

# **VILLAGE OF PULASKI**

## **Code of Ordinances**

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This edition contains the codification of the general ordinances of the Village of Pulaski, Wisconsin, a sovereign municipal body politic organized and existing as a municipal corporation under and by virtue of the laws of the State of Wisconsin. This codification of the ordinances of the Village of Pulaski is ordained and published by and under the authority of the village Board of the Village of Pulaski.

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**Village of Pulaski, Wisconsin**

**585 E. Glenbrook Dr.**

**P.O. Box 320**

**Pulaski, WI 54162**

**(920) 822-5182**

**1995**

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**VILLAGE OF PULASKI  
WISCONSIN**

**Municipal Code of Ordinances**

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## CHAPTER 1

### GENERAL PROVISIONS

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#### **1.01 TITLE OF CODE: CITATION**

These collected Ordinances shall be known and referred to as the "Code of Ordinances, Village of Pulaski, Wisconsin." References to the Code of Ordinances, Village of Pulaski, Wisconsin, shall be cited as follows: "Sec. 2.01, Code of Ordinances, Village of Pulaski, Wisconsin" or "Sec. 2.01, Ord.".

#### **1.02 PRINCIPLES OF CONSTRUCTION**

- (a) The following rules or meanings shall be applied in the construction and interpretation of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the Ordinances.
- (1) **"Acts by Agent"**. When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
  - (2) **"Code and Code of Ordinance"**. The words "Codes", "Code of Ordinances" and "Municipal Code", when used in any section of Code, shall refer to this Code of Ordinances of the Village of Pulaski unless the context of the section clearly indicates otherwise.
  - (3) **"Computation of Time"**. In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, "legal holiday" means any statewide legal holiday specified by state law.

- (4) **"Fine"**. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- (5) **"Gender"**. Every word in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- (6) **"General Rule"**. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
- (7) **"Joint Authority"**. All words purporting to give a joint authority to three (3) or more Village officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
- (8) **"Person"**. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- (9) **"Repeal"**. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- (10) **"Singular and Plural"**. Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to a plural number shall also be construed to apply to one (1) person or thing.
- (11) **"Tense"**. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (12) **"Wisconsin Statutes"**. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes, as amended.
- (13) **"Wisconsin Administrative Code"**. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

State Law Reference: Legal holidays, Sec. 256.17, Wis. Stats.



### **1.03 CONFLICT OF PROVISIONS**

If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

### **1.04 SEPARABILITY OF PROVISIONS**

If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

### **1.05 EFFECTIVE DATE OF ORDINANCES**

- (a) **CODE.** The Code of Ordinances, Village of Pulaski, Wisconsin shall take effect as provided by state law.
- (b) **SUBSEQUENT ORDINANCES.** All Ordinances passed by the Village Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

State Law Reference: Code of Ordinances, Sec. 66.035, Wis. Stats.

### **1.06 GENERAL PENALTY**

- (a) **GENERAL PENALTY.** Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
  - (1) First Offense -- Penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
  - (2) Second Offense -- Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, shall forfeit not less than \$75.00 nor more than \$1,000.00 for each such offense, together with costs of prosecution and in default of

payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

- (b) **CONTINUED VIOLATIONS.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) **MUNICIPAL COURT BOND SCHEDULE.**
  - (1) Subject to approval by the Village Board or a subcommittee thereof, the Municipal Court shall adopt and establish a Municipal Court Bond Schedule for violation of municipal ordinances. No bond shall be approved or imposed that is in excess of the maximum penalty for the violation involved.
  - (2) When any person is arrested for the violation of a Village Ordinance and the action is to be in Municipal Court, the Chief of Police or those police officers designated by the Chief may accept from the person a bond in an amount prescribed by the Municipal Court Bond Schedule.
- (d) **OTHER REMEDIES.** The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

**1.07 CLERK TO MAINTAIN COPIES OF DOCUMENTS INCORPORATED BY REFERENCE**

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the Village Clerk shall maintain a copy of any such material as adopted and as amended from time to time. Materials on file at the Village Clerk's office shall be considered public records open to reasonable examination by any person during the regular office hours of the Village Clerk, pursuant to the provisions of Wisconsin Public Records Laws, §19.21, et seq., Stats., and subject to such restrictions on examination thereof as the Clerk may impose for the preservation of the material.

## CHAPTER 2

### VILLAGE GOVERNMENT

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2.02	Official Village Newspaper
2.03	Public Works Contracts
2.04	Pulaski Area Municipal Court

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#### **2.01 VILLAGE GOVERNMENT**

The Village of Pulaski is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

State Law Reference: Wis. Const., Art. XI, Sec.3.

#### **2.02 OFFICIAL VILLAGE NEWSPAPER**

The official newspaper for the Village shall be, and all legal notices required to be published by law shall be published in the Green Bay Press-Gazette.

#### **2.03 PUBLIC WORKS CONTRACTS**

All public works contracts exceeding the statutorily prescribed minimum amount shall, pursuant to the provisions of s. 61.56, Wis. Stats., be let under the provisions of s. 62.15 of the Wisconsin Statutes. The authority vested in the board of public works shall be, in such cases, exercised by the Village Board or as delegated by the Village Board. **(Ord. #376)**

#### **2.04 PULASKI AREA MUNICIPAL COURT**

- (a) **COURT ESTABLISHED.** There is hereby established, pursuant to the provisions of Chapter 755 of the Wisconsin Statutes, a joint, multi-jurisdictional municipal court for the Village of Pulaski and the Town of Pittsfield, to be known as the "Pulaski Area Municipal Court" (the "Joint Municipal Court").

- (b) **JURISDICTION.** The Joint Municipal Court shall have jurisdiction as provided in §755.045 and §755.05, Wis. Stats., and as otherwise provided by Wisconsin law. The Municipal Court shall also have jurisdiction over juvenile offenders under the authority of §938.17(2)(cm), Wis. Stats.
- (c) **MUNICIPAL JUDGE.** The Joint Municipal Court shall be under the administration and operation of and presided over by the Municipal Judge, as provided herein.
- (1) Election; Term. The Municipal Judge of the existing Pulaski Municipal Court shall serve as the initial Municipal Judge for the Joint Municipal Court until the end of the Municipal Judge's current term. Thereafter, the Municipal Judge shall be elected at large by the electors of the Village and the Town at the Spring election in odd number years for a term of four (4) years, commencing on May 1 succeeding the election. The Municipal Judge shall serve until a successor is elected and qualified.
  - (2) Vacancies. A vacancy in the position of Municipal Judge for the Joint Municipal Court shall be filled by appointment, as agreed upon by the Village Board and the Town Board, pursuant to the provisions of §8.50(4)(fm), Wis. Stats.
  - (3) Salary. The Municipal Judge shall receive a salary paid by the Village, which shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during the term for which the official bond and oath have not been executed and filed, as required by subparagraph (4) of this subsection.
  - (4) Bond; Oath. The Municipal Judge shall execute and file with the Clerk of Courts for the Brown County Circuit Court the Oath prescribed by §757.02, Wis. Stats., and the Bond. The Municipal Judge shall not be qualified to act until a certified copy of the Bond is filed with the Clerk of the Village and the Clerk of the Town and a certified copy of the Oath is filed with the Office of the State Administrator of Courts, as required by §755.03, Wis. Stats.
  - (5) Sessions. The Joint Municipal Court shall be open on such days and times as shall be set by the Municipal Judge.
  - (6) Civil Warrants. The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court, pursuant to the provisions of §§755.045(2), 66.122 and 66.123, Wis. Stats.
- (d) **LOCATION.** The Municipal Judge shall keep office and hold court in the Municipal Court within the Municipal Building in the Village.
- (e) **PROCEDURE.** The procedure for the Joint Municipal Court shall be as prescribed by this Section and State law, including, without limitation, the provisions of Chapters 800 and 755 of the Wisconsin Statutes and §§23.50 to 23.85, Wis. Stats., §345.11, Stats., §§345.20 to 345.53, Wis. Stats., and §972.11(3m), Wis. Stats.

- (f) **FORFEITURES, PENALTIES AND RESTITUTION.** The Municipal Judge may impose such fines, forfeitures and sanctions as is made and provided under Wisconsin law and under the Ordinances of the Village and the Town. The Municipal Judge shall collect all forfeitures, penalty assessments, jail assessments, court costs, fees and taxable costs in any action or proceeding before the Municipal Court and shall pay over the amounts collected to the Village Clerk within thirty (30) days of receipt. At such time, the Municipal Judge shall also report to the Village Clerk the title of the action, the offense for which the forfeiture was imposed, and the total amount of forfeiture, assessment, fees and costs. The Municipal Judge may also order such restitution as the Court shall determine in the manner made and provided under Wisconsin law.
- (g) **CONTEMPT.** The Municipal Judge may impose such sanctions as are authorized under §800.12(2), Wis. Stats., for contempt of court, as defined in §785.01(1), Wis. Stats., in accordance with the procedures set forth in §785.03, Wis. Stats. The Municipal Judge may also impose a forfeiture for contempt under §800.12(1), Wis. Stats., in an amount not to exceed \$50.00 or, upon non-payment thereof, a penalty assessment under §165.87, Stats., jail assessment under §302.46, Stats., and any applicable domestic abuse assessment under §973.055(1), Stats., or a jail sentence not to exceed seven (7) days.
- (h) **EMPLOYEES.** The Municipal Judge shall, in writing, appoint such clerks and deputy clerks as are authorized and funded by the municipalities.
- (i) **STIPULATIONS AND DEPOSITS.**
- (1) Deposit Schedule to be Established. The Municipal Judge shall establish and submit to the Village Board and Town Board for approval, by Resolution, a Schedule of Deposits for violations of Village Ordinances and Town Ordinances, except traffic regulations as are governed by §345.26, Wis. Stats.
  - (2) Stipulation and Deposit in Lieu of Court Appearances. Persons cited for violations of Village or Town Ordinances, for which a deposit has been established under this subsection, shall be permitted to make a stipulation of "No Contest" and the payment of a deposit in lieu of a court appearance as provided in §§800.03, 800.04 and 800.09, Wis. Stats.
  - (3) Traffic and All-Terrain Deposits. The Deposit Scheduled established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345 of the Wisconsin Statutes shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with §345.26, Wis. Stats., and all-terrain vehicle regulations enacted in accordance with §23.33, Wis. Stats. **(Ord. #462-07)**

## CHAPTER 3

### VILLAGE BOARD

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#### **3.01 VILLAGE BOARD**

The Trustees of the Village shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

State Law Reference: Sections 61.32 and 61.34, Wis. Stats.

#### **3.02 TRUSTEES**

- (a) **ELECTION, TERM, NUMBER.** The Village shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his or her office as President. The six (6) Trustees shall constitute the Village Board. Three Trustees shall be elected at each annual spring election for a term of two (2) years, commencing on the third Tuesday of April in the year of their election.

- (b) **APPOINTMENT AS PRESIDENT.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

State Law Reference: Section 61.20 and 61.325, Wis. Stats.

### **3.03 VILLAGE PRESIDENT**

- (a) **ELECTION.** The Village President shall be elected at the annual spring election in odd-numbered years for a term of two years, commencing on the third Tuesday of April in the year of his or her election.
- (b) **DUTIES.** The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board and have a vote as Trustee, sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. He shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

State Law Reference: Section 61.24, Wis. Stats.

### **3.04 COMMITTEES**

- (a) **COMMITTEE OF THE WHOLE.**
- (1) The Village President and all Trustees shall constitute a "Committee of the Whole", which shall handle matters of finance, including licenses and permits; personnel and employment relations; public works, including streets, sewers, water, solid waste and recycling, and wastewater treatment; public safety, including police and the police department, the fire department and building safety and inspection; parks, recreation, health and public welfare; and, economic development, including residential, commercial and industrial development and matters related to the acquisition, development and sale of residential, commercial and industrial properties.

- (2) The Committee of the Whole shall meet at least once each month on such date and time as shall be set by the Village Board. The agenda of such meetings shall, unless otherwise amended by majority vote of the Committee of the Whole, be as follows:
  - "1. Call to order.
  2. Roll call.
  3. Approve agenda.
  4. Public appearances.
  5. Old business.
  6. New business.
  7. Report of Village officials.
    - a. Department heads.
    - b. Administrator
    - c. Village President.
  8. Future agenda items
  9. Open session.
  10. Adjourn."
- (3) The Village President may, from time to time, appoint such temporary Ad Hoc study committees of the Committee of the Whole for such special purposes as the Village President may determine. The appointment of Trustee and, where authorized, citizen members of a temporary Ad Hoc study committee, except for the designation of the chairperson, shall be subject to confirmation by majority vote of the Committee of the Whole. Such temporary Ad Hoc study committees shall report their findings back to the Committee of the Whole.
- (4) Trustees, chairpersons appointed pursuant to Section 3.04(a)(3) and Village employees summoned or required to attend committee meetings, shall receive such compensation for attendance at such meetings as shall be prescribed under Section 3.22.



(b) **COMMITTEE APPOINTMENTS.**

- (1) Standing Committees. At the annual organizational meeting, the Village President shall appoint the following standing Committees:
  - a. Labor Negotiations Committee. The Labor Negotiations Committee shall be a standing committee of the Village Board consisting of three (3) Trustees, one of whom shall be designated as chairperson thereof, for the purposes of negotiating and addressing matters regarding employment relations with employee members of collective bargaining units. The standing committee appointments, except for designation of the chairperson, shall be subject to confirmation by majority vote of the Village Board.
  - b. Sewer and Water Committee. The Sewer and Water Committee shall be a standing committee of the Village Board consisting of three (3) Trustees, one of whom shall be designated as the chairperson thereof, and two (2) citizen members. The purpose of the Committee shall be to oversee the operation and management of the Sewer Utility and the Water Utility, including, but not limited to, establishing and overseeing the budgets of the Sewer and Water Utilities.
  - c. Meetings. Standing committees shall meet on an as needed basis at such times as shall be determined by the Village President or committee chairperson.
  - d. Compensation. Committee members shall receive such compensation for attendance at such standing committee meetings as shall be prescribed under Section 3.22.
- (2) Special Committees. At the annual organizational meeting, the Village President shall appoint a three (3) member Police Work Rules Committee consisting of a Trustee, an officer designated by the Pulaski Police Association and the Chief of Police; which committee shall be responsible for formulating police rules, policies and procedures. Committee members shall receive such compensation for attendance at such special committee meetings as shall be prescribed under Section 3.22.

- (c) **COMMITTEE REPORTS.** All committees, including the Committee of the Whole, designated temporary Ad Hoc study committees, standing committees and special committees, shall, at the next subsequent regular Village Board meeting, submit a report on all matters referred to it. Such reports shall make and include such recommendations to the Village Board on action to be taken on each matter referred to it on the basis of approval therefore by a majority of such committee. Any committee may require any Village officer, agent or employee to confer with it and supply information in connection with any matter pending before it. All proceedings of committees established pursuant to this Section shall be reported to the Village Board by the Village President or the designated committee chairperson. *(Ord. 514-12)*

### **3.05 GENERAL POWERS OF THE VILLAGE BOARD**

- (a) **GENERAL.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **ACQUISITION AND DISPOSAL OF PROPERTY.** The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.

- (c) **ACQUISITION OF EASEMENTS AND PROPERTY RIGHTS.** Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or water, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **VILLAGE FINANCES.** The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefore. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Village Board.
- (e) **CONSTRUCTION OF POWERS.** Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sec. 61.34, Wis. Stats.

### **3.06 COOPERATION WITH OTHER MUNICIPALITIES**

The Village Board, on behalf of the Village, may join with other villages or cities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

State Law Reference: Sections 61.34(2) and 66.30, Wis. Stats.

### **3.07 INTERNAL POWERS OF THE BOARD**

The Village Board has the power to preserve order at its meetings, compel attendance of Trustees and punish nonattendance. The Village Board shall be judge of the election and qualification of its members.

State Law Reference: Section 61.32, Wis. Stats.

### **3.08 SALARIES**

The President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that an annual salary be paid the President and Trustees. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

State Law Reference: Section 61.32, Wis. Stats.

### **3.09 MEETINGS**

- (a) **REGULAR MEETINGS.** Regular meetings of the Village Board shall be held on the first Monday of each calendar month at 7:30 p.m. local time, or at such other times as the Board may direct. Any regular meeting falling on a legal holiday shall be held the next following secular day at the same time and place. All meetings of the Board shall be held at the Village Hall, Pulaski, unless specified otherwise in the minutes of the preceding meetings or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village of Pulaski. All seven (7) Trustees must consent to any change in the place of any meeting of the Board.
- (b) **ANNUAL ORGANIZATIONAL MEETING.** The Village Board shall hold an annual meeting on the third Tuesday of April for the purpose of organization.

State Law Reference: Section 61.32, Wis. Stats.

### **3.10 SPECIAL MEETINGS**

The President may recess any regular meeting until further notice. Notice to the Trustees of the time and place of the recessed meeting shall be given by the Clerk-Treasurer in writing, in person or by telephone. Notice to the public of special meetings shall conform to the open meeting requirements of Section

61.32 and Ch. 19, Subch. IV, Wis. Stats.

State Law Reference: Sections 61.32 and 985.02(2)(a), Wis. Stats.

### **3.11 OPEN MEETINGS**

All meetings shall be open to the public unless otherwise closed in the manner provided by law.

State Law Reference: Section 61.32 and Ch. 19, Subch. IV, Wis. Stats.

### **3.12 QUORUM**

Four Trustees shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The President shall be counted in computing a quorum.

State Law Reference: Section 61.32, Wis. Stats.

### **3.13 PRESIDING OFFICERS**

- (a) **PRESIDENT TO PRESIDE.** The Village President shall preside at Village Board and Committee of the Whole meetings. In the absence of the President, the Clerk shall call the meeting to order and preside until the Trustees present select, by majority vote, a Trustee to preside temporarily as the presiding officer.
- (b) **DUTIES.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.
- (c) **PARTICIPATION IN DEBATE.** The presiding officer may speak upon any question or make any motion if he vacates the chair and designates the Village Clerk to preside temporarily.

State Law Reference: Section 61.32, Wis. Stats.

### **3.14 ORDER OF BUSINESS**

- (a) **ORDER OF BUSINESS.** At all meetings, the following order may be observed in conducting the business of the Village Board:
- (1) Call to Order by presiding officer;
  - (2) Roll call;
  - (3) Reading and correcting the minutes of the last preceding meeting or meetings;
  - (4) Reports of Committees;
  - (5) Unfinished business from previous meeting;
  - (6) New business, including introduction of Ordinances;
  - (7) Miscellaneous business and communications.
- (b) **ORDER TO BE FOLLOWED.** No business shall be taken up out of order unless by unanimous consent of all Trustees and in the absence of any debate whatsoever.
- (c) **ROLL CALL; PROCEDURE WHEN QUORUM NOT IN ATTENDANCE.**  
As soon as the Board shall be called to order, the Clerk shall proceed to call the names of the members in alphabetical order, noting who are present and who are absent and record the same in the proceedings of the Board. If it shall appear that there is not a quorum present the fact shall be entered on the journal and the Board may adjourn, or the presiding officer or, in case of his absence, the Clerk may issue a process to any policeman commanding him forthwith to summon the absentees.

### **3.15 INTRODUCTION OF BUSINESS**

- (a) **ORDINANCES TO BE IN WRITING.** All ordinances, resolutions or other communications submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter, a title and the name of the Trustee introducing same and shall be referred to the appropriate committee by the President, unless requested by a Trustee, before a final vote is taken, no ordinance, resolution or bylaw need be read in full.

### **3.16 CONDUCT OF DELIBERATIONS**

- (a) **PROCEDURE.** The deliberations of the Board shall be conducted in the following manner:
- (1) When a motion is made and seconded, it shall be stated by the President or read by the Clerk previous to debate.
  - (2) When the question is under discussion no action shall be in order, except:
    - a. to adjourn;
    - b. to lay on the table;
    - c. to previous question;
    - d. to postpone to a certain day;

- e. to refer to a committee;
  - f. to amend; or
  - g. to postpone indefinitely.
- These motions shall have precedence in the order listed.
- (3) Any member desirous of terminating the debate may move the previous question, in which event the presiding officer shall announce the question as "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate and to bring the Board to a direct vote, first upon any pending amendments and then upon the main question.
  - (4) A motion to adjourn shall always be in order, and a motion to adjourn, to lay on the table, and a call for the previous question shall be decided without a debate.
  - (5) A roll call shall not be necessary on any questions or motions except as follows:
    - a. When the ayes and nays are requested by any member.
    - b. On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Village or any fund thereof.
    - c. When required by the state statutes of Wisconsin.
  - (6) All aye and nay votes shall be recorded in the official minutes.
- (b) **RULES OF ORDER.** The Board shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order Revised, which is hereby incorporated by reference, unless otherwise provided by ordinance or statute.

### **3.17 RECONSIDERATION OF QUESTIONS**

When a question has been once decided, any member of the majority, or in case of a tie, any member voting in the affirmative, may move for a reconsideration of the vote during the same meeting at which the vote was first taken or, with proper notice, at the next succeeding regular meeting thereof; but if a motion to reconsider be made on a day subsequent to that on which the ordinance question was decided, a vote of the majority of the entire Board shall be required to sustain it. If a motion to reconsider is defeated, it may not again be presented.

### **3.18 CALL OF THE BOARD**

A call of the Board shall be ordered at any time by the request of two (2) or more members and absent members shall be sent for, but a call cannot be made after voting has commenced. Any Trustee who shall without good cause fail to attend a regular or adjourned meeting or special meeting shall be subject to a fine of \$5.00 by vote of all members present at such meeting whether or not such members constitute a quorum.

### **3.19 DISTURBANCES AND DISORDERLY CONDUCT**

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may cause the room to be cleared of all persons guilty of such disorderly conduct except the Trustees.

### **3.20 AMENDMENT OF RULES**

The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds of all the members of the Board.

### **3.21 SUSPENSION OF RULES**

These rules shall not be suspended except by a two-thirds vote of all the members of the Board.

### **3.22 MEETING COMPENSATION**

Trustees, chairpersons appointed pursuant to Sec. 3.04(a)(3), and Village employees summoned or required to appear at meetings of the Village Board, the Committee of the Whole, the temporary Ad Hoc study committee of the Committee of the Whole and standing committees; and, appointed and designated members of the special committees shall receive such compensation for meeting attendance as shall, from time to time, be determined and prescribed by the Village Board, or be included as duties required of the position.



## CHAPTER 4

### MUNICIPAL OFFICERS AND EMPLOYEES

4.01	Village Clerk
4.02	Village Treasurer
4.03	Village Attorney
4.04	Chief of Police
4.05	Director of Public Works
4.06	Water-Wastewater Treatment Facility Operator/Manager
4.07	Fire Chief and Fire Inspector
4.08	Municipal Judge
4.09	Assessor
4.10	Health Officer
4.11	Weed Commissioner
4.12	Head of Emergency Government Services
4.13	Building, Electrical and Plumbing Inspector
4.14	Village Administrator
4.15	Vacancies in Village Offices
4.16	Oaths of Office
4.17	Bond
4.18	Salaries
4.19	Removal from Office
4.20	Custody of Official Property

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#### **4.01 VILLAGE CLERK**

- (a) **TERM.** The office of Clerk shall be an appointed position. The person appointed as Village Clerk shall be appointed by a majority vote of the Village Board at the first regular meeting of the Village Board in May of odd-numbered years. The term of office of Village Clerk shall be for a term of two (2) years and shall commence on the 15th day of May following appointment.
- (b) **DUTIES.** The Clerk shall perform the following duties:
- (l) To perform any duties prescribed by law relative to elections, to keep subject to inspection all election returns required to be filed in this office, and to notify persons elected or appointed to Village offices (see Title II, Wis. Stats.)

- (2) To transmit to the County Clerk, within ten (10) days after election or appointment and qualification, a certified statement of the name and term for which elected or appointed, of the President, Clerk, Treasurer and Assessor; and to the Clerk of the Circuit Court immediately after their election or appointment and qualification, a like statement of the time and term for which elected or appointed of every Municipal Judge, and Chief of Police.
- (3) To attend all meetings of the Village Board; to record and sign the proceedings thereof and all ordinances, rules bylaws, resolutions and regulations adopted, and to countersign and keep a record of all licenses, commissions and permits granted or authorized by them, and for such purpose to keep the following books:
  - a. A minute book, full minutes of all the proceedings of the Village Board; the title of all ordinances, rules and regulations and bylaws, with reference to the book and page where the same may be found.
  - b. An ordinance book, in which shall be recorded at length, in chronological order, all ordinances, rules, regulations and bylaws.
  - c. A finance book, in which shall be kept a full and complete record of the finances of the Village, showing the receipts, the date, amount and sources thereof, and the disbursements, with the date, amount and sources thereof, and the disbursements, with the date, amount and object for which paid out; and to enter in either such other matters as the Board prescribes.
  - d. Such other books as the Board directs.
- (4) To countersign and cause to be published or posted every ordinance, bylaw or resolution as required by law, and to have proper proof thereof made and filed.
- (5) To be the custodian of the corporate seal, and to file as required by law and to safely keep all records, books, papers or property belonging to, filed or deposited in his office, and deliver the same to his successor when qualified; to permit any person with proper care to examine and copy any of the same, and to make and certify a copy of any thereof when required, on payment of the same fees allowed town clerks therefore.

- (6) To make a tax roll; to make and transmit to the County Clerk a statement showing the assessed valuation of all the property in the Village and separately the amount of all taxes levied therein, including highway and street taxes, for the current year, and the purposes for which they were levied.
- (7) To perform all other duties required by law or by any ordinance or other direction of the Village Administrator and/or the Village Board.

(Charter Ordinance: June 2, 1980)

State Law Reference: Section 61.25, Wis. Stats.

#### **4.02 VILLAGE TREASURER**

- (a) **TERM.** The Office of Village Treasurer shall be an appointed position. The person appointed as Village Treasurer shall be appointed by a majority vote of the Village Board at the first regular meeting of the Village Board in May in odd-numbered years. The term of office of the Village Treasurer shall be for a term of two (2) years and shall commence on the 15th day of May following appointment.
- (b) **DUTIES.** The Treasurer shall perform the following duties: It shall be the Treasurer's duty to receive all moneys belonging or accruing to the Village from any source whatever or directed by law to be paid to the Treasurer; to deposit upon receipt thereof the funds of the Village in the name of the Village in the public depository designated by the Board, and failure to comply with the provisions hereof shall be prima facie grounds for removal from office, and when the money is so deposited, the Treasurer and bondsmen shall not be liable for such losses as are defined by Section 34.10(6), Wis. Stats., and the interest arising therefrom shall be paid into the Village treasury; to pay the same only on the written order of the President, countersigned by the Treasurer and specifying the number thereof, the payee and the amount and the object for which drawn; to keep just and accurate and detailed accounts of all such transactions, showing when, to whom and for what purpose all payments are made, in books provided by the Village Board, and preserve all vouchers filed in the office; to deliver to the successor when qualified all books of account, papers and property of the office and all money on hand as Treasurer, and to perform such other duties as are required by law, by the Village Administrator and/or the Village Board. There shall be kept but one (1) fund in the treasury, except as otherwise provided. On receipt of the tax roll the Treasurer shall, and while acting as collector of taxes, exercise the same powers and perform the same duties as are by law conferred upon and required of town treasurers while acting in that capacity, and be subject to the same penalties and liabilities.

State Law Reference: Sections 7.15, 61.25 and 61.26, Wis. Stats.

#### **4.03 VILLAGE ATTORNEY**

- (a) **APPOINTMENT.** The office of Village Attorney shall be an appointed position. The person appointed as Village Attorney shall be appointed by a majority vote of the Village Board at the first regular meeting of the Village Board in May of odd-numbered years. The term of office of the Village Attorney shall be two (2) years and shall commence on the 15th day of May following appointment.
- (b) **DUTIES.** The Village Attorney shall be legal advisor to the Village Board and all officers, boards and commissions. He or she shall represent the Village in all litigation, unless the Village Board for an indefinite term, subject to removal by a 3/4 vote of the members of the Board expressly employs special counsel. The Village Attorney shall perform such other duties as provided by state law and as designated by the Village Administrator and/or the Village Board.

#### **4.04 CHIEF OF POLICE**

- (a) **OFFICES OF MARSHAL AND CONSTABLE ABOLISHED.** Pursuant to ss. 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village of Pulaski elects not to be governed by those portions of ss. 61.19 and 61.23 relating to the selection and tenure of constable and marshal and hereby abolishes the offices of Village Constable and Village Marshal.
- (b) **OFFICE OF CHIEF OF POLICE CREATED.** There is hereby created the office of Chief of Police, which shall be filled by appointment by a majority vote of the members of the Village Board for an indefinite term, subject to removal by a three-fourths (3/4) vote of the members of the Board for incompetency, misconduct, inefficiency, or failure to perform duties. The Chief shall exercise the powers and duties of village marshals and village constables and any other powers and duties as provided from time to time by the Village Administrator and/or the Village Board.
- (c) **RETIREMENT OF POLICE CHIEF AND OFFICER.** The retirement age of a police chief or officer in the police force shall be sixty-two (62) unless the Village Board, by a two-thirds (2/3) vote, postpones such retirement for one year, but not beyond the age of sixty-five (65).

#### **4.05 DIRECTOR OF PUBLIC WORKS**

- (a) **APPOINTMENT.** The Director of Public Works shall be appointed by a majority vote of the Village Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- (b) **TERM.** The Director of Public Works shall hold office for an indefinite term subject to removal for cause after a public hearing by a three-quarters (3/4) vote of the Village Board.
- (c) **DUTIES AND POWERS.** The Director of Public Works shall have the following duties and powers:

- (1) General charge and supervision of all public works in the Village.
- (2) Be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, culverts and drainages facilities, Village buildings and structures and all machinery, equipment and property used in any activity under control of the Department of Public Works.
- (3) Charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.
- (4) Perform such other activities and duties as are imposed upon him from time to time by the Village Administrator and/or the Village Board.

#### **4.06 WATER-WASTEWATER TREATMENT FACILITY OPERATOR/MANAGER**

- (a) **APPOINTMENT.** The Water-Wastewater Treatment Facility Operator/Manager shall be appointed by a majority vote of the Village Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- (b) **TERM.** The Water-Wastewater Treatment Facility Operator/Manager shall hold office for an indefinite term subject to removal for cause after a public hearing by three-quarters (3/4) vote of the Village Board.
- (c) **DUTIES AND POWERS.** The Water-Wastewater Treatment Facility Operator/Manager shall have the following duties and powers:
  - (1) General charge and supervision of all public water and sanitary sewer services in the Village.
  - (2) Be responsible for the maintenance, repair and construction of public water works, sanitary sewers, Village buildings and structures and all machinery, equipment and property used in any activity under control of the Water Department and the Sanitary Sewer Department.
  - (3) Perform such other activities and duties as are imposed upon this position from time to time by the Village Administrator and Village Board. This position reports to the Village Administrator.

#### **4.07 FIRE CHIEF AND FIRE INSPECTOR**

- (a) **APPOINTMENT.** The Fire Chief shall be elected by the majority of the members of the Pulaski Tri-County Fire Department, subject to approval and appointment by majority of the Village Board.
- (b) **QUALIFICATIONS.** The Fire Chief shall be a member of the Fire Department in good standing whose entire time, both day and night, is ordinarily spent in close proximity to the Village limits and who has had training and experience in fire department operations.
- (c) The Fire Chief shall designate the Fire Inspector(s).

#### **4.08 MUNICIPAL JUDGE**

- (a) **MUNICIPAL JUDGE POSITION CREATED.** Pursuant to the authority created by Chapter 755, Wis. Stats., as amended, there is created the office of Municipal Judge for the Village of Pulaski, Wisconsin.
- (b) **ELECTION AND TERM.** The Municipal Judge shall be elected at large at the Village spring election in odd-numbered years for a term of four (4) years. The term shall commence on May 1 of the year of the judge's election.
- (c) **SALARY.** The Municipal Judge shall receive a yearly salary as determined by the Village Board. No salary shall be paid to the Judge for any time during his term for which he has not executed and filed his official bond and oath as required by subsection (d).
- (d) **BOND AND OATH.** The Municipal Judge shall, after election, designation or appointment, take, execute and file with the Clerk of the Circuit Court for Brown County, Wisconsin, the official oath as prescribed in Section 757.02(l), Wis. Stats. At the same time, the Municipal Judge shall execute and file an official bond in the penal sum of \$5,000.00 with the Village Clerk.
- (e) **MUNICIPAL COURT ADMINISTRATION AND PROCEDURES.**
  - (1) The court of the Municipal Judge shall be known as the "Municipal Court for the Village of Pulaski, Wisconsin."
  - (2) The Municipal Judge shall keep his office and hold Court in the Municipal Building of the Village of Pulaski. Municipal Court shall be held at such times and dates as the Municipal Judge shall prescribe.
  - (3) The Municipal Judge shall have exclusive jurisdiction as to the administration and operation of the Municipal Court for the Village of Pulaski, Wisconsin.
  - (4) The procedure for the operation of the Municipal Court shall be as provided by this Section and by State law and as the same are subsequently amended.
  - (5) The Municipal Judge, or his/her designee, shall collect all fines and penalty assessments in any action or proceeding before him and shall pay over such moneys to the Village Treasurer not later than seven (7) days after his receipt thereof. At such times, the Municipal Judge shall also pay over to the Clerk all forfeitures collected by him in actions for violations of municipal ordinances. The Municipal Judge shall pay over to the county treasurer all fines received by him prior to commitment in criminal actions or proceedings, in accordance with Wisconsin Statutes.
- (f) **JURISDICTION.**

(1) Village Ordinances. The Municipal Judge shall have such jurisdiction as provided by Chapter 755, Wis. Stats., and exclusive jurisdiction of violations of Village ordinances.

(2) Children's Code.

a. **Traffic, Boating, Civil Law and Ordinance Violations.**

Except for ss. 342.06(2) and 344.48(l), and Section 346.67, Wis. Stats., when death or injury occurs, courts of criminal jurisdiction and the Municipal Court for the Village of Pulaski shall have exclusive jurisdiction in proceedings against children sixteen (16) or older for violations of ss. 30.50 to 30.80, of chs. 341 to 350, Wis. Stats., and of traffic regulations as defined in s.345.20, Wis. Stats. A child convicted of a traffic or boating offense in a court of criminal jurisdiction or the Municipal Court for the Village of Pulaski shall be treated as an adult for sentencing purposes except that the court shall disregard any minimum period of incarceration specified for the offense.

b. **Civil Law and Ordinance Violations.** The Municipal Court shall have concurrent jurisdiction with any court assigned to exercise jurisdiction in proceedings against children aged sixteen (16) or older for violations of law punishable by forfeiture or violations of municipal code ordinances. The citation procedures described in ss. 23.50 to 23.85 and 66.119 Wis. Stats., respectively, may be used in such cases where applicable to adults charged with the same offense. If a citation is issued to a child, the issuing agency shall, within seven (7) days, notify the child's parent or guardian. If a court of civil jurisdiction finds that the child violated a law punishable by forfeiture or violated a municipal ordinance, it may enter any of the dispositional orders permitted under Chapter 48 of the Wisconsin Statutes, as amended. If a child fails to pay the forfeiture imposed by the Municipal Court, the Court shall initiate such collection actions as may be prescribed, from time to time, by Wisconsin Statutes or Wisconsin administrative regulations; or, in the absence thereof, as the Court shall determine. If the Municipal Court suspends a license under this Section, it shall take the appropriate action with respect to the license as prescribed by state statute, administrative regulations or as the Court shall determine.

c. **Disposition of Child Adjudged to Have Violated a Civil Law**

**or Ordinance.** If the Court finds that a child has violated a civil law or ordinance, it shall enter an order making one or more of the following dispositions:

1. Counsel for the child or the parent or guardian of the child.
2. Impose a forfeiture not to exceed \$25.00.
3. Order the child to participate in supervised work program under Chapter 48 of the Wisconsin Statutes, as amended.
4. If the violation has resulted in damage to the property of another, or actual physical injury to another excluding pain and suffering, the court may order the child to make repairs of the damage to property or reasonable restitution for the damage or injury if the court considers it beneficial to the well-being and behavior of the child. Any such order requiring payment for repairs or restitution shall include a finding that the child alone is financially able to pay and shall allow up to twelve (12) months for the payment. Objection by the child to the amount of damages claimed shall entitle the child to a hearing on the question of damages before the amount of restitution is ordered.
5. If the violation is related to unsafe use of a boat, order the child to attend a safety course under s. 30.74(1), Wis. Stats.
6. If the violation is of ch. 29, Wis. Stats., suspension of the license or licenses of the child issued under that chapter for not less than one (1) year or until the child is eighteen (18) years of age, whichever occurs first.

(g) **MUNICIPAL COURT CLERK.** The Municipal Judge shall have the authority to and may appoint a Clerk of Courts for the Municipal Court to serve at the discretion of the Municipal Judge. The Clerk of Courts shall be bonded in a penal sum of not less than Five Thousand (\$5,000) Dollars and shall have, in addition to such Municipal Court administration authorities as prescribed by the Municipal Judge, the authority to collect on behalf of the Municipal Judge all fines and penalty assessments deriving from any proceeding before the Municipal Court. The Municipal Court Clerk shall receive a salary as determined, from time to time, by the Village Board.

(h) **MUNICIPAL COURT BAILIFF.** The Village of Pulaski police officers approved by the Municipal Court and the Chief of Police shall be assigned to the Municipal Court as bailiffs for that Court. Such bailiffs shall serve at the direction of the Municipal Judge.

#### **4.09 ASSESSOR**



- (a) **APPOINTMENT.** The person appointed as Assessor shall be appointed by a majority vote of the Village Board at the first regular meeting of the Village Board in May of odd-numbered years. The term of office of the Assessor shall be two (2) years and shall commence on the 15th day of May following appointment.
- (b) **QUALIFICATION.** The Assessor shall be certified by the Department of Revenue under section 73.09(2)(b), Wis. Stats., as qualified to perform the functions of an Assessor.
- (c) **DUTIES.** The Assessor shall begin under section 70.10, Wis. Stats., to make assessment of all of the property in the Village liable to taxation, as prescribed by law. The Assessor shall return the assessment roll to the Village Treasurer at the same time and in the same manner in which town assessors are required to do as required by Chapter 70, Wis. Stats. The Assessor shall report to the Village Administrator.

State Law Reference: Section 61.27, Ch. 70, Wis. Stats.

#### **4.10 HEALTH OFFICER**

- (a) **SELECTION.** The person appointed as Health Officer shall be appointed by a majority vote of the Village Board at the first regular meeting of the Village Board in May in odd-numbered years. The term of office of the Health Officer shall be two (2) years and shall commence on the 15th day of May following appointment. Such Health Officer shall be a physician, or in lieu thereof, a person with training and experience in public health administration which shall meet training and experience requirements established by the State Department of Health and Social Services.
- (b) **RESPONSIBILITIES.**
  - (1) The Health Officer shall provide such additional rules and regulations as are necessary for the preservation of health, to prevent the spread of communicable diseases, and to cause the removal of all objects detrimental to health and to enforce the health laws. All proposed rules and regulations shall be reported to the Village Administrator and the Village Board by the Health Officer, and if the Board approves the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation.
  - (2) The Health Officer shall from time to time recommend to the Village Board such sanitary measures, to be executed by the Village as seem necessary, and shall discharge such other duties as may be imposed upon by the Board by ordinance or resolution.

State Law Reference: Section 141.015, Wis. Stats.

#### **4.11 WEED COMMISSIONER**

The Weed Commissioner shall be selected by the Village President. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Clerk, and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Sections 66.97 and 66.98, Wis. Stats.

#### **4.12 HEAD OF EMERGENCY GOVERNMENT SERVICES**

- (a) **TERM.** The person appointed as Head of Emergency Government Services (Civil Defense Director) shall be appointed by a majority vote of the Village Board at the first regular meeting of the Village Board in May in odd-numbered years. The term of office of the Head of Emergency Government Services shall be two (2) years and shall commence on the 15th day of May following appointment.
- (b) **DUTIES.** The Head of Emergency Government Services shall promulgate an effective program of emergency government in pursuit of the statewide goals of the emergency government organization:
  - (1) To prepare for and minimize the effect of enemy action (civil defense) and natural or man-made disaster upon the civilian population; and
  - (2) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.
- (c) **PLANS.** The above duties shall include preparation of emergency government and civil defense plans, as well as the requirements set forth in Chapter 166, Wis. Stats.

State Law Reference: Section 166.03, Wis. Stats.

#### **4.13 BUILDING, ELECTRICAL, HEATING AND PLUMBING INSPECTOR**

- (a) **APPOINTMENT AND TERM.** The Village Board shall by majority vote at the first regular meeting of the Village Board in May in odd-number years appoint a Building, Electrical, Heating and Plumbing Inspector to be known as the Village of Pulaski Building Inspector. The term of office of the Building Inspector shall be two (2) years commencing on the 15<sup>th</sup> day of May following appointment.
- (b) **DUTIES.** The Building Inspector shall have all powers and duties as made

and provided by law; including, but not limited to:

- (1) Inspection of air conditioning and ventilation systems.
- (2) Inspection of mobile homes.
- (3) Inspection of commercial buildings between 25,000 and 49,999 cubic feet in area not otherwise subject to inspection by the State of Wisconsin.
- (4) Plan review for all buildings subject to inspection hereunder."  
(Ord. #447-06)

#### **4.14 VILLAGE ADMINISTRATOR**

- (a) **APPOINTMENT.** There is hereby created and established the office of Village Administrator which shall be a full-time office. The person fulfilling such office shall be appointed by the Village Board. The Village Administrator shall serve a term of indefinite duration subject to suspension or dismissal by a three-fourths (3/4) majority vote of the Village Board for cause.
- (b) **DUTIES.** The Administrator shall be the chief executive officer of the Village, responsible to the Village President and the Village Board for the proper administration of the business and affairs of the village pursuant to the statutes of the State of Wisconsin, the ordinances of the Village of Pulaski, and the resolutions and directions of the Village Board, with duties and responsibilities as follows. The Administrator shall:
  - (1) Be responsible for effectuating all actions of the Village Board which require administrative implementation of where the Village President and/or Village Board have directed the administrator to act.
  - (2) Be responsible for coordination and operation of the administrative activities of all village departments. This shall include making or directing such studies as are necessary to insure the most economical, efficient operation of departments, services and programs. The Village Administrator may require reports from various department heads when deemed necessary.
  - (3) Attend any meetings of the Village Board, and meetings of such other committees and commissions as directed by the Village President and/or Village Board, or as deemed necessary.
  - (4) Prepare with assistance and input from the Village President the agenda and order of business for all meetings of the Village Board. Nothing herein shall be so construed as to give the administrator authority to limit or in any way prevent matters from being considered by the Village Board.
  - (5) Oversee all aspects of personnel and benefits administration including evaluations, discipline, grievances, pay and wage recommendation, and health insurance claims. He/she is responsible for maintaining all personnel files for the Village.
  - (6) Prepare, in coordination with department heads, the proposed

annual village budget for submission to the Committee of the Whole. Prepare such reports as the Village President and Village Board may require as to the current status of budgeted items and to review and report to the Village President and Village Board any variations in the status of the village budget.

