

## **CHAPTER 1: ADMINISTRATION**

### **ARTICLE I: GENERAL PROVISIONS**

#### **Sec. 1-1-1. Adoption and References**

The ordinances adopted herein shall constitute and be cited as the "Code of Ordinances of the Town of Medary, Wisconsin". It may also be cited as the "Medary Code" or "Code".

#### **Sec. 1-1-3. Section headers.**

- (a) The section headers of this Code printed in boldface type are intended as organizational headers to aid in the organization and referencing of the Code and shall not be given substantive meaning

#### **Sec. 1-1-4. General penalty; continuing violations.**

- (a) Unless otherwise provided by law or ordinance, a person convicted of a violation of this Code shall forfeit not less than \$50.00 nor more than \$500.00 and the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail of the county until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the state.
- (b) The failure of a town officer or town employee to perform an official duty shall not be deemed a violation of this Code.
- (c) Except as otherwise provided by law or ordinance, with respect to violations of this Code that occur for a period greater than 24 hours, for each calendar day during which a violation continues is a separate offense.

#### **Sec. 1-1-5. Severability.**

All provisions of this Code are severable. If any portion of any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the validity of any other provision of this Code. It is the intent of the town that it would have enacted this Code without such invalid or unconstitutional provisions.

#### **Sec. 1-1-6. Certain ordinances not affected by Code.**

Nothing in this Code affects the validity of any ordinance or portion thereof pertaining to the following not in this Code, which ordinances designated continue in full force and effect to the same extent as if published at length in this Code:

- (1) Annexing property into the town.
- (2) Deannexing property or excluding property from the town.

- (3) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (4) Authorizing or approving any contract, deed, or agreement.
- (5) Making or approving any appropriation or budget.
- (6) Accepting any gift or grant.
- (7) Granting any right or franchise.
- (8) Providing for salaries or other officer or employee benefits.
- (9) Releasing a person from liability.
- (10) Calling or ordering an election.
- (11) Naming or renaming a park or recreational facility.
- (12) Adopting or amending the comprehensive plan.
- (13) Adopting or amending the official map or shown on the official map.
- (14) Levying or imposing any special assessment.
- (15) Dedicating, establishing, naming, renaming, locating, relocating, opening, paving, widening, repairing, vacating or discontinuing any street or alley.
- (16) Establishing the grade, curbline or width of any street or sidewalk.
- (17) Creating or establishing districts wherein all wires, cables, etc., are required to be located underground.
- (18) Providing for the construction of public works not codified in this Code.
- (19) The construction or repair of specific sidewalk.
- (20) Dedicating, accepting or vacating any plat or subdivision.
- (21) Levying, imposing taxes or assessments.
- (22) Providing traffic or parking regulations for specific locations.
- (23) Establishing a shoreline or bulkhead line.
- (24) Providing regulations for sewer and water main construction.
- (25) Rezoning specific property or amending the zoning map.
- (26) That is temporary, although general in effect.
- (27) That is special, although permanent in effect.
- (28) The purpose of which has been accomplished.

#### **Sec. 1-1-7. Unpaid debts**

No permits, licenses, leases or other privileges shall be granted by the town to any individual or entity that owes a debt to the town, unless said individual or entity is making regular payments on the debt, according to a payment plan approved by the town.

### **Sec. 1-1-8. Destruction of obsolete records.**

- (a) Adoption of section. This section, adopted by a majority of the town board with a quorum present and voting and proper notice having been given, authorizes the powers and establishes the duties of the town officers to manage and destroy obsolete records in the possession of the town.
- (b) Financial records. The town officers, pursuant to Wis. Stats. § 19.21(4), may destroy the financial records, except utility records, of which they are the legal custodians and that are considered obsolete as provided: See the town records retention schedule attached to the ordinance from which this section is derived.
- (c) Utility records. The town officers, pursuant to Wis. Stats. § 19.21(4), may destroy the following utility records of which they are the legal custodians and that are considered obsolete: See the town records retention schedule attached to the ordinance from which this section is derived.
- (d) Other records. The town officers, pursuant to Wis. Stats. § 19.21(4), may destroy the following records of which they are the legal custodians and that are considered obsolete: See the town records retention schedule attached to the ordinance from which this section is derived.

### **Section 1-1-9. Alternative Claims Procedure.**

(a). Adoption of Section. This section is adopted pursuant to the authority granted town boards under s.60.44(2), Wis. Stats. which allows for the adoption of an alternative claim procedure for approving financial claims against the town which are in the nature of bills and vouchers.

(b). Applicability: Payments may be made from the town treasury pursuant to this ordinance for claims against the town not in excess of Five Hundred dollars (\$500.00) or Payments may be made from the town treasury pursuant to this ordinance for bills or vouchers that are of a routine nature.

(c) Procedure: Payments may be made from the town treasury after the town clerk audits and approves each claim as a proper charge against the treasury by first determining that the following conditions have been complied with:

- (1) Funds are available under the town budget to pay the bill or voucher.
- (2) The item or service covered by the bill or voucher has been duly authorized.
- (3) The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
- (4) The claim appears to be a valid claim against the town.

The town clerk may require submission of proof to determine compliance with the conditions under (1-4), prior to approval. For example, the clerk may require verification of quantity, quality, etc., by another town official or employee.

After determining that the above conditions have been met the clerk shall indicate approval of the claim by placing his or her signature on the bill. Upon approval of a bill or voucher

under this procedure, the clerk shall prepare and sign a check and have it countersigned by the town treasurer and the town chairperson, pursuant to s. 66.0607, Wis. Stat. The treasurer shall then mail or deliver the completed checks to the appropriate parties.

At least monthly, the town clerk shall file with the town board a written list of claims approved pursuant to this ordinance. The list shall include the date paid, name of claimant, purpose and amount.

#### **Sec. 1-1-10. Joint Action Emergency Cooperation with the County of La Crosse for National Emergencies**

(a). A joint Action Ordinance of the Board of Supervisors of La Crosse County providing for a County Municipal joint action emergency Government of organization adopted by said County Board on the 16<sup>th</sup> day of March 1972. A copy of said County Ordinance is attached hereto, and made a part hereof, by reference, and is hereby ratified and accepted by the municipality of Medary, County of La Crosse.

(b). The County-Municipal Emergency Government Coordinator appointed and employed by the La Crosse County Board as provided in the referred to ordinance is hereby designated and appointed Emergency Government Coordinator for the municipality of Medary TWP subject to the conditions and provisions as set forth in the Wisconsin Statutes, and the La Crosse County Joint Action ordinance.

#### **Sec. 1-1-11. Registration of Electors**

(a). Purpose. It is the purpose of this Section to cause the registration of electors in the Town of Medary, pursuant to Section 6.27(2) Wisconsin Statutes, in order to provide for the most orderly and accurate system of voting possible in the Town of Medary.

(b). From and after the effective date of this Ordinance all electors in the Town of Medary shall be required to register on forms to be provided by the Town Clerk in order to vote at any primary, general or other election. Registration shall be conducted by the Town Clerk, Deputy Clerk, or other employee authorized to execute the Affidavits of Registration. Registration may also be conducted at myvote.wi.gov.

(c). The Town Clerk is hereby authorized and directed to certify such registration to the County Clerk and the Secretary of State, pursuant to Section 6.26(6) Wisconsin Statutes.

#### **Sec. 1-1-12 Town Board of Review Procedures**

(a). Wisconsin State Statute Section 70.47(7)(af) is hereby adopted by reference. Income and expense information provided by property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Sec. 19.35(1) of Wisconsin Statutes. Exceptions being an officer may make disclosure of such information under the following circumstances:

- a. The assessor has access to such information in the performance of his/her

duties.

- b. The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment.
- c. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law.
- d. The officer is complying with a court order.,
- e. The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under Sec. 74.37, in which case the base records are open and public.

(b). Wisconsin State Statute 70.47(6m)(c) and Section 70.46(1) are hereby adopted by reference. The Town Board, at their discretion, shall annually appoint alternates to serve on the Town Board of Review in the event a standing Board member of the Board of Review is removed or unable to serve for any reason. Said appointments shall be made annually prior to the Board of Review being held. The Town Board may name as many alternates as they deem necessary to meet the statutory requirements that no less than three Board of Review members are needed to make a final determination of an objection to the property assessment.

## **ARTICLE II. TOWN BOARD**

### **Sec. 1-2-1. Number and terms of members.**

The town board shall consist of three supervisors, one of whom shall be designated as chairman. They shall be elected for two-year terms as set forth herein. All supervisors shall be elected at large.

## **ARTICLE III. OFFICERS AND EMPLOYEES**

### **Sec. 1-3-1. Town clerk**

- (a) The Town clerk is an appointed position.
- (b) The town clerk shall have a term of three years. The person may be reappointed and may be dismissed by the board only for cause, as defined in Wis. Stats. § 17.001.

### **Sec. 1-3-2. Town Treasurer**

- (a) The Town Treasurer is an appointed position
- (b) The town treasurer shall have a term of three years. The person may be reappointed and may be dismissed by the board only for cause, as defined in Wis. Stats. § 17.001.
- (b) Exemption from treasurer's bond. The treasurer of the town is exempted from giving the bond specified in Wis. Stats. § 70.67(2). The town hereby obligates itself to pay, in case the town treasurer fails so to do, all state and county taxes that the treasurer is required to pay to the county treasurer.

### **Sec. 1-3-3 Town assessor.**

The town meeting has provided that the town assessor shall be appointed pursuant to the provisions of Wis. Stats. § 60.307.

## ARTICLE IV. ETHICS

### **Sec. 1-4-1. Purpose.**

The purpose of the code of ethics is to establish a standard of ethical conduct for town employees and officials.

### **Sec. 1-4-2. Construction.**

This Article shall be construed so as to be consistent with any town, state, or federal labor or employment policy, rule or law. In the event of a conflict between this Article and any town, state, or federal labor or employment policy, the latter shall control.

### **Sec. 1-4-3. Application of code of ethics.**

- (a) Town employees and officials protect themselves from the accidental violation of this code by procuring a written opinion from the town attorney prior to acting and acting in accordance with said opinion.

### **Sec. 1-4-4. Policy.**

It is the declared policy of the town that town employees and officials act as follows:

- (1) Impartially and responsibly.
- (2) In accordance with governmental structure.
- (4) In accordance with all applicable laws, rules and regulations.
- (5) In a manner to promote public confidence.
- (6) Without regard for unauthorized personal gain attained through the use of their position.
- (7) Without regard to age, race, creed, religion, color, handicap, sex, national origin, ancestry or sexual orientation, unless permitted by law.
- (8) In accordance with employee work rules and relevant established standards of employee performance.
- (9) Within the scope of their authority.
- (10) In full cooperation with other town officials and employees, except as otherwise prohibited.

### **Sec. 1-4-5. Standards for ethical conduct.**

- (a) Crimes against government and its administration. No covered personnel shall violate Wis. Stats. ch. 946, "Crimes against Government and its Administration."
- (b) Public contracts, financial transactions, real estate transactions and the purchase or sale of material, supplies or services. No covered personnel shall vote on or participate in a decision making capacity in any transaction involving a town contract, town financial transaction, town real estate transaction, or in the purchase or sale of any material, supplies or services under circumstances in which they have a personal financial interest therein.

- (c) Gifts.
  - (1) No town official or employee shall accept any gift or thing of value from any person or entity, which is related to town service or employment, which is in excess of \$50.00.
- (d) Campaign contributions. Campaign contributions shall not be construed as prohibited under (c) of this section, but shall be reported by candidates for elected office in a timely manner in accordance with state law.
- (e) No town official or employee shall use or permit the use of town property for personal financial gain.
- (f) Confidential information.
  - (1) Any information gained in a confidential capacity during the course of service or employment shall not be disclosed unless expressly authorized to do so. This section shall not apply to information that has previously become public record.
  - (2) Any information gained in a confidential capacity during the course of service or employment shall not be utilized for personal financial gain. This section shall not apply to information that has previously become public record.
- (g) Laws, rules and regulations. Town officials and employees shall act in accordance federal, state or town ordinance, rule or regulation.
- (h) Discrimination. Town officials or employees shall not engage in discriminatory conduct that is prohibited by local, state or federal law, rule or regulation.
- (j) Political activity.
  - (1) No town official or employee shall use, cause to be used, or direct to be used, any town personnel or equipment during working hours, for any political campaign.
  - (2) No town official or employee shall coerce any employee or person to contribute monetary or other assistance to any political candidate, party or purpose, or to otherwise restrict any employee or person in the free exercise of their Constitutional rights in such regard, except where such restriction is imposed by law, rule or regulation.
- (k) Quasi-judicial hearings.
  - (1) No town official or employee, while acting in a quasi-judicial capacity, shall have ex parte communications, oral or written, initiated or received, with any person having an interest in the matter, outside of the scope of the formal hearing process, when said communication bears on the merits of any issue which is pending before their respective hearing body. Procedural issues are not deemed issues, which bear on the merits. A matter shall not be deemed pending until a complaint has been filed. town official or employee act in a quasi-judicial capacity when serving on a body which is engaged in conducting a due process hearing.
  - (2) Any covered person who inadvertently violates subsection (k)(1) of this section, shall forthwith notify, in writing, their respective body of the act, date of circumstances, and names of persons involved, attaching a copy of any written communications thereto. A

copy of such notice shall also be served upon the parties, or their respective attorneys, which are a party directly involved in the hearing process.

- (3) No covered person shall influence or attempt to influence any covered person who is engaged in conducting a quasi-judicial hearing outside of the hearing process, with respect to the merits of any issue.

## ARTICLE V. FINANCE

### **Sec. 1-5-1. Special assessments.**

(a) Scope. This ordinance shall apply to all streets, alleys and highways newly opened or laid subsequent to the date of passage and publication of this ordinance, excepting such platted streets as have been graded by the owner and in which drainage structures have been installed by the owner or a bond filed to cover grading and drainage structures pursuant to the subdivision control ordinance of the Town. This ordinance shall not apply to streets, alleys and highways officially opened as public highways prior to passage and publication of this ordinance.

