and other wood and metal working are used, such as blacksmith, tinsmith, welding, and sheet metal shops, plumbing, heating, and electrical repair and overhaul shops.

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Minor Structures: Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four feet in height.

Mobile Homes: A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid non-collapsible construction. Any mobile home fitting the definition of a mobile home as set out above shall be designated a mobile home regardless of whether the plans for the mobile home include a concrete foundation, a basement, utility hookup, attachments, additions, annexes, foundations, and appurtenances.

Mobile Home Park: Any lot on which two or more mobile homes are parked for the purpose of temporary or permanent habitation.

Motel: A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

Nonconforming Uses or Structures: Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this ordinance or amendment thereto which does not conform to the regulations of this ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Parking Lot: A structure or premises containing ten or more parking spaces open to the public for rent or a fee.

Parking Space: A graded and surfaced area of not less than 180 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

Parties in Interest: Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontage.

Professional Home Offices: Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half of the area of only one floor of the residence and only one non-resident person is employed.

Rear Yard: A yard extending across the full width of the lot, and depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

Renovation: A general upgrading of the building's interior and exterior appearance. Exterior improvements can include cleaning and painting, and will often involve a substantial change to shop front and design. Interior rehabilitation can include the upgrading of electrical, mechanical, or structural elements and new interior design.

Restoration: The reinstatement of original architectural integrity of structural form to quality buildings of the past, but does not necessarily extend to a reinstatement of the past use of the building.

Side Yard: A yard extending from the street yard to the rear yard of the lot, the width of

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which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

Signs: Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

Small Livestock and Poultry: For purposes of this Ordinance, small livestock shall be limited to animals weighing less than 20 pounds.

Street Yard: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure.

Corner lots shall have two such yards.

Street: A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

Structure: Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

Structural Alterations: Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Utilities: Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telephone exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Yard: An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

CHAPTER 15 - FLOODPLAIN ORDINANCE

(Cr. Dec. 16, 2015)
(Reclassified December 8, 2020)

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15.1 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS.

- 1) Statutory Authorization. This ordinance is adopted pursuant to the authorization in Wis. Stat. § 61.35 and the requirements in § 87.30.
 - a) Finding of Fact. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.
 - b) Statement of Purpose. This ordinance is intended to regulate floodplain development to:
 - Protect life, health and property;
 - Minimize expenditures of public funds for flood control projects;
 - Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
 - Minimize business interruptions and other economic disruptions;
 - Minimize damage to public facilities in the floodplain;
 - Minimize the occurrence of future flood blight areas in the floodplain;
 - Discourage the victimization of unwary land and homebuyers;
 - Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
 - Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
 - c) Title. This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Ridgeway, Wisconsin.
 - d) General Provisions.
 - Areas to be Regulated. This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
 - Official Maps & Revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. (8) Amendments) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These

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maps and revisions are on file in the office of the Clerk/Treasurer, Village of Ridgeway. If more than one map or revision is referenced, the most restrictive information shall apply.

- a) Official Maps. Based on the FIS. Flood Insurance Rate Map (FIRM), panel numbers 55049C0244D, 55049C0265D, 55049C0385D, 55049C0405D, dated 12/16/2015; with corresponding profiles that are based on the Flood Insurance Study (FIS) 55049CV000A dated 12/16/2015
- Establishment of Floodplain Zoning. The regional floodplain areas are divided into three districts as follows:
 - a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
 - b) The Flood fringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
 - c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.
- Locating Floodplain Boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in. a. or b. below. If a significant difference exists, the map shall be amended according to s. (8) Amendments. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s.(7)(c)3 and the criteria in a. and b. below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. (8) Amendments.
 - a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.
- Removal of Lands from Floodplain. Compliance with the provisions of this ordinance shall not be grounds for removing land from the

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floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. (8) Amendments.

- Compliance. Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.
- Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. § 30.2022 applies.
- Abrogation and Greater Restrictions.
 - a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under § 61.35 or Wis. Stat. § 87.30 which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- Interpretation. In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
- Warning and Disclaimer of Liability. The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

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- Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- Annexed Areas for Cities and Villages. The Iowa County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

15.2 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. (7)(a)3. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

1. Hydraulic and Hydrologic Analyses

- No floodplain development shall:
 - a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - b) Cause any increase in the regional flood height due to floodplain storage area lost.
- The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or

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other adopted map, unless the provisions of s. (8) Amendments are met.