- (7) Keep informed concerning the availability of federal, state and county funds for local programs. Assist the Village of Pulaski in obtaining these funds.
  - (8) Review proposed, pending county, state and federal legislation and its effect upon the village, and inform the Village Board on legislative matters and further appear on the village's behalf at all legislative and administrative hearings as deemed necessary.
  - (9) Regularly review and inform the Village Board of matters pertaining to the continual implementation of the Village's Comprehensive Plan.
  - (10) Prepare news releases and provide information to the news media as necessary.
  - (11) Perform such other administrative duties and have such other responsibilities not inconsistent with law as may be deemed necessary.
- (c) **COOPERATION.** All officers, elected officials and employees of the village shall cooperate with, and assist the Administrator of the Village of Pulaski, so that the affairs of the Village will be most economically and efficiently administered.
- (d) **RESIDENCY.** The Administrator shall establish residency within the Village of Pulaski within six (6) months following the date of appointment as Village Administrator. Any extension of the six (6) month requirement must be secured by a majority vote of the Village Board.
- (e) **REPEAL AND AMENDMENT.**
- (1) This section shall not be repealed, nor shall any provision herein adopted be amended by the Village Board of the Village of Pulaski, unless such repeal or amendment is confirmed by a three-fourths (3/4) vote of the Village Board.
  - (2) All ordinances or parts of ordinances in conflict with the provisions adopted are hereby, to the extent of that conflict, repealed. Nothing in this section shall be construed as delegating to the Village Administrator the statutory powers of the village officials as set forth in Chapters 61 and 62, Wis. Stats.

#### **4.15 VACANCIES IN VILLAGE OFFICES**

- (a) **APPOINTMENT.** Except as provided in Subsection (c), a vacancy in any elective village office may be filled by appointment by a majority of the members of the Village Board for the residue of the unexpired term or until a special election is held under Subsection (b). A vacancy in an appointive office shall be filled in the same manner as the original appointment.

- (b) **SPECIAL ELECTION.** Except as provided in Subsection (c), a vacancy in any elective office in the village may be filled by special election of a successor for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, if it happens ninety (90) days or more before such day, but if the vacancy happens within ninety (90) days before the first Tuesday of April, then the successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in the office may be held at the time of holding the regular election for the office.
- (c) **MUNICIPAL JUDGE.** A vacancy in the office of Municipal Judge shall be filled by election under Section 8.50 of Wisconsin Statutes.
- (d) **EXTENDED ABSENCES.** If any officer be absent or temporarily incapacitated from any cause the Board may appoint a person to discharge his or her duties until the officer returns or until such disability abates.

#### **4.16 OATHS OF OFFICE**

- (a) **REQUIREMENT.** Every officer of the Village, including members of Village boards and commissions, shall before entering upon his duties and within five (5) days of his election or appointment or notice thereof take the oath of office prescribed by law and file said oath in the office of the Village Clerk, except the Village Clerk who shall file his oath in the office of the Village Treasurer; provided that the Municipal Judge shall take his official oath within ten (10) days after his election and file it with the Clerk of the Circuit Court. Any person re elected or reappointed to the same office shall take and file an official oath for each term of service.
- (b) **FORM, PROCEDURE.** The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19 subchapter I, Wis. Stats.

State Law Reference: Ch. 19, Subch. I, Wis. Stats.

#### **4.17 BOND**

Every officer shall, if required by law or the Village Board, upon entering upon the duties of his office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed as are oaths as provided in Section 4.15 of this Chapter.

#### **4.18 SALARIES**

All officers of the Village shall receive such salaries as may be provided from time to time by the Village Board by ordinance. No officer receiving a salary from the Village shall be entitled to retain any portion of any fees collected by him

#### **4.19 REMOVAL FROM OFFICE**

Officers of the Village, whether elected or appointed, may be removed pursuant to section 17.13, Wis. Stats. Violation of either section 946.12 or 926.13, Wis. Stats., shall constitute cause for removal under section 17.13(3), Wis. Stats.

State Law Reference: Section 17.13, Wis. Stats.  
Annotation: 62 Atty. Gen. Op. 97.

#### **4.20 CUSTODY OF OFFICIAL PROPERTY**

Village officers must observe the standards of care imposed by section 19.21, Wis. Stats., with respect to the care and custody of official property.

State Law Reference: Section 19.21, Wis. Stats.

## CHAPTER 5

### BOARDS AND COMMISSIONS

5.01	Board of Review
5.02	Planning and Zoning Commission
5.03	Board of Health
5.04	Board of Appeals
5.05	Commission on Aging
5.06	Community Development Authority
5.07	Housing Authority
5.08	Room Tax Commission

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#### **5.01 BOARD OF REVIEW**

- (a) **COMPOSITION.** The Board of Review shall consist of the Village President, Village Clerk and the members of the Village Board.
- (b) **DUTIES.** The duties and functions of the Board of Review shall be as prescribed in section 70.47, Wis. Stats.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

#### **5.02 PLANNING AND ZONING COMMISSION**

- (a) **COMPOSITION.** The Planning and Zoning Commission shall consist of seven (7) members, two (2) members of the Village Board and five (5) citizens. The full term of each citizen member shall be for three (3) years beginning on the first day of May in the year of appointment and until a successor is appointed and qualified; but when the Commission is first constituted, terms of appointment shall be made to provide for annual appointment of two citizen members for three-year terms in each of two successive years and one citizen member for a three-year term in the third successive year of every three year period.
  - (1) How Constituted. The Planning and Zoning Commission shall consist of seven (7) members as follows: The Village President, who shall be its presiding officer, a Trustee, the Village Administrator and the Director of Public Works, who shall be non-voting members, and four (4) citizens. Citizen members shall be persons of recognized experience and qualifications.

(2) Appointment.

- a. **Trustee Member.** The Trustee member of the Commission shall be elected by a two-thirds (2/3) vote of the Village Board upon creation of the Commission and during each April thereafter.
  - b. **Citizen Members.** Three citizen members shall be appointed by the Village President upon creation of the Commission to hold office for a period ending one, two and three years respectively from the succeeding first day of May, and thereafter annually during April, one such member shall be appointed for a term of three years.
  - c. **Additional Citizen Members.** The additional citizen member, who shall be appointed by the Village President, shall be first appointed to hold office for a period ending one year from the succeeding first day of May and thereafter annually during April. Whenever a park board is created, the president of such board shall succeed to a place on said Commission when the term of such additional citizen member shall expire.
- (b) **RECORD.** The Planning and Zoning Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.



(c) **DUTIES.**

(1) The Master Plan.

- a. The Planning and Zoning Commission shall make, adopt and, as necessary amend, extend or add to the master plan, to be known as the "Village of Pulaski Comprehensive Plan", subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extensions, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
- b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.

- c. The Village of Pulaski Comprehensive Plan, dated 1990, shall be amended to include treatment of the wastewater of the Village of Pulaski by the Green Bay Metropolitan Sewerage District as outlined in the Wastewater Management Facilities Plan, dated July, 1991, along with Amendment Number One, dated February 20, 1992. (History: Ord. #326, 1992)
- (2) Matters referred to Commission. The Village Board or officer of the Village having final authority thereon, shall refer to the Planning and Zoning Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: The location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; the amendment or repeal of any land use ordinance; and, such other matters as may be referred to the Commission by the Village for determination or recommendation. Unless such report is made within 30 days, or such longer period as may be stipulated by the Village Board, the board or other public body or officer, may take final action without it.
- (3) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.  
State Law References: Secs. 61.35, 62.23, and Chapter 236, Wis. Stats.

### **5.03 BOARD OF HEALTH**

- (a) **COMPOSITION.** The Village Board of the Village of Pulaski shall constitute the Board of Health for the Village of Pulaski. The Health Officer, by virtue of his office, shall be an ex officio member of such Board with voting power.
- (b) **DUTIES.** It shall be the duty of the Board of Health of the Village of Pulaski to assume the general administration of health and sanitation laws and regulations in the Village, to supervise the work of the Health Officer and to attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Board of Health and the ordinances of the Village.
- (c) **POWERS.** The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the Village of Pulaski. All orders and regulations of the Board shall be published in the official newspaper and, after publication, shall have the force and effect of ordinances, including penalty for violation.

State Law Reference: Section 141.015, Wis. Stats.

### **5.04 BOARD OF APPEALS**

- (a) **ESTABLISHMENT.** The Board of Appeals shall consist of five members appointed by the Village President, subject to confirmation by the Board of Trustees, for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. The members shall be removable by the Village President for cause upon written charges and after public hearing. The Village President shall designate one of the members chairman. The Village President shall appoint an alternate member for a term of three years, who shall act with full power only when a member of the Board of Appeals refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Compensation for services shall be fixed by the Village Board. The Board of Appeals may employ a secretary and other employees.
- (b) **RULES.** The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board of Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

- (c) **PROCEEDINGS.** The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.
- (d) **POWERS.** The Board of Appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector.
  - (2) To hear and decide special exceptions to the terms of the Village of Pulaski zoning regulations upon which the Board of Appeals is required to pass.
  - (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or use not permitted in such district.
  - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
  - (5) The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirement of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
  - (6) To hear and decide administrative appeals under Sec. 9.08 where the Board of Appeals is so appointed and authorized by the Village President, pursuant to Sec. 9.09.

## **5.05 COMMISSION ON AGING**

The Commission on Aging shall consist of nine (9) members appointed by the Village President, subject to confirmation by the Village Board, four (4) members shall be appointed in odd-numbered years and five (5) members shall be appointed in even-numbered years. The term of office shall be two (2) years. The Commission shall make recommendations to the Village Board regarding the well-being of senior citizens.

## **5.06 COMMUNITY DEVELOPMENT AUTHORITY**

- (a) **CREATION OF COMMUNITY DEVELOPMENT AUTHORITY.** Pursuant to the authority granted by §66.436, Wis. Stats., and §66.4325, Wis. Stats., there is hereby created and established for the Village of Pulaski a community development authority to be hereinafter referred to as the Community Development Authority of the Village of Pulaski.
- (b) **MEMBERSHIP.**
- (1) Appointment of Commissioners. The Village President shall appoint seven (7) residents of the Village of Pulaski, having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the Community Development Authority. Each appointee shall be subject to confirmation by majority vote of the Village Board. Two of the commissioners shall be members of the Village Board and shall serve as commissioners during their term of office on the Village Board.
  - (2) Term of Commissioners. The terms of the commissioners of the Community Development Authority shall be as follows:
    - a. The two (2) commissioners who are members of the Village Board shall serve as commissioners during their term of office on the Village Board.
    - b. The first appointments of five (5) non-Village Board members shall be for the following terms: Two for one year and one each for terms of 2, 3, and 4 years.
    - c. After the initial terms of the initial non-Village Board member commissioners, the terms of all non-Village Board member commissioners shall be four (4) years and until their successors have been appointed and qualified.
  - (3) Vacancies. Vacancies to any unexpired term of a commissioner shall be filled for the remainder of that term as provided in Sec. 5.06(b)(1).
  - (4) Compensation. Commissioners shall be reimbursed to their actual and necessary expenses, including local travel expenses incurred in the discharge of their duties and shall receive such other compensation as shall be established, from time to time, by the Village Board.

- (c) **POWERS AND DUTIES.** The Community Development Authority shall have all powers, duties and functions set out in §§ 66.40 and 66.431 of the Wisconsin Statutes for housing and redevelopment authorities and as to all housing projects initiated by the Community Development Authority and shall proceed under §66.40, Wis. Stats., and as to all projects related to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under §§ 66.405, to 66.425, 66.43, 66.431, 66.435 or 66.46 as may be determined appropriate by the Village Board on a project by project basis. As to all Community Development programs and activities undertaken by the Village under the Federal Housing and Community Development Act of 1974, the Community Development Authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of the State of Wisconsin. The Community Development Authority shall have the authority to take title to real and personal property in its own name, including, but not limited to the right of eminent domain under Chapter 32 of the Wisconsin Statutes, or any other law relating to eminent domain for redevelopment authorities. The chairperson, or the vice-chairperson in the absence of the chairperson, and the executive director shall, unless otherwise provided, have the authority to execute all documents for and on behalf of the Community Development Authority. The Community Development Authority shall have the authority to employ such personnel as the Commission may determine necessary to carry out and accomplish the duties and responsibilities hereof, including, without limitation, to retain the services of the Village Engineer, Village Attorney and Village Financial Consultant. Except as expressly reserved or otherwise provided herein, the Community Development Authority is hereby granted all powers permitted by law to be exercised by community development authorities.
- (d) **COMMUNITY DEVELOPMENT AUTHORITY OPERATIONS.**
- (1) Operational Meeting. Following the appointment and confirmation of all commissioners, the Community Development Authority Commission shall hold an organizational meeting for the purposes of electing a chairperson and a vice-chairperson of the Community Development Authority Commission and to establish Bylaws for the governance and operation of the Community Development Authority and Commission.
  - (2) Operations. The Community Development Authority and the Community Development Authority Commission shall operate under the terms and conditions of the Wisconsin Statutes, the provisions of this Section and the Bylaws of the Community Development Authority, which Bylaws shall be approved by the Village Board.

- a. **Executive Director.** The executive director of the Community Development Authority Commission shall be the Village Administrator who shall serve as secretary of and adviser to the Commission and shall perform such duties as shall be authorized by the Commission. The executive director shall further appoint an assistant director, subject to confirmation by majority vote of the Commission.
  - b. **Budget.** On or before September 1 of each year, the Community Development Authority Commission shall prepare and submit to the Village Board for approval a budget prepared in conformity with § 65.90, Wis. Stats. The Village Board shall have the power to alter, amend or modify the Community Development Authority budget relating to salaries, office operations or facilities. The Village Board shall levy such taxes and assessments as may be necessary to provide adequate funding for the Community Development Authority.
- (e) **HOUSING AND REDEVELOPMENT AUTHORITIES.** All housing authorities and redevelopment authorities previously established by the Village, pursuant to §§66.40 and 66.431, shall terminate upon the effective date of the creation of the Community Development Authority and any programs or projects which have been begun by the housing authority or the redevelopment authority shall be transferred to and completed by the Community Development Authority. All contracts entered into between the Federal government and the housing or redevelopment authority, or between such authorities and other parties, shall be assumed and discharged by the Community Development Authority, except for the termination of operations by housing and redevelopment authorities as provided in § 66.4325, Wis. Stats. Contracts between the Federal government and the housing authority or the redevelopment authority shall be binding upon the Community Development Authority in such manner as though originally entered into by the Community Development Authority. The Housing Authority shall remain in operation after the creation of the Community Development Authority pursuant to the provisions of §66.4325(4)(e). The Housing Authority shall continue to exist, under the jurisdiction of the Community Development Authority, as a subcommittee thereof, for the purposes of running, operating and carrying on such programs, facilities and operations, and under such authorities as provided in Sec. 5.07 for the housing authority, including, but not limited to, appointment and confirmation of its committee members by the Village President and the Village Board, until such time as the outstanding bonds or other securities, which require its continued operation, continue to exist.

- (f) **JURISDICTION.** The Community Development Authority shall be an independent, distinct public body and a body corporate and politic and shall have its own seal. By the establishment of the Community Development Authority, the Village of Pulaski shall be precluded from exercising any powers provided in §66.43(4), Stats. The Community Development Authority shall have exclusive power to carry on redevelopment projects within the Village; except, that nothing contained herein shall preclude the Village from applying for, accepting or contracting for Federal grants, advances or loans where the conditions of said grants, advances or loans require participation by the Village.
- (g) **COMPREHENSIVE PLAN OF REDEVELOPMENT.** Except for such redevelopment projects as may be delegated to the Community Authority by the Village Board, the Community Development Authority shall not commence or undertake any redevelopment projects until there has been created and approved a comprehensive plan of redevelopment as provided in §66.32(6), Wis. Stats.

#### **5.07 HOUSING AUTHORITY**

- (a) **EXISTENCE.** The Village of Pulaski Housing Authority shall continue to exist and function under the provisions hereof and Sec. 5.06 until such time as the outstanding bonds or other securities, which require its continued operation, no longer exist. The Village of Pulaski Housing Authority shall continue to exist as a Subcommittee of the Community Development Authority.
- (b) **ESTABLISHMENT.** The Housing Authority shall consist of five (5) members appointed by the Village President, subject to confirmation by the Village Board. The term of office shall be five (5) years, with one member being appointed each year.
- (c) **DUTIES.** The Housing Authority's responsibilities and duties shall be as prescribed in Chapter 55.

#### **5.08 ROOM TAX COMMISSION**

- (a) **ESTABLISHMENT.** There is hereby established under the provisions of Sec. 66.0615(1m)(b), Wis. Stats., a room tax commission to be known as the "Village of Pulaski Room Tax Commission for the purpose of administering the room tax collected by the Village under the provisions of Sec. 37.10 of Code.
- (b) **COMMISSION MEMBERSHIP.** The Room Tax Commission shall consist of five (5) members, at least one (1) of whom shall represent the Wisconsin hotel and motel industry.



(c) **COMMISSION MEMBERSHIP TERM.**

(1) Term. Members of the Room Tax Commission shall be appointed by the Village President and shall be confirmed by a majority vote of the members of the Village Board. Commissioners shall serve a one-year term, at the pleasure of the Village President and may be reappointed for an indefinite number of terms.

(2) Vacancies. If a member of the Room Tax Commission resigns or is removed for cause, the Village President may appoint another person to fulfill the unexpired term in the manner provided in Sub. (b) above.

(3) No Compensation. Members of the Room Tax Commission shall receive no compensation for services rendered but may be reimbursed for their travel expense.

(d) **DUTIES.** The Room Tax Commission shall have all of duties, powers and responsibilities as made and provided under Sec. 66.0615, Wis. Stats., and shall:

(1) Shall meet at least twice each year and at such other times as shall be determined by the Commission. Such meetings shall be public meetings under the provisions of Chapter 19 of the Wisconsin Statutes.

(2) Shall report to the Village Board on a regular basis.

(3) Shall arrange for an annual audit of its financial activities and shall report the findings of such audit to the Village Board.

(4) Shall arrange for the expenditure of seventy (70%) percent of the room tax revenues collected for tourism promotion and tourism development within the Village.

(5) Shall track the use of room tax revenues and expenditures and state its impact on generating paid overnight stays in the Village.

(6) Shall permit and allow inspections of its records pertaining to the use of the room tax funds upon request of the Village Board at reasonable times.

(7) Shall provide a written annual report of revenues received and the purposes for which those revenues under the jurisdiction of the Room Tax Commission were spent

(e) **COMMISSION OFFICERS.** From among its members, the Room Tax Commission shall elect a chairperson, vice chairperson and secretary. The Village Treasurer shall serve as the treasurer for the Room Tax Commission.

(f) **BOOKS AND RECORDS.** The financial books and records of the Room Tax Commission shall be kept and maintained by the Village Treasurer. The Village Treasurer shall report to the Room Tax Commission at its meetings. All other books and records of the Room Tax Commission shall be kept and maintained by the Village Clerk.

**[History. Ordinance #302 and 318 (1992). former Sec. 2-4-7 established the Village of Pulaski Housing Authority. Ordinance #302, creating the Redevelopment Authority, was adopted in February of 1991. Ordinance #318, creating the Community Development Authority (the "CDA"), was adopted in November of 1991. Ordinance #318 merged the Housing Authority into the CDA as a subcommittee thereof, pending completion of ongoing Housing Authority financial obligations, and abolished the Redevelopment Authority, as required by §§66.436 and 66.4325, Stats.]**

## CHAPTER 6

### FINANCE

6.01	Preparation of Tax Roll and Receipts
6.02	Duplicate Treasurer's Bond Eliminated
6.03	Village Budget
6.04	Interest Charges
6.05	Village Funds to be Spent in Accordance with Appropriation
6.06	Fiscal Year
6.07	Public Depositories
6.08	Village Expenses

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#### **6.01 PREPARATION OF TAX ROLL AND TAX RECEIPTS**

- (a) **AGGREGATE TAX STATED ON ROLL.** Pursuant to Sec. 70.65(2), Wis. Stats., the Clerk shall, in computing the tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.
- (b) **RATES STAMPED ON RECEIPTS.** Pursuant to Sec. 74.08(1), Wis. Stats., in lieu of entering on each tax receipt the several amounts paid respectively for state, county, school, local and other taxes, the aggregate amount of such taxes shall be combined in a single column on the tax receipt issued by the Village Treasurer. The Treasurer shall cause to be printed or stamped on the tax receipt the separate proportion or rate of taxes levied for state, county, school, local or other purposes.
- (c) **PERSONAL PROPERTY TAX PENALTY.** Pursuant to the authority of Sec. 74.80(2), Wis. Stats., the Village hereby imposes a penalty of 0.5 percent per month or fraction of a month, in addition to the interest prescribed by Sec. 74.80(1), Wis. Stats., on all overdue or delinquent personal property taxes retained for collection by the Village or eventually charged back to the Village by the county for purposes of collection under Sec. 74.3l, Wis. Stats. The penalty imposed by this subsection shall apply to any personal property taxes which are overdue or delinquent on or after October 4, 1983 or which subsequently become overdue or delinquent.

State Law Reference: Sections 70.65 and 74.08, Wis. Stats.

## **6.02 DUPLICATE TREASURER'S BOND ELIMINATED**

- (a) **BOND ELIMINATED.** The Village elects not to give the bond on the Village Treasurer provided for by Sec. 70.67(1), Wis. Stats.
- (b) **VILLAGE LIABLE FOR DEFAULT OF TREASURER.** Pursuant to Sec. 70.67(2), Wis. Stats., the Village obligates itself to pay, if the Village of Pulaski Treasurer fails to do so, all State and County taxes required by law to be paid by such Treasurer to the County Treasurer. A certified copy of this ordinance shall be filed with the Brown County Treasurer's Office and shall remain in effect until a certified copy of its repeal is filed with such County Treasurer.

State Law Reference: Section 70.67, Wis. Stats.

## **6.03 VILLAGE BUDGET**

- (a) **VILLAGE ADMINISTRATOR TO PREPARE BUDGET.** On or before the 20th day of October, each year, the Village Administrator, with the assistance of the Village Clerk, shall prepare and submit to the Village Board a proposed budget presenting a financial plan for conducting the affairs of the Village for the ensuing year. Before preparing the proposed budget, the Administrator shall consult with the heads of Village departments and with Village officials and shall then determine the total amount to be recommended in the budget for each Village department or activity.
- (b) **FORM OF PROPOSED BUDGET.**
  - (1) The actual expenditures of each department and activity for the expired portion of the current year, and last preceding fiscal year, and the estimated expense of conducting each department and activity of the Village for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.
  - (2) An itemization of all anticipated income of the Village from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal year.
  - (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
  - (4) All existing indebtedness of the Village, including the amount of interest payable and principal to be redeemed on any outstanding general obligation bonds of the Village and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.

- (5) Such other information as may be required by the Board and by state law.
- (c) **COPIES OF BUDGET.** The Village shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
- (d) **HEARING.** The Village Administrator, with the assistance of the Village Clerk, shall submit to the Board at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Board it shall be deemed to have been regularly introduced therein. The Board shall hold a public hearing on the budget and the proposed appropriation ordinance as required by law. Following the public hearing the proposed appropriation ordinance may be changed or amended and shall take the same course in the Board as other ordinances.
- (e) **CHANGES IN BUDGET.** The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget except upon the recommendation of the Village President and upon a 2/3 vote of the entire membership of the Village Board. Notice of such transfer shall be given by publication within eight days thereafter in the official Village newspaper.

#### **6.04 INTEREST CHARGES**

Unless otherwise specifically provided by Resolution, interest on all financial obligations held by the Village shall be based on a flexible annual interest rate that shall be two (2) percentage points above the Village's then current annual borrowing rate as determined by the Village Treasurer. **Ord. #409**

#### **6.05 VILLAGE FUNDS TO BE SPENT IN ACCORDANCE WITH APPROPRIATION**

No money shall be drawn from the treasury of the Village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by Section 2-5-4 of this Chapter. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

#### **6.06 FISCAL YEAR**

The calendar year shall be the fiscal year for the Village of Pulaski.

## **6.07 PUBLIC DEPOSITORIES**

The Village Board shall designate the public depository or depositories within this state within which Village funds shall be deposited, and when the money is deposited in such depository in the name of the Village, the Clerk, Treasurer and bondsman shall not be liable for such losses as are defined by state law. The interest arising therefrom shall be paid into the Village treasury.

State Law Reference: Section 62.12(7), Wis. Stats.

## **6.08 CLAIMS AGAINST VILLAGE**

- (a) **CLAIMS TO BE CERTIFIED.** Prior to submission of any account, bill, charge or demand to the Village Board for payment approval, the Village Clerk shall certify, or cause to be endorsed thereon or on attached papers, that the following conditions have been complied with:
- (1) That funds are available therefore pursuant to the budget.
  - (2) That the item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.
  - (3) That the bill is accurate in amount and a proper charge against the treasury.
- (b) **VILLAGE BOARD TO AUDIT ACCOUNTS.**
- (1) No account or demand against the Village, except as provided in Subsection (c) of this Section, shall be paid until it has been audited by the Village Board and an order drawn on the Village Treasurer therefore. Every such account shall be itemized and certified as provided in Subsection (a) hereof.
  - (2) After auditing, the Village Board shall cause to be endorsed by the Clerk, on each bill, statement or invoice, the words "allowed" or "disallowed," as the fact is, adding the amount allowed or specifying the items or parts of items disallowed. The minutes of the proceedings of the Board, or a statement attached thereto, shall show to whom, and for what purpose, every such account was allowed and the amount.
- (c) **PAYMENT OF REGULAR WAGES OR SALARIES.** Regular wages or salaries of Village officers and employees shall be paid by payroll, verified by the proper Village official, department head, board or commission and filed with the Village Clerk in time for payment on the regular pay day.
- (d) **METHOD OF INCURRING.** All actions of the Village Board appropriating money or creating a charge against the Village, other than claims for purchases or work previously authorized by the Board, shall only be acted upon at the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of three-fourths (3/4) of all members of the Board. A roll call vote shall be taken and recorded on all appropriations.

## CHAPTER 7

### SPECIAL ASSESSMENTS

7.01	Village Board May Levy Special Assessments
7.02	Resolution and Report Required
7.03	Costs Paid By Special Assessment
7.04	Exemptions; Deductions
7.05	Notice of Proposed or Approved Project
7.06	Board Actions After Hearing
7.07	Combined Assessments
7.08	Board's Power to Amend, Cancel or Confirm Special Assessment
7.09	Where Cost of Improvement is Less Than Assessment
7.10	Appealed Assessments Payable When Due
7.11	Special Assessment a Lien on Property
7.12	Special Charges Permissible
7.13	Miscellaneous Provisions

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#### **7.01 VILLAGE BOARD MAY LEVY SPECIAL ASSESSMENTS**

- (a) **SPECIAL ASSESSMENTS.** The Village of Pulaski, by resolution of its Village Board, may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement.
- (b) **AUTHORITY.** The amount assessed against any property for any work or improvement, which does not represent an exercise of the police power, shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Village Board.
- (c) **DEVELOPER REQUESTS FOR SPECIAL ASSESSMENT.** The following shall apply to all requests by developers for the levy of special assessments:
- (1) The developer shall be responsible for payment of all development costs as defined in Sec. 53.01 and shall hold the Village harmless therefrom.
  - (2) All requests for special assessment shall be filed with the Village Clerk by no later than November 1st for all projects for the following year. All such requests shall be accompanied by a non-refundable deposit in an amount equivalent to two (2%) percent of the estimated development costs or \$2,000.00, whichever is greater.

- (3) If the request for special assessment is approved by the Village Board, all Costs, as described in Sec. 7.03, shall be assessed in the manner provided herein. All property served or potentially benefited by the improvements shall be assessed for the full frontage thereof, regardless of the actual location or terminus of the improvements servicing the property, subject to the provisions of Sec. 7.04.
  - (4) The developer or the property owner shall file with the Village Clerk, within ten (10) days after approval of the special assessment request and before construction is commenced, an irrevocable letter of credit from a responsible lender approved by the Village for the full amount of the estimated development costs.
  - (5) An approved special assessment hereunder shall be comprised of and include that portion of the development costs as requested by the developer in the request for special assessment, in an amount determined and approved by the Village Engineers, plus all costs reasonably incurred by the Village, less any reductions from grants or other funding sources.
- (d) **REPLACEMENT COSTS.** The replacement of sanitary sewer, storm sewer, watermains, street overlay or street, curb or gutter reconstruction, shall not be subject to assessment.

State Law Reference: Section 66.62, Wis. Stats.

## **7.02 RESOLUTION AND REPORT REQUIRED**

- (a) **PRELIMINARY RESOLUTION.** Prior to making any such special assessments, the Village Board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under Section 7.05 of this Chapter and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.
- (b) **SPECIAL ASSESSMENT REPORT.** The report required by Subsection (a) shall consist of:
  - (1) Preliminary or final plans and specifications.
  - (2) An estimate of the entire cost of the proposed work or improvement.



- (3) An estimate, as to each parcel of property affected, of:
  - a. The assessment of benefits to be levied.
  - b. The damages to be awarded for property taken or damaged.
  - c. The net amount of such benefits over damages or the net amount of such damages over benefits.
- (4) A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case the estimates required under subsection (3) shall be replaced by a schedule of the proposed assessments.
- (5) A copy of the report when completed shall be filed with the Village Clerk for public inspection.

### **7.03 COSTS PAID BY SPECIAL ASSESSMENT**

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the Village and the cost of any architectural, engineering and legal services, and any work or improvement, including, but not limited to, the Development Costs, as defined at Sec. 53.01. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels on a per front-foot basis in the manner and amount designated by the Village Board and the provisions hereof. The minimum accessible footage for a residential lot shall be determined by the applicable zoning ordinance.

### **7.04 EXEMPTIONS; DEDUCTIONS**

- (a) **EXEMPT PROPERTY.** If any property deemed benefited shall, by reason of any provision of law, be exempt from assessment therefore, such assessment shall be computed and shall be paid by the Village.
- (b) **CORNER LOTS.** A corner lot, against which has been levied a special assessment for the sanitary sewer or watermain laid in one of the streets upon which it abuts, shall be entitled to a deduction equivalent to fifty (50%) percent of the front-foot assessment for the new construction when such utilities already exist on another street which abuts such parcel. For corner lots with new construction of sanitary sewer, storm sewer, watermain, streets, curb, gutter and sidewalks on both abutting streets, there shall be a deduction equivalent to fifty (50%) percent of the short side frontage to a maximum deduction of 100 feet.

- (c) **FRONT FOOTAGE ASSESSMENTS.** If the improvements contemplated hereunder are not extended to the full length of a non-residential parcel, otherwise serviced or benefited by such improvement, the frontage assessed will be the reasonable frontage for similar property with a minimum frontage assessment of 100 feet.
- (d) **CUL DE SACS.** The frontage for assessment purposes on all lots located on a cul de sac will be determined on the basis of the footage of the front building setback line, with a minimum assessment of not less than 90 feet.

#### **7.05 NOTICE OF PROPOSED OR APPROVED PROJECT**

On the completion and filing of the report required in Section 7.02 of this Chapter, the Village Clerk shall give notice stating the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, their agents or attorneys may appear before the Village Board or Committee thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be given either by publication in the official Village newspaper or posted in not less than three (3) public places within the Village and a copy of said notice shall be mailed to each interested person whose post office address is known. The hearing shall commence not less than ten (10) days and not more than forty (40) days after the publication or posting of said notice.

#### **7.06 BOARD ACTIONS AFTER HEARING**

- (a) **FINAL DETERMINATION.** After the hearing, the Village Board may approve, disapprove, modify or re-refer the report to the designated officer or employee with such directions as it deems necessary to change the plans and specifications so as to accomplish a fair and equitable assessment. If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the Village Board shall assess only the difference between such assessment of benefits and the award of compensation or damage.

- (d) **FINAL RESOLUTIONS.** If the work or improvement has not been previously authorized or approved, the Village Board shall approve the work or improvement and by resolution direct that the same be done and paid for in accordance with the report finally approved. If the work or improvement has been approved by the Village Board or work commenced or completed prior to the filing of the report or prior to the hearing, then the Village Board shall by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment. The Village Clerk shall publish the final resolutions as required in Section 7.05 of this Chapter. After the publication of the final resolution, any work or improvement provided for and not yet authorized, shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by §66.60(12), Wisconsin Statutes, or any other applicable provision of law.

#### **7.07 COMBINED ASSESSMENTS**

If more than a single improvement is undertaken, the Village Board may combine the assessments as a single assessment on each property affected except that the property owner may object to any one or more of said improvements.

#### **7.08 BOARD'S POWER TO AMEND, CANCEL OR CONFIRM SPECIAL ASSESSMENT**

If after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Village Board determines to reconsider an assessment, it is empowered, after giving notice as required in Sec. 7.05 to amend, cancel or confirm any prior assessment and notice of this amending, canceling or confirming be given by the Village Clerk as provided in Sec. 7.06 of this chapter.

#### **7.09 WHERE COST OF IMPROVEMENT IS LESS THAN ASSESSMENT**

If the cost of the work or improvement is less than the assessment levied, the Village Board without notice or hearing shall reduce each assessment proportionately. If the assessment has been paid either in part or in full the Village shall refund the property owner such overpayment.

## **7.10 APPEALED ASSESSMENTS PAYABLE WHEN DUE**

It shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable and upon default in payment any such appeal shall be dismissed. §66.60(12)(f), Stats.

## **7.11 SPECIAL ASSESSMENT A LIEN ON PROPERTY**

Any special assessment levied under this chapter shall be a lien on the property against which it is levied on behalf of the Village of Pulaski. The Village Board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Village Board shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute. §66.60(13), Stats.

## **7.12 SPECIAL CHARGES PERMISSIBLE**

- (a) **SPECIAL CHARGES.** In addition to all other methods provided by law, special charges for current services may be imposed by the Village Board by allocating all or part of the cost of the property served. Such may include snow and ice removal, weed elimination, street sprinkling oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal. The provision for notice of such charges shall be optional with the Village Board except that in the case of street, sidewalk, curb or gutter repair, twenty (20) days notice published in the Village newspaper, or by posting such notice in three (3) places in the Village and a copy of such notice mailed to every interested person whose post office address is known, at least ten (10) days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the Village Board as to whether the service in question shall be performed. Section 7.02(a) of this Chapter shall not be applicable to proceedings under this section.
- (b) **INSTALLMENT PAYMENT PROHIBITED.** Such special charges shall not be payable in installments. If not paid within the period fixed by the Village Board, such delinquent charge shall become a lien as provided in Section 7.11.

### **7.13 MISCELLANEOUS PROVISIONS**

- (a) **INVALID ASSESSMENTS.** If any assessment or charge levied under this chapter is invalid because such statutes are found to be unconstitutional, the Village Board may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- (b) **WAIVER OF HEARING.** The Village Board may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by property owners affected.
- (c) **PRE-APPROVAL ASSESSMENTS.** Notwithstanding any other provision of law, or this or other ordinance or resolution, it is specifically intended and provided by this Section that the Village of Pulaski may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

## CHAPTER 8

### ETHICAL STANDARDS

8.01	Ethical Standards of Public Officials
8.02	Responsibilities of Public Office
8.03	Use of Public Property; Obligations of Citizens
8.04	Conflict of Interest
8.05	Specific Conflicts of Interest
8.06	Outside Employment
8.07	Sanctions

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#### **8.01 ETHICAL STANDARDS OF PUBLIC OFFICIALS**

- (a) **PURPOSE.** The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people. The purpose of this chapter is to establish ethical standards of conduct for all such officials and to direct disclosure by such officials of private financial or other interests in matters affecting the Village.
- (b) **APPLICATION.** The municipal officials and employees of the Village, whether elected or appointed, are "public officials and employees" within the meaning and intent of this chapter.

#### **8.02 RESPONSIBILITIES OF PUBLIC OFFICE**

Public officials and employees are bound to observe in their official acts the highest standards of morality and to discharged faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs shall be above reproach. Public officials are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out impartially the law of the nation, state and municipality. Public officials and employees shall not exceed their authority or breach law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

### **8.03 USE OF PUBLIC PROPERTY; OBLIGATIONS OF CITIZENS**

- (a) **USE OF PUBLIC PROPERTY.** No public official or employee shall request, use or permit the use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- (b) **OBLIGATION OF CITIZEN.** No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

### **8.04 CONFLICT OF INTEREST**

No Trustee or other public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public judgment or will tend to impair his independence or judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

### **8.05 SPECIFIC CONFLICTS OF INTEREST**

Specific conflicts of interest are enumerated below for the guidance of officials. The following list is illustrative merely and not exclusive:

- (a) **INCOMPATIBLE EMPLOYMENT.** No Trustee or other public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or tends to impair his independence of judgment or action in the performance of his official duties. In the event a Trustee, official or employee possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest with his public duties shall be removed by his disclosure of the nature and extent of such investment to the Village Board for the records of that authority.
- (b) **DISCLOSURE OF CONFIDENTIAL INFORMATION.** No Trustee, other public official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall he use such information to advance the financial or other private interest of himself or others.

- (c) **GIFTS AND FAVORS.** No Trustee or other public official or employee shall accept any gift having a value greater than five dollars, whether in the form of service, loan, thing or promise, from any person who to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Village; nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value. Any Trustee or other public official or employee who accepts any gift, favor or thing of value shall, in the case of a Trustee, disclose the matter in the minutes of the next Board meeting, and in the case of other officials or employees, report the matter to the Board for disclosure in the minutes of the next meeting.
- (d) **REPRESENTING PRIVATE INTERESTS BEFORE VILLAGE AGENCIES OR COURTS.** No Trustee or other public official or employee whose salary is paid in whole or in part by the Village shall appear in behalf of private interests before any agency of the Village. He shall not represent private interests in any action or proceeding against the interest of the Village in any litigation to which the Village is a party.
- (e) **CONTRACTS WITH THE VILLAGE.** Any Trustee or other public official or employee who has substantial financial interest in any business entity, entering into or proposing to enter into, any transaction or contract with the Village for the sale of real estate, material supplies or services to the Village shall disclose such interest to the Village Board to be reported in the minutes of the appropriate Board meeting. And in the case of a Trustee, he shall refrain from voting upon or otherwise participating (except in the performance of a ministerial act) in the transaction or the making of such contract or sale.
- (f) **DISCLOSURE OF INTEREST IN LEGISLATION.**
- (1) A Trustee who has a financial or other private interest in any legislation shall disclose on the records of the Board the nature and extent of such interest. This provision shall not apply if the Trustee disqualified himself from voting.
  - (2) Any other public official or employee who has a financial or other private interest, and who participates in discussion with or gives an official opinion to the Board shall disclose on the record of the Board the nature and extent of such interest.

#### **8.06 OUTSIDE EMPLOYMENT**

No officer or employee of the Village shall engage in any other remunerative employment within or without the Village; provided that the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer.



## **8.07 SANCTIONS**

Violation of any provision of this section should raise conscientious questions for the Trustees or any other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the Village. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

## CHAPTER 9

### REVIEW OF ADMINISTRATIVE DETERMINATIONS

9.01	Review of Administrative Determinations
9.02	Determinations Reviewable
9.03	Municipal Authority Defined
9.04	Persons Aggrieved
9.05	Reducing Determination to Writing
9.06	Request for Review of Determination
9.07	Review of Determination
9.08	Administrative Appeal
9.09	Hearing on Administrative Appeal
9.10	Final Determination
9.11	Judicial Review
9.12	Legislative Review

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#### **9.01 REVIEW OF ADMINISTRATIVE DETERMINATIONS**

- (a) **APPEAL AND REVIEW.** Any person aggrieved by an administrative determination of the Village Board or a board, commission, committee, agency, officer or employee of the Village or agent acting on its behalf may have such determination reviewed as provided in this Chapter.
- (b) **ELECTION AND REMEDIES.** The remedies under this Chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

State Law Reference: Section 68.01, Wis. Stats.

#### **9.02 DETERMINATIONS REVIEWABLE**

- (a) **REVIEWABLE DETERMINATIONS.** The following determinations are reviewable under this Chapter:
- (1) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
  - (2) The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in sub. (b)(4) hereof.
  - (3) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
  - (4) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.

- (5) The suspension or removal of a Village officer or employee except as provided in sub. (b)(2) and (7) hereof.

State Law Reference: Section 68.02, Wis. Stats.