(b) Assessments. The Town Board shall assess the entire cost of initial grading to approved grades and of initial installing of drainage structures in newly laid or newly opened streets, alleys and highways to the property benefitted thereby in the following manner:

- (1) Preliminary Assessment. Promptly after the Town Board is notified of the exact cost to the Town of such initial grading and drainage structures, the Town Board shall meet and establish a preliminary assessment of such cost against all property benefitted thereby in proportion to such benefit, having due regard for variations in amount of benefit because of other access to the property or various uses of the property.
- (2) Date of Hearing. The Town Board shall thereupon set a date of hearing on such assessments.
- (3) Notice of Hearing. The Town Clerk shall mail notice of amount of preliminary assessment to each property owner at least ten (10) days before such hearing. Such notice shall be mailed to the post office address of each owner as it appears on the last previous tax roll unless the Town Clerk has been notified of a change in ownership or address. The Town Clerk shall certify on the records of the proceeding the date of such mailing and the addresses. Such notice shall also be posted in five (5) public places of which three (3) shall be within the area assessed.
- (4) Hearing. The Town Board shall, at such hearing, hear objections to the preliminary assessments and may review, modify and correct such preliminary assessments as they deem just, and thereupon a complete and final determination shall be made by the Board and filed with the Town Clerk.
- (5) Notice of Final Resolution. NOTICE of the final resolution shall be posted and mailed to each owner the same as the Notice of Hearing.
- (6) Lien. The assessment shall be a lien on behalf of the Town from the date of the final determination of the assessment by the Town Board to the same extent and of equal force and validity as a lien for a tax assessed upon land. Such lien shall be enforced in the same manner as the lien for general real estate taxes.

- (7) Payment. Such assessments shall be added to the next succeeding general real estate tax roll as a special assessment and paid in full with such general real estate taxes.
- (8) Appeal by Landowner. If the owner of any parcel of land affected by such determination feels himself aggrieved thereby, he may within forty (40) days after the date of the notice of the final resolution appeal therefrom to the Circuit Court for La Crosse County by following the procedure established by Section 66.60(2)(a) of the Wisconsin Statutes (1961). Such appeal shall be the only remedy of the owner for the redress of any grievance he may have by reason of the assessment

## **CHAPTER 2: ALCOHOL BEVERAGES**

### **ARTICLE I. GENERAL**

#### **Sec. 2-1-1. State statutes adopted.**

The provisions of Wis. Stats. Ch. 125, and any future amendments, revisions, or modifications thereto, relating to the sale of alcoholic beverages are hereby adopted and by reference made a part of this Code as if fully set forth herein.

## **CHAPTER 3: ANIMALS**

### **ARTICLE I. IN GENERAL**

#### **Sec. 3-1-1. Penalties.**

Any person violating any provision of this chapter, shall suffer one or all of the following penalties:

- (1) Except as otherwise provided in this Code, any license or permit issued pursuant to chapter 12 may be suspended by the officer or department issuing the same upon a hearing on notice.
- (2) Except as otherwise provided in this Code, any license or permit issued pursuant to chapter 12 may be suspended or revoked by the town board after allowing the licensee or permittee a hearing on notice.
- (3) Any license or permit issued pursuant to chapter 12 may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
- (4) Upon conviction thereof, a forfeiture as provided in section 1-7.

#### **Sec. 3-1-2. State statutes adopted.**

Except as otherwise specifically provided in this chapter the provisions of Wis. Stats. §§ 951.01—951.17 and such amendments as may subsequently be enacted, are hereby adopted by reference and made a part of this chapter as though fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

#### **Sec. 3-1-3. Species prohibited within the town**

The species named in this section are by their nature or actions considered to be a public nuisance and hereby declared to be a nuisance within the town and may not be kept by any person within town limits. Species prohibited by this section include: mink, foxes, skunks, raccoons, , poisonous snakes, alligators, and crocodiles

**Sec. 3-1-4. Species allowed within the town.**

- (a) Allowed. Residents may keep up to two dogs, three cats, and chickens and such other livestock as may be allowed by La Crosse County Zoning Ordinance Ch. 17.
- (c) Use conditions. Any owner, occupier, or user of property within the town who chooses to own, keep or harbor chickens and any chicken coop permitted under this section shall be limited to the following conditions:
  - (1) One property is limited to the keeping or harboring of up to the greater of five chickens or such number of chickens as may be allowed by under La Crosse County Zoning Ordinance.
  - (2) A person may only own, keep or harbor chickens on property being used as a single-family residential dwelling.
  - (3) No person shall keep any rooster.
  - (4) No person shall slaughter any chickens.
  - (5) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure within the backyard of the property at all times.
  - (6) No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot.
  - (7) All enclosures shall be constructed as to prevent rats from being harbored underneath the same or within the walls. All food products that may attract rats are to be protected as to prevent rats from gaining access.
- (d) Public health and safety concerns.
  - (1) No person shall keep any chicken within the town in any unsanitary condition or within such proximity of dwelling houses or in any manner so as to be a nuisance.
  - (2) All chicken coops, yards and other buildings shall be kept in a clean, sanitary condition and free from all objectionable odors and shall be subject to the inspection and approval of the town and the county public health department or their agents.
  - (3) The county health department, town and their agents shall have jurisdiction to inspect the premises upon which chickens are kept and ascertain and determine whether the conditions are unsanitary or if for any reason a nuisance is caused thereby.
  - (4) A complaint against any person owning, keeping or harboring chickens in accordance with this section may be filed with the town or the county department of health or the La Crosse County Zoning Department. If filed with the town, the town shall then be required to forward the complaint to the county department of public health. If the conditions are deemed unsanitary, or if for any reason a nuisance exists, they shall

have the authority to order the owner or occupant of the premises to abate the nuisance and it shall thereupon be unlawful to keep such chickens on the premises.

- (5) If the town finds the use of chickens is in violation of this section or any other section of this Code, the town shall have the authority to require the owner or user of the property to fix, abate, or alleviate the problem.
- (e) Bird noise. In accordance with this section, it shall be unlawful for any person, occupying any building to own, keep, harbor or to allow to be kept any chicken which shall habitually by any noise disturb the peace and quiet of any person in the vicinity thereof.

**Sec. 3-1-5. Prohibited areas for animals.**

- (a) No person owning, keeping, or in charge of any animal shall permit such animal to be in any public park, on any school grounds, except as authorized by the school, beaches or cemeteries in the town at any time. The provisions of this section shall not apply to service animals under the conditions specified in Wis. Stats. § 106.52.
- (b) This section applies whether or not the animal is restrained under section 6-44.

**Sec. 3-1-6. Keeping of animals.**

No owner of any animal shall maintain the same within the town in such manner as shall affect or disturb the public health, public peace, safety or decency, nor shall any person herd together animals within the town in such manner as to be conducive to noise, foul odors, insect life, or the source of annoyance or discomfort to persons residing in the vicinity thereof.

**Sec. 3-1-7. Annoyances.**

- (a) No person shall harbor or keep any dog or any other animal which would be a public nuisance as defined in this chapter.
- (b) No owner, caretaker or custodian shall fail to maintain in a clean and sanitary condition and free from objectionable odor, all structures, pens, yards, and areas adjacent thereto wherein any dog or animal is kept.
- (c) No owner, caretaker or custodian shall fail to keep such dog or animal confined on his own premises or under his immediate control.
- (d) No person shall tie, stake or fasten any dog within any street, alley, sidewalk or other public place within the town, or in such a manner that the animal has access to any portion of any street, alley, sidewalk or other public or private property.
- (e) Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding. Provided, however, a dog or cat may be kept on a leash when under the supervision of a responsible person.
- (f) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, parks, cemeteries, or trespassing upon private property, and barking or whining, shall be deemed a nuisance.

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

**Sec. 3-1-8. Prohibition of animals at large.**

No animal of any kind shall be permitted to run at large in the town at any time, and any owner or persons in charge of said animals who shall permit the same to run at large shall be guilty of a violation of this chapter

**Sec. 3-1-9. Animal bites.**

The owner of any dog, cat or other animal which has bitten any person shall, upon demand of the humane officer or police department, produce and surrender up such dog, cat or other animal to such department to be held in quarantine for a minimum of ten days. During quarantine the animal shall be securely confined and kept from contact with any other animal.

**ARTICLE II. DOGS AND CATS**

**Sec. 6-40. Licensing requirements and procedures.**

(a) Any person who causes to be kept within the town, any dog or cat more than five months of age on January 1 of any year must obtain a license as herein provided.

(b) Any humane society, municipal animal control facility or licensed veterinary clinic is exempt from subsection (a) of this Section.

(c) Application for licenses shall be made to the town clerk and shall include the name and address of applicant, description of the animal, the appropriate fee, information whether the animal is sexed or neutered, and a rabies certificate issued by a licensed veterinarian or anti-rabies clinic, illustrating that the animal for which the license is sought has received current immunization for rabies. (Written proof is required from a licensed veterinarian that the animal being licensed has been neutered.) Application for a license must be made within 30 days after obtaining a dog or cat obtains the age specified in subsection (a) of this section, except that this requirement will not apply to a non-resident keeping a dog or cat within the town for no longer than 30 days.

(d) The license tax under this section for a spayed female or neutered dog shall be the same as that charged by the county for the same license. The minimum license tax under this section for a spayed female or neutered cat shall be the same amount as for a spayed or neutered dog. The license tax under this section for an unspayed female or unneutered dog shall be the same as that charged by the county for the same license. The minimum license tax under this section for an unspayed female or unneutered cat shall be the same amount as for an unspayed or unneutered dog.

(e) License fees shall not be required for any dog specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons; licenses for the above shall be issued without charge. Subsection (a) of this section does not apply to a person who owns dogs that are kept only for educational or scientific purposes.

(f) A duplicate license may be obtained upon payment of a replacement fee in the amount established by the fee schedule.

- (g) All dog license tax revenues shall be disbursed by the town clerk in accordance with the provisions of Wis. Stats. ch. 174.
- (h) Upon acceptance of the license application and fee, the town clerk shall issue a durable tag, stamped with an identifying number and year of issuance.
  - (1) Dogs must wear identification tags at all times, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner.
  - (2) No person shall use any license receipt or license tag issued for one animal on another animal.
  - (3) The town clerk/treasurer shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.
- (i) All licenses shall be issued for a term of one year commencing with the first day of January of each year, and terminating as of midnight on the last day of the licensing period. Application for licenses may be made from January 1 to April 1 of each year without penalty. Any license issued after April 1 of each year shall pay an additional fee as established by the town unless the owner can conclusively illustrate that the animal has been acquired by him within the last 30 days prior to application for a license, or that applicant has established town residency within the last 30 days prior to application. If not revoked, licenses for the keeping of dogs shall be for a period of one year.
- (j) The town may, at such intervals utilizing appropriate notice to the public, employ suitable persons upon such terms and conditions as it may see fit, to make a house-to-house census and issue warnings to owners then and there to procure their rabies shots and licenses. The town shall impose an additional charge in the amount established by the fee schedule for each license issued in the course of such census.
- (k) Release from impoundment. Any dog which has been impounded as a result of being lost or at large shall not be released to its owner until the owner can show proof of a current rabies shot and has paid the license fee prescribed in this section along with an additional fee as established by the town. For purpose of collecting such fee under this subsection, the county designated animal shelter is hereby designated the collecting official and said prescribed license fee along with the additional fee shall be collected by the county designated animal shelter.
- (l) The prescribed license fee shall be submitted to the town clerk/treasurer and the additional fee shall remain with the animal shelter.

**Sec. 6-41. Limit of dogs and cats.**

Upon any residential property, there shall be no more than two dogs or three cats over the age of six months, excepting, however, bona fide animal hospitals in which the dogs or cats are confined within a completely enclosed building. However, the town board may at their discretion, allow for a one time only multiple pet permit for more than two dogs or three cats to any individual owner or family unit living together, firm or corporation.

**Sec. 6-42. Rabies vaccination required.**

A current rabies vaccination is required for all dogs and cats kept within the town. Dogs and cats shall be vaccinated within 30 days after they have reached the age of five months or within 30 days after arrival in the town, whichever is later. The owner of the dog or cat shall keep record of the vaccination and make said record available to the town upon request.

**Sec. 6-43. Dogs and cats at large.**

- (a) No person shall permit his dog or cat to run at large anywhere in the town. The term "run at large" means to permit a dog or cat to roam in an uncontrolled manner all other places within the town except upon real estate owned by the owner of the dog or cat. This includes all streets, alleys, sidewalks, or other public or private property.
- (b) In addition, the term "uncontrolled manner" means that the owner of animal is not exercising direct control over the animal in a manner including, but limited to, a leash or tie out of 6 feet or less, physically possessing the animal in ones' hands, a fence, wall or other enclosure.

**CHAPTER 4**  
**BUILDINGS AND BUILDING REGULATION**

**ARTICLE I. BUILDING CODE**

**Sec. 4-1-1 – Authority, Purpose**

- (a) Authority. These regulations are adopted under the authority granted by Wis. Stat. § 101.65.
- (b) Purpose. The purpose of this ordinance is to promote the general health, safety, and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code and the Wisconsin Commercial Building Code.

**Sec. 4-1-2 – Permit Required, Fees**

- (a) Except as otherwise expressly provided in this Chapter, no owner, owner's agent, or contractor may construct, erect, or break ground for the same, alter, enlarge, repair, move, convert to other uses, or demolish any building, structure or mechanical system until a valid building permit is obtained from the Town of Medary Building Inspector. The building permit shall be issued if the requirements for filing and fees are satisfied, and the plans have been conditionally approved.
- (b) Waiver of Plans. If the building inspector, at his/her discretion, finds that the character of the work is sufficiently described in the application, he may waive the filing of plans, for alterations, repairs, or moving provided the cost of which does not exceed \$1,000.00.
- (c) Minor repairs. If the building inspector, at his/her discretion, deems repairs or alterations which do not change occupancy, area, structural integrity, fire protection, exits, light or ventilation of the building to be minor, they may authorize said repairs or alterations without requiring a building permit to be issued.