2. Watercourse Alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. (2)(a) must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. (8) Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

3. Chapter 30, 31, Wis. Stats., Development. Development which requires a permit from the Department, under Chapters 30 and 31, Wisconsin Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. (8) Amendments.
4. Public or Private Campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
 - The campground is approved by the Department of Health Services;
 - A land use permit for the campground is issued by the zoning administrator;
 - The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
 - There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
 - This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. 4 above - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;

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- Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. (3), (4) or (5) for the floodplain district in which the structure is located;
- The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or flood proofed to the flood protection elevation.

15.3 FLOODWAY DISTRICT (FW).

1. Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. (5)(d).
2. Permitted Uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:
 - they are not prohibited by any other ordinance;
 - they meet the standards in s. (3)(c) and (3)(d); and
 - all permits or certificates have been issued according to s. (7)(a).
 - Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing

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areas and hiking and horseback riding trails, subject to the fill limitations of s. (3)(b)3.

- Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. (3)(b)4.
- Extraction of sand, gravel or other materials that comply with s. (3)(b)5.
- Functionally water dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Stats.
- Public utilities, streets and bridges that comply with s. (3)(b)7.

3. Standards for Developments in the Floodway.

- General

- a) Any development in the floodway shall comply with s. (2) and have a low flood damage potential.
- b) Applicants shall provide the following data to determine the effects of the proposal according to s. (2)(a) and (7)(a)2.a. and b.:
 - 1) A cross section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - 2) An analysis calculating the effects of this proposal on regional flood height.
- c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for sub. b above.

- Structures

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c) Must be anchored to resist flotation, collapse, and lateral movement;

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- d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- Public Utilities, Streets and Bridges
Public utilities, streets and bridges may be allowed by permit, if:
 - a) Adequate flood proofing measures are provided to the flood protection elevation; and
 - b) Construction meets the development standards of s. (2)(a).
- Fills or Deposition of Materials
Fills or deposition of materials may be allowed by permit, if:
 - a) The requirements of s. (3)(c)4 are met;
 - b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
 - c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - d) The fill is not classified as a solid or hazardous material.
- 4. Prohibited Uses. All uses not listed as permitted uses in s. (3)(d) are prohibited, including the following uses:
 - Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
 - Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
 - Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;
 - Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chss. NR 811 and NR 812, Wis. Adm. Code;
 - Any solid or hazardous waste disposal sites;
 - Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
 - Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway

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which complies with the regulations for the floodplain area occupied.

15.4 FLOODFRINGE DISTRICT (FF).

1. Applicability. This section applies to all flood fringe areas shown on the floodplain zoning maps and those identified pursuant to s. (5)(d).
2. Permitted uses. Any structure, land use, or development is allowed in the Flood fringe District if the standards in s. (4)(c) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. (7)(a) have been issued.
3. Standards for Development in The Flood fringe. S. (2)(a) shall apply in addition to the following requirements according to the use requested. Any existing structure in the flood fringe must meet the requirements of s. (6) Nonconforming Uses;
 - Residential Uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the flood fringe, shall meet or exceed the following standards. Any existing structure in the flood fringe must meet the requirements of s. (6) Nonconforming Uses;
 - a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s. (4)(c)(1)b can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
 - b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry flood proofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 - c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
 - d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - 1) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - 2) The municipality has a DNR-approved emergency evacuation plan.
 - Accessory Structures or Use. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

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- Commercial Uses. Any commercial structure which is erected, altered or moved into the flood fringe shall meet the requirements of s. (4)(c)3. Subject to the requirements of s. (4)(c)3, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- Manufacturing and Industrial Uses. Any manufacturing or industrial structure which is erected, altered or moved into the flood fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the flood proofing standards in s. (7)(e). Subject to the requirements of s. (4)(c)3, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- Storage of Materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or flood proofed in compliance with s. (7)(e). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 - a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. (7)(e).
 - b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- Sewage Systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. (7)(e)3., to the flood protection elevation and meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
- Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. (7)(e)3., to the flood protection elevation and shall meet the provisions of Chapters NR 811 and NR 812, Wis. Adm. Code.
- Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in flood fringe areas.
- Deposition of Materials. Any deposited material must meet all the provisions of this ordinance.
- Manufactured Homes.

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- a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1) Have the lowest floor elevated to the flood protection elevation; and
 - 2) Be anchored so they do not float, collapse or move laterally during a flood
 - c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in s. (4)(c)1.
- Mobile Recreational Vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. (4)(c)(11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

15.5 GENERAL FLOODPLAIN DISTRICT (GFP).

1. Applicability. The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.
2. Permitted uses. Pursuant to s. (5)(d), it shall be determined whether the proposed use is located within the floodway or flood fringe.

Those uses permitted in the Floodway (s. (3)(b)) and Flood fringe (s. (4)(b)) Districts are allowed within the General Floodplain District, according to the standards of s. (5)(c), provided that all permits or certificates required under s. (7)(a) have been issued.