- (b) **DETERMINATIONS NOT SUBJECT TO REVIEW.** The following determinations are not reviewable under this Chapter.
- (1) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Village Board.
  - (2) Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.
  - (3) The denial of a tort or contract claim for money required to be filed with the Village under Sec. 62.25, Wis. Stats.
  - (4) The grant, denial, suspension or revocation of a fermented malt beverage license under Sec. 66.054(13)(b), Wis. Stats., or intoxicating liquor license under ss. 176.11 or 176.12, Wis. Stats.
  - (5) Judgments and orders of a court.
  - (6) Determinations made during municipal labor negotiations.
  - (7) Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements.

State Law Reference: Section 68.03, Wis. Stats.

### **9.03 MUNICIPAL AUTHORITY DEFINED**

"Municipal authority" includes the Village Board, commission, committee, agency, officer, employee or agent of the Village making a determination under Sec. 9.01, and every person, committee or agency of the Village to make an independent review under Sec. 9.07(b).

State Law Reference: Section 68.05, Wis. Stats.

### **9.04 PERSONS AGGRIEVED**

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the Village, whose rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, officer or employee of the Village who is aggrieved may initiate review under this Chapter of a determination of any other department, board, commission, agency, officer or employee of the Village, but may respond or intervene in a review proceeding under this Chapter initiated by another.

State Law Reference: Sections 68.01 and 68.06, Wis. Stats.

## **9.05 REDUCING DETERMINATION TO WRITING**

If a determination subject to this Chapter is made orally or, if in writing, does not state the reasons therefore, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within ten (10) days of notice of such determination, reduce the determination and the reasons therefore to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of his right to have such determination reviewed, that such review may be obtained within thirty (30) days, and the office or person to whom a request for review shall be addressed.

State Law Reference: Section 68.07, Wis. Stats.

## **9.06 REQUEST FOR REVIEW OF DETERMINATION**

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within thirty (30) days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination, but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

State Law Reference: Section 68.08, Wis. Stats.

## **9.07 REVIEW OF DETERMINATION**

- (a) **INITIAL DETERMINATION.** If a request for review is made under Sec. 9.06, the determination to be reviewed shall be termed an initial determination.
- (b) **WHO SHALL MAKE REVIEW.** A review under this Section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the Village, appointed by the Village President without confirmation, shall be provided if practicable.
- (c) **WHEN TO MAKE REVIEW.** The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.

- (d) **RIGHT TO PRESENT EVIDENCE AND ARGUMENT.** The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.
- (e) **DECISION ON REVIEW.** The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within thirty (30) days, and the office or person with whom notice of appeal shall be filed.

State Law Reference: Section 68.09, Wis. Stats.

## **9.08 ADMINISTRATIVE APPEAL**

- (a) **RIGHTS OF APPEAL FROM INITIAL DETERMINATION OR DECISION ON REVIEW.**
  - (1) If the person aggrieved had a hearing substantially in compliance with Sec. 9.09 when the initial determination was made, he may elect to follow Sections 9.05 through 9.07, but is not entitled to a further hearing under Sec. 9.09 unless granted by the municipal authority. He may, however, seek judicial review under Sec. 9.1.
  - (2) If the person aggrieved did not have a hearing substantially in compliance with Sec. 9.09 when the initial determination was made, he shall follow Sections 9.05 through 9.07 and may appeal under this Section from the decision made under Sec. 9.07.
- (b) **TIME WITHIN WHICH APPEAL MAY BE TAKEN UNDER THIS SECTION.** Appeal from a decision on review under Sec. 9.07 may be taken within thirty (30) days of notice of such decision.
- (c) **HOW APPEAL MAY BE TAKEN.** An appeal under this Section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review, written notice of appeal.

State Law Reference: §68.10, Wis. Stats.

## **9.09 HEARING ON ADMINISTRATIVE APPEAL**

- (a) **TIME OF HEARING.** The Village shall provide the appellant with a hearing on an appeal under this Chapter within fifteen (15) days after receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the Village Attorney, who shall forthwith advise the Village President of such appeal.

- (b) **CONDUCT OF HEARING.** At the hearing the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Village President shall appoint, without confirmation, an impartial decision maker who may be an officer, committee, board or commission of the Village or the Village Board who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Village President to conduct the hearing and report to the decision maker.
- (c) **RECORD OF HEARING.** The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant, shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Village.
- (d) **HEARING ON INITIAL DETERMINATION.** Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this Section before making such determination.

State Law Reference: Section 68.11, Wis. Stats.

#### **9.10 FINAL DETERMINATION**

- (a) Within twenty (20) days of completion of the hearing conducted under Sec. 9.09 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefore. Such determination shall be a final determination.
- (b) A determination following a hearing substantially meeting the requirements of Sec. 9.09 or a decision on review under Sec. 9.07 following such hearing shall be a final determination, judicial review of which may be obtained under Sec. 9.11.

State Law Reference: Section 68.12, Wis. Stats.

## 9.11 JUDICIAL REVIEW

- (a) **CIRCUIT COURT REVIEW.** Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari to the Circuit Court within thirty (30) days of receipt of the final determination.
- (b) **HEARING TRANSCRIPT.** The record of the proceedings shall be transcribed at the expense of the persons seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the Village and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

State Law Reference: Section 68.13, Wis. Stats.

## 9.12 LEGISLATIVE REVIEW

- (a) **LEGISLATIVE REVIEW.** Seeking review pursuant to this Chapter does not preclude a person aggrieved from seeking relief from the Village Board or any of its boards, commissions, committees or agencies which may have jurisdiction.
- (b) **MODIFICATION.** If in the course of legislative review under this Section a determination is modified, such modification and any evidence adduced before the Village Board, board, commission, committee or agency shall be made part of the record on review under Sec. 9.11.
- (c) **NO HEARING REQUIRED.** The Village Board, board, commission, committee or agency conducting a legislative review under this Section need not conduct the type of hearing required under Sec. 9.09.

State Law Reference: Section 68.14, Wis. Stats.

## CHAPTER 10

### PUBLIC RECORDS

10.01	Definitions
10.02	Duty to Maintain Records
10.03	Legal Custodian(s)
10.04	Public Access to Records
10.05	Access Procedures
10.06	Limitations on Right to Access
10.07	Destruction of Records
10.08	Preservation Through Microfilm

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#### **10.01 DEFINITIONS**

- (a) **DEFINITIONS.** The following definitions shall apply to this Chapter:
- (1) **"Authority"** means any of the following Village entities having custody of a Village record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.
  - (b) **"Custodian"** means that officer, department head, division head, or employee of the Village designated under Sec. 10.03 or otherwise responsible by law to keep and preserve any Village records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
  - (c) **"Record"** means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. **"Record"** includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer print-outs. **"Record"** does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.



## **10.02 DUTY TO MAINTAIN RECORDS**

- (a) **RECORDS PRESERVATION.** Except as provided under Section 10.07, each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
- (b) **DELIVERY AND SURRENDER OF RECORDS.** Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the Village Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

## **10.03 LEGAL CUSTODIAN(S)**

Each elected official is the legal custodian of such official's records and the records of the official's office, but the official may designate a staff employee to act as the legal custodian. Unless otherwise prohibited by law, the Village Clerk, or the Clerk's designee, shall act as legal custodian for the Village Board and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Village Board. The Village Clerk, or in event of absence, disability or vacancy, the Deputy Clerk, is hereby designated the legal custodian of all Village records. For every authority not specified herein, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee to act as the legal custodian. Each legal custodian shall name a person to act as legal custodian in their absence or the absence of his or her designee. The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under subch. 11 of ch. 19, Stats., and this chapter. The designation of a legal custodian does not affect the powers and duties of an authority under this Section.

## **10.04 PUBLIC ACCESS TO RECORDS**

- (a) **PUBLIC ACCESS.** Except as provided in Section 10.06, any person has a right to inspect a record and to make or receive a copy of any record as provided in §19.35(1), Wis. Stats. Records will be available for inspection and copying during all regular office hours. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy. A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (b) **FEES.** A requester shall be charged a fee to defray the cost of locating and copying records as follows:
- (1) The cost of photocopying shall be \$.20 per page. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction. The cost of vehicle accident reports shall be \$3.00.
  - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or video-tapes, shall be charged.
  - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  - (5) There shall be no charge for locating a record unless the actual cost therefore exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
  - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
  - (7) Elected and appointed officials of the Village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - (8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- (c) **PUBLIC NOTICE.** Pursuant to §19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make

available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of Section 8.03 through 8.05 of this Chapter. This subsection does not apply to members of the Village Board.

#### **10.05 ACCESS PROCEDURES**

- (a) **REQUEST.** A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under §19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 10.04(a). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (b) **CUSTODIAN REVIEW.** Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and reasons therefore. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (c) **DENIALS.** A request for a record may be denied as provided in Section 10.06. If a request is made orally, the request may be denied orally

unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under §19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

#### **10.06 LIMITATIONS ON RIGHT TO ACCESS**

(a) **EXEMPTIONS.** As provided by §19.36, Wis. Stats., the following records are exempt from inspection under this Chapter.

- (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
- (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
- (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
- (4) Pursuant to §905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. "Trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential.
- (5) As provided by §43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.

(b) **DENIALS.** In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the request record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

- (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information

- contained in them.
- (2) Pursuant to §19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.
  - (3) Pursuant to §19.85(1)(b) and (c), Wis. Stats., records of current deli-  
berations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline or any Village officer or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.
  - (4) Pursuant to §19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.
  - (5) Pursuant to §19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of Village property, investing of Village funds, or other Village business whenever competitive or bargaining reasons require nondisclosure.
  - (6) Pursuant to §19.85(1)(f), Wis. Stats., financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
  - (7) Pursuant to §19.85(1)(g), Wis. Stats., communications between legal counsel for the Village and any officer, agent or employee of the Village, when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under §905.03, Wis. Stats.
  - (8) Pursuant to §19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board, and records of advice given by such ethics board on such requests.
- (c) **DELETIONS.** If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material. If in the judgment of the custodian and the Village Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

## 10.07 DESTRUCTION OF RECORD

- (a) **NON-UTILITY FINANCIAL RECORDS.** Village officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period:
- (1) Bank statements, deposit books, slips and stubs.
  - (2) Bonds and coupons after maturity.
  - (3) Canceled checks, duplicates and check stubs.
  - (4) License and permit applications, stubs and duplicates.
  - (5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
  - (6) Receipt forms.
  - (7) Special assessment records.
  - (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (b) **UTILITY FINANCIAL RECORDS.** Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years.
- (1) Contracts and papers relating thereto;
  - (2) Excavation permits;
  - (3) Inspection records.
- (c) **OTHER RECORDS.** Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such a shorter period.
- (1) Contracts and papers relating thereto.
  - (2) Correspondence and communications.

- (3) Financial reports other than annual financial reports.
  - (4) Justice dockets.
  - (5) Oaths of office.
  - (6) Reports of boards, commissions, committees and officials duplicated in the Village Board proceedings.
  - (7) Election notices and proofs of publication.
  - (8) Canceled voter registration cards.
  - (9) Official bonds.
  - (10) Police records other than investigative records.
  - (11) Resolutions and petitions.
- (d) **NOTICE.** Unless notice is waived by the State Historical Society, at least sixty (60) days' notice shall be given the State Historical Society prior to the destruction of any record as provided by § 19.21(4)(a), Wis. Stats.
- (e) **TAPE RECORDINGS.** Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

#### **10.08 PRESERVATION THROUGH MICROFILM**

Any Village officer, or the director of any department or division of Village government may, subject to the approval of the Village Board, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in § 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Section 10.04 through 10.06 of this Chapter.

## CHAPTER 11

### LAW ENFORCEMENT

11.01	Personnel; Labor Contract
11.02	General Powers of Police Officers
11.03	Chief of Police
11.04	Civilians to Assist
11.05	Assisting Escape of Prisoner
11.06	Impersonating Police Officers
11.07	Special Peace Officers
11.08	Rules and Policies for Police Department

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#### **11.01 PERSONNEL; LABOR CONTRACT**

- (a) **POLICE DEPARTMENT.** The Police Department of the Village of Pulaski shall consist of the Chief of Police and such other police officers as the Village Board may prescribe from time to time by ordinance or resolution.
- (b) **LABOR CONTRACT.** The provisions of the labor contract between the Village and the non-supervisory personnel of the Police Department is hereby incorporated by reference.
- (c) **APPOINTMENT AND REMOVAL.** Police officers, other than the Chief, shall be selected by the Chief, subject to approval of the Village Board. The Chief shall have full authority to demote, suspend temporarily or remove from the force any officer of the Department, subject to the collective bargaining labor contract.

#### **11.02 GENERAL POWERS OF POLICE OFFICERS**

- (a) **POWERS.** The Chief of Police and all policemen of the Village shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law on Village marshals and constables.
- (b) **DUTIES.** Every member of the Police Department shall have full power and authority and it shall be his duty to:
  - (1) Arrest with or without process all persons in the Village engaged in any disturbance of the peace or violating any law or ordinance of the State or Village or aiding or abetting in such violation and take all such persons in charge and confine them and within a reasonable time bring them before the Justice Court in the Village of Pulaski to be dealt with according to law.



- (2) Familiarize himself with the ordinances of the Village and attend to the enforcement of such ordinances by all lawful means.
- (3) Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- (4) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals and defective or dangerous streets and sidewalks to the Director of Public Works.
- (5) Assist the Fire Department in maintaining order at the scene of a fire.
- (6) See that the necessary permits and licenses issued by the proper authority of the State or Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.
- (7) Assist or take into protective custody any intoxicated person in accordance with §51.45(11) and (12) (Prevention and Control of Alcoholism) of the Wisconsin Statutes.

### **11.03 CHIEF OF POLICE**

- (a) **DUTIES.** In addition to the duties imposed upon him by Sec. 11.02, the Chief of Police shall have the following duties:
  - (1) He shall keep in his office a record of all arrests made by members of the Department, traffic tickets issued, the dates, hours and places thereof, names of persons arrested, arresting officers, offenses charged, actions taken and results.
  - (2) He shall not be absent from duty or leave the Village without first reporting to the Village President, provided he may leave without such report when discharging his official duties or when in pursuit of a person known to have violated any law or ordinance of the State or Village.
  - (3) He shall submit a written monthly report to the Village Board of all activities and transactions of the Department during the preceding month.
- (b) **POWERS.** The Chief shall have command of the police force of the Village of Pulaski and shall have custody, care and control of the property and equipment of the Department.

#### **11.04 CIVILIANS TO ASSIST**

It shall be the duty of all persons in the Village, when called upon by any police officer or peace officer, to promptly aid and assist him in the execution of his duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Sec. 1.06 of this Code.

#### **11.05 ASSISTING ESCAPE OF PRISONER**

No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the Village.

#### **11.06 IMPERSONATING POLICE OFFICERS**

No person shall impersonate a policeman or peace officer within the Village of Pulaski.

#### **11.07 SPECIAL PEACE OFFICERS**

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

#### **11.08 RULES AND POLICIES FOR THE POLICE DEPARTMENT**

The Chief of Police may make such further rules, regulations and policies for the government of the Police Department as he may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State or Village ordinances or any collective bargaining or labor contract.

## CHAPTER 12

### FIRE PREVENTION AND RESCUE SQUAD

12.01	Fire Department Organization
12.02	Fire Chief
12.03	Firefighter
12.04	Authority at Fires
12.05	Removal of Property
12.06	Firefighter May Enter Adjacent Property
12.07	Duty of Bystanders to Assist
12.08	False Fire Alarms Prohibited
12.09	Damaging Fire Hose Prohibited
12.10	Interference With Use of Hydrants Prohibited
12.11	Burning of Grass and Trash Restricted
12.12	Fire Call Fee
12.13	Elimination of Dangerous or Hazardous Conditions
12.14	Outdoor Wood-Fired Furnaces Prohibited
12.15	Adoption and Incorporation of NFPA1
12.16	(Reserved)
12.17	(Reserved)
12.18	(Reserved)
12.19	(Reserved)
12.20	Rescue Squad
12.21	False Alarms Prohibited
12.22	Interference Prohibited
12.23	(Reserved)
12.24	(Reserved)
12.25	(Reserved)
12.26	(Reserved)
12.27	(Reserved)
12.28	(Reserved)
12.29	(Reserved)
12.30	Flammable Liquids
12.31	Penalties

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## **12.01 FIRE DEPARTMENT ORGANIZATION**

- (a) **MEMBERSHIP.** The Fire Department of the Village of Pulaski (the “Pulaski Fire Department”) shall consist of the Fire Chief, a First and Second Assistant Chief, and as many drivers and firefighters who live and normally work within the Village of Pulaski as may be appointed by the Chief and approved by the Village Board, provided that at no time shall the Pulaski Fire Department consist of less than 22 active members.
- (b) **DEPARTMENT TO ADOPT BYLAWS.** The Village of Pulaski is serviced by the Pulaski Tri-County Volunteer Fire Department, Inc., a separate entity, which has its own set of bylaws. If the Village shall cease to contract for services, as provided in Sec. 12.01(c), the Pulaski Fire Department shall adopt bylaws for the control management and government and for the regulation of business and proceedings of the Pulaski Fire Department, which bylaws shall be adopted by a two-thirds (2/3) vote of the Pulaski Fire Department members and approved by the Village Board. Amendments shall be adopted in the same manner.
- (c) **CONTRACT SERVICES.** In lieu of the establishment of the Pulaski Fire Department, the Village shall have the authority, by resolution, to contract for fire prevention and firefighting services with a private fire prevention and firefighting organization authorized to provide such services within the Village. In the event the Village shall contract for fire prevention and firefighting services with a private fire prevention and firefighting organization, all references to the powers, duties and authorities of the Fire Chief, or his designee, or of firefighters under this Chapter, shall apply to the fire chief and the firefighters of the contract service provider.

## **12.02 FIRE CHIEF**

- (a) **DUTIES AND POWERS.** The Chief shall have general supervision of the Pulaski Fire Department personnel, apparatus and equipment, subject to the ordinances of the Village and the bylaws of the Pulaski Fire Department. The Fire Chief, or his designee, shall be present at all fires and command all fire fighting operations. The Fire Chief, or his designee, may demote or expel any officer or member of the Pulaski Fire Department for neglect or refusal to perform Pulaski Fire Departmental duties, subject to the right of any member demoted or expelled to appeal to the Village Board. The Fire Chief, or his designee, shall enforce or cause to be enforced all fire prevention ordinances, laws and regulations of the Village and State.
- (b) **TO ACT AS FIRE INSPECTOR.** The Fire Chief as Fire Inspector of the Village of Pulaski shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of Fire Inspectors by the laws and rules of the State.

### **12.03 FIREFIGHTER**

- (a) **APPLICATIONS.** Applications for membership in the Pulaski Fire Department shall be filed with the Department Secretary. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate. The name of any applicant appointed by the Chief as provided in the bylaws shall be presented to the Village Board for confirmation.
- (b) **AGE LIMIT.** Age limits for membership in the Pulaski Fire Department shall be determined by the Pulaski Fire Department.

### **12.04 AUTHORITY AT FIRES**

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

### **12.05 REMOVAL OF PROPERTY**

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

### **12.06 FIREFIGHTER MAY ENTER ADJACENT PROPERTY**

It shall be lawful for any fireman acting under the direction of the Fire Chief or any officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and no person shall hinder, resist or obstruct any fireman in the discharge of his duty as hereinbefore provided, the person so offending shall be deemed guilty of resisting Firefighter in the discharge of their duty.

## **12.07 DUTY OF BYSTANDERS TO ASSISTS**

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

## **12.08 FALSE FIRE ALARMS PROHIBITED**

No person shall give or send, or cause to be given or sent, in any manner any alarm of fire which he knows to be false.

## **12.09 DAMAGING FIRE HOSE PROHIBITED**

No person shall willfully injure in any manner, any hose, hydrant or fire apparatus belonging to the Village of Pulaski, or its contract service provider, and no vehicle shall be driven over any unprotected fire hose when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the fire official in command.

## **12.10 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED**

No person shall occupy any portion of such streets or alleys with a motor or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be attached.

## **12.11 OPEN BURNING REGULATIONS**

- (a) **OPEN BURNING PROHIBITED.** Except as otherwise permitted in this Section, all open burning is prohibited in the Village of Pulaski.
- (b) **RECREATIONAL FIRES.**
  - (1) **DEFINITION.** For purposes of this Section, a "recreational fire" shall mean a campfire or an outdoor cooking fire, whether charcoal or LP based, for recreational or personal enjoyment. **(Ord. #491.10)**
  - (2) **EXEMPTION.** Recreational fires complying with this Section are exempt from the open burning prohibitions stated in Section 12.11(a).

- (3) EXEMPTION REQUIREMENTS. To qualify for the open burning prohibition exemption of Section 12.11(a), the recreational fire must meet the following requirements:
- a. No recreational fire shall be located on a wooden deck or on a balcony. **(Ord. #491-10)**
  - b. No fire pit, whether in ground or portable, shall be closer than twenty-five (25') feet from any fence, building, shed, accessory structure, garage, or any other combustible material.
  - c. No in ground fire pit shall be deeper than twelve (12") inches nor greater in diameter than four (4') feet. The fire pit shall be surrounded on the outside at ground level by non-combustible material such as concrete block or rock.
  - d. Portable fire pits, defined as commercially designed devices intended to contain and control outdoor wood fires, must be used in accordance with the manufacturer's recommendations and must be used upon a non-combustible surface such as stone, gravel, concrete or brick, with a surface area twice the diameter of the portable fire pit.
  - e. No recreational fires shall be started or allowed to continue burning when the wind direction or wind speed would cause, smoke, embers or other burning materials to be carried by the wind toward any building or other flammable materials. Smoke from any recreational fire shall not cause a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of a neighboring property owner in regard to nuisance smoke.
  - f. Material for recreational fires shall not include rubbish, garbage, recyclable items, trash, any material made of or coated with rubber, plastic, leather, or petroleum-based materials, and shall not contain any flammable or combustible liquids.
  - g. Adequate fire suppression equipment, such as shovels, fire extinguishers, water hoses, or other like equipment sufficient to extinguish the fire, shall be immediately available to extinguish or control the recreational fire if necessary.
  - h. All recreational fires shall be attended at all times by at least one responsible person at least 18 years of age or older, from the ignition of the fire until the fire is completely extinguished.

- (c) **APPROVED TRAINING FIRES.** Training fires for firefighters, approved by the Fire Chief, shall be exempt from the open burning prohibitions stated in Section 12.11(a).
- (d) **CONTROLLED BURNING.** Burning carried out and controlled by the Village on public property under the direction and control of and authorized by the Director of Public Works for public purposes shall be exempt from the open burning prohibitions of Sec. 12.11(a) of the Municipal Code of Ordinances. **(Ord. #415)**

## **12.12 FIRE CALL FEE**

There shall be a fee for each fire call within the Village, which fee shall be determined and set from time to time by resolution of the Village Board. The fire call fee shall be payable by the owner of the property that is the subject of the fire. In the event of multiple property owners, the owners shall be jointly and severally liable for the fire call fee. The fire call fee shall be exclusive of and in addition to any insurance claim recovery obtained through the property owner's insurance carrier. In the event the fire call fee remains unpaid after ninety (90) days after the invoice date, the fee shall be deemed delinquent, shall become a lien on the property against which it is imposed as of the date of delinquency, and shall be placed on the tax roll for that property as a special charge under s. 66.0627, Wis. Stats.

## **12.13 ELIMINATION OF DANGEROUS OR HAZARDOUS CONDITIONS**

- (a) **WHEN ORDERS TO BE ISSUED.** Whenever the Chief finds in any building or upon any premises any of the following dangerous or hazardous conditions or materials which present a clear and present danger due to the likelihood of fire or explosion, such materials shall be removed or conditions remedied in a reasonable manner:
  - (1) Dangerous or unlawful amounts of combustible or explosive materials.
  - (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive materials.
  - (3) Dangerous or unlawful accumulations of rubbish, waste, paper boxes, shavings or other flammable materials.
  - (4) Accumulation of dust or waste material in air conditioning or ventilation systems or of grease in kitchen or other exhaust ducts.
  - (5) Obstruction of fire escapes, stairs, passageways, doors or windows which interfere with the operations of the Fire Department or egressive occupants in case of fire.



(b) **SERVICE OF ORDERS.**

- (1) The service of written orders by the Chief, or his designee, for the correction of violations of this Chapter shall be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the same to any person in charge of the premises or by mailing such orders to the owner or other responsible person. This subsection shall not preclude the Chief, or his designee, from issuing orders orally or in such other manner as deemed appropriate under the circumstances.
- (2) If buildings or other premises are owned by one person, and occupied by another, the orders issued in connection with the enforcement of this Chapter shall apply to the occupant thereof as well as to the owner. Except where rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon the real estate and become the property of the owner of the premises, such orders shall be served upon the owner of the premises unless it is otherwise agreed between the owner and the occupant.
- (3) Receipt of any order issued by the Chief, or his designee, hereunder by the owner or the occupant shall be sufficient notice to effect compliance with the order.

**12.14 OUTDOOR WOOD-FIRED FURNACES PROHIBITED**

- (a) **PURPOSE.** This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Village of Pulaski, Wisconsin from the air pollution hazards and public nuisance of operating an outdoor wood-fired furnace in densely populated areas.
- (b) **DEFINITIONS.** For the purposes hereof, the following definitions shall apply:
  - (1) "Outdoor Wood-Fired Furnace" shall mean a wood-fired furnace or boiler so designed to burn wood or other approved solid fuels as specified by the manufacturer for outdoor installation in an accessory structure not intended for habitation by humans or domestic animals to provide heat and/or heated water to a building intended for habitation by humans or domestic animals via the distribution, particularly through pipes, of a water or water/antifreeze mixture. This definition does not include outdoor recreational uses of wood fires such as outdoor fire pits, chimneas or outdoor wood-fired grills or barbecues.
- (c) **GENERAL PROHIBITION ON OUTDOOR WOOD-FIRED FURNACES.** The construction and operation of outdoor wood-fired furnaces, as defined herein, are expressly prohibited within the boundaries of the Village. (Ord. #478-09)

## **12.15 ADOPTION AND INCORPORATION OF NFPA1.**

- (a) **NFPA1 ADOPTED.** The National Fire Protection Association (the "NFPA") has developed, established and maintains a comprehensive and integrated uniform Fire Code that establishes minimum standards and requirements for fire prevention and suppression and hazard management, known and referred to as "NFPA1". For the protection of life, health and property; to minimize risk to the public and to safety personnel; and, to establish minimum standards and requirements for fire prevention and suppression and hazard management, the provisions of NFPA1, as currently written, together with all future duly-adopted amendments, revisions or modifications thereof and thereto, are hereby fully incorporated herein and made a part, by reference of this Code.
- (b) **VIOLATIONS OF NFPA1.** Any violation of the provisions of NFPA1, adopted and incorporated herein, shall be subject to the penalty provisions of Sec. 12.31 hereof. *(Ord. #498-2011)*

## **12.16 (Reserved)**

## **12.17 (Reserved)**

## **12.18 (Reserved)**

## **12.19 (Reserved)**

## **12.20 RESCUE SQUAD**

- (a) **ORGANIZATION.** There shall be established the Tri-County Volunteer Rescue Squad of the Village of Pulaski. The officers shall be the President, President-Elect, Secretary, Treasurer, Training Officer and Supply Officer. The operation shall be directed by a Captain.
- (b) **CONSTITUTION AND BYLAWS.** The Rescue Squad shall adopt a constitution and bylaws for the control, management and government and for regulation of business and proceedings of the Rescue Squad, which constitution shall be adopted by a 3/4 vote of the squad members and approved by the Village Board. Amendments shall be adopted in the same manner.

### **12.21 FALSE ALARMS PROHIBITED**

No persons shall give or send, or cause to be given or sent, in any manner, any alarm or call for rescue squad service which is known or should have known to be false.

### **12.22 INTERFERENCE PROHIBITED**

No person shall interfere with the operation of a rescue squad or its members while on or carrying out a rescue squad call.

### **12.23 (Reserved)**

### **12.24 (Reserved)**

### **12.25 (Reserved)**

### **12.25 (Reserved)**

### **12.26 (Reserved)**

### **12.29 (Reserved)**

### **12.30 FLAMMABLE LIQUIDS**

- (a) **GENERALLY.** The Wisconsin Administrative Code Chapter Ind. 8 (Flammable Liquids Code) issued by the Industrial Commission of Wisconsin is hereby adopted by reference as a part of this Chapter and it is the duty of the Building Inspector to enforce the provisions thereof.
- (b) **STORAGE OF GASOLINE.** The construction, installation, and maintenance of any storage tank or container for gasoline located below or above the ground or floor is prohibited in any residential area. Only five (5) gallons of gasoline may be stored in the usual red containers clearly marked "gasoline" on any one premises in the garage, outside shed, or area outside the home walls.

- (c) **TANK INSTALLATION AND REMOVAL PERMIT REQUIRED.** No above or below ground storage tank, capable of holding a flammable liquid, as defined herein, shall be installed on or removed from any property located in the Village without the following: **(Ord. #367)**
- (1) Obtaining from the Village a permit for such installation or removal in such form as may be prescribed by the Village.
  - (2) The payment of a tank installation or removal fee based on the following:

<u>TANK CAPACITY</u>	<u>PERMIT FEE</u>
0-1000 gallons	\$45.00 per tank
1001-3000 gallons	\$60.00 per tank
3001-5000 gallons	\$75.00 per tank
Above 5000 gallons	\$90.00 per tank

**12.31 PENALTIES.**

The penalty for violating any provision of this Chapter shall be not less than \$50.00 nor more than \$500.00, plus all applicable Court costs. **(Ord. #413)**

## CHAPTER 13

### EMERGENCY GOVERNMENT

13.01	Responsibilities of Head of Emergency Government
13.02	Utilization of Existing Services and Facilities
13.03	Declaration of Emergencies
13.04	Emergency Regulations
13.05	Emergency Government Defined
13.06	Obstruction of Civil Defense Activities

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#### **13.01 RESPONSIBILITIES OF HEAD OF EMERGENCY GOVERNMENT**

- (a) **AUTHORITY.** The Head of Emergency Government Services shall be the executive head of the Village emergency government organization and shall have direct responsibility for the organization, administration and operation of the organization, subject to the direction and control of the Village President and the Village Board.
- (b) **GENERAL DUTIES.** The Head of Emergency Government shall develop and promulgate emergency government plans consistent with state and county plans, direct the emergency government program of the Village, and perform such other duties related to emergency government as are required by the Village Board. The Head of Emergency Government services shall further direct local civil defense and emergency government training programs and exercises, direct participation in emergency government programs and exercises ordered by the county head of emergency government services, and advise the county head of emergency government services on local emergency government programs and submit to him or her such reports as he or she requires.
- (c) **ADDITIONAL DUTIES.** In addition to such powers and responsibilities as may be imposed on him from to time by the Village Board, he shall have the authority and it shall be his duty to:
- (1) Coordinate all activities for civil defense within the Village.
  - (2) Maintain liaison and cooperate with civil defense agencies and organizations of other political subdivisions and of the State and federal government.
  - (3) Participate in county and State civil defense activities upon request as set forth in the Brown County Civil Defense Ordinance.

- (4) Prepare a comprehensive general plan for the civil defense of the Village and present such plan to the Village Board for approval.
- (5) Subject to the approval of the Village Board, enter into mutual aid agreements with other political subdivisions and file copies of any such agreements with the State Director of Civil Defense.
- (6) Upon the declaration of an emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as shall be required in the civil defense plan.

State Law Reference: Section 166.03(5), Wis. Stats.

### **13.02 UTILIZATION OF EXISTING SERVICES AND FACILITIES**

In preparing and executing the emergency government and civil defense plan, the Head of Emergency Government Services shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the Village to the maximum extent practicable. When the Village Board has approved the plan, it shall be the duty of all municipal agencies and departments of the Village to perform the duties and functions assigned by the approved plan.

### **13.03 DECLARATION OF EMERGENCIES**

The emergency government organization shall take action in accordance with the civil defense and emergency government plan only after the declaration of an emergency and issuance of official disaster warnings. Declaration of emergency shall be made by the Governor, the Village Board, the Village President or, in his absence, by the Head of Emergency Government Services. Such state of emergency shall continue until terminated by the issuing authority, provided that any declaration not issued by the Governor may be terminated by the Village Board.

### **13.04 EMERGENCY REGULATIONS**

Whenever necessary to meet a civil defense emergency for which adequate regulations have not been adopted by the Village Board, the Village President and, in his absence, the Head of Emergency Government Services, may proclaim, promulgate and enforce orders, rules and regulations relating to the conduct of persons and the use of property which are necessary to protect the public peace, health and safety, and preserve lives and property, and to insure cooperation in civil defense and emergency government activities. Such proclamations shall be posted in three (3) public places and may be rescinded by resolution of the Village Board at any time.

### 13.05 EMERGENCY GOVERNMENT DEFINED

(a) **DEFINITIONS.**

- (1) "**Emergency Government**" includes "civil defense" and means all measures undertaken by or on behalf of the Village:
  - a. To prepare for or minimize the effect of enemy action and natural or man-made disaster upon the civilian population;
  - b. To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.
- (2) "**Civil Defense**" means all measures undertaken by or on behalf of the State and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.

State Law Reference: Section 166.02, Wis. Stats.

## CHAPTER 14

### CONTINUITY OF GOVERNMENT

14.01	Definitions
14.02	Designation, Status, Qualifications and Term of Emergency Interim Successors
14.03	Assumption of Powers and Duties of Officers by Emergency Interim Successor
14.04	Recording and Publication
14.05	Formalities of Taking Office
14.06	Quorum and Vote Requirements

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#### **14.01 DEFINITIONS**

- (a) **DEFINITIONS.** As used in this Chapter, unless the context otherwise clearly indicates:
- (1) **"Unavailable"** shall mean either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including and deputy exercising the powers and discharging the duties of an office because of a vacancy) and his duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.
  - (2) **"Attack"** shall mean any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner, by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or process.
  - (3) **"Duly Authorized Deputy"** shall mean a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.
  - (4) **"Emergency Interim Successor"** shall mean a person designated pursuant to this Chapter for possible temporary succession to the powers and duties, but not the office, of a Village officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

#### **14.02 DESIGNATION, STATUS, QUALIFICATIONS, AND TERMS OF**



## **EMERGENCY INTERIM SUCCESSORS**

- (a) **ELECTIVE OFFICERS.** Within thirty (30) days after first entering upon the duties of his office, each member of the Village Board and all Village Elected Officers shall, in addition to any duly authorized deputy, designate such number of emergency interim successors to his office and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors or combinations thereof for the office.
- (b) **APPOINTIVE OFFICERS.** The Village Board shall within the time specified in subsection (a) of this Section, in addition to any duly authorized deputy, designate for appointive officers such number of emergency interim successors to these officers and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors or combination thereof for each officer.
- (c) **REVIEW OF DESIGNATIONS.** The incumbent in the case of those elective officers specified in subsection (a) of this Section, and the Village Board in the case of those appointive officers specified in subsection (b) of this Section, shall review and, as necessary, promptly revise the designations of emergency interim successors to insure that at all times there are at least three such qualified emergency interim successors or duly authorized deputies or any combination thereof for each officer specified.
- (d) **QUALIFICATIONS.** No person shall be designated or serve as an emergency interim successor unless he may under the constitution and statutes of this State and the charter or ordinances of this Village, hold the office of the person to whose powers and duties he is designated to succeed, but no provision of any Ordinance prohibiting an officer or employee of this Village from holding another office shall be applicable to an emergency interim successor.
- (e) **STATUS OF EMERGENCY INTERIM SUCCESSOR.** A person designated as an emergency interim successor holds that designation at the pleasure of the designator: Provided, that he must be replaced if removed. He retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.

## **INTERIM SUCCESSOR**

If, in the event of an attack, any officer named in subsections (a) and (b) of Sec. 14.02 of this Chapter and any duly authorized deputy is unavailable, his emergency interim successor highest in rank in order of succession who is not unavailable, shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

### **14.04 RECORDING AND PUBLICATION**

The name, address, and rank in order of succession of each duly authorized deputy shall be filed with the Village Clerk and each designation, replacement or change in order of succession of an emergency interim successor shall become effective when the designator files with the Village Clerk the successor's name, address, and rank in order of succession. The Village Clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors and it shall be open to public inspection.

### **14.05 FORMALITIES OF TAKING OFFICE**

At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

### **14.06 QUORUM AND VOTE REQUIREMENTS**

In the event of an attack, quorum requirements for the Village Board shall be suspended, and where the affirmative vote of a specified proportion of members for approval of an Ordinance, resolution or other action would otherwise be required, the same proportion of those voting there on shall be sufficient.

**CHAPTER 15**  
**(Reserved)**

## CHAPTER 16

### STREETS AND SIDEWALKS

16.01	Street and Sidewalk Grades
16.02	Sidewalk Construction and Repair
16.03	Sidewalk Specifications
16.04	Driveways
16.05	Street and Sidewalk Excavations and Openings
16.06	Regulations Governing Street and Sidewalk Openings
16.07	Excavations in New Streets Limited
16.08	Emergency Excavations Authorized
16.09	Village Work Excluded
16.10	Obstructions and Encroachments
16.11	Street Privilege Permit
16.12	Snow and Ice Removal
16.13	Terrace Areas
16.14	Damaging Curbs
16.15	Grass Clippings on Streets or Public Ways Prohibited

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#### **16.01 STREET AND SIDEWALK GRADES**

- (a) **ESTABLISHMENT.** The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and recorded by the Village Clerk in his office. No street, alley, or sidewalk shall be worked until the grade thereof is established.
- (b) **ALTERATION OF GRADE PROHIBITED.** No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village unless authorized to do so by the Village Board or the Director of Public Works. All such alterations of grade shall be recorded in the office of the Village Clerk by the Clerk or the officer authorizing the alteration.

#### **16.02 SIDEWALK CONSTRUCTION AND REPAIR**

- (a) **OWNER TO CONSTRUCT.**
  - (1) It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Pulaski and to pay the entire cost thereof. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Pulaski, it shall proceed according to Section 66.615 of the Wisconsin Statutes.

- (2) Section 66.615, Wis. Stats., is hereby adopted by reference.
- (b) **PERMIT REQUIRED.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Pulaski unless he is under contract with the Village to do such work or has obtained a permit therefore from the Director of Public Works at least seven (7) days before work is proposed to be undertaken. No fee shall be charged for such permits.

### **16.03 SIDEWALK SPECIFICATIONS**

- (a) **APPLICATION.** All sidewalks within the Village of Pulaski hereafter shall be repaired, rebuilt and constructed in accordance with the specifications found in this Section.
- (b) **SUBGRADE.** The subgrade shall be prepared by excavating to the line, grade and cross section as established by the Village Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Director of Public Works, a sub-base of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments the subgrade shall extend at least one foot beyond each edge of the sidewalk.
- (c) **MATERIAL.** All sidewalks shall be of air entrained concrete composed of six (6) bags per cubic yard of one course construction, and built to the established line and grade. Gravel shall be of good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.
- (d) **FORMS.**
- (1) Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two (2) inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats.
  - (2) To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (1/4) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool.

- (e) **WIDTH AND THICKNESS.** Residential walks shall be five (5) feet in width and not less than four (4) inches thick except within driveway approaches where the minimum shall be six (6) inches; provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this section. Sidewalks in front of commercial or industrial establishments shall be not less than eight (8) feet in width and five (5) in thickness except within driveway approaches where the minimum thickness shall be seven (7) inches.
- (f) **FINISHING.** Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before final finishing, the surface shall be checked with a ten (10) foot straight edge and any areas departing more than one-eighth (1/8) inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.
- (g) **JOINTING.** Transverse, full depth, one-half (1/2) inch thick expansion joints of pre-molded expansion material shall be located every forty (40) feet and at the property line, and where the walk intersects another walk, curb line, building or driveway approach, and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least one (1) inch in thickness and 5/16 inch in depth, shall be placed at intervals of approximately five (5) feet. Steel division plates shall be placed at right angles to the center line of the sidewalk at intervals of not less than five (5) feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Director of Public Works.
- (h) **CURING AND DRYING.** As soon as any of the concrete work herein-before mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "Impervious Coating," "Wet Fabric" or "Paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Specs. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as if fully set forth herein. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather (below 50 degrees F.) for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below 35 degrees F. in any seventy-two (72) hour period or upon frozen subgrade.

## 16.04 DRIVEWAYS

- (a) **APPROVAL REQUIRED.** No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Director of Public Works.
- (b) **SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.**
- (1) Width. No driveway serving a single-family residence shall exceed thirty (30) feet in width at the street edge of the sidewalk without prior special permission from the Village Board. No driveway serving a two-family dwelling shall exceed fifty (50) feet in width at the street edge of the sidewalk without prior special permission of the Village Board. (Ord. #368)
  - (2) Interference with Intersections Prohibited. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.
  - (3) Interference with Street. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way. When required by the Director of Public Works to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.
  - (4) Number of Approaches Limited. No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the Director of Public Works. Any two (2) approaches shall be at least ten (10) feet apart.
  - (5) Workmanship and Materials.
    - a. Area Between Sidewalk and Curb. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Sec. 16.03 of this Chapter insofar as such requirements are applicable, including thickness requirements in Sec. 16.03(e).
    - b. Remainder of Driveway. Remaining area of the driveway back from the sidewalk shall be surfaced with at a minimum of four (4) inches of concrete or with two (2) inches of asphalt over a six (6) inch gravel or crushed stone base.

- (6) Permittee Liable for Damage or Injury. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of Sec. 16.03.

#### **16.05 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS**

- (a) **PERMIT REQUIRED.** No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Village of Pulaski without first obtaining a permit therefore from the Director of Public Works.
- (b) **FEE.** The fee for a street opening permit shall be \$2.00 and shall be paid to the Village Treasurer who shall issue his receipt therefore.
- (c) **BOND.**
- (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk an indemnity bond, approved by the Village President, in the sum of \$5,000 conditioned that he will indemnify and save harmless the Village of Pulaski and its officers from all liability for accidents and damages caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Director of Public Works for a period of one year, and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Village Board, and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such bond shall also guarantee that, if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.
- (2) Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.