(d) County Zoning. The filing for a building permit with the Town shall be made only after the applicant has applied for and received all applicable La Crosse County Zoning permits, proof of which shall be provided to the Town of Medary Building Inspector.

(1) The foregoing described work that shall require a building permit includes, but is not limited to:

- a) New 1-and 2-family dwellings and commercial buildings, decks (attached or detached) serving a 1- or 2-family dwelling, residential accessory buildings and detached garages.
- b) Additions that increase the physical dimensions of a building including all garages, decks, balconies, stoops, and similar structures that are attached to any building.
- c) Alterations to the building structure, cost shall include market labor value, or major alterations to the building's heating, electrical, or plumbing systems as determined by the building inspector.
- d) Any electrical wiring for new construction or remodeling.
- e) Any HVAC for new construction or remodeling.
- f) Any plumbing for new construction or remodeling.
- g) Any new or re-wired electrical service, including services for agricultural buildings.
- h) New driveways and expansions of existing driveways

(2) Exceptions. The following described work shall not require a permit:

- a) Electrical wiring for industrial and manufacturing facilities that do not require State mandated building plan review.
- b) Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector such as replacing switches, receptacles, light fixtures, faucets, dimmers.
- c) Replacement of 1-and 2-family dwelling building equipment including furnaces and central air conditioners, water heaters, and any other similar equipment shall not require a permit.
- d) The construction of non-residential agricultural buildings.
- e) Re-siding, re-roofing, finishing of interior surfaces, and installation of cabinetry. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations shall be required for re-roofing a building if the proposed project would constitute a third or more layers of roofing.

(3) Building permit fees.

- a) At the time of building permit issuance, the applicant shall pay fees as established by resolution periodically by the Town.
- b) If work commences prior to permit issuance, the permit fees shall be double.

(4) Application. Application for a building permit shall be filed with the Town Building Inspector in writing on a blank form to be furnished for that purpose. Such application

shall state the owner of the land, also the owner of the building, if different, the legal description of the land upon which the land is located, or similar general description which will readily identify and definitively locate the proposed building or shall show the use or occupancy of all parts of the building and such other pertinent information as may be required by the Town Building Inspector. All persons applying for permits shall, at their initial application, provide the names, addresses and required licensing information of all contractors and subcontractors who will be working on the project and/or who will require supplemental permits over the course of project.

(5) Plans and Specifications. Plans and specifications and a lot plan, when required, showing the location of every existing building thereon, shall accompany every application for a building permit, and shall be filed in duplicate with the Town Building Inspector; provided, however, that the Building Inspector may authorize the issuance of a permit without plans or specifications for small unimportant work as determined by the Building Inspector.

- a) Plan submitted shall be drawn to scale on substantial paper or on in an acceptable digital format not to be less than one-quarter inch to one foot (1/4" per 1'). They shall be of sufficient clarity to indicate the nature and character of the work proposed and to show the regulations which apply will be complied with. They shall be prepared in accordance with the provisions of all applicable codes, and shall bear the name of the architect, professional engineer, or other person(s) who prepared them.
- b) Specifications shall be in detail. Any specifications in which general expressions are used to effect that "work shall be done in accordance with the Building Code" or "to the satisfaction of the Building Inspector" shall be deemed to be imperfect and incomplete and every reference to the Building Code shall be applicable to the material to be used or to the method of construction proposed.

(6) Permit Lapses.

- a) A building permit, other than Wisconsin Uniform Building Permits, shall lapse and be void unless building operations commence within six (6) months and if construction has not been completed within twelve (12) months from the date of issuance thereof. Wisconsin Uniform Building Permits shall expire 24 months after issuance if the dwelling exterior has not been completed in accordance with Wis. Admin. Code SPS 320.09(9)(a)5.

(7) Reissuance of permits.

- a) Except as otherwise provided in this section, in the event any work for which a permit has not commenced within six (6) months and/or has not been completed within 12 months (24 months for one- and two-family dwelling units) then said permit shall lapse and be void and no construction or work shall begin or resume until a new permit is obtained and the fee prescribed under this chapter is paid. No permit shall be reissued until all approvals required by this chapter at the time of reapplication have been given.
- b) Notwithstanding the provisions of subsection a) of this section, the Town Building Inspector may, in his/her discretion, issue one extension of the completion deadline provided in subsection a) of this section, not to exceed six (6) months.

(8) Permit Revocation.

a) The Town Building Inspector or the Town Board (or its designee) may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

- (1) Whenever the Town Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning.
- (2) When the continuance of any construction becomes dangerous to life or property.
- (3) When there is any violation of any condition or provisions of the application for permit or of the permit.
- (4) When, in the reasonable judgment of the Town Building Inspector, there is inadequate supervision provided on the job site.
- (5) When any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
- (6) When there is a violation of any of the conditions of an approval or occupancy given by the Town Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.

b) The notice revoking a building, plumbing or electrical permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner premises and his or her agent, if any, and on the person having charge of construction. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Town Building Inspector.

c) After notice is served upon the person as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this ordinance. However, such work as the Town Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the Town Building Inspector may require for preservation of life and safety.

(9) Posting permits. Permit cards, when issued, shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress, at all times during construction or work thereon.

**Sec. 4-1-3 – Adoption of State Codes**

(a) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent future amendments, modifications, and revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Ch. SPS 327	Campgrounds
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code

Wisconsin State Statutes Chapter 101 Department of Safety and Professional Services-  
Regulation of Industry, Buildings, and Safety

(b) Notwithstanding Wis. Admin. Code § SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of alterations, additions or repairs to existing one- and two-family dwellings built before June 1, 1980, for which a building permit is required under this Chapter. Submitted building permit applications for alterations or additions to homes built prior to June 1, 1980, may provide alternative methods or materials that, when deemed necessary in the opinion of the Building Inspector, meet the current intent of the code. Because such projects are not under state jurisdiction, petitions for variance and final appeals under Wis. Admin. Code §§ SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per Wis. Admin. Code § SPS 320.19(Intro) so that equivalency is maintained to the intent of the rule being petitioned. The building codes shall apply to the alteration, enlargement or repair of existing 1- and 2-family dwellings constructed prior to June 1, 1980, for which a building permit is required under this Chapter.

(c) Notwithstanding Wis. Admin. Code § SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of detached garages and accessory buildings serving one- and two-family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the requirements of the Uniform Dwelling Code, other than for smoke alarms, carbon monoxide alarms and frost protection of footings, which shall be determined by the building inspector. Petitions for variance and appeals shall be handled by this municipality.

(d) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter.

**Sec.4-1-4 – Certified Municipality Status**

(a) Certified Municipality. The Town of Medary, La Crosse County, WI has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

(1) Responsibilities. The Town shall assume the following responsibilities for the Department of Safety and Professional Services (Department):

- a) Provide HVAC and structural inspection of all sized commercial buildings with certified commercial building inspectors.
- b) Provide HVAC and structural plan review of all sized commercial buildings with certified commercial building inspectors.

(2) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:

- a) Provide inspection of all sized commercial buildings and residential buildings with state certified building inspectors.
- b) All commercial buildings, without size limitations [Appointed Agent per Wis. Stat. § 101.12(3g)].
- c) A certified municipality may waive its jurisdiction for the plan review of a specific project or type of project, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
- d) The Department may waive its jurisdiction for the plan review of a specific project, agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

(3) Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:

- a) Building permit application.
- b) Application for review - SBD-118, or equivalent.
  - 1. Fees per Table SPS 302.31-2 and SPS 302.31.
  - 2. Fees apply to commercial projects.
- c) Four sets of plans.
  - 1. Signed and sealed per SPS 361.31.
  - 2. One set of specifications.
  - 3. Component and system plans.
  - 4. Calculations showing code compliance.

#### **Section 4-1-5—Building-HVAC-Electrical-Plumbing Inspector**

(a) Creation and Appointment. There is hereby created the office of the Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code.

(b) Assistants. The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code by the Department.

(c) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.

(d) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical, or heating work. No person shall interfere with or refuse to permit access to any such premises from the Inspector or his/her agent while in the performance of his/her duties. If the Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats.

(e) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay, the owner, owner's representative, contractor, and/or other responsible party shall be responsible for and shall request all required inspection(s) within the appropriate time frame in conformity with, and as defined in the Wisconsin Administrative Code.

(f) Failure to request any inspection will be the responsibility of the owner, owner's representative, contractor, and/or other responsible party. No construction shall be deemed to be approved by default or lack of inspection as a result of an inspection not having been requested as required by the Wisconsin Administrative Code.

(g) Any expense associated with the uncovering or exposing of any concealed work which must be inspected, where such work was required by the failure of the owner to request any required inspection, will be the responsibility of the owner, owner's agent, contractor, and/or responsible party.

(h) Inspection results. The findings of inspection by the Building Inspector, plumbing inspector and electrical inspector are intended to report conditions of non-compliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the closed structural and non-structural elements or the mechanical systems of the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited in the findings of inspection are expressed or implied.

#### **Section 4-1-6 - Violations and Penalties**

(a) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ordinance.

(b) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution. Each day of violation shall constitute a separate offense. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense.

(c) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame as established by the Building Inspector.

(d) Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

(e) Report of violators. It shall be the duty of all Town Officers to report at once to the Building Inspector any building, electrical, or plumbing work which is being carried out without a permit as required by the Chapter.

(f) Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

#### **Section 4-1-7 – Unsafe Buildings**

(a) Whenever the Building Inspector shall find that any building or structure, or any part thereof, is dangerous to life or adjoining property by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he or she shall order the owner of or tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary; and he or she shall also affix a notice of such order in a conspicuous place on the outside wall of the building. No person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered. Any person who fails to comply with any such order shall be guilty of a violation of this section.

(b) Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the Town of Medary in an action against the owner or tenant.

#### **Section 4-1-8 – Severability**

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

### **CHAPTER 5: NUISANCES**

#### **ARTICLE I. IN GENERAL**

##### **Sec. 5-1-1. Accumulation and storage of junk prohibited.**

(a) Nuisance declared. Storage of automobiles that are not in condition for normal use or in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer usable for the purpose for which it was manufactured, and storage or accumulation of rubbish, refuse, debris, dirt, junk or other item or substance that will contaminate the area, or to create a noisome stench or nuisance, or to endanger the public's health or safety, which hereinafter are collectively described as "said personality," for a period of five days or more (except in licensed junkyards) is hereby declared to be a nuisance and dangerous to the public safety.

- (b) Abatement by owner. The owner, owners, tenants, lessees, and/or occupants of any lot within the town upon which such storage is made, and also the owner, owners, and/or lessees of said personality involved in such storage (all of whom will hereinafter be referred to collectively as owners), shall jointly and severally abate said nuisance by the prompt removal of said personality to completely enclosed buildings authorized to be used for such storage purposes, or otherwise to remove it to a location without the corporate limits of the town, and it shall be unlawful if said owners allow said nuisance to exist or fail to abate said nuisance.
- (c) Violation; fines. Anyone found in violation of this section shall be subject to tiered fines as referenced in the Town of Medary fee schedule.

**Sec. 5-1-2. Destruction of noxious weeds.**

- (a) It shall be the duty of every owner, possessor or occupier of land within the town, or of every person having charge of any such lands, to cut or cause to be cut or otherwise destroy all noxious weeds or other growth detrimental to the health and safety of the citizens of the community growing thereon, as often as may be necessary to prevent them from blooming or before they grow to a height of more than ten inches; this includes grass in residential areas.
- (b) In case the owner, possessor or occupier of land, or the person in charge thereof, shall refuse or neglect to comply with the provisions of this section within the time limited herein, the weed commissioner shall serve personally or by mail a copy of this article together with a notice to said owner, possessor or occupier of land to cut or cause to be cut or destroyed all said noxious weeds or other growths herein enumerated, within a period of five days from and after service of such notice.
- (c) In case such owner, possessor or occupier shall fail to conform with the provisions of this section within the time limited therefor in said notice, served as aforesaid, it shall be the duty of the weed commissioner to cause all of the said noxious weeds that exceed ten inches in height or growths three inches in diameter or less to be cut down, charging the cost thereof including administrative fees in the amount established by the fee schedule in each case, to each piece of land, describing the same, and upon nonpayment of such charges, the amounts due shall be filed with the town clerk/treasurer, who shall enter the amount chargeable to each tract of land in the next tax roll as a special assessment tax on the lands upon which such weeds were destroyed, and shall be collected as all other taxes.
- (d) The following list, although not exclusive, are enumerated as noxious weeds: Canada thistle, leafy spurge, field bind-weed, wild mustard, goatsbeard, field dodder, Indian mustard, oxeye daisy, sow thistle, yellow dock, burdock, American cocklebur, common cocklebur, wild parsnip, orchard grass, milkweed, ragweed, foxtail, yarrow, sandbur, goldenrod, lesbane, wild lettuce, cattail, smartweed, wild grasses, spurges, yellow rocket, lambs quarter, pigweed, white cockle, docks, poison oak and poison ivy.

**ARTICLE II. PUBLIC NUISANCES**

**Sec. 5-2-1. Public nuisances defined**

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

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (2) In any way render the public insecure in life or in the use of property;
- (3) Greatly offend the public morals or decency;
- (4) 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.

**Sec. 5-2-2. Enforcement.**

The town building inspector, and any other agent authorized by the town board, shall enforce the provisions of this article and shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under section 18-28 to abate a public nuisance unless the building inspector or other agent has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.

**Sec. 5-2-3. Cost of abatement.**

In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge.