3. Standards for Development in The General Floodplain District. S. (3) applies to floodway areas, s. (4) applies to flood fringe areas. The rest of this ordinance applies to either district.
 - In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
 - a) At or above the flood protection elevation; or
 - b) Two (2) feet above the highest adjacent grade around the structure; or

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- c) The depth as shown on the FIRM
 - In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.
- 4. Determining Floodway and Flood fringe Limits. Upon receiving an application for development within the general floodplain district, the zoning administrator shall:
 - Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
 - Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - a) A Hydrologic and Hydraulic Study as specified in s. (7)(a)2.c.
 - b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - c) Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

15.6 NONCONFORMING USES.

1. General.

- Applicability. If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
- The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
 - a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural

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components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. (4)(c)1. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. (4)(c)1.

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- f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. (4)(c)1.
- g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.
- 1) Residential Structures
 - a) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. (7)(e)2.
 - b) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
 - c) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

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- e) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. (5)(c)1.
 - f) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- 2) Nonresidential Structures
- a) Shall meet the requirements of s. (6)(a)(2)(h)1.a-f).
 - b) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. (7)(e)1 or 2.
 - c) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. (5)(c)1.
- 3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. (3)(c)1, flood resistant materials are used, and construction practices and flood proofing methods that comply with s. (7)(e) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. (6)(a)(2)h)3 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

2. Floodway District.

- No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - a) Has been granted a permit or variance which meets all ordinance requirements;
 - b) Meets the requirements of s. (6)(a);
 - c) Shall not increase the obstruction to flood flows or regional flood height;
 - d) Any addition to the existing structure shall be flood proofed, pursuant to s. (7)(e), by means other than the use of fill, to the flood protection elevation; and
 - e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

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- 1) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - 2) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - 3) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
 - 4) The use must be limited to parking, building access or limited storage.
- No new onsite sewage disposal system, or addition to an existing onsite sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing onsite sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. (7)(e)(3) and Ch. SPS 383, Wis. Adm. Code.
 - No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. (7)(e)(3) and chs. NR 811 and NR 812, Wis. Adm. Code.
3. Flood fringe District.
- No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. (4)(c) except where s. (6)(c)2 is applicable.
 - Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. (7)(c), may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

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- a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - b) Human lives are not endangered;
 - c) Public facilities, such as water or sewer, shall not be installed;
 - d) Flood depths shall not exceed two feet;
 - e) Flood velocities shall not exceed two feet per second; and
 - f) The structure shall not be used for storage of materials as described in s. (4)(c)5.
- All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, (7)(e)3 and Ch. SPS 383, Wis. Adm. Code.
 - All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. (7)(e)3 and Ch. NR 811 and NR 812, Wis. Adm. Code.

15.7 ADMINISTRATION.

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under Wis. Stat. §§ 59.69, 59.692 or 62.23(7), these officials shall also administer this ordinance.

1. Zoning Administrator

- Duties and Powers. The Zoning Administrator is authorized to administer this ordinance and shall have the following duties and powers:
 - a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
 - c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - d) Keep records of all official actions such as:
 - 1) All permits issued, inspections made, and work approved;
 - 2) Documentation of certified lowest floor and regional flood elevations;
 - 3) Flood proofing certificates.
 - 4) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

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- 5) All substantial damage assessment reports for floodplain structures.
 - 6) List of nonconforming structures and uses.
- e) Submit copies of the following items to the Department Regional office:
- 1) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - 2) Copies of case by case analyses and other required information including an annual summary of floodplain zoning actions taken.
 - 3) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - 4) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
 - 5) Submit copies of amendments to the FEMA Regional office.
- Land Use Permit.
A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:
 - a) General Information
 - 1) Name and address of the applicant, property owner and contractor;
 - 2) Legal description, proposed use, and whether it is new construction or a modification;
 - b) Site Development Plan.
A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - 1) Location, dimensions, area and elevation of the lot;
 - 2) Location of the ordinary high-water mark of any abutting navigable waterways;
 - 3) Location of any structures with distances measured from the lot lines and street center lines;
 - 4) Location of any existing or proposed onsite sewage systems or private water supply systems;
 - 5) Location and elevation of existing or future access roads;
 - 6) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

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- 7) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - 8) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. (3) or (4) are met; and
 - 9) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. (2)(a). This may include any of the information noted in s. (3)(c)1.
- c) Hydraulic and Hydrologic Studies to Analyze Development.
All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.
- 1) Zone A floodplains:
 - a) Hydrology. The appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
 - b) Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:
 1. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge or culvert) to determine adequate starting WSEL for the study.
 2. Channel sections must be surveyed.
 3. Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 4. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope

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- including a survey of the channel at each location.
5. The most current version of HEC_RAS shall be used.
 6. A survey of bridge and culvert openings and the top of road is required at each structure.
 7. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 8. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 9. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c) Mapping. A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
1. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

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2. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
- 2) Zone AE Floodplains
- a) Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
 - b) Hydraulic model. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:
 1. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
 2. Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.
 3. Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to

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- establish more up-to-date models on which to base the Revised (Post-Project) Model.
4. Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 5. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 6. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- c) Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
1. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 2. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

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3. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 4. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 5. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 6. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 7. Both the current and proposed floodways shall be shown on the map.
 8. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
- d) Expiration. All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.
- 3) Certificate of Compliance.
 No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:
- a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
 - b) Application for such certificate shall be concurrent with the application for a permit;

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- c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
 - d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and flood proofing elevations are in compliance with the permit issued. Flood proofing measures also require certification by a registered professional engineer or architect that the requirements of s. (7)(e) are met.
 - 4) Other Permits. Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.
2. Zoning Agency.
- The Plan Commission shall:
 - a) oversee the functions of the office of the zoning administrator; and
 - b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.
 - The Plan Commission shall not:
 - a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
 - b) amend the text or zoning maps in place of official action by the governing body.
3. Board of Zoning Appeals. The Board of Zoning Appeals, created under Wis. Stat. § 62.23(7)(e) is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.
- Powers and Duties. The Board of Adjustment/Appeals shall:
 - a) Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
 - b) Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and

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- c) Variations. Hear and decide, upon appeal, variations from the ordinance standards.
- Appeals to The Board.
 - a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
 - b) Notice and Hearing for Appeals Including Variations
 - 1) Notice. The board shall:
 - a) Fix a reasonable time for the hearing;
 - b) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
 - c) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
 - 2) Hearing. Any party may appear in person or by agent. The board shall:
 - a) Resolve boundary disputes according to s. (7)(c)3;
 - b) Decide variance applications according to s. (7)(c)4; and
 - c) Decide appeals of permit denials according to s. (7)(d).
 - c) Decision: The final decision regarding the appeal or variance application shall:
 - 1) Be made within a reasonable time;
 - 2) Be sent to the Department Regional office within 10 days of the decision;
 - 3) Be a written determination signed by the chairman or secretary of the Board;
 - 4) State the specific facts which are the basis for the Board's decision;
 - 5) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and

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- 6) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- Boundary Disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
 - a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
 - b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
 - c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. (8) Amendments.
 - Variance.
 - a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - 1) Literal enforcement of the ordinance will cause unnecessary hardship;
 - 2) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - 3) The variance is not contrary to the public interest; and
 - 4) The variance is consistent with the purpose of this ordinance in s. (1)(c).
 - b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - 1) The variance shall not cause any increase in the regional flood elevation;
 - 2) Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 - 3) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
 - c) A variance shall not:

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- 1) Grant, extend or increase any use prohibited in the zoning district;
 - 2) Be granted for a hardship based solely on an economic gain or loss;
 - 3) Be granted for a hardship which is self-created.
 - 4) Damage the rights or property values of other persons in the area;
 - 5) Allow actions without the amendments to this ordinance or map(s) required in s. (8) Amendments; and
 - 6) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.
4. To Review Appeals of Permit Denials.
- The Zoning Agency (s. (7)(b)) or Board shall review all data related to the appeal. This may include:
 - a) Permit application data listed in s. (7)(a)2;
 - b) Floodway/flood fringe determination data in s. (5)(d);
 - c) Data listed in s. (3)(c)1.b where the applicant has not submitted this information to the zoning administrator; and
 - d) Other data submitted with the application, or submitted to the Board with the appeal.
 - For appeals of all denied permits the Board shall:
 - a) Follow the procedures of s. (7)(c);
 - b) Consider zoning agency recommendations; and
 - c) Either uphold the denial or grant the appeal.
 - For appeals concerning increases in regional flood elevation the Board shall:
 - a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. (8) Amendments; and
 - b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.
5. Flood proofing Standards for Nonconforming Structures or Uses.
- No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until

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the applicant submits a plan certified by a registered professional engineer or architect that the flood proofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Flood proofing Certificate.

- For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - a) Certified by a registered professional engineer or architect; or
 - b) Meets or exceeds the following standards:
 - 1) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) the bottom of all openings shall be no higher than one foot above grade; and
 - 3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- Flood proofing measures shall be designed, as appropriate, to:
 - a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - b) Protect structures to the flood protection elevation;
 - c) Anchor structures to foundations to resist flotation and lateral movement;
 - d) Minimize or eliminate infiltration of flood waters; and
 - e) Minimize or eliminate discharges into flood waters.