- (3) An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.
- (d) **INSURANCE.** Prior to commencement of excavation work, a permittee must furnish the Director of Public Works satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation, public liability insurance of not less than \$100,000 for one person, \$300,000 for one accident and property damage insurance of not less than \$50,000.

#### **16.06 REGULATIONS GOVERNING STREET AND SIDEWALK OPENINGS**

- (a) **FROZEN GROUND.** No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Director of Public Works.
- (b) **REMOVAL OF PAVING.** In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (c) **PROTECTION OF PUBLIC.** Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, one red light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Director of Public Works, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe laying nor left unfilled more than five hundred (500) feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (d) **REPLACING STREET SURFACE.** In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material

which in the opinion of the Director of Public Works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than six (6) inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.

#### **16.07 EXCAVATION IN NEW STREETS LIMITED**

Whenever the Village Board determined to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Village, the Director of Public Works shall notify in writing each person utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within thirty (30) days.

After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five (5) years after the date of improvement or repaving unless in the opinion of the Director of Public Works an emergency exists which makes it absolutely essential that the permit be issued.

#### **16.08 EMERGENCY EXCAVATIONS AUTHORIZED**

In the event of an emergency, any person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit

#### **16.09 VILLAGE WORK EXCLUDED**

The provisions of this chapter regarding street excavations shall not apply to excavation work under the direction of the Director of Public Works by Village employees or contractors performing work under contract with the

Village necessitating openings or excavations in Village streets.

## **16.10 OBSTRUCTIONS AND ENCROACHMENTS**

- (a) **OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsection (b).
- (b) **EXCEPTIONS.** The prohibition of Subsection (a) shall not apply to the following:
- (1) Signs or clocks attached to buildings which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street or alley.
  - (2) Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.
  - (3) Public utility encroachments duly authorized by state law or the Village Board.
  - (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three (3) feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two (2) hours.
  - (5) Temporary encroachments or obstructions authorized by permit under Sec. 16.11.
  - (6) Excavations and openings permitted under Sec. 16.05 through 16.06.
- (c) **REMOVAL BY VILLAGE.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within twenty-four (24) hours after notice from the Director of Public Works to do so, it shall be the duty of the Director of Public Works to remove such obstruction and make return of the cost and expense thereof to the Village Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.
- (d) **OBSTRUCTIONS IN STREET RIGHT-OF-WAY AND TERRACED AREAS.** In addition to the prohibitions contained in subsection (a) and with the exceptions provided in Subsection (b) above, no person shall locate, place, construct or erect any structure or other obstruction in any street right-of-way or terrace area, as defined in Sec. 18.02(a)(9), without the prior express written authorization and approval of the Village Board.  
**(Ord. #363)**

### **16.11 STREET PRIVILEGE PERMIT**

- (a) **WHEN REQUIRED.** Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Director of Public Works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by other sections of this Code.
- (b) **BOND.** No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk a bond in an amount determined by the Director or Public Works, conditioned that the applicant will indemnify and save harmless the Village of Pulaski from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.
- (c) **FEE.** The fee for a street privilege permit shall be \$10.00.
- (d) **CONDITIONS OF OCCUPANCY.** The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Director of Public Works for violation thereof:
  - (1) Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.
  - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
  - (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.

- (4) The process of moving any building or structure shall be a continuous as practicable until completed, and if ordered by the Director of Public Works, shall continue during all hours of the day and night.
  - (5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
  - (6) Buildings shall be moved only in accordance with the route prescribed by the Director of Public Works.
  - (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- (e) **TERMINATION.** All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Director of Public Works.

#### **16.12 SNOW AND ICE REMOVAL**

- (a) **RESPONSIBILITY OF OWNER, OCCUPANT, ETC.** The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Pulaski fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot as the case may be of snow or ice to the width of such sidewalk within 24 hours after the snow has ceased to fall and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with sand or ice melting material.
- (b) **CLEARANCE OF WALKS BY VILLAGE.** The Village shall cause all sidewalks, which have not been cleared of snow and ice as required by subsection (a) above, to be cleared upon default of the person whose duty it is to clear or sprinkle the same. The Village Clerk shall keep an accurate account of the expenses of clearing ice and snow in front of each lot or parcel of land. The Treasurer shall annually enter such expense in the tax roll as a special charge against each such lot or parcel of land, and the same shall be collected in all respects like other general property taxes upon real estate.
- (c) **OWNER LIABILITY.** If the abutting property owner fails to comply with the provisions in subsection (a) of this Section, he shall assume primary liability for damage or injury to property or persons resulting from such failure.
- (d) **DEPOSITING SNOW AND ICE ON HIGHWAYS OR STREETS.** It shall be unlawful for any person, corporation, its agents or employees or firm, when removing snow or ice from private property, to deposit the same on a street or highway of the Village.

- (e) **PENALTY.** The penalty for violation of any provision of this Section shall be the general penalty as provided in Title I of this Code. A separate offense shall be deemed committed during each hour or part thereof during which a violation occurs or continues.

State Law Reference: Sections 61.34(1) and 66.61(5), Wis. Stats.

### **16.13 TERRACE AREAS**

- (a) **DEFINITION.** The definition of "terrace" shall be as defined in Section 18.02(a) (9).
- (b) **NOXIOUS WEEDS; PAVING.** All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants, and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee.
- (c) **RESPONSIBILITY TO MAINTAIN.** Every owner of land in the Village whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

Cross Reference: Sec. 18.02 and 18.07 through 18.15.

### **16.14 DAMAGING CURBS**

- (a) **DAMAGE PROHIBITED.** No person shall drive a motor vehicle over a curb in the Village unless the curb shall first have been properly blocked or planked to prevent damage to the curb. For purposes of this Section, "properly blocked" shall mean the placement of crushed stone behind the curb to a sufficient depth to protect and support the back of the curb and a minimum 4 x 4 planking in front of the curb.
- (b) **PENALTY.** Any person, company, firm, corporation or enterprise violating this Section shall, in addition to the costs of repair for any resulting curb damage, be subject to a fine and forfeiture of \$100.00 plus costs. (Ord. #426)

### **16.15 GRASS CLIPPINGS ON STREETS OR PUBLIC WAYS PROHIBITED.**

No person shall cause grass clippings or other yard waste to be blown into or otherwise deposited on any street, alleyway, sidewalk or other public right-of-

way in the Village. The penalty for the violation of this Section shall be as prescribed in Sec. 1.06." **(Ord. #494-10)**

## CHAPTER 17

### PARKS

17.01	Park Jurisdiction
17.02	Hours of Operation
17.03	Lights
17.04	Protection of Parks
17.05	Conduct in Parks
17.06	(Reserved)
17.07	Penalty

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#### **17.01 PARK JURISDICTION**

All Village owned parks shall be under and subject to the jurisdiction of the Village Board.

#### **17.02 HOURS OF OPERATION**

- (a) **PARKS CLOSED AT NIGHT.** All Village parks shall be open to the public between the hours of 6:00 a.m. and 10:00 p.m. No persons shall loiter, idle or remain in a Village park between the hours of 10:00 p.m. and 6:00 a.m. unless the person is attending an event sponsored or approved by the Village Board.
- (b) **TRESPASS.** Any person found in a Village park after the established hours of operation, unless attending an event sponsored or approved by the Village Board, shall be deemed a trespasser and shall be subject to the penalties imposed therefore.

#### **17.03 LIGHTS.**

All persons, firms, groups, organizations or entities desiring use of ball diamond lights in Village parks shall apply to the Village Board for such use on forms supplied by the Office of the Village Clerk. All applicants shall pay such fees for the use of ball diamond lights as shall be established by the Village Board. The use and operation of ball diamond lights shall be subject to such regulations, limitations, conditions and hours of use as shall be established by the Village Board.



#### **17.04 PROTECTION OF PARKS.**

- (a) **DAMAGE OF PARK PROPERTY PROHIBITED.** No person shall damage, deface, destroy, injure or remove any buildings, structures, facilities, equipment or other improvements located within any Village park.
- (b) **PROTECTION OF VEGETATION.** No person shall damage, destroy, injure, remove, pick or pluck any flowers, plants, shrubs or trees located within any Village park.
- (c) **PROTECTION OF WILD LIFE.** No person shall harm, injure or attempt to harm or injure any wildlife, whether mammal, fowl or reptile, including the injury to or removal of any nest, in any Village park.

#### **17.05 CONDUCT IN PARKS.**

- (a) **PROTECTION OF PUBLIC.** No person shall play any ballgames, including golf, or engage in any activity involving the throwing of any object or projectile, including horseshoes, or engage in archery or paint ball or the use of any device which propels a projectile using the force of compressed gas, or an electrical or mechanical force, or operate a motorized toy, including radio-controlled airplanes, cars or boats, in any Village park, except in or upon areas specifically designated for such purposes.
- (b) **GLASS BOTTLES PROHIBITED.** Glass bottles or containers are prohibited in all Village parks.
- (c) **ALCOHOLIC BEVERAGES.** No person shall possess, consume, give or offer for sale any alcoholic beverage, as defined in Chapter 125 of the Wisconsin Statutes, in any Village park unless specifically authorized to do so by the Village Board and then upon such regulations, limitations and conditions as may be imposed by the Village Board.
- (d) **SALE OF GOODS OR SERVICES PROHIBITED.** No person shall offer for sale or sell any article, good or service in any Village park without the prior express permission and consent of the Village Board and subject to regulations, limitations and restrictions as may be imposed by the Village Board.
- (e) **LITTERING.** No person shall place or leave any paper, refuse, recyclable, trash or other disposable or discarded item in any Village park except in containers provided therefore.

- (f) **ANIMALS PROHIBITED.** No animals, whether domesticated or otherwise, shall be permitted in any Village park without the prior approval of the Village Board.
- (g) **AMPLIFIED SOUND PROHIBITED.** No person shall use or operate any amplified sound emanating device, such as, but not limited to, radios, public address systems, loud speakers or musical instruments, in any Village park without the prior authorization and approval of the Village Board.
- (h) **OUTDOOR ENTERTAINMENT.** No person shall provide or carry on any outdoor entertainment in any Village park without the prior authorization and approval of the Village Board.

#### **17.06 (RESERVED)**

**17.07 PENALTY.** The penalty for violation of any provision of this Chapter shall be as provided in Sec. 1.06 of this Code of Ordinances. **(Ord. #470-08)**

## CHAPTER 18

### TREES AND SHRUBS

18.01	Statement of Policy and Applicability of Chapter
18.02	Definitions
18.03	Authority of Village Forester to Enter Private Premises
18.04	Interference with Village Forester Prohibited
18.05	Abatement of Dutch Elm Disease Nuisances
18.06	Permit for Planting, Maintenance and Removal of Trees and Shrubs
18.07	Planting of Trees and Shrubs
18.08	Trimming
18.09	Obstruction of View at Intersections Prohibited
18.10	Removal of Trees and Shrubs
18.11	Planting of Certain Species Restricted
18.12	Cost of Planting, Removal, Maintenance and Protection of Trees and Shrubs in Terrace Areas
18.13	Injury to Trees and Shrubs Prohibited
18.14	Appeal from Determinations and Orders
18.15	Adoption of State Statutes

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#### **18.01 STATEMENT OF POLICY AND APPLICABILITY OF CHAPTER**

- (a) **INTENT AND PURPOSE.** It is the policy of the Village to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the Village against the spread of disease, insects or pests.
- (b) **APPLICATION.** The provisions of this chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

## 18.02 DEFINITIONS

- (a) **DEFINITIONS.** Whenever the following words or terms are used in this chapter, they shall be construed to have the following meanings:
- (1) **"Clear-Sight Triangle"** means a triangle formed by the curb lines of two intersecting right-of-ways and third line connecting a full-view zone at corners of streets, alleys and highways.
  - (2) **"Dutch Elm Disease"** is defined as follows:
    - a. Any living or standing elm tree or part thereof infected with Dutch Elm disease fungus Ceratocystis ulmi (Buisman) or which harbors any of the elm bark beetle Scolytus multistriatus (Eich.) or Hyurgopinus rufipes (Marsh.).
    - b. Any dead elm or part thereof, including logs, branches, stumps, firewood or other elm material not buried, burned or from which the bark has not been removed.
  - (3) **"Major Alteration"** means trimming a tree beyond necessary trimming to comply with this Chapter.
  - (4) **"Person"** shall mean person, firm, association or corporation.
  - (5) **"Public Areas"** includes all public parks and other lands owned, controlled or leased by the Village except the terrace areas.
  - (6) **"Public Trees and Shrubs"** means all trees and shrubs located or to be planted in or upon public areas.
  - (7) **"Public Nuisance"** means any tree or shrub or part thereof which by reason of its condition interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.
  - (8) **"Shrubs"** shall mean any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
  - (9) **"Terrace Areas"** means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curb line shall be deemed to be a terrace for the purpose of this Chapter.
  - (10) **"Tree"** shall mean any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.
  - (11) **"Village"** is the Village of Pulaski, Wisconsin.
  - (12) **"Village Forester"** shall be the Director of Public Works.

### **18.03 AUTHORITY OF VILLAGE FORESTER TO ENTER PRIVATE PREMISES**

The Village Forester or his authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Chapter.

### **18.04 INTERFERENCE WITH THE VILLAGE FORESTER PROHIBITED**

No person shall interfere with the Village Forester or his authorized representative while they are engaged in carrying out any work or activities authorized by this Chapter.

### **18.05 ABATEMENT OF DUTCH ELM DISEASE NUISANCES**

- (a) **ABATEMENT.** Whenever the Village Forester shall find with reasonable certainty on examination or inspection that any public nuisance as defined herein exists within the Village, he shall cause it to be sprayed, removed, burned or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease fungus or the insect pests or vectors known to carry such disease.
- (b) **ABATEMENT ON PRIVATE PROPERTY.** Before abating any nuisance on private premises or in any terrace strip between the lot line and the curb, the Village Forester shall proceed as follows:
  - (1) If the Village Forester determines that danger to other elm trees from such nuisance is not imminent because of the elm dormancy, he shall make a written report of his findings to the Village Board who shall proceed as provided in Section 27.09(4), Wis. Stats.
  - (2) If the Village Forester determines that danger to other elm trees within the Village is imminent, he shall notify the owner or abutting owner of the property on which such nuisance is found, in writing, if he can be found, otherwise by publication in a newspaper of general circulation in the Village, that the nuisance must be abated as directed in the notice within a specified time, which shall not be less than thirty (30) days from the date of such notice unless the Forester finds that immediate action is necessary to prevent the spread of infection. If the owner fails to comply with the notice within the time limited, the Forester shall cause the abatement thereof.
- (c) **NO DAMAGE AWARD.** No damage shall be awarded to the owner for destruction of any elm tree, elm wood, elm material or any part thereof pursuant to this chapter.

- (d) **COSTS.** The entire cost of abating any public nuisance as defined herein shall be charged to and assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with Section 66.60(16) or Section 27.09, Wis. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park or public grounds shall be borne by the Village.
- (d) **SPECIAL TAX.** A special tax may be levied against property for the cutting down and removing therefrom any elm tree infected with Dutch Elm disease. The special tax may be paid in yearly installments not exceeding four (4) yearly installments if the property owner requests in writing the privilege of paying the special tax in installments. Interest on the deferred payments shall be at the rate of 10% on the unpaid balance.

#### **18.06 PERMIT FOR PLANTING, MAINTENANCE AND REMOVAL OF TREES AND SHRUBS**

- (a) **PERMIT REQUIRED.** No person, except upon order of the Village Forester, shall plant or remove, or do major alterations as determined by the Forester on a tree or shrub in the public right-of-way terrace area or any public area or cause such act to be done by others without first obtaining a written permit for such work from the Village Forester as herein provided.
- (b) **PERMIT EXEMPTIONS.** No permit shall be required to cultivate, fertilize or water trees or shrubs. No permit is necessary to plant trees inside the property line.
- (c) **PERMIT REQUIREMENTS AND CONDITIONS.** If the Village Forester determines that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this Chapter taking into account the safety, health and welfare of the public, location of utilities, public sidewalk, driveways and street lights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological need of the genus, species and variety of tree or shrub, he shall issue a permit to the applicant.
- (d) **PERMIT FORM; EXPIRATION, INSPECTION.** Every permit shall be issued by the Village Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work under such permit must be performed in strict accordance with the terms thereof and the provisions of this issuance. There will be no charge for this permit.

(e) **PERMITS TO PUBLIC UTILITIES.**

- (1) Whenever a permit is issued under this Section to a public utility to remove, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual Village rate.
- (2) A public utility may secure an annual working agreement with the Village Forester's office which gives the Village Forester the authorization to supervise and direct work done associated with trees and shrubs.

**18.07 PLANTING OF TREES AND SHRUBS**

(a) **PLANTING.**

- (1) The size and genus, species and variety of trees and shrubs to be planted in public areas and terrace areas and the manner of planting shall be submitted to the Village Forester for approval before commencement of such work as a part of the permit application process required in Sec. 18.06.
- (2) There shall be a minimum distance of twenty-five (25) feet and a recommended distance of fifty (50) feet between terrace area trees depending upon the size of tree and other factors. Terrace trees shall be planted equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In terrace areas less than three feet wide planting will not be permitted.
- (3) Pine or fir trees shall not be planted in a terrace area.
- (4) It shall be unlawful to plant or maintain shrubbery, ground cover, or other plants within terrace areas whose growth is in excess of eight inches in height above the top of the nearest curb.

- (b) **UNLAWFULLY PLANTED TREES.** Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Forester may be removed. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village may remove such trees, plants or shrubs and assess the costs thereof to the owner.

## **18.08 TRIMMING**

- (a) **REQUIREMENTS.** Trees standing in and upon any public street, right-of-way or place, or upon any lot or land adjacent thereto shall be pruned and trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than fourteen (14) feet and a clearance of not less than ten (10) feet over any other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not trimmed, as herein provided, shall be deemed hazardous and be subject to removal. The Village Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety. Clearance from sidewalk to lower branches shall not be less than eight feet. All cuts above one-inch diameter shall be treated with a tree wound compound.
- (b) The necessity of the pruning may be determined by the Village Forester.

## **18.09 TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION OR VIEW OF TRAFFIC SIGNS**

- (a) **VIEW OBSTRUCTION PROHIBITED.** Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the Village, any hedge, tree, shrub, or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection. No person shall plant, cause to grow, allow to grow, or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- (b) **REMOVAL.** Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign, shall be deemed to be dangerous to public travel and the Forester shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Village to abate requirements, and the costs thereof shall be assessed to the owner.



## **18.10 REMOVAL OF TREES AND STUMPS**

- (a) **HAZARDOUS, OBSTRUCTIVE AND INFECTED TREES.** Any tree or part thereof, whether alive or dead, which the Village Forester shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon, or adjacent to, which such tree or part thereof is located. The Village Forester shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time with which the action must be taken, which shall be within not less than twenty-four (24) hours nor more than fourteen (14) days as determined by the Village Forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Village Forester shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk who shall thereupon enter such cost as a special charge against the property.
- (b) **STANDARDS FOR TREE REMOVAL.** In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out, or ground out to a depth of at least nine inches below grade measured in a straight line; normal grade of sidewalk to top of nine inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil as soon as practicable.

## **18.11 PLANTING OF CERTAIN SPECIES RESTRICTED**

- (a) **COTTONWOOD AND BOX ELDER TREES PROHIBITED.** No person shall plant or maintain within the Village of Pulaski any female tree of the species Populus Deltoides, commonly called the "Cottonwood," or any tree commonly called the seed-bearing Box Elder or Acer Negundo, which may now or hereafter become infested with Box Elder bugs, and such trees are hereby declared a nuisance. Any person having any such trees on his premises shall cause the same to be removed. If any owner shall fail to remove any such tree within thirty (30) days after receiving written notice from the Village Forester, the Village Forester shall cause the removal of such tree and report the full cost thereof to the Village Clerk who shall place such charge upon the next tax roll as a special charge against the premises.

- (b) **PLANTING OF CERTAIN TREES RESTRICTED.** No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Village of Pulaski unless he shall first secure written permission from the Village Forester, who shall not approve any such planting if in his opinion said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Village Forester shall cause the removal of any tree planted in violation of this subsection.

#### **18.12 COST OF PLANTING, REMOVAL, MAINTENANCE AND PROTECTION OF TREES AND SHRUBS IN TERRACE AREAS**

The entire cost of planting, removal, Dutch Elm disease treatment of removal, maintenance and protection of trees and shrubs on all terrace areas in the Village shall be borne by the abutting property owner, or as determined by the Village Board.

#### **18.13 INJURY TO TREES AND SHRUBS PROHIBITED**

- (a) **PROHIBITED ACTIONS.** No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Village Forester in the case of a terrace area tree, public tree or shrub do or cause to be done by others any of the following acts:
- (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around, or through a tree or shrub.
  - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
  - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
  - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
  - (5) Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable, rope, nails, screws, or other device to any tree; except that the Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work, or parades.
- (5) Cause or encourage any fire or burning near or around any tree.

- (b) **PROTECTIVE MEASURES.** All trees on any parkway or other publicly

owned property near any excavation or construction of any building, structure, or street work, shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten feet from any public tree without a permit from the Village Forester.

#### **18.14 APPEAL FROM DETERMINATIONS OR ORDERS**

Any person who receives a determination or order from the Village Forester and objects to all or any part thereof may appeal to the Village Board within seven days of receipt of the order and the Village Board shall hear such appeal within 30 days of receipt of written notice of the appeal. After such hearing the Village Board may reverse, affirm, or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall by letter notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded and file its written decision with the Village Clerk.

#### **18.15 ADOPTION OF STATE STATUTES**

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

State Law Reference: Sections 27.09 and 86.03, Wis. Stats.

## CHAPTER 19

### REFUSE COLLECTION AND RECYCLING

- 19.01 Purpose
  - 19.02 Administration
  - 19.03 Definitions
  - 19.04 Separation of Recyclable Materials
  - 19.05 Management of Lead Acid Batteries, Major Appliances,  
Waste Oil and Yard Waste
  - 19.06 Preparation and Collection of Recyclable Materials
  - 19.07 Responsibilities of Owners or Designated Agents  
of Multiple-Family Dwellings
  - 19.08 Responsibilities of Owners or Designated Agents  
of Non-Residential Facilities and Properties
  - 19.09 Prohibitions on Disposal of Recyclable Materials  
Separated for Recycling
  - 19.10 Infectious Waste and Sharps (**Ord. #366**)
- 

#### **19.01 PURPOSE**

The purpose of this ordinance is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in §159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code. The effective date of this Chapter shall be **January 1, 1995**.

#### **19.02 ADMINISTRATION**

The provisions of this ordinance shall be administered by the Village Administrator at the direction of the Village of Pulaski Board.

#### **19.03 DEFINITIONS**

- (a) **DEFINITIONS.** For the purposes of this Chapter, the following definitions shall apply:
- (1) **"Bi-Metal Container"** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - (2) **"Bulky Waste"** means discarded articles of such size as are not regularly collected with residential waste including, but not limited to, appliances, furniture, plumbing fixtures and windows and doors.

- (3) **"Construction Waste"** means waste from building construction or demolition, alteration or repair, including, but not limited to excavated material and other materials such as brick, concrete, stone, asphalt, wood, lumber, sod and related debris.
- (3) **"Container Board"** means corrugated paperboard used in the manufacture of shipping containers and related products.
- (4) **"Department"** means the Pulaski Department of Public Works.
- (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.
- (6) **"Garbage"** means waste resulting from the handling, cooking, processing, serving, storage and consumption of food, including animal, fish, fowl, vegetables and other matter which is subject to decomposition, decay, putrefaction and the generation of noxious or offensive gases or odors.
- (4) **"HDPE"** means high density polyethylene, labeled by the SPI code #2.
- (5) **"LDPE"** means low density polyethylene, labeled by the SPI code #4.
- (6) **"Magazines"** means magazines and other materials printed on similar paper.
- (7) **"Major Appliance"** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier and water heater.
- (8) **"Multiple-Family Dwelling"** means a property containing 5 or more residential units, including those which are occupied seasonally.
- (9) **"Newspaper"** means a newspaper and other materials printed on newsprint.
- (10) **"Non-Residential Facilities and Properties"** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (11) **"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.
- (12) **"Other Resins or Multiple Resins"** means plastic resins labeled by the SPI code #7.
- (13) **"Person"** includes any individual, corporation, partnership, association, local governmental unit, as defined in §66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

- (14) **"PETE"** means polyethylene terephthalate, labeled by the SPI code #1.
- (15) **"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
- (16) **"Postconsumer Waste"** means a solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §144.44(7)(a)1, Wis. Stats.
- (17) **"PP"** means polypropylene, labeled by the SPI code #5.
- (18) **"PS"** means polystyrene, labeled by the SPI code #6.
- (19) **"PVC"** means polyvinyl chloride, labeled by the SPI code #3.
- (20) **"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.
- (21) **"Solid Waste"** has the meaning specified in §144.01(15), Wis. Stats.
- (22) **"Solid Waste Facility"** has the meaning specified in §144.43(5), Wis. Stats.
- (23) **"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.
- (24) **"Waste Tire"** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (25) **"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.

## **19.04 SEPARATION OF RECYCLABLE MATERIALS**

- (a) **SEPARATION OF RECYCLABLE MATERIALS REQUIRED.** Occupants of single family and 2 and 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
- (b) **SEPARATION REQUIREMENT EXEMPTIONS.** The separation requirements of sub(a) 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 sub(a) from solid waste in as pure a form as is technically feasible.
  - (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  - (3) A recyclable material specified in Sec. 19.03(a)(5) through (15) for which a variance has been granted by the Department of Natural Resources under §159.11(2m), Wis. Stats., or §NR 544.14, Wis. Administrative Code.
- (c) **CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with this Chapter 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. Pending collection and removal from the property, recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

**19.05 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE**

- (a) **REQUIREMENTS.** The following shall apply to occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties:
- (1) The care and disposal of lead acid batteries, major appliances, waste oil and yard waste shall be in such manner as shall be specified by the Village Board in conjunction with its authority hereunder and in its operation of a municipal recycling center. Lead-acid batteries should be returned to the place where they were purchased. Waste tires should be taken where they were purchased.
  - (2) Waste oil should be taken where it was purchased or brought to the Village of Pulaski Waste Oil depository at the Village Shop, 419 East Pulaski Street.
  - (3) The management of yard waste shall be subject to such compost site rules as the Village Board shall adopt by resolution.
  - (4) These rules can be changed to meet DNR requirements by resolution of the Village Board.
  - (5) The Village will provide a collection service for residences of up to four (4) units who receive refuse collection service from the Village upon such schedule as the Village shall adopt and maintain for the following items:
    - a. residential air conditioners
    - b. clothes dryers and washers,
    - c. dishwashers,
    - d. freezers,
    - e. microwave oven (from which the capacitor has been removed)
    - f. ovens
    - g. refrigerators and stoves,
    - h. furnaces and boilers
    - i. dehumidifiers
    - j. water heaters.
  - (6) The Village Board may charge a fee by resolution for the collection and disposal of major appliances and other bulky waste.
  - (7) All property owners, except those owning residences of four or less units, shall be responsible for their own disposal of major appliances, bulky waste, recyclable materials and compostable yard waste. The disposal of major appliances shall be handled through a State approved disposal facility.
- (b) **RESERVATION OF AUTHORITY.** The Village Board reserves the right to establish policies and procedures for the care, handling and disposal of lead acid batteries, major appliances, waste oil and yard waste in accordance with State standards.



## **19.06 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS**

- (a) **REQUIREMENTS.** Occupants of single-family and 2 to 4 unit residences shall comply with such policies and procedures established by the Department or the Village Board for the preparation and collection of the following materials:
- (1) Aluminum containers
  - (2) Bi-metal containers
  - (3) Bulky Waste
  - (4) Corrugated paper or other container board
  - (5) Foam polystyrene packaging
  - (6) Glass containers
  - (7) Magazines
  - (8) Newspaper
  - (9) Office paper
  - (10) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
  - (11) Steel containers
  - (12) Waste tires
  - (13) Yard Waste
- (b) **SEPARATION.** Occupants of single-family and 2 to 4 unit residences shall separate the following recyclable materials for collection in the containers provided by and through the Village:
- (1) Aluminum containers
  - (2) Bi-metal containers
  - (3) Corrugated paper or other container board
  - (4) Foam polystyrene packaging
  - (5) Glass containers
  - (6) Magazines
  - (7) Newspaper
  - (8) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
  - (9) Steel containers

## **19.07 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS**

- (a) **RECYCLING REQUIREMENTS.** Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sec. 19.03(a)(5) through (15):
- (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify tenants, in writing, at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility .

- (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) **EXEMPTIONS.** The requirements specified in sub(a) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. 19.03(a)(5) through (15) from solid waste in as pure a form as is technically feasible.

#### **19.08 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES**

- (a) **RECYCLING REQUIREMENTS.** Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sec. 19.03(a)(5) through (15);
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
  - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) **EXEMPTIONS.** The requirement specified in sub(a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. 19.03(a)(5) through (15) from solid waste in as pure a form as technically feasible.

**19.09 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING**

- (a) **PROHIBITIONS.** No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Sec. 19.03(a)(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (b) **ENFORCEMENT.**
- (1) For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Village 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 Village 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 Chapter may be issued a citation by the Village or its authorized agent to collect forfeitures under the provisions of this Chapter and under the provisions of §159.95, Wis. Stats. 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 Chapter may be assessed as follows:
    - a. Any person who violates Sec. 19.09(a) may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.
    - b. Any person who violates a provision of this Chapter, except Sec. 19.09(a), may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.
  - (4) In addition to any forfeitures under sub(3) hereof, the Village may refuse to pick up, collect or otherwise take possession of any waste or recyclable material not properly separated in accordance with the provisions of this Chapter.

## 19.10 INFECTIOUS WASTE AND SHARPS

- (a) **PURPOSE.** The purpose of this Section is to outline those infectious wastes and "sharps" materials which are prohibited from entering the solid waste and recycling stream and to outline the disposal methods for such waste in the Village of Pulaski consistent with Ch. NR 526, Wis. Adm. Code, Wisconsin's Medical Waste regulations.
- (b) **DEFINITIONS.** For the purposes of this Section, the following definitions shall apply:
- (1) **"Home Generator of Infectious Waste"** means a person who generates infectious waste through self-administration of medication or who receives injected medication at home from other members of the household or from employees of a home care or hospice program under s. NR 500.03 (102), Wis. Adm. Code.
  - (2) **"Infectious Waste"** means solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease under s. 159.07(7)(c)1.c., Stats.
  - (3) **"Sharps"** means household sharps, specifically hypodermic needles, syringes with needles attached, scalpel blades and lancets as specified in s. NR 526.05(1)(a) and s. NR 500.03 (209), Wis. Adm. Code.
  - (4) **"Sharps Collection Station"** means any clinic, hospital or pharmacy which has registered with the Department of Natural Resources. The sharps collection stations will distribute one (1) gallon sharps collection containers and education materials to household sharps users. The sharps collection stations will accept full sharps collection containers for disposal.
  - (5) **"Solid Waste"** means any garbage, refuse sludge from a waste water treatment plan, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semi-liquid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permit under ch. 147, Stats., or source, special nuclear or by-product material as defined under s. 140.52, Stats., and s. 144.01(15), Stats.
  - (6) **"Sterilization"** means a process by which all forms of microbial life, including spores, viruses and fungi, are destroyed under s. NR 500.03 (223), Wis. Adm. Code.

- (c) **CERTAIN SHARPS DISPOSAL METHODS PROHIBITED.** In addition to the other waste disposal provisions of this Chapter, the following specific prohibitions shall also apply:
- (1) Contaminated, unused or disinfected sharps which may include hypodermic needles, syringes with needles, scalpel blades, lancets, broken glass vials, broken plastic vials and laboratory slides shall not be placed curbside for collection with normal refuse or placed with recyclables and no person may deposit sharps in the solid waste or recycling streams.
  - (2) Business and Agricultural sharps generators may not use the Brown County Household Sharps Collection Program.
- (d) **REQUIRED DISPOSAL METHODS.** The following disposal methods for infectious waste and sharps materials shall apply:
- (1) Home generators of infectious waste shall package discarded sharps properly to reduce the risk to the people who will be treating and handling those sharps and shall dispose of such waste in the manner provided in Ch. NR 526 of the Wisconsin Administrative Code or through the Brown County Household Sharps Collection Program which has established and maintained "sharps collections stations" to service household generators of sharps with a need to dispose of home generated sharps and such disposal complies with these regulations.
  - (2) Business and agricultural sharps generators shall deposit and dispose of sharps in accordance with applicable state regulations set forth in Ch. NR 526, Wis. Adm. Code.
- (e) **ENFORCEMENT.** The violation of any provision of this Section by any person, firm, corporation or agent, employee or officer, shall be subject to a forfeiture of not less than \$200.00 nor more than \$500.00 plus court costs. **(Ord. #366)**

## **19.11 COLLECTION OF SOLID WASTE AND RECYCLABLES**

- (a) **SINGLE-FAMILY AND 2 TO 4 UNIT RESIDENCES.** The Village or the Village's designated solid waste and recycling collection agent shall be responsible for the collection of solid waste and recyclable materials as defined herein from single-family and 2 to 4 unit residences within the Village upon such collection schedule as may, from time to time, be established by the Village. The Village, through its designated solid waste and recyclable materials collection agent, shall arrange for the provision of solid waste and recyclable material collection containers for use by single-family and 2 to 4 unit residences.
- (b) **MULTI-FAMILY DWELLINGS AND NON-RESIDENTIAL FACILITIES OR PROPERTIES.** The Village shall not collect solid waste, recyclable materials or other waste products from multifamily dwellings or non-residential facilities or properties. The owners of multifamily dwellings or non-residential facilities or properties shall be responsible for the collection and disposal of all solid waste, recyclable materials and other waste generated by or from those properties in a manner that shall not create a nuisance or hazard by and through responsible licensed commercial solid waste and recyclable material collectors. **(Ord. No. 523-13)**

**CHAPTER 20**  
**(Reserved)**

## CHAPTER 21

### WATER UTILITY

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21.34	Water for Sprinkling Systems and Stand Pipes
21.35	Service Piping Not Fronting on Regular Platted Streets
21.36	Well Head Protection
21.37	Extra-Territorial Water Service

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## **21.01 DEFINITIONS**

- (a) **DEFINITIONS.** The following definitions shall apply herein:
- (1) **"Consumer"** shall mean a person, individual, owner, corporation, partnership association, agency, enterprise or entity receiving a water supply from the Utility.
  - (2) **"Laterals"** - see "service pipes" hereinbelow.
  - (3) **"Operator"** shall mean the person appointed by the Village Board to manage, operate and maintain the Utility, its water system and equipment.
  - (4) **"Service Pipes"** shall mean those lateral pipes running from the Utility's main to the building being served.
  - (5) **"Utility"** shall mean the Village of Pulaski and the Village of Pulaski Water Department.
  - (6) **"Water System"** shall mean all structures, conduits and appurtenances by means of which water is delivered to consumers.

## **21.02 GENERAL PROVISIONS**

- (a) **COMPLIANCE WITH RULES.** All persons now receiving a water supply from the Village of Pulaski Water Department (also referred to herein as the "Utility"), or who may hereafter make application therefore, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.
- (b) **NO CLAIMS FOR DAMAGES.** No person shall enter a claim for damages against the Village of Pulaski, as a water utility, or the Utility, or any officer thereof, for damage or damages to any pipe, fixture or appurtenance by reason of interrupted water supply, or variation of pressure, or for damage of any nature whatsoever caused by the turning off, or turning on, either wholly or partially, of the water supply for the extension, alteration or repair of any water main or premises supply, or for the discontinuance of the premises water supply for the violation of any rule, rules or regulations of the Utility. No claims will be allowed against the Village or the Utility on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stoppage for repairs, on account of fire or other emergency, and no claims shall be allowed for any damage caused by the breakage of pipe or machinery.

### **21.03 MAIN EXTENSIONS**

- (a) **NEW CONSUMERS.** The Utility will extend water mains for new consumers and will decide whether the extension is to be four (4) inches or six (6) inches, where fire-protection service is needed, or two (2) inches as a minimum size, or larger, where no general fire-protection is needed, on the following bases:
- (b) **COST.** Where the cost of the mains is not assessed against the abutting property:
  - (1) Where pipe, four (4) inches or larger, is used for fire-protection and general service, the consumers shall finance one-half (1/2) of the cost less the cost of a free limit of fifty (50) feet of main for each consumer.
  - (2) Where two (2) inch minimum-size pipe is used for general service only, the consumers shall finance the total cost in excess of one hundred (100) feet of main per customer.
  - (3) When new consumers are connected to a water main that was paid for in part by consumers, the Utility will refund to the party or parties making the original advances, not including the new consumer, the cost of fifty (50) or one hundred (100) feet of main, as the case may be, for each new consumer. The new consumer shall then pay a connection charge equal to the average contribution in the extension after the adjustment due to the refund by the Utility because of new connection; this connection charge will be refunded pro rata to all consumers on the extension, including the new consumer.
- (c) **ASSESSMENT.** Where the cost of the extension is assessed against the abutting property, the procedure, set forth under §62.19 of the Wisconsin Statutes, will apply.
- (d) **HANDLING WATER MAINS AND SERVICE PIPES IN SEWER OR OTHER TRENCHES.**
  - (1) Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.
  - (2) Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must, at his own expense, cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six (6) hours.
- (e) **SETTLING MAIN OR SERVICE TRENCHES.**
  - (1) Trenches in unpaved streets shall be refilled with not less than six (6) inches of 3/4 inch stone below the main and eight (8) inches of 3/4 inch stone above the main. The remainder of the trench shall be backfilled with clean native material.
  - (2) It shall be the duty of the Operator to see that all open ditches for water mains, hydrants and service pipes are properly guarded to prevent accident to any person or vehicle, and at night, there shall be displayed yellow signal warning flashers in such manner as will, so far as possible, insure the safety of the public.

## **21.04 ESTABLISHMENT OF SERVICE**

### **(a) SERVICE APPLICATIONS.**

- (1) Application for the original installation of a supply from the Utility main, for any extension or alteration of any existing supply from the curb line or within the street property line shall be filed by the owner of the property, or an authorized agent therefore, for the approval of the Operator of the water department prior to the performance of any such work. If a master plumber, or the owner, makes such application, he shall provide, fully and truly, the legal description of the property, the street location, the officially designated building number, the size and character of the supply pipe and the fixtures or appliances to be supplied. (Note particularly any special refrigeration or air-conditioning water-consuming appliances.)
- (2) The Operator is hereby empowered to withhold approval of any application, wherein full information of the purpose of such supply is not clearly and fully set forth by the applicant.
- (3) The signing of the application card or permit will constitute a contract for water supplied and its specific use, which contract embodies these regulations as part of same.

### **(b) SERVICE CONNECTIONS.**

- (1) Each applicant for water service shall, at the time of making application for such service, execute and deliver to the Utility, a contract for such water service, agreeing to put in the service pipe from the curb line to each piece of water-using property existing at that point, and owned by him, where such water is desired, at the expense of such applicant and to commence the payment for such water service when a bill is rendered for the same.
- (2) No service pipe shall be installed to any lot or parcel of land, not now being served unless said lot or parcel of land has a frontage on a regularly platted street or public strip in which a cast iron, or other long-life, water main has been laid, and unless the water-service connection, therewith, is made between the property lines, extended to the main.

- (3) The service pipe shall be laid not less than six (6) feet below the surface of an established, or proposed, grade line. When laid in a combined sewer and water trench, the service shall be laid on a shelf of solid ground not nearer than twelve (12) inches to the side wall of the sewer trench.
- (4) No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water-supply service shall be made at the curb for separate supplies therefrom for two (2) or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties.
- (5) No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill or any other material which may cause injury to, or disintegration of, the service pipe, unless adequate means of protection are provided by sand filling or such insulation as may be approved by the superintendent of the water department. Service pipes, passing through curb or retaining walls, shall be adequately safeguarded by the provision of a channel space or pipe casing, not less than twice the diameter of the service pipe. The space between the service pipe and the channel or pipe casing shall be filled and lightly caulked with oakum, mastic cement or other resilient material, and made impervious to moisture.
- (6) When a change of direction of a cast-iron service is made on either side of a curb or retaining wall, the cast-iron fittings shall be securely braced to prevent the loosening or blowing out of the lead in the caulked joints. The bracing shall be made by concrete backing, by clamp rods extending from the fitting bell to the next bell or fitting, or by clamp rods securely anchored in the wall.
- (7) Such clamp rods shall be not less than five-eighths (5/8) inch diameter and, when buried in soil, should be protected against corrosion by painting with tar asphaltum or other suitable means. Set screws, for fastening clamp rods to pipe, will not be permitted.
- (8) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones or other injurious material, around and at least six (6) inches over the pipe.
- (9) All water supplies shall be of undiminished size from the street main to and including the outlet valve of the water meter. Beyond the meter-outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an ample and equitable distribution of water supply for the greatest probable number of fixtures, or appliance units, operating simultaneously. In no instance, however, shall any water supply pipe to the furthest riser or fixture branch be of a smaller diameter than three-fourths (3/4) inch.
- (10) In case it is necessary to install a separate, new or larger service

to replace an existing small-diameter service pipe, the property owner shall be responsible for all costs associated with the replacement of the service pipe from the main to the building being serviced.

## **21.05 METERS**

- (a) **INSTALLATION OF METER.** Meters will be furnished and placed by the utility and are not to be disconnected, or interfered with, by the consumer. All meters shall be so located that they shall be preserved from obstructions and allow each access thereto for reading and inspection, such location to be designated by the superintendent. All piping within the building must be supplied by the consumer. If additional meters are desired by the consumer, he shall pay for all piping and an amount sufficient to cover the cost of maintenance and depreciation, but not less than twenty-five (25) cents per month.
- (b) **SERVICE PIPING FOR METER SETTINGS.**
- (1) In installing new service piping, (or changing service piping where consumers have been on a flat rate) if meters are to be set, the consumer shall, at his own expense, provide the proper connections for the meter. Where it is possible to set meters in basement, a short nipple shall be inserted after the stop and waste cock, then a union and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility, which may require a horizontal run of eighteen [18] inches in such pipe line, which may later be removed for the insertion of the meter into the supply line.
  - (2) No permit will be given to change from metered to flat-rate service.