**Sec. 5-3-4. Abatement of public nuisances.**

- (a) Enforcement. The town supervisors, town clerk, or other town designee shall enforce those provisions of this article that come within the jurisdiction of their offices, and they shall make periodic inspections and 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 has satisfied himself that a nuisance does in fact exist.
- (b) Summary abatement. If the inspecting officer shall determine that a public nuisance exists the town chairman, upon the recommendation of the appropriate department head, may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (c) Abatement after notice. If the inspecting officer shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within such ten days, the proper officer shall cause the nuisance to be removed as provided in subsection (b) of this section.

(d) Other methods not excluded. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the town or its officials in accordance with the laws of the state.

**Sec. 5-3-5. Public nuisances prohibited.**

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

**Sec. 5-3-6. Public nuisances affecting health.**

The following are hereby specifically declared to be public health nuisances. This list is not intended to be exhaustive and shall not exclude other public nuisances as may otherwise be defined within this chapter:

- (1) Adulterated food. All decayed, harmfully 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 foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (3) Breeding places for vermin, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, unmounted tires 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) Garbage cans. Garbage cans which are not flytight.
- (6) Noxious weeds. All noxious weeds and other rank growth of vegetation.
- (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, etc. Any use of property, substances or things within the town or within four miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.
- (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 town.
- (10) Animals at large. All animals running at large.
- (11) Accumulations of refuse. Accumulations of old cans, lumber, elm firewood and other refuse.
- (12) Air pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the 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.

**Sec. 5-3-7. Public nuisances offending morals and decency.**

The following are hereby specifically declared to be public nuisances offending public morals and decency. This list is not intended to be exhaustive and shall not exclude other public nuisances as may otherwise be defined within this chapter:

- (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 in the ordinances of the town.
- (4) Continuous violation of town ordinances. Any place or premises within the town where town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (5) Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the state or ordinances of the town.

**Sec. 5-3-8. Public nuisances affecting peace and safety.**

The following are hereby specifically declared to be public nuisances affecting peace and safety. This list is not intended to be exhaustive and shall not exclude other public nuisances as may otherwise be defined within this chapter:

- (1) Signs, billboards, etc. 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.
- (2) Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the town relating to materials and manner of construction of buildings and structures within the town.
- (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 trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (5) Tree limbs. All limbs of trees which project over a public sidewalk less than ten feet above the surface thereof and all limbs which project over a public street less than 14 feet above the surface thereof.

- (6) Dangerous trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (7) Fireworks. All use or display of fireworks except as provided by the laws of the state and ordinances of the town.
- (8) 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.
- (9) Wires over streets. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- (10) 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 town.
- (11) 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 town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- (12) Open excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (13) Abandoned refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (14) Flammable liquids. Repeated or continuous violations of the ordinances of the town or laws of the state relating to the storage of flammable liquids.
- (15) Unremoved snow. All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.
- (16) Any device used to frighten birds and/or other animals through the use of noise between the hours of sunset and sunrise.

## **ARTICLE II. ABANDONED VEHICLES**

### **Sec. 5-2-1. Definitions**

“Vehicle” means a motor vehicle, trailer, semi-trailer or mobile home as defined in chapter 34.

### **Sec. 5-2-2. Exceptions.**

This article shall not apply to a vehicle in any enclosed structure that is wholly concealed within said structure, or to a vehicle maintained in a lawful place and manner authorized by the town.

### **Sec. 5-2-3. Abandonment of vehicles prohibited.**

No person shall abandon any vehicle unattended with the town for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

#### **Sec. 5-2-4. Presumption of abandonment**

Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this article if it is left unattended on private property out of public view, by permission of the owner or lessee.

### **ARTICLE III. REGULATION AND LICENSING OF COMMERCIAL HANDLERS OF DEAD ANIMALS AND DEAD ANIMAL PARTS**

#### **Sec. 5-3-1. Licenses.**

It shall be unlawful for any person, firm or corporation to engage in the business of collecting and/or disposing of animal scraps, wastes, bones, entrails, green hides, skins, greases or parts without first procuring a license so to do from the Town Board. The license required by this Section shall be issued each year and shall extend from the 1st day of May in each year to the 30th day of April of the following year, both inclusive. The license fee, which shall accompany the application, shall be One Hundred Dollars (\$100.00) per year, or a pro-rata fraction thereof for applications submitted after May 1 of any year. Upon receipt of an application, the Town Board shall immediately request the County Health Department to examine the premises and equipment of the proposed licensee. No license shall be issued by the Town Board until it has received a report from the County Health Department that the premises and equipment of the proposed licensee conform in all respects with the requirements of this Ordinance.

Should the application be denied, the sum of Twenty-five Dollars (\$25.00) shall be retained by the Town Board and the balance of the fee remitted to the applicant.

Facilities for carrying on such business existing at the time of passage and publication of this Ordinance shall be made to conform with the requirements of this Ordinance and an application for license made within sixty (60) days of the date of publication of this Ordinance.

#### **Sec. 5-3-2. Farmers.**

This Ordinance is specifically declared not to apply to farmers in relation to their own cattle or animals.

#### **Sec. 5-3-3. Vehicles.**

All trucks or vehicles used by commercial handlers or dealers of animal scraps, wastes, bones, entrails, green hides, skins, greases or parts, shall be provided with suitable and adequate tarpaulin covering so as to exclude insects and vermin, and be either wooden body units with water-tight metal lining, or be provided with suitable water-tight metal containers or water-tight metal body units so constructed as to prevent leakage or seepage of any matter from the truck or vehicle at any time, and the rear end of the truck or vehicle shall be flanged upward to a height of not less than one inch.

Such trucks or vehicles shall be thoroughly sprayed to kill all insects just before entering the building of the licensee. Such trucks and any containers of animal scraps, wastes, bones, entrails,

green hides, skins, greases, or parts on the premises of the licensee shall be kept securely covered to exclude insects and vermin, excepting when such trucks or containers are being actively loaded or unloaded.

Hot water, temperature about 180° F, shall be available on the premises of the licensee to wash trucks and vehicles. Trucks and vehicles shall either be washed on a concrete floor on the premises, or on a suitable concrete washing platform provided with a drain, and all trucks or metal containers shall be thoroughly cleaned and washed after each collection trip.

**Sec. 5-3-4. Construction of Building.**

All buildings within which animal scraps, wastes, bones, entrails, green hides, skins, greases or parts are deposited, handled, collected or transhipped shall be constructed of brick, stone, concrete or concrete blocks throughout, including all walls and floors. The floors shall be water-tight, properly sloped and provided with a drain or drains to carry off waste materials and wash water from the floors and washing platform into a public sewer, if available, or if not into an adequate treatment and disposal system consisting of a concrete settling tank and dry well or wells, if sand or gravel formations exist at the plant so as to provide for ground absorption of the tank effluent or by chlorination or such other treatment as deemed necessary to avoid objectionable conditions. Scum and most of the deposit collecting on the settling tank shall be removed frequently to avoid clogging of the dry well and all refuse removed shall be buried with an earth covering of three (3) feet. There shall be no discharge of waste materials or wash water on the ground or into any watercourse. Hot and cold running water shall be available in the handling rooms and in a separate wash room for employees.

All interior walls shall be finished smooth and the interior of the building, including equipment, shall be cleaned at frequent intervals and kept free from accumulation of filth. Sewer and drains shall be flushed and cleaned regularly to insure proper drainage at all times. A safe water supply for drinking purposes shall be available, as well as for toilet facilities. All windows and doors shall be screened and rigid insect and vermin control shall be maintained.

**Sec. 5-3-5. Sanitation.**

All operations shall be maintained in a thoroughly sanitary manner. No dead matter shall remain on the premises for more than twenty-four (24) hours. Unloading of vehicles shall be done behind closed doors at all times.

**Sec. 5-3-6. Inspection.**

Such premises shall be open to inspection by the Health Officer and/or members of the Board of Health at all times.

**Sec. 5-3-7. Penalties.**

Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) and the costs of prosecution, and in default of the payment of such fine and costs, shall 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. Any Justice of the Peace or Judge convicting any person, firm or corporation of his or their third violation under this Ordinance shall, as an additional penalty, revoke such violator's license issued under this Ordinance.

## **ARTICLE IV. SCAVENGERS**

### **Sec. 5-4-1. Definition.**

A scavenger is a person, firm or corporation who collects and disposes of sewage and other obnoxious waste materials for hire.

### **Sec. 5-4-2. License.**

It shall be unlawful for any person, firm or corporation to engage in the business of a scavenger without first securing a license from the Town Board. Such license shall be procured on or before the 1st day of May of each year and the license fee shall be Fifty Dollars (\$50.00). A scavenger must be licensed by the State Board of Health before applying for a local license. Any person, firm or corporation who has been found guilty of violating this ordinance two times shall not be eligible for issuance of such license. Before issuance of the license, the Town Board shall approve a schedule of maximum fees provided by the scavenger.

### **Sec. 5-4-3. Regulation of Scavengers.**

The regulations of the State Board of Health regarding equipment and activities of scavengers are hereby adopted by reference. No truck loaded with sewage or waste materials shall be permitted to stand overnight without being unloaded. Sewage and waste materials shall be deposited and dumped only at the location provided by the Town for such purpose. Nothing but sewage and liquid wastes are to be deposited in such pit, and only such from the Town of Medary. No person shall have access to or use such pit except licensed scavengers. Immediately upon dumping sewage or waste materials into such pit, the scavenger shall completely cover such sewage or waste materials with a complete coating of hot lime. The Town shall do all necessary ditching, trenching and filling at the dumping location.

### **Sec. 5-4-3. Penalties.**

Any person violating any provision of this ordinance shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) and the costs of prosecution, and in case of default of payment of such forfeiture or costs shall 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. In addition to the forfeiture and/or imprisonment, any licensed scavenger violating any

provision of this ordinance may, upon conviction thereof, have such license revoked without refund of any portion of the license fee.

## **CHAPTER 6** **OFFENSES AND MISCELLANEOUS PROVISIONS**

### **ARTICLE I. IN GENERAL**

#### **Sec. 6-1-1. Statutes adopted.**

All provisions of the state statutes describing, defining and prohibiting conduct, as now or hereafter amended, are adopted by reference and made a part of this section of this Code with the same force and effect as if fully set out at length in this section. Nothing in this section shall be interpreted as adopting that which is a felony under state law or any statute that the town is prohibited by law from adopting.

#### **Sec. 6-1-2. Interference with or failure to obey town officers and employees.**

No person shall prevent, resist, or interfere with any of the officers or employees of the town in the entering of any premises or the carrying out of their duties. It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

#### **Sec. 6-1-3. Littering prohibited.**

No person shall throw, deposit, dump or discharge any glass, rubbish, filth or debris upon the streets, alleys, public parks or other property of the town or upon any private property not owned by him or upon the surface of any body of water in the town. No person shall operate on any street a vehicle with mud or dirt on its wheels or other parts if such operation results in depositing or tracking mud, dirt or debris on the street.

#### **Sec. 6-1-4. Distribution of printed matter limited.**

No person shall upon the public streets distribute any handbill, circular, notice or printed matter of any kind if the distribution of such material results in the littering of streets or other public ways.

#### **Sec. 6-1-5. Posting bills prohibited.**

No bill poster or other person shall post or in any other manner put up any written or printed bill, notice or advertisement upon any building or fence without the consent of the owner or lessee thereof.

### **ARTICLE II. OFFENSES INVOLVING PUBLIC SAFETY**

#### **Sec. 6-2-1. Fires.**

- (a) Except as otherwise specifically provided herein, all outdoor burning is prohibited. Only burning of dry leaves, dry plant clippings, and dry brush is permitted as long as weather conditions do not pose a fire hazard, and by permit only. Permits may be obtained at no cost at the town hall. Burning of any other materials is prohibited. Any fires must have someone

in attendance at all times, and until said fire is completely extinguished. Permits will not be issued during periods of high fire hazards as determined by the fire chief. Burning hours shall be limited to the hours between sunrise and sunset.

- (b) This prohibition does not apply to interior or outdoor fireplaces, or outdoor barbecues. Outdoor barbecues are defined as "any metal or masonry structure, the purpose of which is to cook or prepare food, and which contains the fire wholly within the structure." Outdoor fireplaces are defined as "any metal, masonry, or ceramic structure that wholly or partially confines the fire inside". In addition, the only materials that can be burned in an outdoor fireplace as defined are clean, dry wood, or charcoal. Use of outdoor fireplaces and/or barbecues must not create a nuisance for any adjacent properties, and someone must be in attendance at all times until the fire is extinguished.
- (c) All fires of any nature, except in furnaces or interior fireplaces, shall have a person 14 years of age or older in constant attendance until all sparks are extinguished.
- (d) Any person who intends to burn off an area of more than 1,000 square feet shall give prior notice of his intention to the fire chief or his duly authorized deputy.

### **ARTICLE III. OFFENSES INVOLVING PUBLIC PEACE AND ORDER**

#### **Sec. 6-3-1. Loitering.**

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 takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself 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 section 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.

#### **Sec. 6-3-2. Consumption of intoxicants on streets.**

- (a) No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any public street, alley sidewalk or other public way.
- (b) All purchases of alcohol or fermented malt beverages by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed to thoroughfares, streets, or sidewalks in the town.
- (c) No person shall be in possession of any glass or open container containing alcohol or fermented malt beverages on any thoroughfare, street, sidewalk or other public way.

#### **Sec. 6-3-3. Loud noises prohibited.**

- (a) It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing, or unnecessary noise in the town such

as produces annoyance, inconvenience, discomfort, or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety, health or morals of the public.