6. Public Information

- Place marks on structures to show the depth of inundation during the regional flood.
- All maps, engineering data and regulations shall be available and widely distributed.
- Real estate transfers should show what floodplain district any real property is in.

15.8 AMENDMENTS.

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. (8)(a).

1. AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. (8)(a). Any such alterations must be reviewed and approved by FEMA and the DNR.

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2. In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. (8)(a).
3. General. The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. (8)(b) below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:
 - Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
 - Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
 - Any changes to any other officially adopted floodplain maps listed in (1)(e)(2)(a);
 - Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - Correction of discrepancies between the water surface profiles and floodplain maps;
 - Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
 - All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
4. Procedures. Ordinance amendments may be made upon petition of any party according to the provisions of Wis. Stat. § 62.23 for cities and villages. The petitions shall include all data required by ss. (5)(d) and (7)(a)2. The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
 - The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stat. § 62.23 for cities and villages.
 - No amendments shall become effective until reviewed and approved by the Department.
 - All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from

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all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

15.9 ENFORCEMENT AND PENALTIES.

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$10.00 (ten dollars) and not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wis. Stat. § 87.30.

15.10 DEFINITIONS.

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- 1) A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- 2) AH ZONE – See “AREA OF SHALLOW FLOODING”.
- 3) AO ZONE – See “AREA OF SHALLOW FLOODING”.
- 4) ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- 5) ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- 6) AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- 7) BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- 8) BASEMENT – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
- 9) BUILDING – See STRUCTURE.
- 10) BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant

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to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this ordinance.

- 11) **CAMPGROUND** – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- 12) **CAMPING UNIT** – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
- 13) **CERTIFICATE OF COMPLIANCE** – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- 14) **CHANNEL** – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- 15) **CRAWLWAYS or CRAWL SPACE** – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- 16) **DECK** – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- 17) **DEPARTMENT** – The Wisconsin Department of Natural Resources.
- 18) **DEVELOPMENT** – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- 19) **DRYLAND ACCESS** – A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 20) **ENCROACHMENT** – Any fill, structure, equipment, use or development in the floodway.
- 21) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The federal agency that administers the National Flood Insurance Program.
- 22) **FLOOD INSURANCE RATE MAP (FIRM)** – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- 23) **FLOOD or FLOODING** – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

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- i. The overflow or rise of inland waters;
 - ii. The rapid accumulation or runoff of surface waters from any source;
 - iii. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - iv. The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- 24) FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
- 25) FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- 26) FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- 27) FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- 28) FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- 29) FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- 30) FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- 31) FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- 32) FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 33) FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

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- 34) **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 35) **FLOODWAY** – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 36) **FREEBOARD** – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- 37) **HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human habitation.
- 38) **HEARING NOTICE** – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- 39) **HIGH FLOOD DAMAGE POTENTIAL** – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- 40) **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 41) **HISTORIC STRUCTURE** – Any structure that is either:
- i. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - ii. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - iii. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - iv. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- 42) **INCREASE IN REGIONAL FLOOD HEIGHT** – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- 43) **LAND USE** – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

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- 44) **LOWEST ADJACENT GRADE** – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
- 45) **LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
- 46) **MAINTENANCE** – The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
- 47) **MANUFACTURED HOME** – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- 48) **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
- 49) **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING** – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- 50) **MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 51) **MOBILE RECREATIONAL VEHICLE** – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- 52) **MODEL, CORRECTED EFFECTIVE** – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- 53) **MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- 54) **MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

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- 55) **MODEL, EXISTING (PRE-PROJECT)** – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- 56) **MODEL, REVISED (POST-PROJECT)** – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- 57) **MUNICIPALITY or MUNICIPAL** – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
- 58) **NAVD or NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1988 adjustment.
- 59) **NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1929 adjustment.
- 60) **NEW CONSTRUCTION** – For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- 61) **NONCONFORMING STRUCTURE** – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- 62) **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- 63) **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- 64) **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
- 65) **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
- 66) **ORDINARY HIGHWATER MARK** – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- 67) **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

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- 68) **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- 69) **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- 70) **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 71) **REGIONAL FLOOD** – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 72) **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 73) **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- 74) **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
- 75) **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- 76) **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are

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considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

- 77) **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- 78) **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 79) **VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 80) **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
- 81) **WATER SURFACE PROFILE** – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- 82) **WELL** – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.