## **21.06 TURNING ON WATER**

The water cannot be turned on for a consumer except by a duly-authorized employee of the utility. When a plumber has completed a job, he must leave the water turned off. This does not prevent him from testing his work.

## **21.07 PROTECTIVE DEVICES**

- (a) **PROTECTIVE DEVICES IN GENERAL.** The owner, or occupant, of every premise receiving water supply, shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure or any interruption of water supply. Particularly, must such owner, or occupant, protect water-cooled compressors for refrigeration systems by means of high-pressure safety cut-out devices. There shall, likewise, be provided, means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own, or adjacent, premises.
- (b) **RELIEF VALVES.** On all "closed systems" (i.e., systems having a check valve, pressure regulator or reducing valve, water filter or softener) an effective temperature-relief valve shall be installed either in the top tapping or upper-side tapping of the hot water tank or on the hot-water distributing pipe connection at the tank. A one-half (1/2) inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain. No stop valve shall be placed between the hot-water tank and the relief valve or on the drain pipe.
- (c) **AIR CHAMBERS.** An air chamber, or approved shock absorber, shall be installed at the terminus of each riser, fixture branch or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided with a valve and drain cock at its base for water drainage and replenishment of air.

## **21.08 PURITY OF SUPPLY NOT TO BE IMPAIRED BY CROSS CONNECTIONS**

Every person owning, or occupying, a premise, receiving a water supply from the Utility, shall maintain such water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance, whereby water from a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be syphoned or pumped into the piping of the Utility water system. All private fire-protection systems, having cross connection with private supplies, must maintain the double check and gate valves, installed by an order of the State Board of Health, free from leakage or defect of any nature.

Cross Reference: Chapter 23.

## **21.09 REPAIRS TO SERVICE**

- (a) **UTILITY REPAIRS.** The service pipe, from the main to the curb or lot line, will be maintained and kept in repair at the expense of the utility. The consumer shall maintain the service pipe, from the curb to the point of use, and can be billed for any water which has not passed through the meter and has been wasted by leakage of defective pipes and fixtures.
- (b) **CONSUMER REPAIRS.** If a consumer fails to repair a leaky or broken service pipe, from curb to point of metering, or use, within such time as may appear reasonable to the superintendent of the utility, after notification has been served on the consumer by the superintendent, the water will be shut off and will not be turned on again until the repairs have been completed.

## **21.10 REPAIRS TO MAINS**

The utility reserves the right to shut off the water in the mains, temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the Utility will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate or damages will be allowed to consumers for such temporary suspension of supply.

## **21.11 FROZEN SERVICES**

- (a) **THAWING.** Frozen services shall be thawed out by, and at the expense of, the utility, except where the freezing was caused by contributory fault or negligence on the part of the consumer, such as reduction of the grade or undue exposure of the piping in the building or on consumer's property, or failure to comply with water department specifications and requirements, as to depth of service, lack of sufficient backfill, etc.
- (b) **PREVENTIVE MEASURES.** Following the freezing of a service, the Utility shall take such steps and issue such instructions as may be necessary to prevent the re-freezing of the same service. No charge will be made for re-thawings if the instructions are followed. In case it is necessary to allow the water to flow to prevent re-freezing, the consumer must make provision for proper disposal of the waste water.
- (c) **COST OF LOST WATER.** For the period in which the water is allowed to run, the consumer will be billed according to his meter readings, but in no event to exceed the average amount paid in the corresponding billing periods of the previous two years. A new consumer will be charged the average bill for other consumers of the same class receiving service under comparable conditions.

## **21.12 REPAIRS TO METERS**

- (a) **REPAIR BY VILLAGE.** Meters will be repaired by the Utility and the cost of such repairs, caused by ordinary wear and tear, will be borne by the utility.
- (b) **CONSUMER COSTS.** Repair of any damage to a meter, resulting from the carelessness of the owner of the premises, his agent or tenant, or from the negligence of anyone of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

### **21.13 STOP BOXES**

- (a) The consumer shall protect the stop box in his terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate stop box and shut off water in case of a leak on the consumer's premises.
- (b) During new construction, maintenance or additions to existing structures, the property owner shall be responsible for any stop box damage, repair or replacement costs.

### **21.14 BILLING PROCEDURE**

- (a) **UNIT OF SERVICE.** (Applicable only if provided for in the rate schedule)
  - (1) A unit of service shall consist of any aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office or factory, etc., which is equipped with one or more fixtures for rendering water service, separate and distinct from other users. Each unit of service shall be regarded as one consumer and the surcharge for additional consumers on a meter assessed accordingly.
  - (2) Suites in houses, or apartments, where complete housekeeping functions (such as cooking) are not exercised, shall be classed as rooming houses. Thus houses and apartments having suites of one, two or more rooms with toilet facilities but without kitchen for cooking, are classed as rooming houses.



- (3) When a consumer's premises have several buildings, each supplied with service and metered separately, the full service charge will be billed for each meter separately, but the readings will be cumulated. If these buildings are all used in the same business and are connected by the consumer, they can be metered in one place. If these buildings are all used in the same business and are connected by the consumer, they can be metered in one place. If the Utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing.
- (b) **PAYMENT OF BILLS.**
- (1) Bills for water service are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A penalty of 10% will be added to bills not paid within fifteen (15) days from date of bill. If the bill is not paid within twenty (20) days, the consumer will be given written notice that the bill is delinquent and that, unless payment or satisfactory arrangement for payment is made within the next five (5) days, service will be disconnected without further notice.
  - (2) Failure to receive a bill in no way exempts consumers from the provisions of these rules.

Cross-Reference: Sec. 21.15, Deposit and Guarantee Rules

## **21.15 DEPOSIT AND GUARANTEE RULES**

- (a) **FOR PROPERTY OWNERS.** A deposit may be required if the credit of the consumer has not been established satisfactorily to the Utility.
- (b) **FOR RENTERS.** Either of the following alternatives to be used:
  - (1) A deposit may be required of all renters using water service to guarantee the payment of the water bill by the renter.
  - (2) A deposit will be required of renters where property owners have notified the Utility, in writing, that they preferred to have the water bills paid by the renter.
- (c) **DEPOSIT.**
  - (1) The amount of deposit required may be a sum not exceeding the estimated gross bills for all water service, both billed and unbilled, which can be supplied before the Utility's filed disconnect rule becomes applicable. The amount to be deposited may be a minimum of \$1.00 per month for each class of water service furnished.
  - (2) The deposit shall be refunded upon request of the customer, after two (2) years' service with payments within the prompt-payment period, and, without such request, shall be refunded voluntarily by the Utility after three (3) years' service with payments within the prompt-payment period. In no case, however, will a deposit be refunded if the customer's credit standing is not satisfactory to the Utility.
  - (3) A new or additional deposit may be required upon reasonable

written notice of the need for such a requirement, in any case where a deposit has been refunded or is found to be inadequate, or where the customer's credit standing is not satisfactory to the Utility. The water service of any customer who fails to comply with these requirements may be disconnected upon five (5) days' written notice.

(d) **GUARANTEE.**

- (1) The Utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the Utility, whereby payment of a specified sum, not exceeding the cash-deposit requirement, is guaranteed. The term of such contract shall be indeterminate, but it shall automatically terminate when the customer gives notice to the Utility of discontinuance of service, at the location covered by the guarantee agreement, or six (6) months after discontinuance of service, or at the guarantor's request upon thirty (30) days' written notice to the Utility.
- (2) Upon termination of a guarantee contract, or whenever the Utility deems same insufficient as to amount or surety, a cash deposit, or a new or additional guarantee, may be required upon reasonable written notice to the customer. The water service, of any customer who fails to comply with these requirements, may be disconnected upon five (5) days' written notice.
- (3) The guarantor shall receive copies of all final disconnect notices sent to the customer whose account he has guaranteed.
- (4) In the event the Utility is not able to collect any bill for water service, even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in Section 66.06, Wisconsin Statutes.

**21.16 RECONNECTION CHARGE**

- (a) **RECONNECTION.** Where a customer has contracted for yearly service and, at his request, service has been discontinued prior to the expiration of his contract period and his account is not delinquent and where, thereafter, he requests the reconnection of service in the same location, or some other location, a reconnection charge of \$40.00, payable in advance, shall be collected.

- (b) **CONNECTION CHARGE.** A connection charge of \$40.00 shall also be required from consumers whose services are disconnected because of nonpayment of bills when due, not including disconnection for failure to comply with deposit or guarantee rules.
- (c) **CONSUMER IDENTIFICATION.** A consumer shall be considered as the same consumer, provided the reconnection is requested for the same location by any member of the same family or, if a place of business, by any partner or employee of the same business.

#### **21.17 FAILURE TO READ METERS**

- (a) **FAILURE TO READ METER.** Where the Utility is unable to read meter after two (2) successive trials, the fact shall be plainly indicated upon the quarterly bill, the minimum charge assessed and the difference adjusted with the consumer when the meter is again read; that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the minimum bill paid the preceding month.
- (b) **DAMAGED METER.** If the meter is damaged or fails to operate for any reason, the Utility will render a bill for the current period, based on an average of the last two (2) quarters, providing there is no particular reason why the use, during that period, has not been normal. In case the last two (2) periods cannot be properly used, the bill shall be estimated by some equitable method.

Cross-Reference: Sec. 21.20, Surreptitious Use of Water

#### **21.18 CHARGES FOR WATER WASTED DUE TO LEAKS**

When the meter registers losses due to pipe leaks, the Utility shall determine whether or not the defect in the piping or equipment was known to the consumer or, being known, he had used his best efforts to correct the condition. If the Utility is satisfied that the loss occurred without the consumer's knowledge, or having known about it, he had tried to correct the condition, the Utility may determine, as nearly as possible, what is the amount of the loss, by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. If, however, the consumer knew of the leak and failed to give proper attention to it, the Utility will bill for the total consumption shown by the meter at regular rates.

### **21.19 COMPLAINT METER TESTS**

If a consumer demands that a test be made of his meter, in addition to the periodic or installation test, he shall pay a test fee of \$20.00 per inch of nominal size or fraction thereof. If the meter is found fast in excess of 2%, the payment for the test will be refunded and the usual adjustment made in the past bills.

### **21.20 SURREPTITIOUS USE OF WATER**

- (a) **SURREPTITIOUS WATER USE.** When the utility has reasonable evidence and probable cause to believe that a consumer is obtaining a supply of water, in whole or in part, by means of devices or methods used to stop, circumvent or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate, and present immediately, a bill for service unmetered as a result of such interference, and such bill shall be payable subject to a twenty-four (24) hour disconnection of service.
- (b) **RECONNECTION REQUIREMENTS.** When the Utility shall have disconnected the consumer for any such reason above, the Utility will reconnect the consumer upon the following conditions:
- (1) The consumer will be required to deposit, with the Utility, an amount sufficient to guarantee the payment of the consumer's bills for utility service to the Utility.
  - (2) The consumer will be required to pay the Utility for any and all damages to its equipment on the consumer's premises, due to such stoppage or interference with its meetings.
  - (3) The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.
- (c) **PENALTY.** Any person who shall, without the authority of the Utility, obtain a supply of water, in whole or in part, by means of devices or methods used to stop, circumvent or interfere with the proper metering of the utility service being delivered to such person's equipment, shall, in addition to the provisions of subsection (a) of this Section, be subject to a fine of not less than **Fifty (\$50.00) Dollars** nor more than **Two Hundred Fifty (\$250.00) Dollars**, plus all applicable court costs and assessments.

### **21.21 WATER FOR CONSTRUCTION**

When water is wanted for construction purposes, or for filling cisterns, tanks or tank wagons, steam tractors or rollers or portable steam boilers, an application, therefore, shall be made to the superintendent, in writing, upon application provided for that purpose in the Water Department office, giving a statement of the amount of construction work to be done or the size of the cistern, boiler, tank or tank wagon to be filled. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be carried inside the cellar wall from where the water must be

drawn. No connection with the service pipe at the curb shall be made without special permission from the superintendent.

## **21.22 USE OF HYDRANTS FOR CONSTRUCTION**

- (a) **HYDRANT USE.** In cases where no other supply is available, permission may be granted by the Operator to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. A charge of \$1.00 will be made for setting a valve or for moving it from one hydrant to another. In no case shall any valve be moved, except by a member of the Utility.
- (b) **FEE.** Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. The applicant must make a deposit of \$1.00 for the hydrant wheel and \$1.50 for the reducer, if he desires one. When the contractor has finished using the hydrant, he must notify the Utility to that effect. The minimum charge for the use of water from a hydrant will be \$5.00 exclusive of the deposit, but including the charge for setting the valve.

## **21.23 EMERGENCY AND OCCASIONAL SERVICE**

- (a) **PERMIT REQUIRED.** Water used for construction work must be covered by a written permit, which can be obtained only from the Utility. In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Utility, together with a statement of the actual amount of construction work performed.
- (b) **PENALTY.** Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Utility. Any consumer failing to comply with this provision will have his water service discontinued. He shall be subject to a fine as set forth in the following section.
- (c) **RESERVATION OF RIGHTS.** The right is reserved, by the Village Board, to suspend the use of fountains and hose for sprinkling streets, yards, gardens, etc., and during disastrous fires or whenever, in the opinion of the Village Board, the public exigency may require it.

#### **21.24 OPERATION OF VALVES AND HYDRANTS - PENALTY**

Any person who shall, without authority of the Utility, operate any valve connected with the street or supply mains or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall want to injure or impair the same, shall be subject to a fine of not less than **Ten (\$10.00) Dollars** nor more than **One Hundred (\$100.00) Dollars**. Permits for the use of hydrants for filling sprinkling carts apply only to such hydrants as are designated for such use. Owners or operators of motor vehicles will be held for the cost of repair of any hydrant damaged by being hit by a motor vehicle, and the Utility will not be responsible for the damage to the motor vehicle by reason of such accident.

#### **21.25 HYDRANT CONNECTIONS**

In the use of fire-hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron-pipe connections, all such pipe installations shall have a swing joint to facilitate quick disconnection from the fire hydrant.

#### **21.26 RIGHT TO OPEN HYDRANTS**

Only such persons as shall be authorized by the Utility, or the Chief Engineer of the Fire Department, shall be permitted to open any fire hydrant for any purpose whatsoever, and no one, except such persons, shall be permitted to take the hydrant wrenches or wheels, or suffer the same to be taken from any fire-engine house, except for fire department purposes. Any person who shall violate this Section shall be subject to the fine and forfeiture as set forth in Sec. Sec. 21.24.

#### **21.27 TEMPORARY METERED SUPPLY, METER AND DEPOSITS**

An applicant for a temporary water supply, on a meter basis, shall make and maintain a monetary deposit of not less than **\$15.00** for each meter installed, as security for payment for use of water and for such other charges which may arise from the use of the Village water supply. The charge for setting the valve and furnishing and setting the meter shall be the cost of materials plus **\$10.00**.

## **21.28 REFUNDS OF MONETARY DEPOSITS**

All moneys deposited as security for payment of charges, arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling-valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor and the return of the wheel and reducer.

## **21.29 INSPECTION OF PREMISES**

- (a) **ENFORCEMENT.** The Village Board may, from time to time, by resolution, deputize such officers and agents of the Utility as it shall determine for the purposes of enforcement of the provisions of this Chapter. Such deputized officers and agents of the Utility shall have the power and authority to enforce the ordinances and provisions of this Chapter and, where reasonable evidence and probable cause exists that any such ordinance or provision has been or is being violated, to issue municipal citations compelling such person or persons to appear before the Municipal Court of the Village of Pulaski.
- (b) **INSPECTION OF PREMISES.** Any officer, or authorized agent of the Utility, shall have the right of access, during reasonable hours, to any premises supplied with water service from the Utility, for the purpose of inspection or for the enforcement of the Utility's rules and regulations. The Utility will make a systematic inspection of all unmetered water taps at least once every twelve (12) months.
- (c) **GENERAL PENALTY.** The violation of any ordinance or provision of this Chapter, for which no specific penalty is provided, shall be subject to the penalty provisions of Sec. 1.06.

## **21.30 VACATION OF PREMISES**

When premises are to be vacated, the Utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the water department, by reason of failure to notify the Utility of vacancy.

### **21.31 DISCONTINUANCE OF WATER**

Consumers desiring to discontinue the use of water must give notice, thereof, in writing, on or before the quarterly water rental is due, otherwise the minimum quarterly charge for the next succeeding quarter will go on in full.

### **21.32 PLUMBING SYSTEM TO WITHSTAND 300 POUNDS PRESSURE**

The owner of any plumbing connected with the waterworks system may adopt such system of plumbing as he may see fit, but it must stand at least a pressure of three hundred (300) pounds per square inch, and be subject to the inspection of the Utility.

### **21.33 SUPERVISION**

- (a) **VILLAGE CLERK; DUTIES.** It shall be the duty of the Village Clerk, or any competent person that the President and the Village Board may appoint, to act as the Operator hereunder, and it shall be the duty of the Village Board to fix the compensation for such person.
- (b) **OPERATOR, DUTIES.** The President and Village Board shall also appoint some competent person to have charge of the pumping station, and its transmission and distribution lines, tanks, services and meters, and such other work as the Village Board may direct and to fix the compensation for such person.

### **21.34 WATER FOR SPRINKLING SYSTEMS AND STAND PIPES**

If any person, being a regular patron of the waterworks system, wishes to lay large pipes, to connect with buildings equipped with automatic-overhead fire-sprinkling systems, or stand pipes, equipped with hose couplings to fit the Village fire hose, to be used only in case of fire, permission will be given to connect same with the mains, at their own expense, and, upon application, the Water Department will allow the use of the water, for fire purposes only and for no other purpose without having first obtained permission from the water department. Persons using the water without such permission, for other purposes, shall incur a penalty of not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars for such offense.



### **21.35 SERVICE PIPING NOT FRONTING ON REGULAR PLATTED STREETS**

No service pipe shall be installed to any lot or parcel of land not now being served, unless said lot or parcel of land has a frontage on a regularly-platted street or public-service strip in which a cast iron, or other long-life water main, has been laid, and unless the water-service connection, therewith, is made between the property lines extending to the main.

**(Historical Note: The operation and management of the Utility was formerly under the control of the Pulaski Water Commission. That Commission was subsequently abolished and all powers were transferred and assigned to the Village Public Works Committee. Upon the subsequent abolition of the Committee, all powers and duties for the management and operation of the Utility were assumed by the Village Board.)**

### **21.36 WELL HEAD PROTECTION.**

- (a) **PURPOSE.** The users of the Village of Pulaski water system located within the Village of Pulaski depend exclusively on ground water for a safe drinking water source and supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purposes of the regulations contained in this Section are to institute certain land use regulations and restrictions within the vicinity of Village of Pulaski wells to protect the Village's ground water supply and wells, and to promote the public health, safety and general welfare of the residents of the Village of Pulaski and other users of the Pulaski water distribution system.
- (b) **APPLICATION.** The regulations and restrictions contained within this Section shall apply within the Village of Pulaski. No new use or change in use of any structure, land or water shall be located, extended, converted, or structurally altered, and no development shall commence without full compliance with the requirements and restrictions of this Section and other applicable regulations.
- (c) **DEFINITIONS.** The following terms when capitalized shall have the following meanings:
- (1) **"Additions"** with respect to pre-existing structures shall mean and include, but not be limited to, any alteration, modification or replacement of any existing structure but shall not include ordinary maintenance and repairs such as painting, replacement of doors, windows, shingles and roofing materials or other non-structural components.
  - (2) **"Aquifer"** shall mean a saturated, permeable geologic formation that contains and yields sufficient quantities of water.
  - (3) **"District"** shall mean the Ground Water Protection District established hereunder.
  - (4) **"Five Year Time of Travel Zone"** shall mean that area up gradient from a Well, the outer boundary of which area it is estimated that ground water and potential contaminants could, within five (5) years reach a pumping source from which

such contaminants could infiltrate the Water System. The area of the Five Year Time of Travel Zone is determined by the use and application of the US EPA WHPA, RESSQC Module computer program based on available aquifer data and assumptions including a homogeneous, isotropic aquifer with no recharge conditions and visual evaluations of surface conditions.

- (5) **“Ground Water Protection District”** shall mean that area surrounding a Village of Pulaski Well consisting of the NR 811.16 Zone, the Zone of Influence, and the Five Year Time of Travel Zone.
  - (6) **“Hazardous Substance”** shall have the meaning specified and defined in Sec. 289.01, Wis. Stats.
  - (7) **“Modifications”** with respect to pre-existing structures shall mean and include, but not be limited to, any addition or alteration to or replacement of any existing structure but shall not include ordinary maintenance and repairs such as painting, replacement of doors, windows, shingles and roofing materials or other non-structural components.
  - (8) **“Recharge Area”** shall mean that area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply ground water recharge to a well.
  - (9) **“Solid Waste”** shall have the meaning specified and defined in Sec. 289.01, Wis. Stats.
  - (10) **“Water System”** shall mean the Village of Pulaski Water System.
  - (11) **“Well No. 1”** shall mean Village of Pulaski Well No. 1 located at
  - (12) **“Well No. 2”** shall mean Village of Pulaski Well No. 2 located at
  - (13) **“Zone of Influence”** shall mean that area around a well in which ground water flows to the well.
- (d) **GROUND WATER PROTECTION DISTRICTS.** There is hereby established a Ground Water Protection District surrounding Well No. 1 and Well No. 2. to be known as “Ground Water Protection District No. 1” and “Ground Water Protection District No. 2” respectively.
- (e) **DISTRICT SEPERATION DISTANCES.** The following land use separation distances shall apply within each District established hereunder due to their respective proximity to a well field and the corresponding contamination threat:
- (1) NR 811.16 Zone. The separation distances in the NR 811.16 Zone shall be those separation distances as established and set forth in NR 811.16 of the Wisconsin Administrative Code or as subsequently amended. Current separation distances in the NR 811.16 Zone are, but not limited to, the following:
    - a. Fifty (50) feet from well head: storm sewer mains.
    - b. Two Hundred (200) feet from well head: sanitary sewer mains, lift stations or single family residential fuel tanks. A lesser separation distance may be allowed for sanitary sewer mains where such main is constructed of watermain materials and joints, and is pressure tested in

place to meet current AWWA C600 specifications. In no event shall the separation distance between a well and a sanitary sewer main be less than 50 feet.

- c. Six Hundred (600) feet from well head: gasoline or fuel oil storage tank that has received written approval from the Wisconsin Department of Industry, Labor and Human Relations or its designated agent under ILHR 10.10, Wis. Admin. Code.
- d. One Thousand (1000) feet from well head: private or municipal waste, septage or manure storage or treatment facilities or containment systems.
- e. One Thousand Two Hundred (1200) feet from well head: solid waste facility, incinerator, demolition facility, salt or deicing material storage facility, petroleum product storage tanks, pesticide or fertilizer handling or storage facility, or other chemical handling, processing or storage facility.

(2) Zone of Influence.

- a. Well No. 1. The Zone of Influence surrounding Well No. 1 shall be 500 feet in any direction from the well head.
- b. Well No. 2. The Zone of Influence surrounding Well No. 2 shall be 500 feet in any direction from the well head.
- c. Prohibited Activities. No Hazardous Substances or Solid Wastes shall be stored, placed, dumped, spread, sprayed, collected, buried or deposited within the Zone of Influence.

(3) Five Year Time of Travel Zone.

- a. Intent. The intent of the Five Year Time of Travel Zone is to establish a secondary zone of protection extending up gradient from an identified well head and to prohibit land use activities within that area that could enable contaminants to within the course of five (5) years infiltrate the Water System.
- b. Prohibited Activities. No Hazardous Substances or Solid Wastes shall be stored, placed, dumped, spread, sprayed, collected, buried or deposited within the Five Year Time of Travel Zone.

**(f) AUTHORIZED USE PERMITS.**

- (1) Authorized Use Permits. Upon application, the Village may issue an Authorized Use Permit for land uses within the Well Head Protection District for uses or activities otherwise prohibited where minimum prohibited uses or activities would occur or where changing information or technologies establish that an otherwise prohibited use or activities would pose no risk to the Village's water supply. Any use or activity subject to an Authorized Use Permit hereunder shall be a conditional use and may include requirements for environmental and safety monitoring consistent with local, state and federal requirements as the Village may require.

- (2) Application. All applications for Authorized Use Permits shall be in writing and submitted to the Village Clerk together with such fee as shall, from time to time be established by resolution of the Village Board. The application shall contain the following information:
- a. A narrative description of the proposed land use.
  - b. For new construction or structural additions, a complete set of plans detailing:
    1. The layout of building(s)
    2. Location of Hazardous Substances
    3. Drainage and piping
  - c. For use of an existing structure, a floor plan diagram, indicating the location of any Hazardous Substances
  - d. A description of safety precautions and containment plans for each Hazardous Substance located on the property.
- (3) Application Review. Applications for Authorized Use Permits hereunder shall be reviewed by the Planning and Zoning Commission who shall recommend to the Village Board approval, denial or conditional approval of the Authorized Use Permit. Final approval of Authorized Use Permits shall be by the Village Board.

(g) **PRE-EXISTING USES.** The existing lawful use of a structure or building that is not in conformity with the provisions of this ordinance may be continued subject to the non-conforming use provisions of Sec 62.23(7)(h), Wis. Stats. No Modifications or Additions to a pre-existing use shall be permitted unless they are made in conformity with provisions of this section. If a pre-existing use is discontinued for 12 consecutive months, any future use of the land, structures or buildings on that land, shall be subject to and conform to the requirements of this section.

(h) **OPERATIONAL REQUIREMENTS.**

- (1) Reporting Requirements. Any property found to be within a Wellhead Protection District established hereunder shall provide to the Village within thirty (30) days of its receipt copies of all federal and state operational approvals or certificates related to Hazardous Substances or Solid Waste located on the property and the results of any on-going environmental monitoring mandated by federal or state regulations.
- (2) Contingency Plan. Properties within a Wellhead Protection District established hereunder shall prepare and file with the Village a contingency plan in conformity with the provisions of Sec NR 630.22 of the Wisconsin Administrative Code of all Hazardous Substances or Solid Wastes located on the property. Such plans shall be filed within thirty days of written notice to the property owner unless such filing time is otherwise extended by the Village Board.
- (3) Contaminant Releases. In the event of the release of a contaminant that poses a danger to the Village's water supply

the owner of the property on which the contaminant was released or the owner of the contaminant shall immediately cease the activity causing the contaminant release and cause the proper clean-up and removal of all released contaminants. The property owner or the owner of the contaminant shall be responsible for all costs of such clean-up and removal. Such costs shall also include all costs incurred by the Village for supervision and monitoring of the clean-up and removal of the contaminants regardless of whether there might have also been either or both federal or state supervision and monitoring of such clean-up activities.

(i) **ENFORCEMENT AND PENALTIES.**

- (1) Violations. It shall be unlawful to construct or use any structure, land or water in violation of any provision of this section. In the event of a violation hereof the Village may seek injunctive relief in addition to the penalty provisions of subsection (2) herein below.
- (2) Penalties. Any person, firm or corporation who has been determined to have violated any provision hereof shall be subject to a penalty of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, plus the costs of prosecution for each violation. Each day that a violation exists shall constitute a separate offense.
- (3) Non-Exclusive Remedies. The remedies and penalties set forth herein shall not be exclusive. The Village may, in addition to the remedies and penalties hereunder, take or seek any other action or remedy it shall determine necessary to insure and effect compliance herewith, including, but not limited to, injunctive relief, and to recover all costs of enforcement and compliance hereunder. **(Ord. #469-08)**

### **21.37 EXTRA-TERRITORIAL WATER SERVICE.**

Pursuant to Sec. 66.0813(3), Wis. Stats., the Village, through its Water Utility, may provide and sell potable water, at retail, to customers in unincorporated areas in the Towns surrounding, adjacent to and abutting the corporate municipal boundaries of the Village upon such terms and conditions as shall be approved by the Village.

## CHAPTER 22

### SEWER UTILITY

22.01	Introduction and General Provisions
22.02	Definitions
22.03	Management, Operation and Control
22.04	User Rules and Regulations
22.05	Use of Public Sewerage System
22.06	Sewer Use Charge System
22.07	Control of Industrial and Septage Wastes
22.08	Payment of Charges
22.09	Violations and Penalties

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#### **22.01 INTRODUCTION AND GENERAL PROVISIONS**

- (a) **INTRODUCTION.** This Chapter regulates the use of private sewers and drains, disposal of septage wastes into the public sewers, and the discharge of waters and wastes into the public sewerage systems within the Village of Pulaski. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems, and enables the Village to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the sanitary sewer system.
- (b) **PURPOSES.** This Chapter provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Chapter shall be used to defray the Village's costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs, and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Chapter shall supersede any previous Village Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Chapter. If there is any conflict between this Chapter and any applicable Statute, the State Statute shall be controlling.

## 22.02 DEFINITIONS

- (a) **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:
- (1) **"Approving Authority"** shall mean the Village Board of the Village of Pulaski, or its duly authorized committee, agent or representative.
  - (2) **"Biochemical Oxygen Demand (BOD)"** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods".
  - (3) **"Building Drain"** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from oil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.
  - (4) **"Building Sewer"** shall mean the extension from the public sewer or other place of disposal beginning outside the inner face of the building wall.
  - (5) **"Compatible Pollutants"** shall mean biochemical oxygen demand, suspended solids, phosphorus, or pH, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants to a substantial degree.
  - (6) **"Debt Service Charges"** shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection, treatment, and interceptor system.
  - (7) **"Equivalent Meter Charge (EMC)"** is a billing unit for allocating an equivalent meter charge for multiple users sharing a common meter. For the purpose of allocating an EMC, each residence, apartment, condominium, duplex unit, trailer, or commercial establishment sharing a common meter shall be assigned an EMC. Each user shall be assigned a minimum of one EMC which is equivalent to a 1-inch meter charge.
  - (8) **"Floatable Oil"** is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
  - (9) **"Garbage"** shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

- (10) **"Ground Garbage"** shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in public sewers.
- (11) **"Incompatible Pollutants"** shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to a wastewater treatment facility, or that will pass through the treatment plant untreated.
- (12) **"Industrial Waste"** shall mean the wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.
- (13) **"Licensed Disposer"** shall mean a person holding a license under s. 146.20(3)(a), Wis. Stats.
- (14) **"Limited Service User"** ("LSU") shall mean a person who discharges wastewater to the Pulaski Wastewater System but does not use the wastewater treatment facility.
- (15) **"Municipal Wastewater"** shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and stormwater that may be present.
- (16) **"Natural Outlet"** shall mean any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.
- (17) **"Normal Domestic Strength Wastewater"** shall mean wastewater with concentrations less than 325 mg/L BOD, 325 mg/L suspended solids, 11 mg/L phosphorus, and 45 mg/L TKN.
- (18) **"Normal User"** shall be a user whose contributions to the wastewater treatment facility consist only of normal domestic-strength waste originating from a house, apartment, condominium, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.
- (19) **"Operation and Maintenance Costs"** shall include all costs associated with the operation and maintenance of the wastewater collection, treatment, and interceptor facilities and those treatment charges to the Village by the GBMSD. These costs, including costs associated with extraneous (clear water) flows, shall be divided equitably among the various sewer users.
- (20) **"Parts Per Million"** shall be a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.



- (21) **"Person"** shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency, or other entity.
- (22) **"pH"** shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in moles per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .
- (23) **"Public Sewer"** shall mean any sewer provided by or subject to the jurisdiction of the Village of Pulaski. It shall also include sewers within or outside the corporate boundaries that serve one or more persons and ultimately discharge into the Village's sanitary sewer system, even though those sewers may not have been constructed with Village funds.
- (24) **"Replacement Costs"** shall include all costs associated with establishing a fund to accumulate the necessary resources to replace equipment as required to maintain capacity and performance during the design life of the facilities.
- (25) **"Sanitary Sewage"** shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may be present.
- (26) **"Sanitary Sewer"** shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.
- (27) **"Septage"** shall mean scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. This does not include the waste from a grease trap.
- (28) **"Service Pipes"** shall mean the building drain and all building sanitary sewer piping extending from the interior drain of the building to the sanitary sewer main.
- (29) **"Sewage"** is spent water of a community. The preferred term is "municipal wastewater".
- (30) **"Sewer Service Areas"** are the areas presently served and anticipated to be served by a sewage collection system. State regulations (NR 121.05) require that water quality management plans delineate sewer service areas for urban areas with a population of over 10,000. Approved facility plans contain less detailed sewer service areas for communities under 10,000 population.
- (31) **"Sewer Service Charge"** is a service charge levied on users of the wastewater collection treatment, and interceptor facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs associated with said facilities. This includes an equivalent meter charge (EMC) for users sharing a common meter.

- (32) **"Sewer System"** means the common sanitary sewers within a sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewerage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost-effective and are owned and maintained by the sewerage system owner.
- (33) **"Sewerage System"** means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.
- (34) **"Shall"** is mandatory; "May" is permissible.
- (35) **"Slug Load"** shall mean any substance released at a discharge rate and/or concentration which causes interferences to wastewater treatment processes.
- (36) **"Standard Methods"** shall mean the examination and analytical procedures set forth in Federal Regulations 40 CFR Part 136.
- (37) **"Storm Drain"** (sometimes termed "storm sewer") shall mean drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
- (38) **"Stormwater Runoff"** shall mean that portion of the rainfall that is drained into the sewers.
- (39) **"Suspended Solids"** shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as nonfilterable residue.
- (40) **"Unpolluted Water"** is water of quality equal or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (41) **"Wastewater Facilities"** shall mean the structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial wastes and septage and dispose of the effluent.
- (42) **"Wastewater Treatment Works"** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment.

- (43) **"Watercourse"** shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (44) **"Wisconsin Pollutant Discharge Elimination System (WPDES) Permit"** is a document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for a municipal wastewater treatment facility.

### **22.03 MANAGEMENT, OPERATION AND CONTROL**

- (a) **MANAGEMENT.** The management, operation, and control of the sewer and treatment system for the Village is vested in the Village Board; all records, minutes and all written proceedings thereof shall be kept by the Village Clerk.
- (b) **CONSTRUCTION.** The Village Board shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Village; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Village Board shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Chapter, without liability therefore; and the Village Board shall have power to purchase and acquire for the Village all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.
- (c) **MAINTENANCE OF SERVICES.** The individual property owner shall maintain sewer service from the street main to the house and including all controls between the same, without expense to the Village; except, for damage resulting from negligence on the part of the Village. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.
- (d) **CONDEMNATION OF REAL ESTATE.** Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village Board be necessary for the sewer system, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner thereof, the Village Board shall proceed with all necessary steps to acquire such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

- (e) **TITLE TO REAL ESTATE AND PERSONAL PROPERTY.** All property, real, personal, and mixed, acquired for the construction of the sewer system; all plans, specifications, diagrams, papers, books and records connected with the said sewer system; and, all buildings, machinery, and fixtures pertaining thereto, shall be the property of the Village.

## **22.04 USER RULES AND REGULATIONS**

- (a) **GENERAL PROVISIONS.** The rules, regulations, and sewer rates of the Village hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected to or uses the Village sewer system, including LSUs, and every such person, company or corporation by connecting with the sewer system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such orders as the Village may hereafter adopt, are violated, the use of service may be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and may not be re-established except by order of the Village Board and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Village Board may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Village Board, furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The Village Board reserves the right to change the sewer user rules, regulations, and sewer rates from time to time as they may deem advisable; and, to establish special rates or enter into special contracts where necessary for the proper and efficient operation of the wastewater system.
- (c) **PLUMBERS.** No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the Village. All service connections to the sewer main shall comply with State plumbing code.

(c) **USERS - MANDATORY HOOKUP.**

- (1) The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human occupation or in a block through which such system is extended, shall connect to such system within 365 days of notice in writing from the Village. Upon failure to do so, the Village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such cost shall be assessed as a special tax lien against the property; however, the owner may within thirty (30) days after the completion of the work file a written option with the Village Board stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed ten (10) equal monthly installments and that the amount shall be so collected, with interest thereon at such rate per annum, as shall be established by the Village Board, from the completion of the work on the unpaid balance being a special tax lien, all pursuant to Section 144.06, Wisconsin Statutes.
- (2) In lieu of the above, the Village Board at its option may:
  - a. Impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer system of an amount equal to the minimum quarterly charge for the sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06.
  - b. Commence court action to require connection to the Village sewers and for the Village costs associated therewith.
- (3) This Chapter ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, comfort, and safety of the Village residents and shall constitute a public nuisance.

- (d) **PRIVATE SYSTEMS PROHIBITED.** The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Village serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. The use of septic tanks or any private sewage disposal system within the area of the Village serviced by the sewerage system shall be prohibited.

- (e) **APPLICATION FOR SEWER SERVICE.** Every person connecting with the sewer system shall file an application in writing to the Village Board in such form as is prescribed for that purpose. Applications will be furnished at the office of the Village Clerk. The application must state fully and truly all the contemplated uses which will be allowed except upon further application and permission regularly obtained from the Village Board. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Village are referred to herein as "Users". If it appears that the service applied for will not provide adequate service for the contemplated use, the Village Board may reject the application. If the Village Board approves the application, it shall issue a permit for services as shown on the application.
- (f) **APPLICATION FOR SEPTAGE DISPOSAL.** Every licensed disposer wishing to discharge septage to the Village's wastewater treatment works shall file a nonrefundable filing fee and an application in writing to the Village Board in such amount and form as is prescribed for that purpose. Forms for such application will be furnished at the office of the Village Clerk. The application must state fully and truly the type, frequency, quantity, quality, and location of generated septage to be disposed at the Village's wastewater treatment works. All Village approvals for septage disposal shall have the conditions that any time the wastewater treatment works has operation problems, maintenance problems, or threat of WPDES permit violation that are indirectly or directly related to septage disposal, the Village may immediately restrict septage disposal from outside of the septage service area until such time as corrective action or mitigative measures have been taken.
- (g) **LATERAL COSTS.** Persons attaching to a sewer main shall have the lateral from the sewer main installed at his or her own expense.
- (h) **TAP PERMITS.** After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work exhibits the proper permit for the same from the Village Clerk.
- (i) **USER TO KEEP IN REPAIR.** All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.
- (j) **BACKFLOW PREVENTOR.** All sewer service laterals for new connections shall have a backflow prevention valve of a type prescribed by the Village installed at the owner's expense.
- (k) **USER USE ONLY.** No user shall allow others or other services to connect to the sewer system through his or her lateral.
- (l) **VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE.** Whenever

premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the Village Clerk must be notified in writing. The owner of the premises shall be liable for any damages which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents. Whenever a premises served by the system is to be demolished, the lateral located on the owner's property shall be removed and suitably capped at the property line at the owner's expense.

- (m) **USER TO PERMIT INSPECTION.** Every user shall permit the Village Board or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate; and, they must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Chapter and applicable state statutes and codes.
- (n) **UTILITY RESPONSIBILITY.** The Village shall not be liable or responsible for any losses or damages associated with or by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor, from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The Village reserves the right to cut off or suspend the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off or suspend sanitary sewer service within any portion of the Village, the Village Clerk shall, if practicable, give notice to each and every consumer within the Village, of the time when such service will be shut off or suspended.
- (o) **EXCAVATIONS.**
  - (1) In making excavations in streets or highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
  - (2) No person shall leave any such excavation made in any street or highway open at any time without barricades; and, during the night, warning lights must be maintained at such excavations.
  - (3) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine (9) inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, gravel, and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Village Board.
- (p) **TAPPING THE MAINS.**

- (1) No person, except those having special permission from the Village Board or persons in their service and approved by them, will be permitted, under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits or order from the Village Board to ensure that new sewers and connections to the sewer system are properly designed and constructed.
  - (2) Pipes should always be tapped on a 45-degree angle from a horizontal plane, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection. All service connections to mains must comply with State plumbing code. Service connections to an existing sewer main shall be made by means of a saddled "Y" or specially adapted "T".
- (q) **INSTALLATION OF HOUSE LATERALS.** All service pipes (laterals) on private property will be installed in accordance with the State of Wisconsin Administrative Code Chapter ILHR 82 "Design, Construction, Installation, Supervision and Inspection of Plumbing," especially, Section ILHR 82.04 "Building Sewers". The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe (the "laterals") and before backfilling and tested before or after backfilling.
- (r) **EXTENSIONS.** The Village may extend sewer mains to a prospective user in accordance with the following charges and the following conditions:
- (1) When an extension main is required by the prospective user, said person shall make an application for such an extension in writing to the Village Board by filing a written application for the same with the Village Clerk. After the filing of such an application, the Village Engineer shall determine the location of the next manhole or manholes and shall design the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area and obtain all local and state approvals. No extension shall be made for a distance less than to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.
  - (2) The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among all such users, as they mutually agree to or as shall otherwise be determined and assessed by the Village.
  - (3) Upon such other conditions as the Village may reasonably require.
- (s) **SEPTAGE ACCEPTANCE LOCATION.** Septage shall only be discharged to



the Village sewerage system by Village-approved and State of Wisconsin licensed disposers and at locations, times, and conditions as specified by the Village Board. Septage discharges to the Village's septage holding facility at the wastewater treatment facility shall be limited to the posted normal working hours of the facility.

- (f) **ADDITIONAL AUTHORITY.** The Village may at any time establish specific connection charges for any main not covered by any other provisions in this Chapter. It is further provided that the Village may amend or alter any connection charge after its establishment under the terms of this Chapter or previous Ordinance or Resolution.