- (b) It shall be unlawful for any person to operate any mechanical device operated by gasoline, steam or otherwise, without having the same equipped and using thereon a muffler, in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device.
- (c) The operation or use of any automobile, motorcycle, or other vehicle, engine, or motor of whatever size, stationary or moving, when used on tracks or courses, not being a public highway, between the hours of 10:30 p.m. and 8:00 a.m. on weekdays and 12:00 midnight on Sundays shall be unlawful.
- (d) As used in this section, the term "person" extends and is applied to the lessor or landlord of any land, building or premises, his agent, the lessee, the occupant or person in charge of such building or premises, as well as to individuals.
- (e) The landlord or lessor shall be given notice on at least three occasions of violations of this section by the tenant or occupant and upon the fourth violation of the tenant or occupant, the landlord or lessor may be cited for permitting or allowing a nuisance.
- (f) The landlord or lessor shall be given notice on at least three occasions of violations of this section by the tenant or occupant and upon the fourth violation of the tenant or occupant, the landlord or lessor may be cited for permitting or allowing a nuisance.
- (g) The operation, between 11:00 p.m. and 7:00 a.m. of any device for killing, trapping or repelling insects or other pests is prohibited if such device clearly produces audible sound beyond the property line of the property on which the device is located and such sound is emitted onto property zoned or uses for residential or dwelling purposes, including trailer courts

#### **Sec. 6-3-4. Defecating or urinating in public places.**

It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, in any location within the town, upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings.

### **ARTICLE IV. OFFENSES INVOLVING UNDERAGE PERSONS**

#### **Sec. 6-4-1. Curfew.**

- (a) No child between the age of 15 years and 17 years of age, inclusive, shall loiter, idle or remain, and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the town between the hours of 11:00 p.m. and 5:00 a.m., Sunday through Thursday and between the hours of 12:30 a.m. and 5:00 a.m., Friday and Saturday; provided, however between June 1 and August 31 in each year, such restrictions shall apply between 12:30 a.m. and 5:00 a.m., Sunday through Saturday, unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child.

- (b) No child between the age of 12 and 14 years of age shall loiter, idle or remain, and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the town between the hours of 10:00 p.m. and 5:00 a.m., Sunday through Thursday and between the hours of 11:00 p.m. and 5:00 a.m. Friday and Saturday; provided, however, between June 1 and August 31 in each year, such restrictions shall apply between 11:00 p.m. and 5:00 a.m., Sunday through Saturday unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child.
- (c) No child age 11 years of age or under shall loiter, idle or remain, and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the town between the hours of 10:00 p.m. and 5:00 a.m., Sunday through Saturday, unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child.
- (d) This section shall not be construed to prohibit the following:
  - (1) A child from performing an errand or duty if directed by his or her parent or guardian.
  - (2) A child from performing an emergency errand.
  - (3) A child from pursuing the duties of his or her employment in an expeditious and orderly manner.
  - (4) A child from returning home by the most direct route from places of business, amusement or private homes.
  - (5) A child from going directly to or from religious or school activities.

## **CHAPTER 7: PARKS AND RECREATION**

### **ARTICLE I. PUBLIC CONDUCT**

#### **Sec. 7-1-1. Removal of violators.**

Individuals violating any rules or regulations set forth in this Chapter 22 may be ordered to remove themselves from the parks, playgrounds, and other public areas of the town by any employee of the town board, park director, or by any police officer. This is in addition to any other penalties that may be imposed.

#### **Sec. 7-1-2. Closing of parks.**

The town may establish hours of operation for all parks in the town, it shall be unlawful to enter in or be upon any park outside of the hours of operation.

#### **Sec. 7-1-3. Parking.**

No person shall permit any vehicle to be parked in any town park, except upon established roads and ways; and no person shall drive any vehicle, except upon established roads and ways, and then only at a rate of speed not to exceed 15 miles per hour.

**Sec. 7-1-4. Destruction of property.**

No person shall deface or injure any building, tree, shrub, plant or other property, or trespass through shrubbery borders or other plantations or upon any public lands under the jurisdiction of the town.

**Sec. 7-1-5. Fires.**

Fires shall not be lighted or made except in places specifically provided for such purpose

**Sec. 7-1-6. Use of weapons prohibited.**

- (a) No person shall shoot or discharge or carry uncased any rifle, shotgun, pistol or other firearm, or any air, spring or pellet gun or device, or any chemically activated, rocket or other missile, in or within 1,000 feet of any platted sub- division or assessor's plat in the Town of Medary or within 500 feet of any residence or building inhabited by any person, in case such inhabited building shall be located outside of a platted subdivision or assessor's plat; or within any public park or public area.
- (b) The provisions of Section 1 above shall not apply to authorized rifle, trap or skeet ranges, nor to any constable or other peace officer while on duty or call.
- (c) No person shall shoot, release or discharge a dangerous missile, including bolts or arrows, from any slingshot, bow, or crossbow, within the limits of any platted sub- division or assessor's plat in the Town of Medary.
- (d) It shall be lawful for any person to establish a private shooting or target range in the basement of his own premises or entirely on the limits of his own land if he shall first obtain from the Town Board a license or permit for such shooting or target range. It shall be the duty of the Town Board to ascertain whether such permits may be issued without danger to adjoining premises and the public generally.
- (e) No firearms shall be carried or discharged on any premises within the Town without first obtaining permission so to do from the owner of such premises; and if such owner limits the permissive discharge of firearms to certain locations on his premises, such limitations shall be observed. Firearms shall not be discharged in such a way that the projectile travels on the neighboring premises.
- (f) Constables of the Town of Medary and all law enforcement officials of the county of La Crosse and of the State of Wisconsin are hereby authorized to enforce this ordinance. In all cases of conviction hereunder, any and all dangerous weapons found on the person of the convicted shall be confiscated and become the property of the Town of Medary and shall be destroyed or disposed of as provided by the Court.
- (g) Any person who violates, disobeys or refuses to comply with or who resists the enforcement of any provisions of this ordinance shall upon conviction be fined not less than \$10.00 nor more than \$50.00 for each such offense, together with costs of prosecution: and in default of payment of such fine and costs shall be imprisoned in the County Jail until the said fine and costs are fully paid, but not to exceed thirty (30) days.

**Section 7-1-7. Skateboarding Prohibited.**

- (a) Skateboarding and rollerskating shall be prohibited on any roads in the Town of Medary, except as allowed by subsection (b).

- (b) Exception. Certain sections of town roads as approved by resolution of the Town Board.
- (c) Violation of this ordinance shall subject the violator specified fines.

1. First violation - 125.00 fine
2. Repeated violation - Add \$25.00 each additional violation

#### **Sec. 7-1-8. Disorderly conduct**

No person shall use any loud, violent, obscene or profane language that is reasonably likely to provoke an immediate breach of the peace, nor shall anyone conduct himself or herself in a disorderly or obscene manner or commit any nuisance.

#### **Sec. 7-1-9. Public meetings regulated.**

No person shall be allowed to give entertainments of any kind, or hold public meetings or assemblies, or establish or occupy a camp except by written consent of the town board or park director. All picnics, all assemblages of persons, and all business and entertainments permitted shall occupy grounds to be designated by the town board or the park director and shall be under their control and supervision.

#### **Sec. 7-1-10. Animals.**

No domestic animal shall be allowed in any park. The provisions of this section shall not apply to service animals under the conditions specified in Wis. Stats. § 106.52.

#### **Sec. 7-1-11. Vendors restricted.**

No person shall sell, vend, or give away any article of merchandise whatever, without a written permit from the town board.

### **CHAPTER 8:** **PLANNING**

#### **ARTICLE I. IN GENERAL**

##### **Sec. 8-1-1. Comprehensive plan.**

- (a) The town comprehensive plan, as set forth in the copy of said comprehensive plan which was enacted by the town and incorporated by this reference, and including all maps, descriptive matter and other matters contained therein, be and it is hereby adopted by the town board.
- (b) The purpose and effect of the adoption of said comprehensive plan shall be to aid the town planning commission and the town board in the performance of their duties in respect to planning future development and use of town facilities and services.
- (c) The extent to which and the schedule according to which the town comprehensive plan may be implemented shall be determined from time to time, in the future, by further action of the town board.

(d) Copies of the town comprehensive plan be prepared and made available for use in the development of the facilities and services of the town.

**Sec. 8-1-2 Town Plan Commission.**

(a) Purpose. The purpose of this ordinance is to establish a Town of Medary Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

(b) Authority and Establishment. The Town Board of the Town of Medary has been authorized by the Town meeting under sec 60.11(2)(c), Wis. Stats., to exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal census, sec. 990.01 (29), Wis. Stats. The Town Board hereby exercises village powers under sec 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under secs. 60.62(4), 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

(c) Membership. The Plan Commission consists of one (1) member of the Town Board, who maybe the Town Board Chairperson, and four (4) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

(d) Appointments. The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member or Chairperson of the Plan Commission. All appointments are subject to the advisory approval of the Town Board. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

(e) Terms of Office.

(1) Initial Terms. (5 member) The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms. If the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms as follows: One (1) person for a term that expires in one (1) year, one (1) person for a term that expires in two (2) years, and two (2) persons for a term that expires in three (3) years. If the initial appointments are made after April, the first citizens appointed to the Plan Commission shall be appointed for staggered terms as follows:

One (1) person for a term that expires in one (1) year from the previous April 30; one (1) person for a term that expires in two (2) years from the previous April 30; and two (2) persons for a term that expires in three (3) years from the previous April 30.

(2) Town Board Member or Chairperson. The Plan Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec.

66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

(f) Vacancies. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

(g) Compensation. The Town Board of the Town of Medary hereby sets a per diem allowance for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats. The amount shall be such sum as determined from time to time by the Town Board.

(h) Experts and Staff. The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

(i) Rules and Records. The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

(j). Chairperson and Officers.

(1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in Sections 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:

- (a) provide leadership to the Commission;
- (b) set Commission meeting and hearing dates;
- (c) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- (d) preside at Commission meetings and hearings; and
- (e) ensure that the laws are followed.

(2) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

(3) Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

(k) Commission Members as Local Public Officials. All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01 Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

(l) General & Miscellaneous Powers.

The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

- (1) Necessary to enable it to perform its functions and promote Town planning.
- (2) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
- (3) To recommend to the Town Board programs for public improvements and the financing of such improvements.
- (4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public; without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

(m) Town Comprehensive Planning; General Authority and Requirements

- (1) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats., and follows the procedures in sec. 66.1001(4), Wis. Stats.
- (2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.

(3) In this section the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

(n) Procedure for Plan Commission Adoption & Recommendation of Town Comprehensive Plan or Amendment. The Plan Commission, in order to ensure that the requirements of sec. 66.1001(4), Wis. Stats., are met, shall proceed as follows:

(1) Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for the wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

(2) Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a

resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:

- (a) the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
- (b) the plan contains the nine (9) specified elements and meets the requirements of those elements;
- (c) the (specified) maps and (specified) other descriptive materials relate to the plan;
- (d) the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and

the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub.

(3) of this section.

(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

- (a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
- (b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
- (c) The Wisconsin Land Council.
- (d) After September 1, 2003, the Department of Administration.
- (e) The regional planning commission in which the Town is located.
- (f) The public library that serves the area in which the Town is located.

(o). Plan Implementation & Administration

(1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

- (a) Other ordinances. Such other ordinances specified by the Town Board which are within the Town's authority.
- (b) Official map. A proposed official map ordinance under sec. 66.23(6), Wis. Stats.

(2) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(3) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources

through the acquisition of land or conservation easements, and capital improvement planning.

(4) Program administration. The Plan Commission shall have such powers which are consistent with the authority granted herein or which may be further granted by the Town Board by Town resolution or ordinance within its authority including but not limited to establishing an official map.

(5) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

(p) Referrals to the Plan Commission

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

- (a) The location and architectural design of any public building.
- (b) The location of any statue or other memorial.
- (c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
  - (i) street, alley or other public way;
  - (ii) park or playground;
  - (iii) airport;
  - (iv) area for parking vehicles; or
  - (v) other memorial or public grounds.
- (d) The location, extension, abandonment or authorization for any publicly or privately owned utility.
- (e) All plats under the Town's jurisdiction under ch. 236, Wis. Stats.
- (f) The location, character and extent or acquisition, leasing or sale of lands for
  - (i) public or semi-public housing;
  - (ii) slum clearance;
  - (iii) relief of congestion; or
  - (iv) vacation camps for children.
- (g) The amendment or repeal of any ordinance adopted under sec. 62.23 Wis. Stats., including ordinances relating to: The Town Plan Commission and the Town comprehensive plan under sec. 66.1001, Wis. Stats., and any official town map.

(2) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

- (a) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
- (b) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
- (c) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall

under sec. 66.0905, Wis. Stats.

- (d) Matters relating to the establishment or termination of an architectural conservancy district under sec. 66.1007, Wis. Stats.
- (e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
- (f) Matters relating to the establishment or termination of a business improvement district required to be referred under sec. 66.1109, Wis. Stats.
- (g) A proposed housing project under sec. 66.1211(3), Wis. Stats.
- (h) Matters relating to urban redevelopment and renewal in the Town required to be referred under such. XIII of ch. 66, Wis. Stats.
- (i) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
- (j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(3) Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission

- (a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
- (b) A proposed county zoning ordinance or amendment.
- (c) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
- (d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
- (e) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
- (f) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
- (g) A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
- (h) Any other matter deemed advisable for referral to the Plan Commission for report.

(4) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day

referral period if deemed advisable.

## **CHAPTER 9** **STREETS, SIDEWALKS AND OTHER PUBLIC PLACES** **ARTICLE I. IN GENERAL**

### **Sec. 9-1-1. Disposal of snow or grass clippings.**

No person shall use the public streets or any other public grounds in the town as a place for disposal of snow or grass clippings from private property. Disposal under this provision is expressly intended to include the pushing, shoveling, or blowing of snow onto a public ground and any grass exiting a lawn mower.