## **22.05 USE OF THE PUBLIC SEWERAGE SYSTEM**

- (a) **PROHIBITIONS AGAINST DISCHARGE.** No person shall discharge or cause to be discharged any of the following described liquids or solid wastes to any Village sanitary sewer or the wastewater treatment facility:
- (1) Any stormwater, surface water, groundwater, roof run-off or sub-surface drainage or any other unpolluted water to the sanitary sewer without permission from the Village. Such waters shall be discharged to a storm sewer or other waterway with permission of the Village.
  - (2) Wastewater with a closed cup flashpoint of less than 140°F. This includes any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas or other substances which by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the operation of the wastewater facilities.
  - (3) Any waters or waste containing toxic or poisonous substances in sufficient quantity, either singly or by interaction with other wastes, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the wastewater treatment plant, or interfere with the disposal of sludge.
  - (4) Any waters or wastes having a pH lower than 5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, personnel or the wastewater facility.
  - (5) Any waters or wastes having a pH in excess of 9.
  
  - (6) Solid or viscous substances in quantities or of such size capable of

causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, rocks, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (7) Any discharge into the sanitary sewerage system that is in violation of the requirements of the GBMSD's ordinances, WPDES permit, and the modifications thereof.
- (8) Wastewater having a temperature higher than 150 degrees Fahrenheit or that will cause the wastewater at the treatment facility to exceed 104 degrees Fahrenheit.
- (9) Any water or wastes which may contain more than 100 parts per million by weight of oils, fat, or grease. Furthermore, all restaurants are required to install and maintain grease interceptors as defined in §22.07(f) of this Chapter and in accordance with the Wisconsin Plumbing Code.
- (10) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (11) Any waters or waste containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the treatment facility exceeds the limits established by the Village for such materials.
- (12) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Village.
- (13) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.
- (14) Quantities of flow, concentrations, or both which constitute a slug load as defined herein.
- (15) Incompatible pollutants containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (16) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (17) Materials which exert or cause:

- a. Unusually high BOD<sub>5</sub>, chemical oxygen demand or chlorine requirements, such as, but not limited to, when in such quantities as to constitute a significant load on the wastewater treatment facility.
  - b. Unusual flow or concentrated wastes constituting a slug load as defined herein.
  - c. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
  - d. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (b) **SEPTAGE DISPOSAL.** No person or licensed disposer shall dispose of septage (holding tank or septic tank waste) into any storage area or sewer manhole located within the Village without written approval of the Village Board.
- (c) **SPECIAL AGREEMENTS.** No statement contained in this article shall be construed as prohibiting any special agreement between the Village and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment facility, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facility by reason of the admission of such wastes and no extra costs are incurred by the Village.
- (d) **PERMIT REQUIRED.** It shall be unlawful to discharge to any natural waterway within the Village or in any area under the jurisdiction of the Village any sewage or other polluted waters, without first obtaining a Wisconsin Pollutant Discharge Elimination System (WPDES) permit.
- (e) **ADDITIONAL PROVISIONS RELATED TO LIMITED SERVICE USERS.** In addition to all other applicable provisions of this Chapter, LSUs shall be further responsible for the following:
- (1) LSUs must enter into a Special Agreement with the Village prior to any discharges to the wastewater system which discharge agreement shall establish the maximum wastewater characteristics applicable to the LSU's discharge.
  - (2) LSU discharges shall not be discharged to the Village's aerated lagoon and shall not receive pretreatment from the Village.
  - (3) LSU shall be responsible for any pretreatment of their wastewater required to meet established wastewater characteristics as well as all other permits or agreements necessary for discharge to the GBMSD system.
  - (4) LSU discharges must pass through a metering station prior to discharge to the Village wastewater system, which metering station shall be constructed by the LSU to Village specifications at the LSU expense.
  - (5) LSU shall be responsible for and pay all costs and associated with their limited use of the Village wastewater system including administrative costs, GBMSD charges, and any additional costs incurred by the Village as a result of the discharge.

## **22.06 SEWER USER CHARGE SYSTEM**

- (a) **POLICY.** It is the policy of the Village Board to obtain sufficient revenues to pay the debt service costs and the costs of the operation, maintenance and replacement of the sewerage facilities through a system of sewer service charges as defined in this Section. The system shall assure that each user of the sewerage facilities pays a proportionate share of the cost of such facilities.
- (b) **REASSIGNMENT OF SEWER USERS.** The Village will reassign sewer users into appropriate Sewer Service Charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.
- (c) **USER CHARGE METHODOLOGY.** The following methodology shall be used to calculate the debt service and Operation and Maintenance Costs and Replacement Cost charges for the treatment of Village and outside wastewaters:

- (1) Debt Service Charges

- a. Village and Outside Users. The Village and outside users portion of the debt service cost shall be paid by a combination of advalorem taxes and user charges. The debt service costs for the 1993-1994 treatment system improvements shall be paid on a unit cost basis proportionate to flows and loadings. This shall be calculated by allocating the debt service costs to the various loading parameters and dividing this cost by the annual design loadings for each parameter. The remaining debt from the original plant and improvements shall be paid by advalorem taxes.

- (2) User Charge

- a. Village Users. Operation and Maintenance Costs and Replacement Cost charges for the collection, treatment, and interceptor facilities shall be segregated into "fixed costs", being those costs that are independent of volume and strength parameters, and "variable costs", those costs that are volume and strength related. Those costs shall be determined on:

- 1. The "fixed costs" shall be paid for by a base meter charge imposed upon all connections to the system. The annual base meter charge shall be as follows:

$$BMC = \frac{FC}{EM}$$

Where:

BMC = Annual Base Meter Charge (BMC) for a 1-inch Equivalent Water Utility Meter (Also includes an equivalent meter charge (EMC) for multiple users connected to a common meter)

EM = Total Number of 1-inch Equivalent Meter Units Discharging to the Sewer System

FC = Annual Fixed O, M & R Cost for the Sewerage System

2. The "variable costs" shall be paid by all customers on the basis of a cost per 1,000 gallons of usage. The "variable costs" shall be allocated to the respective billing parameters; flow, BOD, SS, P, and TKN. This allocated cost is then divided by the total annual loadings to obtain the unit cost per billing parameter.
  3. These unit costs are then applied to "normal users" on the basis of a cost per 1,000 gallons of metered water use or wastewater discharged at a strength of 325 mg/L BOD, 325 mg/L SS, 11 mg/L P, and 45 mg/L TKN. High strength dischargers shall pay a surcharge per pound for wastes exceeding those concentrations.
- b. Outside Users. In addition to the unit costs paid by all Village and industrial users, outside users will be required to pay a "fixed charge" equivalence. The additional fixed charge equivalence shall include all fixed costs paid by Village users. These fixed costs shall be allocated to the various billing parameters and divided by annual usage to obtain unit costs. The unit costs for outside users shall be paid on a cost per 1,000 gallons of unsewered waste. The base charge shall be based on domestic strength waste (325 mg/L BOD, 325 mg/L SS, 11 mg/L P, 45 mg/L TKN). A surcharge rate shall be charged on the basis of waste strength in excess of domestic strength Waste. The concentration of wastes used for computing surcharges shall be established by waste sampling. Such sampling shall be performed as often as necessary by the Village and shall be binding as a basis per surcharge.
- c. Limited Service Users. The user charge of an LSU shall include treatment charges imposed by GBMSD for the discharge loadings, a charge for the transportation system, administrative costs and any additional cost incurred by the Village as a result of the receipt of the LSU's wastewater discharge.

- (e) The sewer service rate charge for the Pulaski Sewer Utility shall be \$3.90 per 1000 gallons of metered water or wastewater discharge. Future sewer service rate charges may be made by the Village Board by resolution after a public hearing thereon and after publication as a Class I notice, pursuant to Chapter 985, Wis. Stats., of any new approved rate. The approved rate increase notice shall also be mailed to all users prior to the effective date of the rate increase. (**Ord. No. 499-2011**)

## **22.07 CONTROL OF INDUSTRIAL AND SEPTAGE WASTES**

- (a) **INDUSTRIAL DISCHARGES.** If any waters or wastes are discharged, or proposed to be discharged to the public sewers or at the wastewater treatment facility, which waters, wastes, or septage contain substances or possess the characteristics enumerated in §22.05 and which, in the judgment of the Village, may have deleterious effects upon the wastewater treatment facility, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Village may:
  - (1) Reject the wastes.
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
  - (3) Require a control over the quantities and rates of discharge.
  - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of §22.06.
  - (5) Classify the industrial discharger as a Limited Service User under the provisions hereof.
- (b) **CONTROL MANHOLES.** Each discharger of industrial wastes into a public sewer, including LSUs, shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of such wastes, including domestic sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the Village Board. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village Board. Control manholes, access facilities, and related equipment shall be installed by the industrial waste discharger, at its expense, and shall be maintained by the waste discharger so as to be in safe condition, accessible, and in proper operating condition at all times. Plans and specifications for installation of the control manholes or access facilities and related equipment shall be approved by the Village Board prior to construction.
- (c) **METERING OF WASTE.** Devices for measuring the volume of waste discharged may be required by the Village if such volume cannot

otherwise be estimated. Where required by the Village, metering devices for determining the volume of water shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the prior written consent of the Village.

- (d) **WASTE SAMPLING.** Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the industry or licensed disposer as often as may be deemed necessary by the Village. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Village. Testing facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Village. Access to sampling locations shall be granted to the Village or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
- (e) **PRETREATMENT.** Industrial dischargers, including LSUs, shall adhere to the pretreatment requirements of the GBMSD as contained in the GBMSD Sewer Use Ordinance. When required to modify or eliminate wastes that are harmful to the structures, processes, or operation of the Village's sewerage system, the interceptor sewer, or the GBMSD sewerage system, the discharger shall provide at its expense such preliminary treatment or processing facilities as may be required to render such wastes acceptable for admission to the public sewers.
- (f) **GREASE AND/OR SAND INTERCEPTORS.** Grease, oil, and sand interceptors shall be provided by the industrial discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Village. Any removal and hauling of the collected materials not performed by the discharger(s) personnel, must be performed by currently licensed disposal firms.
- (g) **ANALYSES.** All measurements, tests, and analyses of the characteristics of waters, wastes, and septage to which reference is made in this Chapter shall be determined in accordance with Federal Regulations

40 CFR Part 135. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village. Determination of the character and concentration of the industrial wastes shall be made by the discharger or the discharger's agent, as designated and required by the Village. The Village may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the discharger contests the determination, the Village may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be acceptable to both the Village and the discharger. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

- (h) **SUBMISSION OF INFORMATION.** Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the Village prior to the start of any construction if the effluent from such facilities is to be discharged into the public sewers.
- (i) **SUBMISSION OF BASIC DATA.** Industries desiring to make a new connection to a public sewer for the purpose of discharging industrial process wastes shall prepare and file with the Village a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- (j) **EXTENSION OF TIME.** When a proposed discharger can demonstrate that circumstances exist which would create an unreasonable burden to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration by the Village Board.

## **22.08 PAYMENT OF CHARGES**

- (a) **PAYMENT AND PENALTY.** The sewerage service charge shall be billed on a quarterly basis and shall be payable to the Village not later than 20 days after the date specified by the Village. A penalty of one percent per month shall be added to all bills not paid by the date fixed for final payment.
- (b) **CHARGES A LIEN.** All sewage charges shall be a lien upon the property serviced pursuant to Section 66.076(7), Wisconsin Statutes, and shall be collected in the manner therein provided.
- (c) **DISPOSITION OF REVENUE.** The amounts received from the collection of charges authorized by this Chapter shall be credited to a sanitary sewerage account which shall show all receipts and expenditures of the



sewerage system. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Village, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with NR 162.11. Any surplus outside the purview of NR 162.11, in said account, shall be available for the payment of principal and interest on any bonds issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness; and, the Village may resolve to pledge each surplus or any part thereof for any such purpose.

- (d) **EXCESS REVENUES.** Excess revenues collected for a user class will be applied to operation and maintenance costs attributable to that class for the next year.
- (e) **ANNUAL AUDIT.** The Village shall conduct an Annual Audit, the purpose of which shall be to maintain the proportionality between the users and user classes of the user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs.

## **22.09 VIOLATIONS AND PENALTIES**

- (a) **DAMAGES.** No person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to liability for any and all resulting damage, loss or interruption of service caused by such action.
- (b) **WRITTEN NOTICE OF VIOLATION.** Any person connected to the sewerage system found to be violating a provision of this Chapter shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation. Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found to be violating a provision of this Chapter or of any conditions of the Village Board's approval for septage disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.
- (c) **ACCIDENTAL DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of



- (1) Any violation of the maximum wastewater characteristics established for the LSU shall be subject to the penalty provisions of this Chapter as well as suspension or termination of service. For purposes of these provisions, a violation shall be considered to have occurred whenever the discharge rate to the wastewater system or the flow proportional sample results for any day exceeds the levels contained in the Special Agreement between the Village and the LSU by ten (10%) percent or whenever the average monthly level for any discharge parameter established under that Special Agreement exceeds the level established under that Agreement by five (5%) percent.
- (2) Each violation of a specified loading or discharge level shall be considered a separate violation subject the penalty under this Chapter. All violations that occur or result from a discharge on a single day will be considered a single violation.
- (3) The minimum penalty for each LSU violation under this Chapter shall be \$1,000 per violation; provided, that any LSU discharge that results in an exceedance greater than fifty (50%) percent of the discharge parameter established under the Special Agreement shall result in a minimum penalty of not less than \$2,500. The penalties hereunder shall double for any violation of a specified loading or discharge level that occurs within thirty (30) days of a preceding violation. Three (3) violations hereunder within a thirty (30) day time period shall be grounds for termination of service. **(Ord. #434)**

## CHAPTER 23

### CROSS CONNECTION CONTROL

23.01	Definitions
23.02	Cross Connections Prohibited
23.03	Inspections
23.04	Right of Entry
23.05	Discontinuance of Water Service
23.06	Emergency Discontinuation of Service
23.07	State Plumbing Code Adopted by Reference
23.08	Chapter Not to Supersede State Code

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#### **23.01 DEFINITIONS**

A "cross connection" shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Utility water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

#### **23.02 CROSS-CONNECTIONS PROHIBITED**

No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Utility may enter the supply or distribution system of the Utility, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 111.25(3), Wisconsin Administrative Code.

#### **23.03 INSPECTIONS**

It shall be the duty of the Utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Utility and as approved by the Wisconsin Department of Natural Resources.

#### **23.04 RIGHT OF ENTRY**

Upon presentation of credentials, the representative of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Utility for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under §66.122, Wisconsin Statutes. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

#### **23.05 DISCONTINUANCE OF WATER SERVICE**

The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Chapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Sec. 23.06. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

#### **23.06 EMERGENCY DISCONTINUATION OF SERVICE**

If it is determined by the Utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk of the Village of Pulaski and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within ten (10) days of such emergency discontinuance.

#### **23.07 STATE PLUMBING CODE ADOPTED BY REFERENCE**

The Village of Pulaski adopts by reference the State Plumbing Code of Wisconsin being Chapter H 62, Wisconsin Administrative Code.

#### **23.08 CHAPTER NOT TO SUPERSEDE STATE CODE**

This Chapter does not supersede the State Plumbing Code and Village of Pulaski Plumbing Code but is supplementary to them.

## CHAPTER 24

### COMMUNITY ANTENNA TELEVISION SYSTEM

24.01	Franchise Grant
24.02	Short Title
24.03	Definitions
24.04	Franchise Required
24.05	Procedure for Granting of Franchise
24.06	Term of Franchise
24.07	Termination for Cause
24.08	Documents Incorporated by Reference
24.09	Indemnification, Defense, Insurance and Bond Requirements
24.10	Use of Streets and Other Public Property
24.11	Construction and Installation
24.12	Operation, Maintenance and Service Standards
24.13	Records Required to be Filed With Village CATV Agency
24.14	Rates
24.15	Franchise Fees
24.16	Prohibitions
24.17	Employment Requirements
24.18	Separability; Penalty
24.19	Award of Initial Franchise

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#### **24.01 FRANCHISE GRANT**

- (a) **FRANCHISE GRANT.** The franchise to be granted by the Village of Pulaski pursuant to this Chapter shall grant to the Grantee the right, privilege and franchise to construct, operate and maintain a community antenna television network in the streets and roads of Pulaski for a period of fifteen (15) years from and after the grant and acceptance date of the franchise.
- (b) **NON-EXCLUSIVE ACCESS.** The right to use and occupy said streets and roads for the purpose herein set forth shall not be exclusive and Pulaski reserves the right to grant a similar use of said streets and roads to any persons, company, corporation or any other entity, at any time during the period of the franchise issued pursuant to this Chapter.

#### **24.02 SHORT TITLE**

This Chapter shall be known as the Pulaski Ordinance for Regulations of Cable Television Communication Systems.

## 24.03 DEFINITIONS

- (a) **DEFINITIONS.** The following definitions shall apply to this Chapter:
- (1) **"Agency"** shall mean the person, department, or agency designated by the Board of Trustees of the Village of Pulaski to act in matters related to CATV.
  - (2) **"Cablecasting, Origination and Access"** shall mean programming (exclusive of broadcast signals) carried on a Cable Television over one or more channels, and subject to the exclusive control of the Cable Operator.
  - (3) **"CATV: Community Antenna Television System (or CATV System)"** shall mean any facility that, in whole or in part, receives directly or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service, but such term shall not include:
    - a. Any such facility that serves fewer than fifty (50) subscribers, or
    - b. Any such facility that serves only the residents of one or more apartment dwellings under common ownership, control, or management and commercial establishments located on the premises of such an apartment house.
  - (4) **"FCC"** shall mean the Federal Communications Commission and any legally appointed or elected successor.
  - (5) **"Grantee or Operator"** Any person, partnership, firm, company, corporation or association operating a community antenna system holding a permit granted by an ordinance of the Board of Trustees to operate it within the corporate limits of the Village.
  - (6) **"National Electrical Code"** That code as sponsored by the National Fire Protection Association under the auspices of the American National Standards Institute, with the purpose of the Code being detailed in Section 90-1, and the scope of the Code as outlined in Section 90-2, of the National Electrical Code, and any subsequent amendments thereto.
  - (7) **"Person"** Any person, firm, partnership, association, corporation, company, or organization of any kind.
  - (8) **"Transmission and Distribution"** Carriage and/or utilization and "origination" refer to methods, techniques and procedures used in the operation of a community antenna system as authorized by the Federal Communications Commission, either by virtue of enabling rules and regulations or in the absence of prohibiting rules and regulations.
  - (9) **"Service Area"** Any area served within the corporate boundaries of the Village of Pulaski by the Grantee.

#### **24.04 FRANCHISE REQUIRED**

It shall be unlawful for any person to construct, install, or maintain within any public street in the Village or within any other public property of the Village or within any privately-owned property within the Village which has not yet become a public street but is designated or delineated as a proposed public street on the Village official map or on any tentative subdivision map approved by the Village any equipment or facilities for distributing any television signals or radio signals through a cable television system unless a franchise authorizing the use of such street or property or area has first been obtained pursuant to the provisions of this Chapter, and unless such franchise is in full force and effect.

#### **24.05 PROCEDURE FOR GRANTING OF FRANCHISE**

- (a) **REVIEW OF QUALIFICATIONS.** The Village Board may grant a franchise for the operation of a community antenna television system and audio communication system under the provisions of this Chapter to any grantee after a review of the legal, character, financial, technical, and other qualifications as determined by said Village Board, and the adequacy and feasibility of the grantee's construction arrangements. Determinations by the Village Board regarding such qualifications shall be made and determined as part of a regular meeting of the Village Board prior to the grant of any franchise.
- (b) **SUBMISSION OF PROPOSAL REQUIRED.** Any person seeking a franchise hereunder shall first submit to the Village Board, or a committee appointed thereby, a proposal which provides full, complete and detailed information as to qualifications required in subsection (a) above, and full, complete and detailed information as to proposed services to be offered to Village and rates therefore. Proposal may be amended from time to time to provide for more adequate and complete disclosure of information necessary for action of the Village Board hereunder.
- (c) **GRANT OF AUTHORITY.** Any franchise granted hereunder by the Village Board pursuant to this Chapter shall give the grantee the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways, and public places now laid out or dedicated, and all extensions thereof, and additions thereto, in the Village poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Village of a CATV system for the interception, sale and distribution of television and radio signals. Such rights and privileges, however, shall be limited by all rules, regulations and prohibitions contained in this Chapter.



- (d) **ACCEPTANCE OF FRANCHISE.** The grantee of any franchise hereunder shall within thirty (30) days of the granting of said franchise acknowledge in writing that:
- (1) Grantee accepts the award of the franchise.
  - (2) Grantee acknowledges that it has not been induced to enter into this franchise by any understanding or promise or other statement, whether verbal or written, by or on behalf of the Village concerning any term or condition of this franchise that is not included in this Chapter.
  - (3) Grantee acknowledges by the acceptance of this Chapter and the franchise awarded hereunder that it has carefully read its terms and conditions and that it is willing and does accept all the obligations of such terms and conditions and further agrees that it will not set up as against the Village the claim that any provision of this as originally adopted, and any franchise granted hereunder is unreasonable, arbitrary, invalid or void.
  - (4) That grantee has secured the necessary policies of insurance required by this Chapter and files therewith a copy of said policy together with a construction performance bond in the amount of \$25,000.00. Said bond requirement shall terminate upon completion of construction.

#### **24.06 TERM OF FRANCHISE**

- (a) **INITIAL TERM.** Upon the grant and acceptance of a franchise in accordance with the provisions of this Chapter, such franchise shall take effect and shall continue in full force and effect, subject to termination for cause, for a term of fifteen (15) years.
- (b) **RENEWAL.** The Village Board may renew any franchise granted hereunder for additional terms of fifteen (15) years. At least eighteen (18) months prior to the expiration of the franchise term, grantee shall notify the Village Board, in writing, of its intent to seek renewal. Grantee shall be advised in writing by the Village Board no less than ninety (90) days prior to the end of the franchise period whether said franchise is to be renewed. While it is not the intention of this chapter to provide for automatic renewals, no existing operation will be terminated without due and just cause.
- (c) **PERIODIC FRANCHISE REVIEW.** In addition to any other regulations contained herein, the Village Board may at any time require the grantee to make available specified records, documents and information for the Village Board's review, and may inquire in particular whether the grantee is supplying a level and variety of services equivalent to those being generally offered at that time in the industry in comparable market situations.

- (d) **MODIFICATIONS TO FRANCHISE.** Pursuant to franchise review as in subsection (c) above, Village Board or its designated CATV agency may require modifications in the franchise. The agency shall then confer with the grantee regarding modifications which might impose additional obligations on the grantee, and the grantee may in turn seek to negotiate relaxations in any requirements previously imposed on it that are subsequently shown to be impractical. Within thirty (30) days of the conclusion of such negotiations, the Village may require the grantee to show cause why specified terms and conditions should not be incorporated into the franchise, and the grantee may similarly file with the Village Board or Agency thereof that specified obligations of its franchise be removed or relaxed. The Village Board may order changes in the franchised rights and obligations of the grantee if it finds from all available evidence that such changes will not impair the economic viability of the system or degrade the attractiveness of the system's service to present and potential subscribers. In addition to the reviews provided herein, the review procedure may be initiated at any time during the term of the franchise by mutual agreement of the Village Board and the grantee.
- (e) **SALE, ASSIGNMENT OR LEASE OF FRANCHISE.** No sale or transfer of any franchise granted under this Ordinance shall be effective until the grantee has filed with the Village Board or Agency thereof an instrument duly executed reciting the fact of such sale, assignment or lease accepting the terms of the franchise and agreeing to perform all the conditions of the franchise. The Village Board reserves the right to approve such sale, assignment or lease by notification to the grantee within thirty (30) days of receipt of the duly executed instrument. Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale or similar document. Consent of the Village Board may not be unreasonably refused, provided, however, the proposed assignee must show financial responsibility as determined by the Village Board. No consent shall be required for a transfer in trust, mortgage, or other hypothecation, in whole or in part, to secure an indebtedness.
- (f) **COMPLIANCE TO TIMETABLE.** Any franchise granted under the terms of this Chapter shall be declared void one year from the date it is granted, and such permit shall be revoked, unless the grantee satisfactorily demonstrates compliance with the timetable set forth below:
- (1) Grantee, not later than six (6) months from the effective date of the franchise, shall furnish to the Village Board or its designated CATV Agency a report of complete plans and specifications for the construction of its system.

- (2) If within twenty (20) days of submitting the report, the Grantee receives no written objection from the Village, grantee must begin all procedures to obtain written objection from the Village, grantee must begin all procedures to obtain whatever agreements, if any, are required from utility companies and approvals from various Village departments required by law. After so receiving said necessary agreements and approvals, grantee shall begin construction within ninety (90) days thereafter and shall continue at such a rate as to make the service contemplated by this Chapter available to subscribers in conformity with the proposal submitted by any franchise pursuant to Sec. 24.05(b) of this Chapter.
- (g) **EFFECTIVE DATE.** Franchise shall take effect and will be in force from and after the earliest period allowed by law, and upon filing by the operator with the Village Board and/or Agency thereof its acceptance in writing of each and all of the terms and provisions of this Chapter. However, if the grantee fails to file such written acceptance within thirty (30) days after passage of the resolution granting said franchise, said resolution granting the franchise shall be void.

#### **24.07 TERMINATION FOR CAUSE**

- (a) **POWER TO TERMINATE.** The Village Board may terminate any franchise granted pursuant to the provisions of this Chapter in the event of the willful failure, refusal or neglect by grantee to do or comply with any material requirement or limitation contained in this Chapter, applicable state regulation, or FCC rules and regulations. In addition, the Village Board may terminate this franchise whenever any grantee fails, refuses or neglects to comply with any representation made in its proposal for a franchise upon which the Village Board has acted in granting the same.
- (b) **PROCEDURE FOR TERMINATION.**
- (1) Whenever any of the above mentioned circumstances occur or exist, the Village Board may direct the CATV Agency to make written demand upon the grantee that said grantee do or comply with any aforementioned requirement, limitation, term, condition, rule or regulation. The written notice shall direct that such action or compliance occur within sixty (60) days of the date of the written demand and, if the same does not occur, that the Village Board will act to terminate the franchise.

- (2) After such sixty (60) days period, and upon the refusal, failure or neglect of grantee to comply with the requirements set forth in the written demand, the Village Board may summon the grantee to appear before it at a regular or special meeting of such Board for the purpose of determining whether such franchise shall be terminated. Such summons shall be served upon the grantee at least ten (10) days prior to the date for such regular or special meeting. The hearing before the Village Board shall be recorded and all witnesses called to testify thereat shall be sworn under oath. The rules of evidence shall not be applied to testimony taken. Any witness at such hearing may be cross-examined. Upon the completion of testimony at such hearing the Village Board shall determine whether any act, failure, refusal or neglect by the grantee occurred with or without just cause. If just cause exists for such act, failure or refusal, or neglect, the Board may order a reasonable time within which compliance may occur. If no just cause exists, the Board may find and determine that the franchise shall be terminated and adopt an ordinance providing for such termination.
- (3) As an alternative to termination of the franchise, the Board may, upon finding that the act, failure, refusal or neglect of the grantee was without just cause, may direct compliance with the provisions set forth herein and impose upon the grantee a monetary penalty. However, any action by the Board to impose such penalty shall be made on the basis of first determining that cause for termination exists and that said franchise shall be terminated except that as an alternative the grantee shall pay such penalty. Failure of the grantee to pay the penalty within ten (10) days of the Board's determination shall result in termination of the franchise. Any penalty imposed hereunder shall be in an amount of not less than \$50.00 nor more than \$5,000.00 per occurrence.
- (b) **OBLIGATION TO REMOVE TERMINATED EQUIPMENT.** Upon termination or revocation of its permit or upon cessation of operations by the grantee, the grantee is under obligation to remove all of its equipment and installations over and under private property at the request of the property owners; and from the homes or business establishments of subscribers at their request.
- (c) **DELAYS FOR JUST CAUSE NOT GROUNDS FOR TERMINATION.** Provisions of this Chapter notwithstanding, delays in the performance of the grantee's obligations under this Chapter which are caused by equipment shortages, a state of war or national emergency, acts of God or any circumstances beyond the control of the operator, as determined by the Village Board, shall not be construed to be in violation of the requirements set forth in this resolution and reasonable extensions of time shall be granted therefore.

## **24.08 DOCUMENTS INCORPORATED BY REFERENCE**

All state and national health and safety codes, including the National Electrical Code, all applicable rules and regulations of the Federal Communications Commission regarding cable television service and cable television relay service, and the proposal of any person granted a franchise hereunder are hereby incorporated herein by reference and made a part hereof as if fully set forth herein. Any violation of such regulations or any failure, refusal or neglect by the grantee to comply with any representation made in said proposal shall be in violation of this Chapter. If any valid law, rule or regulation promulgated by any governing authority or agency having jurisdiction (including but not limited to the FCC) contravenes the provisions of this Chapter, the provisions hereof shall be superseded. In cases where the provisions of any proposal submitted hereunder are more strict than the provisions of this Chapter, or provide for a greater amount of service, then the provisions of that proposal shall supersede this Chapter and the grantees shall be required to comply with the proposal. Any issues raised with respect to which document supersedes the other shall be received by the Village Board, whose determination shall be final.

## **24.09 INDEMNIFICATION, DEFENSE, INSURANCE AND BOND REQUIREMENTS**

- (a) **INDEMNIFICATION.** A grantee shall indemnify, hold and save harmless, and defend the Village, and all of its officers, boards, commissions, agents and representatives from any and all claims, demands, causes of action, copyright action liability, judgments, costs, expenses, damages, including but not limited to damages to Village property and consents from the owners, authorized distributors of licensees of programs to be delivered by grantee's cable television system, and liabilities, including costs or liabilities of the Village with respect to its employees, of every kind and nature whatsoever, including but not limited to damages for injury or death or damage to person or property, regardless of the merit of any of the same, except when caused by the Village's negligence, and against all liability to others and against any loss, cost, and expense resulting or arising out of any of the same, except when caused by the Village's negligence, and against all liability to others and against any loss, cost, and expense resulting or arising out of any of the same, including reasonable attorneys fees, court costs, reasonable per diem expense, traveling and transportation expense, or other approvable and reasonable cost or expense arising out of or pertaining to the exercise or enjoyment of any franchise hereunder by grantee or the granting thereof by the Village.

- (b) **DEFENSE OF LITIGATION.** Grantee shall, at its own risk and expense, upon demand of the Village made by and through the Village Attorney, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative or otherwise, brought or instituted or had by third persons or duly constituted authorities against or affecting the Village, its officers, boards, commissions, agents, employees or representatives, and arising out of its operation of the franchise. Grantee shall pay and satisfy and shall cause to be paid and satisfied any judgment, decree, order, directive or demand rendered, made or issued against grantee, the Village, its officers, boards, commissions, agents, employees or representatives in any of these premises; and such indemnity shall exist and continue without reference to or limitation by the amount of any bond, policy of insurance, deposit, undertaking or other assurance required hereunder, or otherwise, provided that neither the grantee nor Village shall make or enter into any compromise or settlement of any claim, demand, cause of action, suit, or other proceeding with regard to Village liability without first obtaining the written consent of the other.
- (c) **REIMBURSEMENT OF COSTS.** The grantee shall pay, and by its acceptance of any franchise granted hereunder agrees, that it will pay all expenses incurred by the Village in defending itself with regard to all of the damages and penalties mentioned in subsections (a) and (b) above.
- (d) **PUBLIC LIABILITY INSURANCE.**
- (1) The grantee shall carry good and sufficient public liability and property damage insurance to fulfill the terms of subsections (a), (b) and (c) above, which insurance shall be in the amounts of not less than \$500,000.00 for property damage in any one accident, and not less than \$500,000.00 for bodily injury or death of any person, with a minimum of \$1,000,000.00 as to any one accident. Such policy shall be subject to the approval of the Village Attorney, as to its form and extent of coverage (as distinguished from dollar amount of coverage). Such policy shall, in addition to the coverage above mentioned, specifically insure against claims arising as a result of underground excavation.
  - (2) The policy shall provide for endorsement that it may only be cancelled or amended by the insurance company after sixty (60) days notice, in writing, to the Village Attorney.
  - (3) Said policy (or policies) must be in force before grantee commences any construction or installation and grantee shall notify the Village Attorney, in writing, that such policy (or policies) are enforced prior to the commencement of any construction or installation.
  - (4) Either the original policy (or policies) or certified copies must be on file with the Village Clerk and/or the CATV Agency designated by the Village Board.

- (5) The policy shall provide that the Village is named as an additional insured and shall further provide that so naming the Village as an additional insured shall not exempt the insurer from liability to the Village for damages to property owned by it or in which it has an interest.
- (6) The foregoing insurance requirements are minimum requirements only and the fact that any grantee carried in force and effect such policies shall not in any way waive, limit or reduce the grantee's obligation to indemnify, hold harmless or defend the Village as set forth above.
- (7) Neither the provisions of this Chapter nor any insurance accepted by the Village pursuant hereto, nor any damages recovered by the Village thereunder, shall be construed as a waiver of a bond required hereunder nor excused performance by the grantee or limit the liability of the grantee under any franchise issued hereunder or for damages, either to the full amount of such bond or otherwise.
- (8) Village Right of Intervention. Any grantee hereunder shall not oppose intervention by the Village in any suit or proceeding relating to the franchise where the grantee is a party.

#### **24.10 USE OF STREETS AND OTHER PUBLIC PROPERTY**

The authority granted by a franchise under this Chapter is expressly conditioned upon compliance with the provisions of the Chapter including, but not limited to, the following regulations:

- (a) **REPORT OF PLANS AND SPECIFICATIONS.** Grantee, prior to the commencement of any construction or installation of any facilities within the public street, easements, or other public property shall submit to the Village Board and its CATV Agency a report of plans and specifications, in a form to be approved by said Board and Agency, detailing the proposed construction and installation. Construction and installation may commence within twenty (20) days of submissions of the report unless the Village files written objections thereto.
- (b) **RIGHT TO INSPECT.** The Village shall have the right to inspect and supervise all construction or installation work performed in, under, upon, over, or through any street, easement or other public property. If, in the opinion of the Village Agency, such inspection requires such additional time of the Agency staff, the Agency may petition the Village Board to hire such additional employees as may be necessary to provide adequate inspection.

- (c) **USE OF EXISTING POLES OR CONDUITS.**
- (1) Nothing in this Chapter or any franchise granted hereunder shall authorize the grantee to erect and maintain in the Village any new poles where existing poles of other companies or utilities are servicing a geographic area. The grantee shall apply to the Village Board for permission to erect any new poles, underground conduit or appurtenances where none exist at the time the grantee seeks to install its network.
  - (2) Any franchise granted hereunder shall not relieve the grantee of any obligation involved in obtaining pole or conduit use agreements from the utility companies or other persons maintaining poles or conduits within any street or other public property, whenever the grantee finds it necessary to make use of said poles or conduits.
  - (3) In the event that the grantee has its facilities located upon poles or in conduits owned by other persons and the pole or conduit is removed, relocated or abandoned, grantee may be required to remove their facilities and provide services in another approved method.
- (d) **UNDERGROUND FACILITIES.** The grantee shall be required to install its facilities underground in any location where all other utilities are underground and in other locations where deemed necessary and directed by the Village CATV Agency. In determining where grantee's facilities shall be installed underground, the CATV Agency shall not unreasonably require such installations and shall limit such installation only to those situations where it is likely that other utilities will be transferring their facilities underground and in cases where the public health, safety and general welfare so require. Any determination of the CATV Agency hereunder which adversely affects the rights of the grantee may be appealed to the Village Board. The determination of the Board regarding the necessity for underground installation shall be final.
- (e) **EXCAVATION PERMITS AND STREET OBSTRUCTION PERMIT.** The grantee shall not open or disturb the surface of any street in the Village for any reason without first having obtained the permits required by the Code of Ordinances of the Village of Pulaski.
- (f) **FACILITIES NOT TO BE HAZARDOUS OR INTERFERE.** All installations of equipment shall be of a permanent nature, durable, and installed in accordance with good engineering practice, sufficient to comply with all existing Village of Pulaski regulations, and state laws so as not to interfere in any manner with the right of the public or individual property owner, and shall not interfere with the travel and use of public places by the public, and during the construction, repair or removal thereof, shall not obstruct or impede traffic unnecessarily or unreasonably interfere with the use or enjoyment of private property adjacent thereto. The Village CATV Agency shall make inspections to enforce the provisions of this section. Failure to comply with reasonable orders of the CATV Agency shall be cause for revocation.



- (g) **RESTORATION.** In the event of disturbance of any street by the grantee, it shall, at its own expense and in a manner approved by the CATV Agency, replace and restore such street in as good a condition as before the work causing such disturbance was done.
- (h) **NOTICE OF VILLAGE IMPROVEMENTS.** The Village reserves the right upon reasonable notice to require the grantee at his expense to protect, support, temporarily disconnect, relocate or remove from the Village streets any property of the grantee by reason of traffic conditions, public safety, street construction or vacation, change or establishment of street grade, installation of sewers, drains, water pipes, power or communication lines, tracks or other types of structure or improvements by governmental agencies or any other structures of public improvements. Reasonable notice for this provision of the Ordinance shall be construed to mean that at least thirty (30) days prior to such improvements, the Village will notify any grantee that some time after said thirty (30) day period, the grantee will be required to act hereunder within at least three (3) days of further notice. At any time after the expiration of the thirty (30) days period, the Village may require action hereunder upon three (3) days notice.
- (i) **TEMPORARY REMOVAL OF WIRE OR CABLE FOR BUILDING MOVING.** The grantee shall, on the request of any person holding a building moving permit, temporarily raise or lower its wires to permit the moving of said building. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than ninety-six (96) hours of four (4) working days' written notice to arrange for temporary wire changes.
- (j) **REIMBURSEMENT.** In the event the grantee fails to perform any such work detailed in Subsection (f), (g) and (h) within the time provided for notice as contained therein, the Village shall have the right to perform said work, or enter into appropriate contracts to have said work done, at the sole expense of the grantee. Payment for such work shall be made from the cash bond detailed in Sec. 24.09(d)(7).
- (k) **AUTHORITY TO TRIM TREES.** The grantee shall have authority to trim trees upon and overhanging streets so as to prevent branches of such trees from coming into contact with wires and cables of the company. All trimming is to be done under the supervision and direction of the Village Park and Recreation Director after prior written notification and approval of the Village and notification of the property owners effected by such action. All such work is to be done at the expense of the grantee. The grantee may contract for such services. Any firm or individual so retained by grantee must receive Village approval prior to commencing such activity.
- (l) **VILLAGE'S RIGHT OF NETWORK INSTALLATION.** The Village reserves the right during the life of the franchise granted hereunder, to install and maintain free of charge upon or in the poles and conduits of the grantee any wire and pole fixtures necessary for municipal networks or the condition that such installation and maintenance therefore does not interfere with the operation of the grantee.

- (m) **ALTERNATE ROUTING OF PLANT.** In the event continued use of a street is denied to the grantee by the Village for any reason, the grantee will make every reasonable effort to provide service over alternate routes.
- (n) **PLANT RECORDS.** The grantee shall furnish the CATV Agency upon completion of construction, maps, specifications, and staking sheets, showing all locations of the grantee's facilities. Upon any change as to construction and removals the grantee shall provide the Agency new and revised construction sheets for the Village's records, except for individual subscriber connecting wires or cable.

#### **24.11 CONSTRUCTION AND INSTALLATION**

- (a) **OBTAINING NECESSARY PERMITS.** Within thirty (30) days after acceptance of any franchise, the grantee shall proceed with due diligence and obtain all necessary permits and authorizations which are required in the conduct of its business, including but not limited to authorization to commence operation upon the filing of a registration statement with the FCC, or other federal authorization, microwave carrier licenses, and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of the CATV systems, or associated agreements shall be obtained within ninety (90) days after acceptance of any franchise. In the event that any necessary utility joint use attachment agreement has not been obtained within ninety (90) days after acceptance of any franchise, the grantee may apply to the Village for an extension of time under this subsection and must provide the Village in writing with an explanation of such delay and an estimation of when such joint use attachment agreements shall be obtained. The Village shall not unreasonably deny the granting of a reasonable extension of time hereunder.
- (b) **CONSTRUCTION AND INSTALLATION.** Within ninety (90) days after obtaining all necessary permits, licenses and authorizations, including rights of access to poles and conduits, grantee shall commence construction and installation of the cable television system. Within 180 days after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the installation and construction shall be pursued with reasonable diligence thereafter and in conformity with the proposal submitted by any franchise pursuant to Sec. 24.05(b).
- (c) **EASEMENTS NOT IMPLIED.** The right of construction, including easements, is not implied, except on location where the Village has the authority to grant such rights and easements, and then only in conformity with the provisions of this Chapter. All other rights of construction, including easements, shall be the responsibility of the operator.
- (d) **AREA TO BE SERVICED.** The grantee shall extend its cable system to provide full service to all residents within the Village, and to all residents of newly annexed area within a reasonable period of time after such annexation, where a density of fifty (50) subscribers per cable mile can be obtained.