### **Sec. 9-1-2. Rights-of-way.**

- (a) Definitions. The term "rights-of-way" means all land in public street or highway rights-of-way lying between the lot lines and the paved portions of the public streets or highways.
- (b) Maintenance. Every owner of land within the town whose land abuts a right-of-way is required to maintain or have maintained by his tenant, the right-of-way directly abutting such land. Every owner shall keep mailboxes located on the right-of-way free and clear of snow.
- (c) Rights-of-way restrictions. No person shall place any accessory structure or use, including landscaping ornaments, stones, basketball backboards/hoops, lawn sprinkler systems, fences or garbage can racks on town rights-of-way. In addition, no person shall cause to be parked or located on any town rights-of-way any vehicle, whether operable or inoperable, farm equipment, recreational vehicle, or trailer

### **Sec. 9-1-3. Surface water drainage ditches.**

Surface water drainage ditches situated on public highway rights-of-way or on easements provided for surface water drainage shall not be interfered with in any manner; specifically, said drainage ditches shall not be filled with any fill material nor shall shrubs, trees or other items of plant growth be plated or permitted to be maintained within such drainage ditches on any such public road or street right-of-way or on any easement provided for surface water drainage, unless written permission is given by the town board. Adjacent property owners may seed or sod such drainage ditches to correspond with landscaping with adjacent private property but such landscaping shall be mowed or cut so as to not restrict the flow of surface water drainage.

## **CHAPTER 10** **ALL TERRAIN VEHICLES**

**Sec. 10-1-1 Purpose.** The purpose of this ordinance is to establish all-terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles in the town.

**Sec. 10-1-2 Authority.** The Town Board of the Town of Medary, La Crosse County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under s. 23.33 (8)(b)and (11), Wis. Stats.

**Sec. 10-1-3 Operation of All-Terrain Vehicles.** Pursuant to s. 23.33 (4)(d) 4., Wis. Stats., except as otherwise provided in s. 23.33 (4), Wis. Stats., no person may operate an all-terrain

vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle routes by this ordinance. Operation of all-terrain vehicles on a roadway in the town that is an all-terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions. Utility-terrain vehicles (UTVs) may operate on designated ATV Routes as allowed under current Wisconsin ATV and UTV Laws, unless otherwise specifically posted on individual route designation signage.

**Sec. 10-1-4. Designation of All-Terrain Vehicle Routes.** The following routes are designated all-terrain vehicle routes in the township: Peters Road south of the La Crosse city limits, Smith Valley Road and all adjacent roads within Smith Valley south of the La Crosse city limits as identified on the attached map.

**Sec. 10-1-5. Conditions Applicable to All-Terrain Vehicle Routes.** Pursuant to s 23.33 (8)(d), Wis. Stats., the following restrictions are placed on the use of the town all-terrain vehicle routes designated by this resolution:

(a) 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 town all-terrain vehicle routes:

1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standard if the sign or standard is legally placed by the state, any municipality, or authorized individual.

2. Possess any uniform all-terrain vehicle 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 all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

(b). Operation shall be subject to all provisions of s. 23.33, Wis. stats., which is adopted as a part of this ordinance by reference pursuant to s. 23.33 (11), Wis. Stats.

(c) All ATV operators shall ride single file.

(d) All ATV operators shall observe posted ATV speed limits.

(e) All ATV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.

(f) All ATV operators shall comply with the following time restrictions: Routes are open from 6:00am – 10:00pm, Sunday – Thursday and 6:00am – midnight on Friday and Saturday.

(g) All ATV/UTVs operating in the Town of Medary on described ATV routes shall have liability insurance coverage pursuant to 632.32, Wis. Stats.

1. Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such ATV/UTV upon the request of an law enforcement officer or any person having authority to enforce the provisions of this ordinance or to any person who has

suffered or claims to have suffered either personal injury or property damage as a result of the operation of such ATV/UTV.

(h) A copy of this ordinance shall be sent by the town clerk to the La Crosse County Sheriff's Department.

(i) All ATV/UTVs must have operational running lights and tail lights.

(j) This ordinance does not supersede any La Crosse County ATV/UTV ordinances. All La Crosse County ordinances will be followed. In the event that there are conflicting ordinances that apply, the more restrictive ordinance shall control.

**Sec. 10-1-6. Enforcement.** This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

**Sec. 1-1-7. Penalties.** The penalties under s. 23.33 (13) (a), Wis. Stats., are adopted by reference.

## **CHAPTER 11: SUBDIVISION**

**Sec. 11-1-1. Definition of Subdivision.** A subdivision is the division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development where:

A. The act of division creates five or more parcels or building sites of one and one-half acres each or less in area; or

B. Five or more parcels or building sites of one and one-half acres each or less in area are created by successive divisions within a period of five years.

**Sec. 11-1-2. Survey and Plat - When Required.** Any division of land which shall result in a subdivision as defined in Section 1., except cemetery plats and assessor's plats, shall be surveyed and a plat approved as required by this ordinance and as required by Chapter 236 or by Chapter 236, as amended, of the Wisconsin Statutes. As provided by Said Chapter of the Statutes, any provision of this ordinance more stringent in character than the Statute shall be controlling.

**Sec. 11-1-3. Planning Agency.** The Town Board shall constitute the planning agency which shall administer this ordinance and applicable provisions of Chapter 236 of the Wisconsin Statutes

**Sec. 11-1-4. Preliminary Plat.** The owners of any lands seeking to subdivide the same shall submit three copies of a preliminary plat of such land to the Town Board for tentative approval of his plans before submission of the final plat. The preliminary plat shall be legibly drawn with pencil on tracing cloth or tracing paper of good quality at one hundred feet to the inch or larger scale, and shall show:

A. The title under which the proposed plat is to be recorded which title shall not duplicate or be deceptively similar to the name of any plat previously recorded in La Crosse County;

- B. The names and addresses of the owner, subdivider and engineer or surveyor;
- C. The exact location by distances and bearings of the exterior boundaries of the land to be platted with reference to a corner or corners established in the u. s. Public Land Survey;
- D. The names and addresses of the owners of all adjoining unplatte lands or the names of all adjoining plats;
- E. The location, names and widths of all existing lots, streets alleys, and easements and rights of way and the location of all property lines, section lines and quarter section lines within two hundred feet thereof;
- F. The location, arrangement and width of proposed streets, alleys, and easements and the location of proposed building lines;
- G. All lots with dimensions;
- H. Location and area of property proposed to be dedicated to public use and for other purposes, and to which governmental units the property will be dedicated;
- I. The location of all permanent: buildings and structures, and the size and location of all existing sewers and water mains, if any, within the proposed plat and within two hundred feet thereof;
- J. Ground elevations and contours:
  - (1) for lands that slope less than approximately 2% show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred feet apart in all directions,
  - (2) for lands that slope more than approximately 2% show contours with an interval of not more than five feet where ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet where necessary because of irregular land or need for more detailed data,
  - (3) approximate boundaries of area subject to flood or storm water overflow, areas covered by water, approximate boundaries of wooded areas;
- K. Approximate grades of streets and alleys where the proposed grade will exceed 4%;
- L. a brief description of proposed restrictive covenants or building restrictions, if any;
- M. The date, scale and North point;
- N. A supplementary written statement briefly describing improvements, such as grading, paving, tree planting, installation of utilities, improvements to park and recreation areas, ect;, which the owner proposes to make and when he proposes to make them.

**Sec. 11-1-5. Action on the Preliminary Plat.**

A. The Town Board shall call in the owner or his agent for consultation, and shall approve, approve conditionally, or disapprove the preliminary plat within 40 days of the date on which it is filed, unless such action is deferred by agreement with the owner or his agent;

B. Approval of the preliminary plat shall be indicated in writing on the face of each of the three copies thereof by the Town Clerk, whereupon one copy shall be returned to the owner, and one copy shall be retained for filing by the Town Clerk, and one copy shall be for the Town Chairman.

C. In the event that the preliminary plat is disapproved, the reasons for such disapproval shall be stated in writing and attached to the three copies of the preliminary plat, one of which shall be returned to the owner, one filed by the Town Clerk and the other shall remain in hands of the Town Chairman.

D. At the time of approval of the preliminary plat, or as soon thereafter as practicable, the Town Board shall inform the owner as to what improvements, or bond covering their installations, if any, will be required before approval of the final plat;

E. Approval of the preliminary plat shall be considered as merely a general approval of the layout submitted and shall not commit the Town Board to approval of the final plat;

F. Unless the final plat is filed with the Town Clerk within six months of the date of approval of the preliminary plat, the Town Board's approval of the latter may be cancelled upon written notice to that effect being sent to either the owner or his agent.

**Sec. 11-1-6. Prerequisites to Approval of Plat by the Town Board.**

A. Streets and Utilities.

(1) Grades and Construction Standards.

The shall furnish and submit a grading plan with the final plat showing the grades approved by the County Highway Commissioner and the Town Board, before the final plat shall be approved, and before the owner commences construction of any buildings on the premises. The owner shall also provide the following facilities, give satisfactory proof that a performance bond insuring that such facilities will be installed within the time required by the Town Board;

(a) Water and sanitary sewer mains, and laterals to the lot line, where connections to existing systems can be reasonably provided, if deemed necessary by the Town Board.

(b) The right-of-way of all streets shall be sixty six (66) feet. Streets shall be graded to sub-grade with a twenty-eight (28) foot top, The road way shall be built up with at least six (6) inches of compacted sand and at least six inches of compacted crushed. rock, (The Town Board at its discretion may accept a total of twelve (12) inches of compacted crushed rock instead of the six (6) inches of compacted sand and the six (6) inches of crushed rock,)

(c) Streets shall have a two (2) inch asphalt hot mix surface, with a twenty four (24) foot top and two foot shoulders.

(d) Special exceptions may be made by the Town Board where a sixty (60) foot right-of-way may be deemed adequate. All specifications stated in the above subsection (b) shall apply with the exceptions that the subgrade width shall be twenty four (24) feet with a twenty (20) foot, two (2) inch hot mix surface and two (2) foot shoulders.

(e) Adequate facilities to provide surface water drainage as deemed necessary by the Town Board, including necessary culverts, which must be a minimum of eighteen (18) inches in diameter. If necessary, a black top or cement curb shall be required.

(f) As far as is reasonably possible, the Town Board shall discourage lot, house or business driveway entrances directly on to main or highly traveled streets or roadways such as County Trunk Roads or State and/or Federal Highways which numerous entrances would tend to reduce the normal flow of traffic.

(g) The guidelines contained herein shall be used by the Town Board in approving or disapproving other streets or roads in the Town which may not be a part of a formal plat. The Town Board, at its discretion, may waive temporarily the requirements and allow a gravel surface on a road and reduce other requirements if the road is located outside a platted area and that serves two or less residences. When additional residential development occurs along the road, the cost of compliance with Medary Town requirements would be borne by the developer or residential property owners adjacent to the town road right-of-way as required under then existing circumstances by the Medary Town Board

(2.) Provisions shall be made in the plat for the suitable continuation of the present existing roads and streets in adjoining plats or in adjoining unplat lands. In case straight continuations are not practicable, then continuations shall be accomplished by use of suitable curves in order to avoid street jogs or off center intersections.

(3.) At the ends of all dead-end streets there shall be provided a cul de sac not less than one hundred (100) feet in diameter. Where practical, the Town Board shall require a larger cul de sac, not to exceed one hundred thirty (130) feet in diameter. Where necessary to give access to or permit a satisfactory subdivision of adjoining land streets shall run through to the boundary of the property and the resulting dead-end streets may be approved without a turnaround, providing there is assurance of subdividing or developing the adjoining land within one year.

(4.) Streets shall intersect each other at angles as near to a right angle as is practicable. No two streets shall intersect at an angle of less than thirty degrees or more than one hundred fifty degrees. Where more streets shall intersect at an angle of less than sixty degrees or more than one hundred twenty degrees, the two streets shall be connected by a curve having a radius of not less than twenty (20) feet. The Town Board may require the rounding of corners of blocks where necessary to facilitate traffic movement.

(5) Convergence of more than two streets at one intersection shall be avoided where practicable, unless a satisfactory traffic circle is provided to insure safety and facilitate traffic movement,

(6.) Blocks shall be arranged, where practicable, so as to face upon major streets rather than to have ends of blocks abutt on such streets.

(7.) Consideration shall be given to topography with a view to securing safe and easy grades and avoiding unsightly and expensive cuts and fills, Where grades are steep, it is desirable to cut diagonally across the contour lines. The grade of streets shall not exceed ten (10) percent unless approved by the Town Board.

(8.) Streets shall be platted a sufficient distance apart to allow two (2) tiers of lots, but not more than two. Where land is being subdivided into parcels larger than will eventually be required for normal building purposes, such parcels shall be divided so as to allow for the proper extensions of streets at the time of re-subdivision.

(9.) Adequate street connections or extensions shall be provided to insure free access to adjoining subdivisions and lands which may be subdivided later.

(10.) Where practicable, both horizontal and vertical curves in streets shall be so designed as to provide a clear view ahead for drivers of motor vehicles of at least eight hundred (800) feet on a major street and four hundred (400) feet on a minor street. A change of direction of a street shall be effected-by means of a curve rather than an abrupt angle. Long sweeping curves are preferred to sharp curves. Where sharp curves or turns are used it may be desirable to begin a new street and named accordingly.

(11.) Where the County Zoning Ordinance provides that land adjacent to a railroad is zoned industrially, the nearest street parallel or approximately parallel to the railroad right-of-way shall be a sufficient distance therefrom to insure suitable depth for industrial sites.

(12.) The intersection of a street parallel to the railroad right-of-way with a street which crosses the railroad shall be a distance of at least one hundred fifty (150) feet from the railroad right-of-way, and where a future grade separation may be involved, at a sufficient distance in insure safe traffic control. Streets crossing railroads where future grade separations are anticipated may be required to have extra width at the approaches to the change of grade. .