## **24.12 OPERATION, MAINTENANCE AND SERVICE STANDARDS**

- (a) **OPERATIONS TO BE IN ACCORDANCE WITH RULES.** The grantee shall maintain and operate its distribution system in accordance with the National Electrical Safety Code, the FCC, and such applicable ordinances and regulations of the State and the Village as may be presently in effect or may become effective in the future.
- (b) **LOCATION OF FACILITIES.**
  - (1) Grantee shall maintain within the service area a listed telephone number so operated that complaints and requests for repairs and adjustments may be received at any time.
  - (2) Grantee shall also maintain an authorized agent within the service area, for the purpose of receiving subscriber bill payments.
- (c) **SERVICE.** The grantee shall provide service seven (7) days a week for all complaints and requests for repairs or adjustments. All repairs and adjustments shall be responded to in such a manner as to provide as nearly as practicable "same-day service" and in no event shall a response time exceed twenty-four (24) hours. The grantee shall at all times keep and maintain at its office a log of all complaints and interruptions or a degradation of service received or experienced for a period of two (2) years. Such records shall also include complaint response time and service restoral period and shall be continuously open to inspection, examination or audit by the Village or its authorized representative.
- (d) **INTERRUPTION OF SERVICE.** The grantee, whenever it is necessary to interrupt service over the community antenna television and audio communication system for the purpose of network maintenance, alteration or repair, shall do so at such time as will cause the least amount of inconvenience to the subscribers, and unless such interruption is unforeseen and immediately necessary, the grantee shall give reasonable notice thereof to the affected subscribers.
- (e) **GRANTEE RULES AND REGULATIONS.** The grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonable and necessary to enable the grantee to exercise its rights and performance obligations under this Chapter and Franchise. None of such rules, regulations, terms or conditions so established shall be in conflict with the provisions hereof of the laws of the State, or the rules and regulations of the FCC, or any rules and regulations promulgated by the Village in the exercise of its regular authority granted hereunder. Copies of all such rules, regulations, terms and conditions shall be filed with the Village CATV Agency and maintained at the Agency's office for public inspection during normal business hours. Any amendments, additions or deletions thereto must be immediately filed with the Village CATV Agency.
- (f) **SYSTEM NOT TO INTERFERE.** The Community Antenna Television and

Audio Communication System shall be so designed, engineered and maintained by grantee so as to not interfere with the television and radio reception of non-subscribers to the grantee's services, including adequate shielding, filtering and grounding.

(g) **CHANNEL CAPACITY AND ACCESS.**

- (1) Capacity. The grantee shall provide a network having a minimum of thirty-five (35) channels, sixteen (16) of which will be available as part of the initial services offered by grantee.
- (2) Grantee shall provide at least one (1) dedicated non-commercial access channel for use by governmental and educational agencies within the service area and by the public within the service area.
- (3) The grantee shall carry to the extent permitted by the FCC and as it can economically afford, the maximum number of broadcast signals, and shall exercise its best effort to obtain permission from the FCC or any other regulatory agency having jurisdiction over the number of signals permitted for carriage of such signals.
- (4) In case of any emergency or disaster, the grantee shall, upon request of the Village President, the Village Board, the Fire Chief or Police Chief, make available its facilities to the Village for emergency use during the emergency or disaster.
- (5) Any grantee shall carry those television and radio signals proposed in its application. Any changes shall be referred to the Village Board or its CATV Agency for review and approval.
- (6) The grantee will strive, insofar as is practical, for the betterment of its system, taking advantage of all reasonable improvements as they become available to it.

**24.13 RECORDS REQUIRED TO BE FILED WITH VILLAGE CATV AGENCY**

- (a) **NOT INCLUSIVE.** The records required to be provided in subsection (b) below are not an inclusive list of all such required records and such list does not relieve any grantee from the obligation of filing or submitting any other records set forth in this Ordinance.
- (b) **RECORDS TO BE FILED WITH VILLAGE CATV AGENCY.** The grantee shall file annually with the Village CATV Agency not later than three (3) months after the end of any fiscal year during the term of a franchise or renewal thereof copies of the following documents:
  - (1) An income statement applicable to grantee's operation under said franchise during the fiscal year or fraction thereof, such report to be certified by a public accountant.
  - (2) A list of all trouble complaints and network "down time" received or experienced during the fiscal year. All such submitted data shall also include complaint response time and service restoral period. For the purpose of this provision a certified copy of a "complaint" lot book reflecting all such incidents will suffice.
  - (3) A current list of all the following:

- a. The names, addresses and both business and residential phone numbers of the managers and engineer.
  - b. One copy of all types of subscriber agreements.
  - c. A listing of current rates for all services offered by grantee.
- (c) **OTHER REQUIRED RECORDS.** In addition to the foregoing, any grantee hereunder shall provide on an annual basis a statement of the total number of subscribers including which services are subscribed to, and said grantee shall immediately file a copy of each petition transmitted by the grantee to, or received by the grantee from, any federal, state or other regulatory commission or agency having competent jurisdiction to regulate or by third persons, and pertaining to the operations of any system authorized under this Chapter.

#### **24.14 RATES**

- (a) **REQUIREMENTS.** The rates and charges for television, radio and any other signals distributed hereunder shall be fair and reasonable and no higher than necessary to meet all costs of services (assuming sufficient and economical management), including a fair return on original cost, less depreciation, on the properties devoted to such service (without regard to any subsequent sale or transfer price or cost of such properties). The initial rates established by the franchise hereunder shall be in accordance with the following, and such rates shall remain fixed and unchanged during the first two (2) years of the franchise herein. Any rate changes after two (2) years from the date of the grant of the initial franchise to the Grantee will be reported in writing to the Village prior to enactment by the Grantee.
- (b) **BASIC SUBSCRIBER RATES.** Basic Subscriber Rates shall as approved by the Village Board from time to time.
- (c) **DISCOUNTS.** There shall be no discounted rate to owners of apartment buildings. Individual tenants will be served at the same rate as any other residential subscriber.
- (d) **SCHOOLS AND LIBRARIES.** All schools and libraries within the service area shall receive one cable outlet per facility at no charge. Additional outlets shall be installed on a time and material basic with no monthly charges after original installation.

#### **24.15 FRANCHISE FEES**

- (a) **AMOUNT.** The grantee shall pay to the Village a franchise fee based on three (3%) percent of the basic subscriber revenues for all cable television services in the Village. No other fee, charge or consideration shall be imposed. Sales tax or other taxes, if any, levied directly on a per subscription basis and collected by the grantee shall be deducted from the gross annual receipts before computation of sums due the Village is made. Payment shall be made on an annual basis.
- (b) **ANNUAL REPORT.** The grantee shall, on or before March 31 of each

year, provide the Village CATV Agency with an annual summary report showing gross annual subscriber receipts for all CATV services received during the preceding year, attesting to the accuracy of this report.

- (c) **VILLAGE'S RIGHT TO INSPECT RECORDS.** The Board of Trustees and the CATV Agency reserve the right to reasonable inspection of the books, records, maps, plans and other like material of the grantee's office during normal business hours.

#### **24.16 PROHIBITIONS**

- (a) **GRANTEES PROHIBITED.** The grantee of any franchise issued hereunder shall be prohibited, during the term of the franchise or any renewal thereof, as follows:

- (1) Grantee shall not offer, nor make, any payment in any form to any property owner for purposes of permitting cable service on his or her property or premises, except the purchase of easement rights where necessary, nor discriminate in rental charges or otherwise between persons falling within the same classifications of cable customer. No grantee shall take any action which would diminish or interfere with the privilege of any tenant or other occupant of any apartment building, condominium, nursing home, hospital, mobile home park, or other multiple dwelling housing facility in which other persons may reside to use or avail the use of master or individual antenna equipment.
- (2) The grantee shall not, as to rates, charges, service, service facilities, rules, regulations or in any other respect, make or grant any preference or advantage to any person or subject any person to prejudice or disadvantage. This section shall not apply to any special discounts given to senior citizens by grantee.
- (3) No grantee hereunder shall, either directly or indirectly engage in the wholesale or retail sale, servicing or repair of television receivers or antennas, nor directly or indirectly require any subscriber the servicing by any designated television/radio service business. The grantee shall neither directly nor indirectly, engage in installation or repair of distribution systems, other than its own, within apartments, motels, hotels, or other commercial complexes. This section is not to be construed to eliminate or restrict the availability of alarm or warning systems from subscribers to such systems.
- (4) The franchise shall be a privilege to be held in personal trust by the grantee. It cannot be sold, assigned, or leased except under the provisions of Sec. 24.06 of this Chapter.

- (5) No grantee, nor any other person, shall initiate or use any form,

procedure, or device for procuring information or data from cable subscribers' terminals by use of the cable system, without prior authorization from each subscriber so affected. Valid authorization shall mean approval from the subscriber for a period of time not to exceed one year and shall not have been obtained from the subscriber as a condition of a service. Nor shall any grantee, without prior written valid authorization from the CATV Agency of the Village, provide any data identifying designated subscribers. Any agreement or contract necessary for the implementation of this provision shall not be a condition of subscribing to the system.

(b) **OTHER PERSONS PROHIBITED.**

- (1) No person shall request or accept payment in any form for permitting cable service on his or her property or premises, nor discriminate in rental charges or otherwise between tenants or occupants who receive cable service and those who do not.
- (2) No person shall, without the express consent of the grantee possess or make any connection, extension or division whether physically, acoustically, inductively, electronically or otherwise with or to any segment of a grantee's system.
- (3) No person shall willfully interfere, tamper, remove, obstruct or damage any part, segment or content of a grantee's system. This prohibition shall not apply to the Village or to any Utility exercising any legitimate rights under any contract or local, state or federal regulation.

#### **24.17 EMPLOYMENT REQUIREMENTS**

The grantee must include in the CATV proposal considered by the Village an Equal Employment Opportunity Practices clause, pursuant to Federal Communications Commission Rule Section 76.13(a)(8).

#### **24.18 SEPARABILITY; PENALTY**

- (a) **SEVERABILITY.** If any section, subsection, sentence, clause, phrase, provision, or portion of this Chapter is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, or by any Federal or State agency with jurisdiction herein, such portion shall be deemed as separate, distinct, and independent provision and such holding will not affect the validity of the remaining portions hereto.

- (b) **PENALTY.** Any person violating or failing to comply with any of the provi-

sions of this Chapter shall forfeit not less than \$20.00 nor more than \$200.00 plus costs of this prosecution, and default of payment of the fine and costs of prosecution shall be imprisonment in the county jail until said fine and costs of the prosecution are paid, but not to exceed twenty (20) days. A separate offense shall be deemed committed on each day on which a violation of this Chapter occurs or continues.

#### **24.19 AWARD OF INITIAL FRANCHISE**

This Chapter having been adopted subsequent to the submission of proposals by several applicants pursuant to the provisions of Sec. 24.05 above, and the Village Board of the Village of Pulaski having completely reviewed said proposals, the Village Board shall by separate resolution designate an initial franchise subject to compliance with all of the provisions hereof.



## CHAPTER 25

### GAS DISTRIBUTION SYSTEM & FRANCHISE

25.01	Grant of Franchise
25.02	Restrictions on Franchise

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#### **25.01 GRANT OF FRANCHISE**

The Village of Pulaski, Brown County, Wisconsin, does hereby grant to Milwaukee Gas Light Company (herein called "the Company"), a corporation organized and existing under the laws of the State of Wisconsin, its successors and assigns, upon the conditions hereinafter set forth, the exclusive right, authority and permission to construct, maintain, operate, enlarge and repair in the Village of Pulaski, a system for the furnishing and distribution of natural gas and natural gaseous fuels, and to use the highways, roads, streets, alleys, lanes, boulevards, parks, public ways, public grounds and bridges in said Village, for constructing, maintaining, operating, enlarging and repairing its transmission and distribution pipe lines with all the necessary, usual or convenient manholes, valves, passage ways and appurtenances for the purpose of supplying and selling natural gases and natural gaseous fuels to said Village, and its residents and to any building, structure, factory, processing plant, industry or public or private house or any gas user therein.

#### **25.02 RESTRICTIONS ON FRANCHISE**

- (a) **FRANCHISE RESTRICTIONS.** This franchise is granted subject to the restrictions and conditions contained in applicable Sections of the Wisconsin Statutes, and further subject to such rules and regulations as the Village Board of said Village of Pulaski may by ordinance from time to time prescribe.
- (b) **CERTIFICATION.** This franchise shall be void and shall expire if the Company shall not have obtained from the Public Service Commission of Wisconsin within two years from the date of publication of this Ordinance a certificate authorizing it to transact such public utility business and to construct and operate the above described gas distribution system in said Village of Pulaski.

**CHAPTER 26**  
STORM WATER UTILITY

26.01	Establishment
26.02	Definitions
26.03	Storm Water Utility Rates and Charges
26.04	Billing and Collections
26.05	Appeals
26.06	Alternative Assessment Method
26.07	Storm Water Utility Finances

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**26.01 ESTABLISHMENT**

- (a) **PURPOSE.** The Village of Pulaski finds that the management of storm water and other surface water discharge within and beyond the Northern, Middle, and Southern Branch of Little Suamico River is a matter that affects the health, safety, and welfare of the Village, its citizens and business, and others in the surrounding area. Specific requirements have been placed on the Village through the Wisconsin Department of Natural Resources (WDNR)'s Regulation 216 requiring the Village improve the quality of storm water discharged to the waters of the State. Failure to effectively manage storm water affects the sanitary sewer utility operations of the Village by, among other things, increasing the likelihood of infiltration and inflow in the sanitary sewer. In addition, surface water runoff may create erosion of lands, threaten business and residences with water damage, and create sedimentation and other environmental damage in the Northern, Middle, and Southern Branch of Little Suamico River. Those elements of the system that provide for the collection of and disposal of storm water and regulation of groundwater are of benefit, and provide services to all properties within the Village of Pulaski, including property not presently served by the storm elements of the system. The cost of operating and maintaining the Village storm water management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom. In order to protect the health, safety, and welfare of the public, the Village Board is exercising its authority to establish a storm water utility and set the rates for storm water management services. The Village is acting hereunder pursuant to provisions of §§61.34, 66.0809, 66.0811 and 66.0821 of the Wisconsin Statutes.
- (b) **ESTABLISHMENT.** There is hereby established a Village of Pulaski Storm Water Utility. The operation of the Storm Water Utility shall be under the supervision of the Village Board.

- (c) **AUTHORITY.** The Village, through the Storm Water Utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such real estate and facilities as are deemed by the Village to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation by enumeration, surface and underground drainage facilities, sewers, water courses, retaining walls and ponds, detention basins, and such other facilities as will support a storm water management system.

## 26.02 DEFINITIONS

- (a) **DEFINITIONS.** The following terms, when capitalized shall have the following meanings:
- (1) **“Developed Property”** shall mean the real property that has been altered from its natural state by the addition of any improvements that may include a building, structure, impervious surface, and change in grade or landscaping.
  - (2) **“Equivalent Runoff Unit (“ERU”)**, shall mean the statistical average horizontal impervious area of “single family homes” within the Village on the date of adoption of this Ordinance. The horizontal impervious area includes, but it is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways, and sidewalks.
  - (3) **“Impervious Area”** or **“Impervious Surface”** shall mean areas that have been paved, covered or compacted to inhibit the natural infiltration of water into the soil or cause water to run off the area in greater quantities or at an increased rate of flow from the present under natural conditions as undeveloped property. Such areas may include, but are not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, gravel, athletic courts, and compacted surfaces. Excluded from this definition are undisturbed land, lawn, and fields.
  - (4) **“Duplex Unit”** shall mean any residential space identified for habitation by members of the same household attached to only one other residential space or as classified by the Village Building Code.
  - (5) **“ Dwelling Unit”** shall mean any residential space identified for habitation by members of the same household or as classified by the Village Building Code. A dwelling unit included, but is not limited to, all duplexes, apartments, residential condominiums and townhouses living units.

- (6) **“Non-residential Property”** shall mean any developed lot or parcel not exclusively residential, as defined herein, but not limited to, transient rentals (such as hotels and motels), mobile home park, commercial, industrial, institutional, governmental property and parking lots.
  - (7) **“Residential Property”** shall mean any lot or parcel developed exclusively for residential purposes including, but not limited to, single-family homes, manufactured homes, multi-family apartment buildings, and condominiums.
  - (8) **“Runoff”** shall mean the surface water, including rain and snowmelt, which is inhibited by impervious surfaces from naturally infiltrating into soil.
  - (9) **“Storm Water Facilities”** shall mean all constructed facilities or natural features used for collecting, storing, and conducting storm water to, through and from drainage areas to the point of final outlet. Storm water facilities collectively constitute a storm water system.
  - (10) **“Storm Water Utility”** shall mean the public utility established by the Village under and pursuant to the provisions of Sec. 66.0821, Stats.
  - (11) **“Undeveloped Property”** shall mean property which has not been altered from its natural state by the addition of any improvements, such as a building, structure, impervious surface, change or grade or landscaping. This shall include properties zoned agricultural. For new construction, a property shall be considered developed pursuant to this Ordinance at the time of water meter installation or upon review of the actual impervious area by January 1<sup>st</sup>.
- (b) **USE OF WORDS, PHRASES.** Words used in the singular shall include the plural, and the plural, the singular, words used in the present tense shall include the future tense; the word “shall” is mandatory and not discretionary; the work “may” is permissive. Terms not specifically defined herein shall have the meaning defined in NR 216.002, Wisconsin Administrative Code, and as the same may be amended from time to time, if defined therein; or if not therein defined, shall be construed to have the meaning given by common and ordinary use, as defined in the latest edition of Webster’s Dictionary.

## 26.03

## STORM WATER UTILITY RATES AND CHARGES

- (a) **ESTABLISHMENT OF RATES AND CHARGES.** There is hereby established a storm water management charge upon each lot and parcel within the Village of Pulaski for storm water management services and facilities provided by the Storm Water Utility. Storm Water Utility Rates and Charges shall be used to allocate and share the costs of the Storm Water Utility in a fair and reasonable manner. The Village Board shall by resolution establish formulas for the calculations of storm water rates, the establishment of specific property classifications and the Storm Water Utility rates. Future rate, formula and property classification changes shall also be established by resolution of the Village Board. All Storm Water Utility rates shall be fair and reasonable in accordance with the decision and judgment of the Village Board. All established Storm Water Utility Rates and Charges shall be maintained on file with the Village Clerk.
- (b) **STORM WATER UTILITY CHARGES.** The Storm Water Utility Charges may include:
- (1) Base Charge (BC). The Base Charge may be imposed on all property in the Village. The Base Charge will be designed to reflect the fact that all properties benefit from the storm water management activities of the Village and that all property contribute in some way to the storm water discharge that must be managed by the Village. The BC will be designed to collect the administrative costs of the storm sewer utility and the portion of the capital costs not covered by special assessment. The BC may be based upon the size of a parcel of property.
  - (2) Equivalent Runoff Unit Charge (ERU). The Equivalent Runoff Unit Charge shall be imposed on all property that has any developed impervious area. The ERU will be designed on the basis of a typical residential unit of property. Other units of property will be charged multiples of the ERU, based upon the impervious area contributing to surface water runoff.
  - (3) Special Charge (SC). The Special Charge may be imposed on property that is in an area specially benefited by a particular storm water management facility. The SC will be developed to reflect the benefits/services in a particular area that may not be appropriate to spread to property throughout the Village. The SC will be calculated on an ERU basis.
- (c) **PROPERTY CLASSIFICATIONS.** For purposes of imposing the storm water charges, all lots and parcels within the Village are classified into the following five (5) customer classes:
- (1) Residential – Single-family.
  - (2) Residential – Duplex.
  - (3) Residential—Multi-Family and Condominium.
  - (4) Non-Residential.
  - (5) Undeveloped.

- (d) **AVERAGE SQUARE FOOTAGE.** The average square footage of impervious area of the ERU is established to be 4,100 square feet.
- (e) **STORM WATER UTILITY RATES.** The Storm Water Utility Rates imposed hereunder shall be the following:
- (1) For single-family and mobile home residential properties shall be the rate for one ERU.
  - (2) For duplex residential properties shall be the rate for (0.6) of one ERU per each individual dwelling unit existing on the property (ERU rate multiplied by the number of dwelling units).
  - (3) For multi-family and condominium residential properties shall be the rate of four tenths of one ERU (0.4) multiplied by the number of individual dwelling units existing on the property.
  - (4) For non-residential properties, as defined herein, shall be the rate for one (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU. The factor shall be rounded down to the nearest 1/10<sup>th</sup>, i.e.:

$$\frac{\text{impervious area in square feet}}{4,100 \text{ square feet}} = \text{ERU Rate}$$

e.g.  $\frac{10,000 \text{ square feet}}{4,100 \text{ square feet}} = 2.43 \text{ ERUs} = 2.4 \text{ ERUs}$

- (f) **UNDEVELOPED LAND.** All undeveloped lands and parcels, including agricultural zoned properties, shall be subject to the Storm Water Utility charges. The minimum charges for any non-residential parcel shall be equal to the rate for four-tenths of one ERU. All unoccupied developed lots and parcels shall be subject to the Storm Water Utility charges. Upon filing of a final plat or certified survey map, a charge of 0.5 ERU times the rate shall be imposed on each newly created undeveloped lot. Appropriate ERU rate charges shall be made at the time of the issuance by the Village of a Building Permit.
- (g) **NEW CONSTRUCTION AND IMPROVEMENTS.** Full storm water charges under this Chapter shall apply for new construction on undeveloped lots or for improvements to existing structures from the date of the issuance of the Building Permit. The Property Owner shall submit a Storm Water Utility Service Application Form any time a Building Permit is applied for, except in cases involving single-family residences, or also excepting cases involving a site plan review. [Why the exceptions?] The Form shall be provided by the Village with each application for a Building Permit or application for site plan review. Failure to submit a completed Storm Water Utility Service Application Form, or providing false information on said form, shall result in the denial of the Building Permit or Site Plan. Providing false information on a Storm Water Utility Service Application Form shall result in the imposition penalties hereunder.

- (h) **ADDITIONAL INFORMATION.** The Village shall determine the Impervious Area, based upon the best available information, including, but not limited to, data supplied by the Building Inspector, aerial photography, the Property Owner, Tenant or Developer. The Village may require additional information, as necessary, to make the determination. Upon the Property Owner's written request, the Village shall review a previous Impervious Area determination for possible changes. The Village shall update the Storm Water Utility charges based upon impervious area changes to the Property.
- (i) **ADDITIONAL CLASSIFICATIONS.** The Village Board may make such other Storm Water Rate and property classifications as will be likely to provide reasonable and fair distribution of the costs of the Storm Water Utility. In so doing, the Board may provide credits against certain of the charges set for the above for facilities installed and maintained by the property owner for the purpose of lessening the storm water flow from that given property.

#### **26.04 BILLING AND COLLECTIONS**

- (a) **PARCEL LIST.** The Village shall cause to be prepared and maintained a list of lots and parcels within the Village of Pulaski and assign a classification of residential, non-residential, or undeveloped to each lot or parcel.
- (b) **COLLECTION AGENT.** The Village of Pulaski is hereby appointed as the collection agency for the Village Storm Water Utility. Bills shall be prepared by the Village through the Office of the Village Treasurer ~~or~~ and sent to the Property Owner of each premise served. The Village shall allocate the actual cost of administration, billing and collecting into the Storm Water Utility budget.
- (c) **PROPERTY OWNER RESPONSIBILITY.** Storm Water Utility charges hereunder shall be billed to and payable by the Owner of the property as appears on the Village tax roll. Storm Water Utility bills are rendered quarterly and become due and payable upon issuance following the period for which service is rendered. A late-payment charge of one (1%) percent per month will be added to bills not paid within 30 days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. The late payment charge is applicable to all customers. The utility customer shall be given a written notice that the bill is overdue no sooner than 30 days after the bill is issued.

- (d) **PAYMENT, LIEN, PENALTY.** Storm Water Utility charges shall not be payable in installments. Storm Water Utility charges shall be payable upon receipt, subject to the provisions of this section. If a charge remains unpaid for a period of 30 days after the date of the utility bill, such charge shall be deemed past due and delinquent and shall become a lien on the property to which it relates as provided in State Statutes 66.0821 (4)(d) and 66.0809(1), Wis. Stats. Delinquent charges shall be automatically extended upon the next available tax roll as a delinquent tax against the property, and all proceedings relating to the collection, return, and sale of property for delinquent real estates taxes shall apply to such charges. Charges remaining unpaid for a period of 30 days or more from the date of the utility bill shall be assessed a later payment charge.

## **26.05        APPEALS**

- (a) **INITIATING AN APPEAL.** A Storm Water Utility Rate or Charge may be appealed by the Property Owner by filing a written appeal with the Village Clerk, specifying all bases for the appeal. The appeal of an ERU determination shall be supported by documentation from a professional engineer. The payment of any current or delinquent Storm Water Utility Charges shall be a condition for hearing any appeal hereunder.
- (b) **INITIAL DETERMINATION.** The initial review and determination of any appeal hereunder shall be made by the Village Engineer. The Village Engineer shall determine whether the storm water charge is fair and reasonable or whether the ERU is correct based on the information submitted by the Property Owner. The Village Engineer may request additional information from the Property Owner. The Village Engineer shall determine the value of any credit to be issued based upon the information provided by the Property Owner. The Village Engineer's administrative findings and determination shall be issued in writing to the Village Clerk who shall distribute by mail a copy to the Property Owner. If the Property Owner disagrees with the Village Engineer's administrative findings and determination, the Property Owner may initiate an appeal under the provisions of Sec. 26.05(c).
- (c) **HEARING.** The Property Owner shall have thirty (30) days from the date of the issuance of the Village Engineer's Administrative Decision to submit a written appeal of that Decision to the Village Board. The Village shall schedule a hearing on the Property Owner's Appeal within sixty (60) days after the date of the receipt by the Village Clerk of the written appeal. The hearing shall be held before the Village Board with the Village President serving as the presiding officer. In the alternative, the Village Board may select a neutral, but qualified third party to serve as the hearing officer or tribunal. The Storm Water Utility shall be represented by the Village Engineer.



- (d) **FINDINGS AND DECISION.** Based on the evidence presented by the Property Owner and the Villager Engineer, the Village Board, or the third-party hearing examiner or tribunal, shall determine whether the storm water charge is fair and reasonable or whether the ERU is correct and whether a refund is due to the Property Owner. The Village Board, hearing officer or tribunal shall issue written findings and a decision.
- (e) **REFUND/CREDIT POLICY.** In the event that a refund is determined to be due to the Property Owner, the refund will be applied as a credit on the Property Owner's next storm water utility billing if the refund will not exceed the customer's next storm water utility bill; provided, however, that if it is determined that the refund will exceed the Property Owner's next storm water utility billing, the refund shall be issued in direct payment to the Property Owner without interest. The Village has established a Credit Policy for residential and non-residential property. The Policy is on file with the Office of the Village Clerk.

## **26.06 ALTERNATIVE ASSESSMENT METHOD**

The Village Board hereby finds and determines that the storm water utility charges established under this chapter reasonably reflect the services rendered to property and may be, and are hereby authorized to be levied and imposed on property as a special charge pursuant to Statute 66.0627, Wisconsin Statutes, in addition to other provisions of law. The mailing of the bill for storm water utility charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being imposed pursuant to the authority of Statute 66.0627, Wisconsin Statutes. The Village shall provide notice each October and any unpaid charges to the storm water utility and such charges, if not paid by November 15, may be placed on the tax roll in accordance with Statute 66.0627, Wisconsin Statutes. The collection method provided in this section is in addition to the collection method provided for in Section 51.04.

## **26.07 STORM WATER UTILITY FINANCES**

- (a) **STORM WATER MANAGEMENT FUND.** The Storm Water Utility finances shall be accounted for in a separate Storm Water Management Fund maintained by the Village.
- (b) **ANNUAL BUDGET.** The Storm Water Utility shall prepare an annual budget, which is to include all operation and maintenance costs, administrative costs, depreciation costs, debt service and other costs related to the operation of the Storm Water Utility. The budget is subject to approval by the Village Board. The costs shall be spread over the rate classifications as determined by the Board. Any excess of revenues over expenditures in a year will be retained by the Storm Water Management Fund for subsequent years' needs. **(Ord. #474-08)**

## CHAPTER 27

### HEALTH AND SANITATION

27.01	General Duties of the Health Officer
27.02	Abatement of Health Nuisances
27.03	Right of Health Officer to Enter Premises
27.04	Compulsory Connection to Sewer and Water
27.05	Sump Effluent
27.06	Keeping of Animals and Fowl
27.07	Displayed Food and Dairy Products
27.08	Sale of Unwholesome or Tainted Food Prohibited
27.09	Restaurant Regulations
27.10	Grocery Store and Meat Market Sanitation
27.11	Meat Inspection
27.12	Control of Weeds and Grasses
27.13	Lights in Village Parks
27.14	Clean Air Regulation

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#### **27.01 GENERAL DUTIES OF THE HEALTH OFFICER**

(a) **GENERAL DUTIES.**

- (1) Make an annual sanitary survey and maintain continuous sanitary supervision over his territory.
- (2) Make a periodic sanitary inspection at least every four months of all school buildings, restaurants, dairies, grocery stores, meat markets and places of public assemblage and report thereon to those responsible for the maintenance thereof.
- (3) Promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.
- (4) Enforce the health laws, rules and regulations of the State Board of Health, the State and the Village, including the laws relating to contagious diseases contained in Chapter 143, Wis. Stats.
- (5) Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
- (6) Keep and deliver to his successor a record of all his official acts.
- (7) Make an annual report to the State Board of Health and to the Village Board and such other reports as they may request.

- (b) **MATERIALS AND SUPPLIES.** The Health Officer shall have the authority to procure, at the expense of the Village, all record books, quarantine cards and other materials needed by the Board of Health, except such as are furnished by the State Board of Health.

Cross-Reference: Sec. 4.09

## **27.02 ABATEMENT OF HEALTH NUISANCES**

The Health Officer, together with the Board of Health, shall have the power to abate health nuisances in accordance with §146.14, Wisconsin Statutes, which is hereby adopted by reference and made a part of this Section as if fully set forth herein.

## **27.03 RIGHT OF HEALTH OFFICER TO ENTER PREMISES**

The Health Officer shall have the right to enter and examine any public premises or any place where meat, fish, poultry, game, milk, bakery goods or other foodstuffs are stored, prepared or dispensed for public consumption and to inspect or examine any vehicle transporting such foodstuffs for the purpose of enforcing the provisions of this Chapter.

## **27.04 COMPULSORY CONNECTION TO SEWER AND WATER**

- (a) **WHEN REQUIRED.** Whenever a sewer or water main becomes available to any building used for human habitation, the Health Officer shall notify the owner or his agent in writing, in the manner prescribed by the Wisconsin Statutes, or by registered mail addressed to the last known address of the owner or his agent.
- (b) **CONTENTS OF NOTICE.** The notice required by this section shall direct the owner or his agent to connect the building to such main or mains in the manner prescribed by the Health Officer and to install such facilities and fixtures as may be reasonably necessary to permit passage of sewage incidental to such human habitation into the sewerage system and to furnish an adequate supply of pure water for drinking and prevent creation of a health nuisance.
- (c) **HEALTH OFFICER MAY CAUSE CONNECTION AT EXPENSE OF OWNER.** If the owner or his agent fails to comply with the notice of the Health Officer within ten (10) days of service or mailing thereof, the Health Officer may cause connection to be made and the expense thereof shall be assessed as a special tax against the property. With respect to water, notice shall be given to the owner, occupant or agent to the extent required by state law.

- (d) **INSTALLMENT OPTION.** The owner or his agent may, within thirty (30) days after completion of the work, file a written option with the Village Clerk stating that he cannot pay the cost of connection in one sum and electing that such sum be levied in five (5) equal annual installments, with interest from the completion of the work.
- (e) **PRIVIES, CESSPOOLS, PROHIBITED AFTER CONNECTION WITH SEWER.** After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.

#### **27.05 SUMP EFFLUENT**

- (a) **DEFINITIONS.** The terms "street", "lot", "rear yard", and "side yard," as used in this Section have the meaning given them in Sec 51.02 of this Code.
- (b) **DISCHARGE OF SUMP.** No effluent from any sump pump located in or on any premises with the Village shall be discharged either directly or indirectly upon any street or into any gutter within the Village. The effluent from any sump pump located in or on any premises shall be discharged directly into the storm sewer system without first being discharged upon any street or into any gutter within the Village, or said effluent shall be discharged onto the rear yard or side yard of the lot where said premises is located.
- (c) **EXCEPTION.** Persons subject to the requirements of Subsection (a) hereof who are unable to comply with the requirements thereof may file with the Director of Public Works a written application for a Discharge Permit from the Village on forms provided by the Village Clerk. Discharge Permits may, subject to such conditions as may be directed by the Director of Public Works, be granted where the discharge of sump pump effluent cannot be discharged directly into the storm sewer system or effectively onto a rear yard or side yard of the lot.
- (d) **APPEAL.** The denial of any application for a Discharge Permit may be appealed to the Village Board under the provisions of Chapter 9 of this Code. (Ord. No. 535-15)

#### **27.06 KEEPING OF ANIMALS AND FOWL**

- (a) **KEEPING OF ANIMALS AND FOWL REGULATED.** The keeping of animals and fowl is prohibited except upon permit granted by the Health Commissioner or the Public Welfare Committee of the Village of Pulaski. In issuing such permit, the Health Commissioner or Committee shall consider the number of animals or fowl expected to be kept, their location, the facilities to be used for such purpose and the likelihood of a public or private nuisance being created.

- (b) **SANITARY REQUIREMENTS.** All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors. Interior walls, ceilings, floors, partitions and appurtenances of such structures, except structures or houses occupied by no more than one dog, cat, rabbit, skunk or similar animal kept as a pet, shall be whitewashed or painted annually, or oftener, as the Health Officer shall direct.
- (c) **ANIMALS EXCLUDED FROM FOOD-HANDLING ESTABLISHMENTS.** No person shall take, or permit to remain, any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.
- (d) **ANIMALS AND FOWL TO BE CONFINED.**
- (1) Control of Animals or Fowl. No person shall permit any animal or fowl of which he is the owner or custodian to be at large within the Village. Any animal shall be deemed to be at large when it is off the premises owned or leased by the owner unless crated, penned or under the control of a person able to control the animal or fowl by means of a leash or cage of sufficient strength to control the action of the animal or fowl, or such other personal attention as will reasonably control the conduct and actions of the animal or fowl.
  - (2) Unattended Animals or Fowl. No person shall permit any animal or fowl of which he is the owner or custodian to be left unattended within five (5) feet of a public right-of-way. Such public rights-of-way include, but are not limited to, sidewalks, streets, alleys and parking lots. Unattended animals shall include those animals which are crated, penned or leased but which are without personal supervision or control sufficient to properly restrain the animal or fowl.

Cross-Reference: Chapter 30

## **27.07 DISPLAYED FOOD AND DAIRY PRODUCTS**

The provisions of Chapter 97 of the Wisconsin Statutes relating to covering and display of food and dairy products are hereby adopted by reference and incorporated in this Code as if fully set forth herein.

## **27.08 SALE OF UNWHOLESOME OR TAINTED FOOD PROHIBITED**

No person shall sell, offer for sale or hold for sale any meat, fish, fruits, vegetables or other articles of food or drink which is not fresh or properly preserved, sound, wholesome and safe for human consumption or the flesh of any animal which died by disease. The Health Officer is hereby authorized and directed to seize and destroy any articles of food or drink which are offered or held for sale to the public which have become tainted, decayed, spoiled or otherwise unwholesome or unfit for human consumption.

## **27.09 RESTAURANT REGULATIONS**

- (a) **DEFINITION.** The term "restaurant" as used in this Section shall mean any place, kitchen or conveyance where meals or lunches are prepared for sale, sold or served to transients or the general public.
- (b) **GENERAL SANITATION.** All restaurant premises shall be kept clean and free of litter or rubbish. All garbage and rubbish shall be kept in suitable, airtight containers so as not to become a nuisance and shall be disposed of daily in a sanitary manner. No living or sleeping room, urinal, water closet, ash pit or coal bin shall connect directly with any room used for preparation, storing or serving of food. Between May 1 and October 1, all doors, windows and apertures shall be effectively screened and doors shall be self-closing to prevent the entrance of flies. All equipment shall be kept clean and free from dust, dirt, insects and other contaminating material.
- (c) **CLEANLINESS AND HEALTH OF EMPLOYEES**
  - (1) Clothing and Conduct. All restaurant employees or workers shall wear clean clothing, hair nets or caps and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees or workers shall not expectorate, or use tobacco in any form, in any area in which food is prepared.
  - (2) Disease. No person infected with any disease in a communicable form, or who is a carrier of any contagious disease, shall work in any restaurant and no restaurant owner or operator shall employ any such person to work in any restaurant.
  - (3) Duty of Health Officer. If the Health Officer shall suspect that an employee or worker in any restaurant is afflicted with any disease in communicable form, he shall notify such employee to cease working in any restaurant in the Village until he shall present a certified statement of a reputable physician or other satisfactory evidence that he is free from communicable disease.

- (d) **WATER SUPPLY AND PLUMBING.** In every restaurant, adequate safe water, under pressure, shall be convenient and available in any room where food is prepared or utensils washed. Private water supplies shall be tested for purity, not less than once every six months, in the manner directed by the Health Officer. Plumbing shall be so designed, installed and maintained to prevent contamination of the water supply, food, drink or equipment.
- (e) **CLEANSING OR UTENSILS AND EQUIPMENT.** In order to insure proper cleansing and disinfection of glasses, cups, dishes and other eating utensils in restaurants, they shall be thoroughly washed and sanitized after each use by one of the methods described in SS. H96.01, 1902, 96.06 the Wisconsin Administrative Code, which are incorporated in this section by reference as if fully set forth herein. Glasses or utensils may be chilled in cold running water or dry cold chests but shall not be chilled in a stationary container of cold or ice water.
- (f) **RESPONSIBILITY FOR COMPLIANCE.** It shall be the duty of the restaurant owner or operator to comply with the provisions of this Section. Restaurant employees and workers shall also be personally responsible for compliance with Subsection (c) of this Section.

#### **27.10 GROCERY STORE AND MEAT MARKET SANITATION**

No person shall operate a grocery store or meat market within the Village of Pulaski in an unsanitary, filthy or unclean manner so as to endanger the health of patrons or other persons. In all grocery stores and meat markets, refrigerators or refrigerator counters shall be kept in sanitary condition and shall maintain a temperature of 40 degrees Fahrenheit or below. Spoiled or unwholesome food shall be removed from the refrigerator immediately upon detection. The walls and ceilings of the store and stockrooms shall be kept clean and painted. Basements shall be clean and orderly and all refuse or garbage kept inside the premises must be placed in metal containers properly covered and disinfected when necessary. Meat grinders, hooks and all other utensils must be cleaned at the end of each work day. All unwrapped bakery or confectionery products shall be handled in such a manner that they do not come in direct contact with the hands of the individual selling them. The operator of the store or market shall be responsible for compliance with this section.



## **27.11 MEAT INSPECTION**

No person shall sell, have, keep or expose for sale for human consumption, the flesh or meat food products of any cow, calf, sheep, swine, horse or goat in the Village of Pulaski unless the same shall have been slaughtered, inspected or prepared under the supervision of a United States Government Inspector or in accordance with the regulations governing the inspection of meat as prescribed by the United States Department of Agriculture Bureau of Animal Industry, Title 9, Ch. 1(a), C.F.R. The Health Officer may authorize the sale of meat or meat food products which have been slaughtered, inspected or prepared under the supervision of any municipal inspector or health officer in accordance with prescribed standards which he determines to be substantially similar to the above regulations of the United States Department of Agriculture.

## **27.12 CONTROL OF WEEDS AND GRASSES**

(a) **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Section:

- (1) Noxious Weeds. The following shall be deemed noxious weeds: "Canada" or other thistles, chicorium italicum (commonly called "chicory"), ambrosia artemisiifolia (commonly called "ragweed"), lactuca scariola (commonly called "prickly lettuce"), hordeum jubatum (commonly called "squirrel tail"), lappa officinalis (commonly called "burdock"), white or ox-eyed daisies, snapdragon or toad flax, cocklebur, sow thistle, sour dock and yellow dock, wild mustard, wild parsnip, quitch grass, known also as quack grass or leafy spurge, field bind weed (commonly called "creeping jenny"), cuscuta sp. (commonly called "dodder"), brassica juncea (commonly called "Indian mustard"), raphanus raphanistrum (commonly called "wild radish"), and barbarea vulgaris (commonly called "yellow rocket"), together with such other and further plant growth as the Weed Commissioner shall determine to be noxious in character.
- (2) Destroy. "Destroy" means the complete killing of weed or the killing of weed plants over the surface and ground by the use of chemicals, cutting, tillage, cropping system or a combination of these at such time and in such manner as will effectively prevent such plants from maturing to the bloom and flower stage.

(b) **WEEDS AND GRASSES TO BE DESTROYED OR CONTROLLED.**

- (1) No person owning property within the Village of Pulaski shall permit to grow or pollinate, upon his premises, any weeds or grasses identified in Sec. 27.12
- (2) No person owning property within the Village of Pulaski shall allow, permit or maintain the growth of grass, hay, brambles, brush, reeds, rushes, cattails or any combination thereof, or any other unsightly growth, to height in excess of one foot.
- (3) The owners of all vacant unforested lands, not located in a Conservancy District in the Village, shall cause such lands to be graded and cleared of all debris, rubbish, rocks and unlevelled fill to facilitate the cutting and mowing of weeds and grasses thereon. **(Ord. #417)**

(c) **ENFORCEMENT.**

- (1) If any property owner shall fail to comply with the provisions of this Section, the Village may cause all noxious weeds to be destroyed or all unsightly growth to be mowed to a height less than the maximum permissible height as specified herein. The charge for destruction, clipping or mowing by the Village shall be One Hundred (\$100.00) Dollars plus Fifty (\$50.00) Dollars per hour per parcel and shall be charged in the manner provided by Section 94.02 of the Wisconsin Statutes, In the event the property owner fails to pay the charges for such destruction, clipping or mowing, such charges shall be spread upon the tax rolls as a special tax to be collected in the same manner as other taxes, unless such lands are otherwise exempt from taxation.
- (2) If any parcel is neglected or the property owner has otherwise failed to comply with the provisions of this Section and the Village is left to destroy, clip or mow that parcel; and, if, upon inspection by the Village, the parcel contains debris, rubbish, rocks or unlevelled fill so that it may or is reasonably likely to cause damage to the machinery used to destroy, clip or mow the parcel or otherwise be dangerous to the operator of such machinery, the Village may take such corrective measures as it deems reasonably necessary to bring the parcel into compliance with the provisions of this Section. The property owner shall be billed on an accrual basis for such work or action taken, such charges shall be spread upon the tax rolls as a special tax to be collected in the same manner as other taxes, unless such lands are otherwise exempt from taxation.