(13.) New street names shall not duplicate the names of existing streets, provided, however, that streets that are obviously in alignment with others already existing and named shall bear the names of the existing street.

## B. Alleys and Easements

(1.) Alleys not less than twenty-five (25) feet in width shall be provided in the rear of all lots intended for business usage.

(2.) Alleys in the rear of lots intended for residential use are discouraged, except in the rear of lots fronting upon major highways. Where permitted, such alleys shall not be less than twenty (20) feet in width.

(3.) In order to facilitate turning, a diagonal cut-off shall be made measuring not less than five (5) feet in each direction from the corner, at all turning corners of alleys where the interior angle is less than 120 degrees,

(4.) Where alleys are not provided, utility easements of no less than eight (8) feet in width shall be provided on each side of all rear lot lines and along side lines of lots where necessary. Easements shall be continuous and in alignment from block to block where practicable.

#### C. Block Dimensions.

(1.) The long dimensions of blocks shall not be less than seven hundred (700) feet nor more than one thousand- five hundred (1,500) feet, excepting where existing conditions justify a variation from this rule. Residence blocks facing upon major streets should be comparatively long.

(2.) In blocks more than nine hundred (900) feet in length a right-of-way for a crosswalk not less than ten feet in width shall be provided entirely across the block near the center of the block. Where in grade of such right- of-way exceeds 20%, the owner shall construct satisfactory concrete stairways with hand rails before the final plat will be approved or surety bond covering compliance with this requirement shall be furnished by the owner.

(3.) Block widths shall conform to those in existing nearby subdivisions in order that streets that be continuous and free from objectionable jogs.

#### D. Lots.

(1.) Minimum areas shall be as established by the County Zoning Ordinance.

(2.) All reversed corner lots, which front on a different street than the other lots on the same side of the block, shall have extra width sufficient to permit the maintenance of the building line of the lots in the rear along the street side of such reversed corner lots.

(3.) Reversed corner lots in residence districts shall be avoided where practicable.

(4.) Lots fronting on two approximately parallel streets shall be avoided where practicable.

(5.) Every lot shall front upon a public street and must have a minimum of One Hundred (100) feet frontage excepting lots abutting a cul de sac which must have at least 40 feet frontage. Lots which are land locked and appealed under Wisconsin Statute 80.13 must have a minimum of 66 foot right-of-way.

(6.) Side lot lines shall be at right angles to straight street and radial to curved streets.

(7.) Lots fronting on major streets shall be platted with extra depth to permit generous distance between buildings and such street.

(8.) The Town Board may waive the placing of monuments for a reasonable time on condition that the subdivider execute a surety bone to insure that he will place the monuments within the time required.

E. Parks, School Sites, Playgrounds, Etc.

(1.) The subdivider may be expected to dedicate from 5 to 15% of his tract for recreation, school sites, or other public grounds, other than streets. Areas not suitable for public use will not be accepted.

(2.) Where lands adjacent to railroad right-of-way are to be platted for residence use, the subdivider shall dedicate either a tree or park screen, mot less than fifty feet in width, along the right-of-way before a final plat will be approved.

(3.) The Town Board may, at its option, require from the subdivider the sum of Two Hundred Dollars (\$200.00) for each lot, in lieu of the requirements of Paragraph (1).

F. No Cost Sharing on Road Construction or Platted Streets.

The Town will not cost share on hot mix or gravel or culverts or drainage structures or grading on any platting or private construction of roads and streets, Developers will be responsible for all costs to their development or subdivision and will be required to execute a proper road agreement for the maintenance of road right-of-way for at least a minimum of two years. Said agreement may be extended if said right-of-ways do not meet the requirements of the Town Board.

**Sec. 11-1-7. General Provisions.**

A. The Town Board shall endeavor to discourage the platting of lands deemed unsuitable for platting because of topography or otherwise and to encourage the replatting of lands deemed unsatisfactorily subdivided.

B. The Town Board may approve plats which vary slightly from these regulations in specific cases which will not affect the general plan or the spirit of these regulations.

C. The Town Board, Joy the passage of this ordinance, hereby determines it to be fact in the Town of Medary for the guidance of the Town Assessor, that the value of the subdivided property does not actually increase more than the amount of the money spent on subdividing and improving it until a sizable portion of the lots in the sub- division are sold.

D. Surveyors laying out a subdivision as defined in this ordinance without preparing a recordable plat shall be subject to the penalties provided below.

**Sec. 11-1-8. Penalties.** Any person, firm or corporation violating any provision of this ordinance, including those provisions of Chapter 236, or Chapter 236 as amended, of the Wisconsin Statutes which are incorporated herein by reference, shall upon conviction thereof

forfeit no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding thirty (30) days for each violation. Each violation shall constitute a separate offense. In addition to such penalty the Town Board is authorized to bring an action to enjoin any violation; and the building inspector is authorized to refuse to issue a building permit for construction of any premises contrary to this ordinance. The Town Board may further order an Assessor's Plat to be made under Section 70.27 of the Wisconsin Statutes at the expense of the subdivider or his agent when a subdivision is created in violation of this ordinance.

## **CHAPTER 12: LICENSING AND REGULATION OF COMMUNITY ANTENNA TELEVISION SYSTEM**

**Sec. 12-1-1 Title/Purpose.** This Ordinance is entitled "Licensing and Regulation of Community Antenna Television System". The purpose of this Ordinance is as follows: To provide for the orderly installation and operation of "Community Antenna Television Systems", also known as "Cable Television Systems".

**Sec. 12-1-2. Definitions.** For the purpose of this Ordinance, the following terms or phrases shall have the following meanings:

"Licensee" shall mean any person, firm, partnership or corporation obtaining a license under this Ordinance;

"Town" shall mean the Town of Medary, La Crosse County, Wisconsin;

"Board" shall mean the Board of Supervisors of the Town of Medary;

"Applicant" shall mean any person, firm, partnership or corporation applying for a license hereunder;

"Subscriber" shall mean any person receiving for any purpose the Community Antenna Television Service;

"Community Antenna Television Service" shall be referred to as "CATV" and shall be defined as set forth in Section 66.082(2)(d) of the Wisconsin Statutes.

**Sec. 12-1-3. Franchise Fee Gross Revenue.**

**A.** Any tax, fee or assessment the Town imposes on the Licensee, solely because of the Licensee's status as such. The term "Franchise Fee" does not include:

(i) any tax, fee or assessment of general applicability including any such tax for, or assessment imposed on, both utilities and cable operators or their services, but not including a tax, fee or assessment which is unduly discriminatory against the Licensee;

(ii) capital costs which are required by this Ordinance to be incurred by Licensee for governmental access facilities;

(iii) requirements or charges incidental to the awarding or enforcing of the Licensee, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties or liquidated damages; or

(iv) any fee imposed under title 17, United States Code.

**B.** Any and all revenues derived directly by a Licensee, its affiliates, subsidiaries, parents, or any person in which the Licensee has a financial interest from or in connection with the operation of the CATV pursuant to this Chapter. Annual gross revenues includes revenues in whatever form, derived from all cable services, cable operations, and cable-related activities within the Town area including, but not limited to:

(i) revenues from subscriber rates, pay television, premium channels, service tiers, service clusters, institutional networks, on-air advertising, installations, reconnections, or similar fees;

(ii) rebates or commissions received from travel, home shopping or similar services, or commercial access; and

(iii) any, and all compensation from all supplementary cable services, cable operations, and cable-related activities within the Town.

**Sec. 12-1-4. License Required.** Any person desiring to own, maintain or operate a CATV shall secure a license from the Town prior to commencing construction and operation and shall be subject to all provisions of this Ordinance.

**Sec. 12-1-5. Grant of Authority.** A Licensee shall have the non-exclusive right and privilege during the term of the license to construct, erect, operate and maintain a cable television system in, on, above and under the streets, alleys, public ways and places now laid out or dedicated, and any extensions thereof. All poles, wires, cables, underground conduits, manholes and television conductors and fixtures which are necessary for the maintenance and operation of said system are also included. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall be granted to the Licensee during the term of the license.

**Sec. 12-1-6. Compliance with Laws and Ordinances.** All persons who are granted licenses hereunder shall at all times during the term of the license be subject to all lawful exercise of the police power of the Town and to such reasonable regulations as the Town by resolution or ordinance provides. In addition, such persons shall be subject to all State and Federal laws and regulations.

**Sec. 12-1-7. Application for License.** A license required under this Ordinance shall be applied for in the following manner:

**A.** All persons applying for licenses to operate a CATV system shall make written application to the Town Clerk prior to the date on which such person desires to commence

operations. If the applicant be an individual, applicant shall list: name, address, occupation, number of other community antenna systems owned or operated by applicant or in which applicant has any interest, and shall include a detailed explanation of the nature, extent and scope of operation of the system in which the applicant proposes to operate and shall further include a complete financial statement of the applicant.

**B.** If the applicant be a partnership or any unincorporated association, the application shall state the names of the partners or members of the association, and contain all the information required by subsection A. above. All general and limited partners shall be so set forth.

**C.** If the applicant be a corporation, the application shall list the names and degree of financial interest of each stockholder in said corporation and, in addition, shall contain all the information required by subsection A. above.

**D.** Cash or a certified check in the amount of Two Hundred Fifty Dollars (\$250.00) shall accompany the application. The application fee shall be non-refundable and shall not be credited against the license fee specified in Section XIX.

**Sec. 12-1-8. Approval by Town Board.** Upon the filing of an application in proper form with the Town Clerk, and upon receipt of the application fee, the Clerk shall refer the application to the Board for issuance or denial. At the next regular Board meeting, the Board shall hear any interested persons, or their attorneys, or any citizen of the Town in favor of or against the said application. The meeting may be adjourned from time to time, but shall be decided upon within sixty (60) days after referral of said matter to the Board, within which period the Board shall reject or grant the application and, if the application be granted, direct the Town Clerk to issue a license to the applicant.

**Sec. 12-1-9. Term.** The license shall come into effect upon issuance by the Town Clerk and shall remain in effect for a term of eight (8) years thereafter, unless terminated earlier as provided herein. Prior to or upon the expiration of the license the Licensee may apply for a new license by the procedure specified in Section VI.

**Sec. 12-1-10. Conditions and Restrictions on Operation.** Any person granted permission to install cables and equipment for the transmission of television signals in the operation of a CATV System within the Town shall be subject to the following restrictions and conditions:

**A. Use of Streets.** Wherever possible, providing suitable agreements can be reached, all transmissions and distribution structures, lines and equipment erected by the Licensee within the Town shall be located on, or in, present distribution systems of Century Telephone, Vernon Electric Power Company or Xcel Energy Company. If it becomes necessary in the operation of the CATV system to construct or erect poles, or underground installations, over and above those owned by the aforementioned public utilities, such poles or underground installations shall be located as to cause minimum interference with the prior use of the streets, alleys or other public ways and places, and to cause minimum interference with the rights of reasonable convenience of the property owners who adjoin any of the said streets, alleys or other public ways and places,

and may only be erected or constructed upon written application to the Board, whose decision as to whether or not permission shall be granted, and the location of poles, shall be final.

**B. Restoration of Streets.** In case of any disturbances of pavement, sidewalks, driveways, boulevards or any other public ground, the Licensee shall, at its own cost and expense, and in a manner approved by the Board, replace and restore all paving, sidewalks, driveway or surface of any street or alley disturbed, or any boulevard, in as good condition as before said work was commenced, and shall maintain the restoration in an approved condition for a period of one (1) year.

**C. Alteration of Streets.** In the event at any time during the period the CATV system is licensed under the provisions of this Ordinance the Town shall elect to alter or change the grade of any street, alley or other public way or shall object to the location of any transmission and distribution structures, lines and equipment erected by the Licensee, the Licensee, upon reasonable notice by the Town, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and any other fixtures at its own expense.

**D. Interference with Utilities.** Under no circumstances shall the Licensee be permitted to place poles or other fixtures where the same will interfere with any gas, electric, or telephone fixtures, water hydrant or main, and all poles or other fixtures permitted to be placed in any street shall be as prescribed and directed by the Board.

**E. Moving of Building.** Licensee shall, upon request of any person holding a building-moving permit issued by the Town, temporarily raise or lower its lines or disconnect or take down to permit the moving of buildings. The expense of such removal, raising or lowering of wires, shall be paid in advance by the person requesting same, and the Licensee shall be given not less than seventy-two (72) hours advance notice to arrange for such temporary wire changes.

**F. Installation of Cables.** Cables shall be installed only on such streets and on such poles at such height and such location and in such manner as shall in advance be approved by the Board.

**G. Town's Right to Use Licensee's Poles.** The Fire Department or any other department of the Town shall have the specific right to use any pole placed by any Licensee under the terms and conditions of this Ordinance for the installation of fire alarm cables, wires or equipment without any charge to the Town.

**H. Forfeiture of License.** In addition to all other rights and powers pertaining to the Town by virtue of this Ordinance or otherwise, the Town reserves the right to terminate and cancel this license and all rights and privileges of the Licensee hereunder in the event the Licensee:

1. Violates any provision of this license or any rule, order or determination of the Town made pursuant to this Ordinance, except where such violation, other than subsection 2 below, is without fault or through excusable neglect and is not cured within thirty (30) days following written notice to the licensee;

2. Becomes insolvent, unable or unwilling to pay his debts and taxes or is adjudged a bankrupt;
3. Attempts to evade any of the provisions of this Ordinance or practices any fraud or deceit upon the Town or any citizen of the Town;
4. Fails to have in operation a CATV System with at least fifty (50) subscribers within one (1) year of the date of issuance of Certificate of Compliance of the Federal Communications Commission.

Termination or cancellation of this license shall be by resolution of the Town adopted after thirty (30) days written notice to Licensee, and it shall in no way affect any of the Town's rights under this license or any provisions of law. In the event that such termination and cancellation depends upon a finding of fact by the Board, the license shall not be terminated or cancelled unless the Licensee is provided with an opportunity to be heard before the Board.

**I. Commencement of Service.** As a condition to applicant's retaining any license granted hereunder, applicants shall, within a period of sixty (60) days from date of issuance of any license, initiate test procedures to determine what television signal service will be available, and shall inform the Town Clerk at the completion of such tests what signals appear to be reasonably available to residents of the Town. Eleven (11) viewing channels shall be furnished by Licensee to its subscribers as a minimum.

**J. Limitations on Licensee's Business.** No Licensee shall engage either directly or indirectly in the business of selling, renting or repairing of any television sets within the Town's boundaries, however Licensee may make repairs to its own equipment.

**Sec. 12-1-11. Licensee to Promulgate Rules.** The Licensee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Licensee to exercise its rights and to perform its obligations under this Ordinance, and to assure an uninterrupted service to each and all customers. Such rules shall not be in conflict with this or any other ordinance or resolution of the Town, or in conflict with any Federal or State laws or regulations. Such company rules shall be filed with the Town Clerk, and such rules shall be open to public inspection. Section

**Sec. 12-1-12. Area of Service.** The Licensee shall provide service within the limits of the Town of Shelby, as they now exist or shall exist in the future, during the term of license, where economically feasible under ordinary business standards. Section

**Sec. 12-1-13. Abandonment of Service.** Licensee may not abandon operations or license either formally or informally unless done with permission of the Board. If the Licensee desires to abandon one's license and discontinue operations, licensee must notify the Board in writing of one's intentions to do so. Upon receipt of said notification, the Board shall either at a regular meeting or special meeting hold a public hearing on said abandonment. The Board shall not unreasonably refuse to allow Licensee to abandon one's license, and if abandonment is approved, the Board may prescribe reasonable rules for phasing out of operations.

**Sec. 12-1-14. Service Standards.** The Licensee shall maintain its service with reasonable standards regarding uniformity of transmission, noise levels and channel signal voltages. The Licensee's distribution systems shall conform to the requirements of the Federal Communication Commission, particularly with respect to freedom from spurious radiation. The antenna and receiving equipment shall be installed and maintained so as to give a reasonable noise-free picture on each channel. The installation and maintenance of equipment shall also be such that no unreasonable inter-modulation distortion will occur.

Licensee shall, as reasonably as possible, considering the current state of technology, provide clear and uninterrupted service. Licensee shall provide for a reasonable method of processing and resolving complaints of subscribers, and shall keep a record of each subscriber complaint lodged and the resolution, if any, of the problem. This record shall be open to inspection by the Board, or Town Clerk, at reasonable times during business hours. Complaints shall be handled by the Licensee in a courteous and efficient manner at all times.

Licensee shall maintain a local business office or agent in the vicinity of the Town of Shelby, which is accessible to residents of the Town of Shelby, for the investigation and resolution of all complaints regarding the quality of service, equipment, malfunctions and similar matters.

**Sec. 12-1-15. Supervision and Inspection.** The Town and its designate shall have the right to supervise all construction or installation work performed, subject to the provisions of this Ordinance, and to make such inspections as it shall find necessary to insure compliance with the Ordinances of the Town, applicable State and Federal laws, the National Electrical Code and regulations of the Federal Communications Commission.

**Sec. 12-1-16. Signing of Contract.** Upon the granting of a license, the Licensee shall enter into a written agreement incorporating by reference the terms of this Ordinance. Section XVII.

Indemnification. The Licensee shall indemnify, protect and save harmless the Town from and against losses and physical damages to property, and bodily injury or death to persons, including payments made under any Workmen's Compensation Law, which may arise out of or be caused by erection, maintenance, presence, use or removal of said attachments on poles within the Town, or by any act of Licensee, its agents or employees. The Licensee shall carry insurance to protect the parties hereto from and against all claims, demands, actions, judgments, costs, expenses and liabilities which may arise or result directly or indirectly from or by reason of such loss, injury or damage. The amounts of such insurance against liability due to physical damage to property shall not be less than Three Hundred Thousand Dollars (\$300,000.00) as to any one accident and not less than Six Hundred Thousand Dollars (\$600,000.00) aggregate in any single policy year; and against liability due to bodily injury or death of persons not less than One Hundred Thousand Dollars (\$100,000.00) as to any one person and not less than Two Million Dollars (\$2,000,000.00) as to any one accident. Licensee shall also carry all insurance necessary to protect it from all claims under any Workmen's Compensation laws in effect. All insurance required by this agreement shall be and remain in full force and effect for the entire term of the license. Said policy, or policies, of insurance, or a certified copy or copies thereof, shall be made available to the Town upon demand.

**Sec. 12-1-17. Transfer of Licenses.** No Licensee shall sell, transfer or assign its plant, system or equipment to another, nor transfer any rights granted under this Ordinance to another without approval of the Town Board. Any proposed transferee, Licensee or assignee must make application for a license as provided for above. The Town shall be notified of any change of corporate ownership unless the stock is publicly held, and any such change of corporate ownership involving a transfer of fifty percent (50%) or more of the outstanding stock issued shall constitute a transfer of rights for purposes of this section.

**Sec. 12-1-18. Franchise.**

**A.** Licensee shall pay to the Town a franchise fee in an amount equal to three percent (3%) of the Licensee's gross revenue for subscribers. The Licensee shall be allowed to add a three percent (3%) franchise fee to each paid subscriber's monthly bill as a separate item on the bill. The Town set the percentage Franchise Fee as allowed by State or Federal Law and may change the percentage at any time provided that at least sixty (60) days written notice is given to the Licensee. Any increases in the Franchise Fee may be added to a paid subscriber's bill as a separate item on the subscriber's bill.

**B.** Within forty-five (45) days after the end of each calendar quarter, throughout the term of the license and within thirty (30) days after the expiration of the license, Licensee shall render to the Town, a statement settling for the quantity of subscribers and the sales price of each CATV service provided to each subscriber during the previous calendar quarter. Each such statement shall also set forth the Franchise Fee payable by Licensee to the Town.

**C.** At the time of rendering of each statement, Licensee shall pay in accordance with the terms of this Ordinance, all amounts indicated by such statement to be due and payable to the Town.

**D.** Licensee shall keep accurate records of its sale of CATV services to subscribers in sufficient detail to enable the Town's accountant to determine the correctness of the statements submitted by Licensee. Such books of account shall be open at all reasonable business hours for inspection by the Town, the Town's accountant and the Town's attorney upon prior notice, who shall have the right to examine and audit said books and records.

**E.** If any report of the Town's accountant concludes that Franchise Fees due the Town have been underpaid by more than five percent (5%), Licensee shall pay all costs associated with the audit and/or report and shall pay to the Town, upon receipt of the audit report, all underpaid royalties. Otherwise, the cost of the audit shall be borne by the Town. Any overpayment of royalties by Licensee to the Town as reported by the accountant shall be credited against future royalties due the Town.

**F.** If any Franchise Fee payment is not made as required, interest on the amount due shall accrue from the date of the required submittal at an annual rate of twelve percent (12%). The Licensee shall pay an additional compensation to the Town if the payment is late by forty-five (45) days or more. Such additional compensation shall be interest equal to an additional annual

rate of six percent (6%) in order to defray those additional expenses and costs incurred by the Town by reason of the delinquent payment.

**G.** No acceptance of any payment by the Town shall be construed as a release or as an accord and satisfaction of any claim the Town may have for further or additional sums payable as a Franchise Fee under this Ordinance or for the performance of any other obligation of the Licensee.

**H.** In the event the Franchise Fee payment established under this Ordinance is ruled unconstitutional or unenforceable, the Town may impose and collect an equivalent charge on any legally permissible basis, provided such charge does not exceed the previously allowed limit on Franchise Fee payments.

**I.** Licensee shall provide to Town, at all Town facilities requested by the Town Board, CATV and internet services, at the level of service requested by the Town Board, at no charge to the Town.

**Sec. 12-1-19. Severability.** The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid, and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Sec. 12-1-20. Effective Date.** This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the town that are or may be in conflict therewith.

## **CHAPTER 13: RECYCLING**

**Sec. 13-1-1. Title.** Recycling Ordinance for Town of Medary.

**Sec. 13-1-2. Purpose.** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided ins. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

**Sec. 13-1-3. Statutory Authority.** This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats., and Town of Medary. **Sec. 13-1-4. 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.

**Sec. 13-1-5. Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements

of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

**Sec. 13-1-6. 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.

**Sec. 13-1-7. Applicability.** The requirements of this ordinance apply to all persons within Town of Medary.

**Sec. 13-1-8. Administration.** The provisions of this ordinance shall be administered by the Town Board or a designee specifically appointed by the Board. The town clerk is the authorized representative and contact person for the town recycling program.

**Sec. 13-1-9. Effective Date.** The provisions of this ordinance shall take effect on January 1, 2020.

**Sec. 13-1-10. Definitions.** For the purpose of this ordinance:

1. "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
2. "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
3. "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - a. Is designed for serving food or beverages.
  - b. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - c. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
4. "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.
5. "HDPE" means high density polyethylene, labeled by the SPI code#2.
6. "LDPE" means low density polyethylene, labeled by the SPI code# 4.
7. "Magazines" means magazines and other materials printed on similar paper.
8. "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.
9. "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
10. "Newspaper" means a newspaper and other materials printed on newsprint.

11. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
12. "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.
13. "Other resins or multiple resins" mean plastic resins labeled by the SPI code# 7.
14. "Person" includes any individual, corporation, partnership, association, local government unit, as defined ins. 66.0131(l)(a), Wis. Stats., state agency or authority or federal agency.
15. "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI code # 1.
16. "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.
17. "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined ins. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined ins. 289.01(17)., Wis. Stats.
18. "PP" means polypropylene, labeled by the SPI code# 5.
19. "PS" means polystyrene, labeled by the SPI code # 6.
20. "PVC" means polyvinyl chloride, labeled by the SPI code# 3.
21. "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.
22. "Solid waste" has the meaning specified ins. 289.01(33), Wis. Stats.
23. "Solid waste facility" has the meaning specified ins. 289.01(35), Wis. Stats.
24. "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.
25. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
26. "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.

**Sec. 13-1-11. Separation of Recyclable Materials.** Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- 1) Lead acid batteries
- 2) Major appliances

- 3) Waste oil
- 4) Yard waste
- 5) Aluminum containers
- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Foam polystyrene packaging
- 9) Glass containers
- 10) Magazines
- 11) Newspaper
- 12) Office paper
- 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- 14) Steel containers
- 15) Waste tires

**Sec. 13-1-12. Separation Requirements Exempted.** The separation requirements of s. 1.11 do not apply to the following:

1. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as is technically feasible.
2. 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.
3. 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.

**Sec. 13-1-14. Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

**Sec. 13-1-15. 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 as follows:

- 1) Lead acid batteries shall be disposed of by taking them directly to a Wisconsin vehicle battery retailer who is obliged to accept used lead acid batteries at no charge

from anyone purchasing a battery from them or for a small fee from a recycling center.

- 2) Major appliances shall be disposed of with a retailer at the time a replacement appliance is purchased, privately arrange to pay to have them picked up or transport appliances on your own for a small fee to a recycling center.
- 3) Waste oil shall be taken to a WI DNR approved used oil collection site. For names and locations of sites, persons may contact the Town Hall or County Recycling Hotline.
- 4) Yard waste shall be managed on site through use of mulching mowers, composting, chipping and/or environmentally friendly land disposal methods. Burning permits may be issued by the town chairman, supervisors, clerk, and fire marshals, weather conditions permitting to persons wishing to burn clean wood material.

**Sec. 13-1-16. Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the town board, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified ins. 1.11(5) through (15):

- 1) Aluminum containers shall be drained of liquid and rinsed clean. Placed in recycle bin.
- 2) Bi-metal containers shall be empty, rinsed clean, and labels removed. Placed in recycling bin.
- 3) Corrugated paper or other container board shall be placed in recycling bin.
- 4) Foam polystyrene packaging shall be placed in garbage.
- 5) Glass containers shall be empty and rinsed clean. No lids or metal rings. Placed in recycling bin.
- 6) Magazines shall be placed loosely in recycling bin.
- 7) Newspaper shall be placed loosely in recycling bin.
- 8) Office paper shall be placed loosely in recycling bin.
- 9) Rigid plastic containers shall be prepared and collected as follows:
  - a. Plastic containers made of PETE, including polyethylene terephthalate labeled by SPI code #1, shall be placed in recycling bin.
  - b. Plastic containers made of HDPE, including high density polyethylene labeled by SPI code #2, shall be placed in recycling bin.
  - c. Plastic containers made of PVC, including polyvinyl chloride labeled by SPI code #3 shall be placed in garbage.
  - d. containers made of LDPE including low density polyethylene labeled by SPI code #4, shall be placed in recycling bin.
  - e. Plastic containers made of PP, including Polypropylene labeled by the SPI code #5 shall be placed in recycling bin.
  - f. Plastic containers made of PS including polystyrene labeled by SPI code #6 shall be placed in garbage.

- g. Plastic containers made of other resins or multiple resins including plastic resins labeled by the SPI code #7 shall be placed in garbage.
- h. tires shall be taken to the county landfill.

**Sec. 13-1-17. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):

- a. Provide adequate, separate containers for the recyclable materials.
- b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- c. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- d. 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.

2) The requirements specified in 1) 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 ins. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

**Sec. 13-1-18. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**

1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified ins. 1.11(5) through (15):

- (a) Provide adequate, separate containers for the recyclable materials.
- (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
- (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

2) The 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 ins. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

**Sec. 13-1-19. 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 ins. 1.11 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility

**Sec. 13-1-20. Enforcement.**

1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Medary may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Medary who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

2) Any person who violates a provision of this ordinance may be issued a citation by the Town of Medary to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

3) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates s. 1.18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except s. 1.18, may be required to forfeit not less than \$10 or more than \$1000 for each violation.