### **27.13 LIGHTS IN VILLAGE PARKS**

All persons, firms, groups, organizations or entities desiring use of ball diamond lights in Village owned park shall apply to the Public Welfare Committee of the Village Board for use of the same through and on forms supplied by the Office of the Village Clerk. All applicants shall pay such fee or fees for light use as may be established by the Committee.

### **27.14 CLEAN INDOOR AIR REGULATION**

- (a) **PURPOSES.** This Section regulates the smoking and use of smoking and tobacco products within the Village of Pulaski for the health and safety of all persons living, working or frequenting the Village of Pulaski.
- (b) **DEFINITIONS.** The following definitions shall be applicable to this Section and this Code:
  - (1) **"Educational Facility"** means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a State agency or board.
  - (2) **"Office"** means an area, whether publicly or privately owned or occupied, that serves as a place of work at which the principal activities consist of professional, clerical or administrative services.
  - (3) **"Person in Charge"** means the person who ultimately controls, governs or directs the activities within a place where smoking and the use of tobacco products is regulated under this Section, regardless of the person's status as an owner or lessee.
  - (4) **"Physician's Office"** means a place, other than a residence, that is used primarily to provide medical care and treatment.
  - (5) **"Restaurant"** means an establishment defined in §254.61(5), Stats.
  - (6) **"Retail Establishment"** means any store or shop in which retail sales is the principal business conducted therein, except a tavern operated under a "Class B" intoxicating liquor license or a "Class B" fermented malt beverage license.
  - (7) **"Smoking"** means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment or lighted tobacco product.
  - (8) **"Tobacco Products"** means those products defined in §139.75(12), Stats.

- (c) **REGULATION OF SMOKING.** Except as provided in subsection (d) hereof, no person may smoke in the enclosed, indoor area of any of the following places:
- (1) Public conveyances.
  - (2) Educational facilities.
  - (3) Offices.
  - (4) Restaurants.
  - (5) Retail establishments.
  - (6) Public waiting rooms.
  - (7) A Village building.
  - (8) A physician's office.
- (d) **EXCEPTIONS.** The regulation smoking in sub(c) above does not apply to the following places:
- (1) Areas specifically and appropriately designated "smoking areas" under sub(e) hereof.
  - (2) Entire room or halls used for private functions if the arrangements for the function are under the control of the sponsor of the function.
  - (3) Restaurants holding a "Class B" intoxicating liquor or "Class B" fermented malt beverage license when the sale of intoxicating liquors or fermented malt beverages, or both, accounts for more than 50% of the restaurant's receipts.
  - (4) Any area of a facility used principally to manufacture or assemble goods, products or merchandise for sale.
- (e) **DESIGNATION OF SMOKING AREAS.** A person in charge may, where proper ventilation is provided, as determined under applicable State building codes, designate smoking areas in places where smoking is otherwise regulated or prohibited under sub(c) hereinabove, unless otherwise specifically prohibited hereunder, provided that the person in charge may not designate an entire room or a building constituting a place described in sub(c) above as a "smoking area" and that the designated smoking areas hereunder for places where smoking is otherwise prohibited may not exceed 40% of the total area of the place where smoking is otherwise prohibited under the provisions of sub(c) hereinabove.
- (f) **SMOKING AREA DESIGNATIONS.** The person in charge shall post signs identifying designated smoking areas by use of such signs as may be prescribed under the provisions of §101.123, Stats.
- (g) **PENALTIES.** Any person who violates this Section shall be subject to the penalties specified in Sec. 1.06 of this Code.

## CHAPTER 28

### WATER POLLUTION

28.01	Water Pollution Control
28.02	Clean-up of Spilled or Accidentally Discharged Wastes
28.03	Storage of Polluting Substances

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#### **28.01 WATER POLLUTION CONTROL**

- (a) **LEGISLATIVE INTENT.** This Chapter is designed to prevent polluting or spilled material from reaching lakes or streams where it can create hazard to health, a nuisance or produce ecological damage and to assess responsibility and costs of clean-up to the responsible party.
- (b) **DISCHARGE OR RELEASE PROHIBITED.** It shall be unlawful for any person, firm or corporation to release, discharge, or permit the escape of domestic sewage, industrial wastes or any potential polluting substance into the waters adjacent to or within the boundaries of the Village of Pulaski, or into any stream within the jurisdiction of the Village, or into any street, sewer, ditch or drainageway leading into any lake or stream or to permit the same to be so discharged to the ground surface without authorization from the Village Board.

#### **28.02 CLEAN-UP OF SPILLED OR ACCIDENTALLY DISCHARGES WASTES**

- (a) **CLEAN-UP REQUIRED.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing the pollution to the lakes and streams under the jurisdiction of the Village of Pulaski.
- (b) **NOTIFICATION.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Pulaski Police Department so that assistance can be given by the proper agency.

- (c) **FINANCIAL LIABILITY.** The party or parties responsible for the release, escape or discharge of wastes may be held financially liable for the cost of any clean-up or attempted clean-up deemed necessary or desirable and undertaken by the Village of Pulaski, or its designated agent, in an effort to minimize the pollutorial effects of the discharged waste.

### **28.03 STORAGE OF POLLUTING SUBSTANCES**

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream within the jurisdiction of the Village of Pulaski.

**CHAPTER 29**  
**(Reserved)**

LICENSING OF DOGS AND CATS; REGULATION OF ANIMALS

30.01	Definitions
30.02	License Required
30.03	Control of Rabies
30.04	Regulation of Cats and Dogs
30.05	Dogs and Cats Prohibited in Cemeteries
30.06	Animal Waste
30.07	Impounding of Dogs and Cats
30.08	Duty of Owner in Cases of Animal Bite
30.09	Keeping of Dogs in Residential Areas
30.10	Keeping of Cats in Residential Areas
30.11	Horse Regulations
30.12	Animals to be Confined
30.13	Exotic Species
30.14	Reserved
30.15	Penalties

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**30.01 DEFINITIONS**

- (a) **“At Large”** means to be off the premises of the owner and not under the control of some person, either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of the dog or cat, shall be deemed to be upon the owner's premises.
- (b) **“Exotic Species”** shall mean those species that are not domesticated by humans and shall include, but are not limited to mammals, reptiles, avian, and arthropod belonging to any or all of the orders and families on the Prohibited Species List identified in Section 30.12(b) hereof.
- (c) **“Neutered”** as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional generative organs.
- (d) **“Owner”** shall mean any person owning, harboring or keeping any dog, cat, horse, other domestic livestock, exotic species or other animal or the occupant of any premises located within the Village of Pulaski on which a dog, cat, horse, other domestic livestock, exotic species or other animal remains or to which such animal customarily returns on a daily basis for a period of ten (10) days.
- (e) **“Person”** shall mean any individual, firm, partnership, association, corporation, company or organization of any kind.
- (f) **“Possess”** shall mean own, possess, keep, harbor, act as a custodian for or have custody or control.



### **30.02 LICENSE REQUIRED**

- (a) **LICENSE REQUIRED.** It shall be unlawful for any person in the Village of Pulaski to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of §174.05 through §174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same. The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay the dog license tax and obtain a license.
- (b) **LICENSE FEE.** The fee for a dog license shall be \$3.00 for each neutered dog, upon presentation of evidence that the dog is neutered, and \$8.00 for an unneutered dog, or one-half of these amounts if the dog became five (5) months of age after July 1 of the license year. The Village Board may by resolution increase the amount of the license fee, but the additional fee shall not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refunds which may be received pursuant to §174.09(2) of the Wisconsin Statutes.
- (c) **DOG TAG.** Upon payment of the required dog license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Sec. 30.03 of this Chapter, the Village Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. A duplicate copy of the license shall be kept on file by the Village Treasurer. The Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year. The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times. The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Pursuant to Sec. 30.05, any Village police officer shall seize, impound or restrain any dog for which a dog or cat license is required which is found without such tag attached.
- (d) **LATE FEE.** The Village Treasurer shall assess and collect a late fee of \$5.00 from any owner of a dog five (5) months of age or over, if the owner failed to obtain a license prior to February 28 of each year, or within thirty (30) days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license on or before the dog reached licensable age.
- (e) **EXCEPTION.** Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from dog license tax and every person owning such a dog shall receive annually a free dog license from the Village Treasurer application therefore.

### **30.03 CONTROL OF RABIES**

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and re-vaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this Village after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is obtained or brought into the Village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog re-vaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination.

### **30.04 REGULATION OF DOGS AND CATS**

- (a) **VICIOUS DOGS.** No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. A dog is declared to be vicious within the meaning of this section when it shall have bitten any person, or when a propensity to attack or bite human beings shall exist and is known, or ought reasonably to be known to the owner or any member of the owner's immediate family over sixteen (16) years of age. Any vicious dog which is found off the premises of its owner other than as hereinabove provided, may be seized by any person, and upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.
- (b) **RESTRICTIONS ON KEEPING OF DOGS AND CATS.** It shall be unlawful for any person within the Village of Pulaski to own, harbor or keep any dog or cat which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
  - (2) Assaults or attacks any person.
  - (3) Is at large within the limits of the Village.
  - (4) Habitually barks or howls to the annoyance of any person or persons.
  - (5) Kills, wounds or worries any domestic animal.
  - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (c) **NEGLECT OF DOGS OR CATS.** It shall be unlawful for any person owning or responsible for confining of any dog or cat to refuse or neglect to supply such dog or cat with a sufficient supply of food and water or fail to provide such dog or cat with proper shelter as prescribed in §§951.02, 951.13 and 951.14 of the Wisconsin Statutes.

### **30.05 DOGS AND CATS PROHIBITED IN CEMETERIES**

No dog or cat is permitted in any cemetery within the Village except dogs specially trained to lead blind persons.

### **30.06 ANIMAL WASTE**

- (a) **REMOVAL OF ANIMAL WASTE.** No person who owns, possess or controls an animal shall permit such animal to defecate upon any property, other than the property of the owner or custodian, unless the owner or custodian of the animal shall immediately thereafter clean up and remove such animal excreta from such property. Any person who shall walk or escort an animal off their own property shall be in possession of equipment and containers necessary to affect the immediate clean-up and removal of such animal's excreta.
- (b) **ANIMAL WASTE CONTROL.** No person owning or possessing an animal on their property shall permit more than 24 hours of animal waste to accumulate on their property.

### **30.07 IMPOUNDING DOGS AND CATS**

- (a) **IMPOUNDING DOGS AND CATS.** The Village of Pulaski Humane Officer shall serve as the Village's animal control officer and shall seize and restrain any dog for the keeping of which no license has been issued and for which one is required, and shall seize and restrain any dog or cat running at large as defined in this Chapter.
- (b) **DISPOSAL OF IMPOUNDED DOGS AND CATS; FEES.** In addition to any penalty provided for a violation of this Section, any person may impound any dog, and any police officer of the Village may impound or kill any dog which assaults or attacks any person, is habitually at large within the Village, habitually barks or howls, kills, wounds or worries any domestic animal or is infected with rabies. Possession of dogs impounded under this Section may be obtained by paying \$3.00 to the Village Humane Officer plus \$.50 a day for each day, or fraction thereof, the dog has been so impounded. Dogs impounded for a period of seven (7) days may be destroyed by or under the direction of the Humane Officer, in accordance with Chapter 174 of the Wisconsin Statutes.

### **30.08 DUTY OF OWNER IN CASE OF ANIMAL BITE**

Every owner, or person harboring or keeping a animal, who knows that such animal has bitten any person, shall immediately report such fact to the Health Officer and Chief of Police, and shall keep such animal confined for not less than fourteen (14) days or for such period of time as the Health Officer

shall direct. The owner or keeper of any such animal shall surrender the animal to the Health Officer, or any Village police officer, upon demand for examination.

### **30.09 KEEPING OF DOGS IN RESIDENTIAL AREAS**

- (a) **PURPOSE.** The keeping of a large number of dogs on a Residential Lot detracts from and may be detrimental to healthful and comfortable life for which such areas were created. The keeping of a large number of dogs on a Residential Lot is, therefore, declared a public nuisance.
- (b) **DEFINITIONS.**
- (1) **"Dog"** shall mean any canine, regardless of breed, age or sex.
  - (2) **"Family"** for the purpose of this ordinance shall mean one or more persons residing at the Residential Lot.
  - (3) **"Harbor, have custody of or keep"** shall mean having the animal on the Residential Parcel, whether or not the animal is owned by the owner or occupant of the Residential Parcel, and shall include providing temporary care or shelter for an animal owned by a third party.
  - (4) **"Residential Lot"** shall mean a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
- (c) **NUMBER OF DOGS LIMITED.**
- (1) No owner or occupant of a Residential Lot shall own, harbor, have custody of or keep in his or her possession more than two (2) dogs on that Residential Lot for more than seven (7) days within a calendar year without the prior approval of the Village Board except that a litter of pups or a portion of a litter may be kept for not more than eight (8) weeks from the date of birth. If more than one family resides on a residential lot, then only two (2) dogs shall be allowed on the residential lot unless the prior approval is obtained from the Village Board.
  - (2) The above requirement may be waived with the approval of the Village Board. Such application for waiver shall first be made to the Village Clerk on forms provided by that Office who shall forward the application to the Village Board for its consideration.
  - (3) The provisions hereof shall not be applicable to the Village in connection with its temporary keeping of strays and other impounded animals.

### **30.10 KEEPING OF CATS IN RESIDENTIAL AREAS.**

- (a) **PURPOSE.** The keeping of a large number of cats on a Residential Lot

detracts from and may be detrimental to healthful and comfortable life for which such areas were created. The keeping of a large number of cats on a Residential Lot is, therefore, declared a public nuisance.

(b) **DEFINITIONS.**

- (1) **"Cat"** shall mean any feline, regardless of breed, age or sex.
- (2) **"Family"** for the purpose of this ordinance shall mean one or more persons residing at the Residential Lot.
- (3) **"Harbor, have custody of or keep"** shall mean having the animal on the Residential Parcel, whether or not the animal is owned by the owner or occupant of the Residential Parcel, and shall include providing temporary care or shelter for an animal owned by a third party.
- (4) **"Residential Lot"** shall mean a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.

(c) **NUMBER OF CATS LIMITED.**

- (1) No owner or occupant of a Residential Lot shall own, harbor, have custody of or keep in his or her possession more than two (2) cats on that Residential Lot for more than seven (7) days within a calendar year without the prior approval of the Village Board except that a litter of kittens or a portion of a litter may be kept for not more than eight (8) weeks from the date of birth. If more than one family resides on a residential lot, then only two (2) cats shall be allowed on the residential lot unless the prior approval is obtained from the Village Board.
- (2) The above requirement may be waived with the approval of the Village Board. Such application for waiver shall first be made to the Village Clerk on forms provided by that Office who shall forward the application to the Village Board for its consideration.
- (3) The provisions hereof shall not be applicable to the Village in connection with its temporary keeping of strays and other impounded animals. **(Ord. 526-13)**

### **30.11 HORSE REGULATIONS**

- (a) **RESTRICTIONS.** Horses not confined in trailers or other devices for purposes of transportation shall be prohibited on Village streets or sidewalks. This prohibition is applicable to, but not limited to, the riding, leading, or driving of any horse upon street or sidewalks of the Village.
- (b) **EXCEPTIONS.** The riding, leading or driving of horses shall be allowed upon the streets of the Village during and for use in parades and such other special events upon the securing of a permit.

### **30.12 ANIMALS TO BE CONFINED**

- (a) **ANIMALS AT LARGE PROHIBITED.** No person, owner or custodian shall permit any animal (including fowl) to be at large within the Village. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal, or such other personal attention as will reasonably control the conduct and actions of the animal. No person, owner or custodian shall permit any animal (including fowl) to be left unattended within five (5') feet of a public right-of-way. Such public rights-of-way include, but not limited to, sidewalks, streets, alleys and parking lots.
- (b) **UNATTENDED ANIMALS PROHIBITED.** Unattended animals shall include those animals which are crated, penned, or leashed but which are without personal supervision or control sufficient to properly restrain the animal.

### **30.13 EXOTIC SPECIES**

- (a) **KEEPING OF EXOTIC SPECIES PROHIBITED.** No person shall possess an exotic animal in the Village.
- (b) **PROHIBITED SPECIES LIST.** The following orders and families of species, whether bred in captivity or the wild, and any and all genetic hybrids thereof shall be classified as an "Exotic Species" for purposes of the provisions of Sec. 30.12(a):
- (1) Class Mammalia
- a. Order Chiroptera (any bat species)
  - b. Order Artiodactyla (hippopotamuses, giraffes, camels, deer). Excludes domestic cattle, swine, sheep, goats, alpaca and llama.
  - c. Order Carnivora.
    1. Family Felidae (lions, tigers, cougars, leopards, ocelots, servals). Excludes domestic cats.
    2. Family Canidae (wolves, coyotes, foxes, jackals). Excludes domestic dogs.
    3. Family Ursidae (all bears).
    4. Family Mustelidae (weasels, skunks, martins, minks) Excludes ferrets.
    5. Family Procyonidae (raccoons, coatis)
    6. Family Hyaenidae (hyenas)
    7. Family Viverridae (civets, genets, mongooses)
  - d. Order Edentatia (anteaters, armadillos, sloths)
  - e. Order Marsupialia (oppossums, kangaroos, wallabies, sugar gliders)
  - f. Order Perissodactyla (rhinoceroses, tapirs). Excludes horses, donkeys and mules.

- g. Order Primates (lemurs, monkeys, chimpanzees, gorillas).
- h. Order Proboscidae (Elephants).
- i. Order Rodentia (squirrels, beavers, porcupines, prairie dogs). Excludes guinea pigs, rats, mice, gerbils and hamsters)

(2) Class Reptilia.

- a. Order Squamata.
  - 1. Family Helodermatidae (Gila monsters and Mexican beaded lizards).
  - 2. Family Varanidae (any monitor which will normally grow over two (2) feet in length).
  - 3. Family Iguanidae (only green iguanas and rock iguanas)
  - 4. Family Boidae (all species whose adult length may exceed eight (8) feet).
  - 5. Family Colubridae (Boomsnangs and African twig snakes).
  - 6. Family Elapidae (coral snakes, cobras, mambas)
  - 7. Family Nactricidae (only keelback snakes)
  - 8. Family Viperidae (copperheads, cottonmouths, rattlesnakes).

(3) Class Aves.

- a. Order Falconiformes (eagles, hawks, vultures)
- b. Order Rheiformes (Rheas)
- c. Order Struthioniformes (ostriches)
- d. Order Casuariiformes (cassowaries and emus)
- e. Order Strigiformes (owls)

(4) Class Arthropod

- a. Class Arachnida
  - 1. Order Scorpiones
    - (i) Arabian fat-tailed scorpion - *Androctonus crassicauda*
    - (ii) Arizona centruroides scorpion - *Centruroides exilicauda*
    - (iii) Death stalker - *Leiurus quinquestriatus*
    - (iv) Egyptian yellow scorpion - *Androctonus amoreuxi*
    - (v) Israeli black scorpion - *hottentotta judaicus*
    - (vi) S.A. giant fat-tailed scorpion - *Parabuthus transvaalicus*
    - (vii) Sinai desert scorpion - *Androctonus bicolor*
    - (viii) Yellow esert scorpion - *Androctonus Australia*
  - 2. Order Araneae, Family Therididae
    - (i) Argentina red widow spider - *Latrodectus coralinus*
    - (ii) Brown widow spider - *Latrodectus geometricus*

- (iii) Red-back widow - Latrodectus hasselti
- (iv) Red widow spider - Latrodectus bishopi
- (v) Southern black widow spider - Latrodectus mactans
- (vi) Western widow - Latrodectus Hesperus
- 3. Order Araneae, Family Loxoscedlidae, Brown recluse spider - Loxosceles reclusa
- b. Class Chilopoda
  - 1. Order Scolopendromorpha, Family Scolopendridae
    - (i) Amazon giant banded centipede - Scolopendra gigantea
    - (ii) Arizona Tiger Centipede - Scolopendra viridis
    - (iii) Florida keys centipede - Scolopendra alternans

(5) Any Federal or State Endangered or Threatened Species.  
(Ord. No. 489-10)

### **30.14 (RESERVED)**

### **30.15 PENALTIES**

Any person violating any provision of Sections 30.03, 30.04, 30.05, 30.06, 30.08, 30.09, 30.10, 30.11 and 30.12 shall be subject to a fine in an amount not less than \$50.00 nor more than \$250.00. Any person violating the provisions of Section 30.13 shall be subject to a fine in an amount not less than \$100.00 nor more than \$1,000.00. Each violation of this Chapter shall be considered a separate violation and any violation continuing for more than 24 hours shall be considered a separate offense.



## CHAPTER 31

### FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR

31.01	General Provisions
31.02	Classes of Licenses
31.03	License Fees
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31.05	Qualifications of Applicants and Premises
31.06	Investigation
31.07	Approval of Application
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#### **31.01 GENERAL PROVISIONS**

- (a) **STATE STATUTES ADOPTED.** The provisions of Chapter 125 and §48.344 and §778.25 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of the Chapter as if 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. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter.
- (b) **DEFINITIONS.** As used in this Chapter the terms "Alcohol Beverages," "Intoxicating Liquors," "Sell," "Sold," "Sale," "Restaurant," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," and "Operators," shall have the meaning given them by Chapter 125, Wisconsin Statutes.

- (c) **LICENSE REQUIRED.** No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor, wine or fermented malt beverage, including wine cooler products, in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by §§125.06, 125.25, 125.26, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.

### **31.02 CLASSES OF LICENSES**

- (a) **RETAIL CLASS "A" INTOXICATING LIQUOR LICENSE.** Subject to the provisions of Sec. 31.05(g), a retail Class "A" intoxicating liquor license, when issued by the Village Clerk under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers, and to be consumed off the premises so licensed.
- (b) **RETAIL CLASS "B" INTOXICATING LIQUOR LICENSE.** A retail Class "B" intoxicating liquor license, when issued by the Village Clerk under authority of the Village Board shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed, and in the original package or container, in multiples not to exceed four liters at any one time, and to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (c) **CLASS "A" FERMENTED MALT BEVERAGE RETAILER'S LICENSE.** A Class "A" retailer's fermented malt beverage license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold, and in the original packages, containers or bottles.
- (d) **CLASS "B" FERMENTED MALT BEVERAGE RETAILER'S LICENSE.** A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half of a percentum of alcohol by volume, without obtaining a special license to sell such beverages.

- (e) **CLUB OR SPECIAL CLASS "B" FERMENTED MALT BEVERAGE PICNIC LICENSE.**
- (1) A club or special Class "B" Picnic license, when issued by the Village Clerk under authority of the Village Board, as provided for in §125.26(6), Wis. Stats., shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages at a particular picnic, post meeting, fair or similar gathering. Such license may be issued only to bona fide clubs, state, county or local fairs, associations or agricultural societies, lodges or societies that have been in existence for not less than six (6) months prior to the date of application for such license or to posts of ex-servicemen's organizations now or hereafter established. Such license is valid for those dates as approved by the Village Board.
- (2) Application. Application for such license shall be signed by the president or corresponding officer of the society making such application and shall be filed with the Village Clerk together with the appropriate license fee for each for which the license is sought. The license shall specify the hours and dates of license validity.
- (f) **WHOLESALE LICENSE.** A Wholesaler's fermented malt beverage license, when issued by the Village Clerk under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.
- (g) **RETAIL "CLASS "C" WINE LICENSE.** A retail Class "C" wine license, when issued by the Village Clerk upon approval by the Village Board, shall authorize the retail sale of wine by the glass or in an opened original contained for consumption on the premises where sold.

### **31.03 LICENSE FEES**

- (a) **RETAIL CLASS "A" INTOXICATING LIQUOR LICENSE.** The annual fee for a Retail Class "A" Intoxicating Liquor License shall be \$100.00 per year.
- (b) **RETAIL CLASS "B" INTOXICATING LIQUOR LICENSE.** The annual fee for a Retail Class "B" Intoxicating Liquor License shall be \$200.00 per year, or as pro-rated.
- (c) **CLASS "A" FERMENTED MALT BEVERAGE RETAILERS LICENSE.** The annual fee for a Class "A" Fermented Malt Beverage Retailers License shall be \$10.00 per year.
- (d) **CLASS "B" FERMENTED MALT BEVERAGE RETAILERS LICENSE.** The annual fee for a Class "B" fermented malt beverage retailers licenses shall be \$100.00 per year or three-quarters of such amount for a six-month period. Club licenses, as defined in §125.26(6), Wis. Stats., shall be issued for a fee of \$5.00.

- (e) **WHOLESALE'S LICENSE.** The annual fee for a Wholesaler's License shall be \$25.00 per year or fraction thereof.
- (f) **SPECIAL CLASS "B" FERMENTED MALT BEVERAGE PICNIC LICENSE.** The annual fee for a Special Class "B" Fermented Malt Beverage Picnic License shall be \$10.00 per event or \$100.00 per year.
- (g) **RETAIL Class "C" WINE LICENSE.** The annual fee for a Retail Class "C" Wine License shall be \$100.00 per year.
- (h) **ADDITIONAL FEES.** Applicants for a license under this Chapter shall also pay all actual publication and notice expenses and such administrative and processing charges as the Village may, from time to time, establish by resolution.

### **31.04 APPLICATION FOR LICENSE**

- (a) **CONTENTS.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the State Treasurer and shall be sworn to by the applicant and shall be filed with the Village Clerk not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- (b) **CORPORATIONS.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, if a corporation.
- (c) **PUBLICATION.** The application shall be published at least once in the official Village newspaper, and the costs of publication shall be paid by the applicant.
- (d) **AMENDING APPLICATION.** Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.

### **31.05 QUALIFICATIONS OF APPLICANTS AND PREMISES**

- (a) **RESIDENCE REQUIREMENTS.** A retail Class "A", a retail Class "B" fermented malt beverage or intoxicating liquor license or a Class "C" retail wine license shall be granted only to persons who are citizens of the United States and residents of the State of Wisconsin continuously for at least one year prior to date of filing the application. A Class "C" license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.
- (b) **APPLICANT TO HAVE MALT BEVERAGE LICENSE.** No retail Class "B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.

- (c) **RIGHT TO PREMISES.** No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed, which premises is located in an area properly zoned for such operations and otherwise meets the requirements of this Chapter.
- (d) **AGE OF APPLICANT.** No Class "A", "B" or "C" licenses shall be granted to any person under eighteen (18) years of age.
- (e) **CORPORATE RESTRICTIONS.**
- (1) No license shall be granted to any corporation which does not comply with the provisions of §125.04(6), Wis. Stats.; which does not have an agent eligible for a license under this chapter or under state law; or, which has more than fifty (50%) percent of the stock interest, legal or beneficial, in such corporation held by any person or persons not eligible for a license under this chapter or under the state law.
- (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Village Clerk a statement of transfers of stock within 48 hours after such transfer of stock.
- (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in §125.12, Wis. Stats., when more than fifty (50%) percent of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
- (f) **SEPARATE LICENSES.** A separate license shall be required for each business premises where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale. Except in the case of hotels, , no person may hold both a "Class A" license and either a "Class B" license or permit, a "Class B" license or permit or a Class "C" license for the same premises or for a connecting premises (§125.51(8), Stats.)
- (g) **CLASS "A" LICENSE ISSUANCE RESTRICTIONS.**
- (1) Class "A" Intoxicating Liquor License. Only those persons, firms or corporations, who are holders of Class "B" Licenses, or whose principal business is one of the following, may be eligible for a Class "A" Intoxicating Liquor License:
- a. The sale of fermented malt beverages and intoxicating liquors for consumption away from the premises where sold and in original packages, containers or bottles.
  - b. The retail sale of groceries. **(Ord. #406)**
  - c. The retail of flowers and gifts for the purpose of the sale of wine for consumption away from the premises where sold and in the original packages, containers or bottles. **(Ord. #545-16)**
- (2) Class "A" Fermented Malt Beverage Retailers License. Only those persons, firms or corporations, whose principal business activity is one of the following, shall be eligible for receipt of a Class "A" Fermented Malt Beverage Retailers License:

- a. The holder of a Class "B" License.
  - b. The sale of fermented malt beverages or intoxicating liquors for consumption away from the premises where sold and in the original packages, containers or bottles.
  - c. The retail sale of groceries or convenience goods and petroleum products.
- (3) Definitions. For purposes of this subsection (g), the terms "principal business" shall refer to the principal and primary commercial enterprise engaged in by the applicant, including all activities engaged in for profit on the proposed licensed premises, as measured by volume of sale, gross profit, or by such other indicia of purpose as the Board shall determine to be relevant.  
(Ord. #373)

### **31.06 INVESTIGATION**

The Village Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department, and Building Inspector of each new application for license and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Board in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

### **31.07 APPROVAL OF APPLICATION**

- (a) **GENERAL REQUIREMENTS.** In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.
- (b) **DELINQUENT TAXES.** No license shall be granted for operation on any premises or with any equipment which taxes or assessments or other financial claims of the Village are delinquent and unpaid.

- (c) **CODE COMPLIANCE.** No license shall be issued unless the premises conform to the sanitary, safety, and health requirements of the State Building Code, and the regulations of the State Board of Health and Village Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and must conform to all ordinances of the Village. Each applicant's proposed licensed premises shall be subject to an inspection prior to issuance of the license by the Building Inspector, the Fire Inspector, the Health Officer and the designees of the Village Board.
- (d) **NON-APPROVAL.** In the event any inspector as designated in subsection (c) shall disapprove of the premises proposed to be licensed, the inspector shall file with the Village Clerk a written statement detailing the reasons for the objection.

### **31.08 GRANTING OF LICENSE**

Upon the approval of the applicant by the Village Board under the provisions hereof, the Village Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village. The full license fee shall be charged for the whole or fraction of any year. The fee shall be paid to the Village Treasurer who shall deposit the same in the general fund.

### **31.09 TRANSFER AND LAPSE OF LICENSE**

- (a) **LICENSE TRANSFERS.** In accordance with the provisions of §125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village Board. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is \$10.00. Whenever a license is transferred the Village Clerk shall forthwith notify the State Treasurer of such transfer.

- (b) **TRANSFER OF CORPORATE AGENT.** Whenever the agent of a corporate

holder of a license is, for any reason, replaced, the licensee shall give the Village Clerk written notice of said replacement, the reasons therefore and the new name of the agent. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or the Pulaski Police Department, which notice shall be served on the licensee. The corporation's license shall cease to be valid after receipt of such notice and the corporation shall suspend all operations otherwise permitted by such license until the successor agent or another qualified agent is appointed and approved by the Village and the Wisconsin Department of Revenue.

- (c) **LAPSE.** Whenever any licensee under this Chapter shall not conduct his licensed business at the authorized location for a period of six consecutive months, the license issued to him shall lapse and become void, unless such six months period shall be extended by the Village Board.

### **31.10 NUMBERING OF LICENSE**

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee. The Village Clerk shall affix to the license his affidavit as provided by §125.04(4) of the Wisconsin Statutes.

### **31.11 POSTING LICENSES; DEFACEMENT**

- (a) **LICENSE SHALL BE POSTED.** Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- (b) **LICENSE DEFACEMENT PROHIBITED.** It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

### **31.12 CONDITIONS OF LICENSE**



- (a) **CONSENT TO ENTRY.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (b) **EMPLOYMENT OF MINORS.** No retail Class "B" or Class "C" licensee shall employ any person under eighteen (18) years of age, but this shall not apply to hotels and restaurants. Notwithstanding the foregoing, a member of the licensee's immediate family under the age of 18 may serve alcoholic beverages where otherwise allowed to by state law.
- (c) **DISORDERLY CONDUCT PROHIBITED.** Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) **LICENSED OPERATOR ON PREMISES.** There shall be upon premises operated under a Class "B" or Class "C" license, at all times, the licensee or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No member of the immediate family of the licensee under the age of eighteen (18) years shall serve as a waiter, or in any other manner, any fermented malt beverages to customers unless an operator eighteen (18) years of age or over is present upon and in immediate charge of the premises. No person other than the licensee shall serve fermented malt beverages in any place operated under a Class "B" license unless he possesses an operator's license, who is at the time of such service upon said premises.
- (e) **HEALTH AND SANITATION REGULATIONS.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all Class "B" liquor licenses and Class "C" licenses issued under this chapter. No Class "B" or Class "C" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (f) **RESTRICTIONS NEAR SCHOOLS AND CHURCHES.** No retail Class "A" or Class "B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.
- (g) **LICENSES PROHIBITED IN RESIDENCE DISTRICTS.**
  - (1) No retail Class "B" license shall be issued in any residence district.

Any premises shall be deemed to be included within a residence district if 2/3 of the buildings within a radius of 300 feet are used exclusively for residence purposes or the uses incidental thereto.

- (2) This subsection shall not apply to a bona fide club or hotel.
- (h) **CLEAR VIEW OF PREMISES REQUIRED.** After closing hours, all windows in the front of any licensed premises shall be of clear glass, and the premises shall be so arranged as to furnish a clear view of the entire premises from the sidewalk. There shall be no partition, box, stall, screen, curtain, or other device which shall obstruct the view of said room from the general observation of persons; provided, partitions, subdivisions or panels not higher than 48 inches from the floor shall not be construed as in conflict with the foregoing; and provided, retail Class "B" license shall entitle the holder thereof to serve such beverages in a separate room on the licensed premises at banquets or dinner.
- (i) **BEVERAGES NOT PURCHASED AT LICENSED PREMISES.** No person shall have in his or her possession or consume on the premises any fermented malt beverages or intoxicating liquors not purchased under the Class "B" or "C" licenses issued for the premises.
- (j) **GENERAL APPLICATION.** All retail Class "A", "B" and Class "C" licenses granted hereunder are granted subject to the foregoing conditions, all other conditions of this Section, and to the requirements of all other ordinances and regulations of the Village applicable thereto; and the licensee, by receipt and acceptance of the license, specifically agrees to abide and be bound thereby.

Annotation: See Colonnade Catering Corp. v. United States, 397 U.S. 72, 90 S.Ct. 774 (1970) and State v. Erickson, 101 Wis. 2d 224 (1981), for guidelines for warrantless searches of licensed premises.

### **31.13 CLOSING HOURS**

- (a) **HOURS OF OPERATION.** Sections 125.32(3) and 125.68(4), Wisconsin Statutes, shall apply except that no premises, except premises holding a Class "A" license, shall be open for the sale of intoxicating liquor or fermented malt beverages between 1:00 a.m. and 8:00 a.m. and except on Sundays between 1:00 a.m. and 12:00 Noon and between 9:00 p.m. Sundays and 8:00 a.m. on Mondays. On January 1 the closing hours shall be between 2:00 a.m. and 8:00 a.m. On each Sunday in the month of December annually the premises may remain open from 12:00 Noon until 1:00 a.m. the following Monday. Premises hold a Class "A" license may be open for the sale of fermented malt beverages in original packages or containers for off-premises consumption beginning at 6:00 a.m. (Ord. #513-12)
- (b) **AFTER HOURS REGULATIONS.** No person, who is not the permittee, licensee, an employee of the permittee or licensee, salespersons,

employees of wholesalers licensed under §125.28(1) or §125.54(1), Wis. Stats., or service personnel who are performing job-related activities, may remain or be on the licensed premises after the closing hours specified in subsection (a) above or when the licensed premises is otherwise not open for business. (Ord. #453-06)

### **31.14 RESTRICTIONS ON SPECIAL CLASS "B" FERMENTED MALT BEVERAGE PICNIC OR SPECIAL EVENT LICENSE**

- (a) **RESTRICTIONS.** Groups that have been granted a special Class "B" fermented malt beverage license shall comply with the following conditions of license:
- (1) There shall be at least one person properly licensed as an operator under the provisions of this Chapter on the premises at all times to supervise the service of beverages.
  - (2) Holders of special Class "B" fermented malt beverage licenses shall fully comply with all provisions of this Code and the state statutes.
  - (3) For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.

Cross-Reference: Section 31.02(e)

### **31.15 RESTRICTIONS ON Class "C" RETAIL WINE LICENSES.**

- (a) **RESTAURANTS WITHOUT BARROOMS.** A Class "C" license may be issued to a qualified person for a restaurant, which does not have a barroom, in which the sale of alcohol beverages accounts for less than fifty (50%) percent of gross receipts.
- (b) **RESTAURANTS WITH BARROOMS.** A Class "C" license may be issued to a qualified person for a restaurant, with a barroom, in which the sale of alcohol beverages accounts for less than fifty (50%) percent of gross receipts and wine is the only intoxicating liquor sold.

### **31.16 (Reserved)**

### **31.17 (Reserved)**

### **31.18 OPERATOR'S LICENSE REQUIRED**

- (a) **OPERATOR'S LICENSE REQUIRED.** There shall be upon the premises operated under a Class "A" or Class "B" intoxicating liquor license, Class "B" fermented malt beverage license, or Class "C" wine license, at all times the licensee, or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class "A" or Class "B" licenses or Class "C" wine license unless he shall possess an operator's license or unless he shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service.  
State Law Reference: §125.17, Wis. Stats.
- (b) **PROCEDURE UPON APPLICATION.** The Village Board may issue an operator's license, which license shall be granted only upon application in writing on application forms to be obtained from the Village Clerk only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the corporate limits of the Village.
- (c) **DURATION.** Licenses issued under the provisions of this Chapter shall be valid for a period of two (2) years from their date of issuance and shall expire on the 30<sup>th</sup> day of June of the next subsequent calendar year after the year of issuance. **Ord. #402**
- (d) **FEE.** The fee for an Operator's License shall be \$20.00, which fee shall be prepaid at time of the filing of the application and shall be non-fundable. **Ord. #402**
- (e) **ISSUANCE.** After the Village Board approves the granting of an operator's license, the Village Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (f) **DISPLAY OF LICENSE.** Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages.

### 31.19 SUSPENSION, REVOCATION OR NON-RENEWAL OF LICENSES

- (a) **INTENT.** No license issued hereunder shall be suspended, revoked or not renewed without first affording the license holder an opportunity for a public evidentiary hearing.
- (b) **HEARING FORUM.** Any hearing for suspension, revocation or non renewal of a license under this Chapter shall be held and conducted by and before the Village Board.
- (c) **COMPLAINT; SUMMONS.** Any resident of the Village may file a sworn written complaint with the Clerk alleging that a person holding a license issued under this chapter by the municipality has violated this Chapter or municipal regulations adopted under §125.10, Wis. Stats.; keeps or maintains a disorderly or riotous, indecent or improper house; has sold or given away alcohol beverages to known habitual drunkards; or, does not possess the qualifications required under this Chapter to hold the license. Upon the filing of the complaint, the Village Board shall issue a summons, signed by the Clerk. The summons shall command the licensee complained of to appear before the Village Board on a day and place named in the summons, not less than three (3) days and nor more than ten (10) days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided for service in civil actions in circuit court.
- (d) **HEARING PROCEDURES.**
- (1) If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body finds the allegations sufficient, the license shall be revoked. The Clerk shall give notice of the revocation to the person whose license is revoked.
- (2) If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the complaint is found to be true, the license shall either be suspended for not less than ten (10) days nor more than ninety (90) days or revoked.
- (3) The provisions of §125.12, Stats., shall govern the conduct of the hearing hereunder.
- (e) **EFFECT OF REVOCATION.** When a license is revoked under this subsection, the revocation shall be recorded by the Clerk and no other license

issued under this Chapter may be granted within twelve (12) months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

- (f) **NON-RENEWAL.** The Village Board may refuse to renew a license under this Chapter for the causes provided in sub(c) hereof. Prior to the time for the renewal of the license, the Board shall notify the licensee, in writing, of the Board's intention not to renew the license and provide the licensee with an opportunity for a hearing. The hearing shall be conducted as provided in sub(d).

### **31.20 PENALTIES**

- (a) **STATE PENALTY.** Forfeitures for violations of §125.07(1)-(5) and §125.09(2) of the Wisconsin Statutes, adopted by reference in Sec. 31.01 hereof, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- (b) **GENERAL PENALTY.** Any person who shall violate any provision of this Chapter, except as otherwise provided in sub(a) herein, or who shall conduct any activity or make any sale for which a license is required without such license, shall be subject to a forfeiture as provided in Sec. 1.06.
- (c) **ADDITIONAL AUTHORITY.** Nothing herein shall preclude or affect the power of the sentencing body to exercise additional authorities granted by the Wisconsin Statutes. (*Ord. 454-06*)

## CHAPTER 32

### PHARMACISTS' PERMITS; CIGARETTE SALES

32.01	Pharmacists' Permits
32.02	Cigarette Sales

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#### **32.01 PHARMACISTS' PERMITS**

- (a) **INTOXICATING LIQUOR PERMIT.** A permit for the sale of intoxicating liquor pursuant to §125.57 of the Wisconsin Statutes may be granted to a registered pharmacist upon action by the Village Board. A separate application for each premises shall be made to the Village Clerk upon forms provided by him.
- (b) **PERMIT FEE.** Upon the approval of the application by the Village Board, the Village Clerk shall, upon filing by the applicant of a receipt showing the payment to the Village of a permit fee of \$10.00, issue to the applicant a permit.
- (c) **PERMITS TO BE NUMBERED.** Each permit shall be numbered in the order in which issued and shall specifically state the premises for which issued, the fee paid and the name of the licensee.

State Law Reference: §125.57, Wis. Stats.

#### **32.02 CIGARETTE SALES**

- (a) **SALES TO PERSONS UNDER 18.** No person, firm or corporation shall, directly or indirectly, or upon any pretense, or by any device sell, give away or otherwise dispose of to any person under the age of 18 years any cigarettes, cigarette paper or cigarette wrappers, or any substitute therefore.
- (b) **LICENSE REQUIRED.** No person, firm or corporation shall in any manner, directly or indirectly, upon any premises, or by any device sell, exchange, barter, dispose of, or give away, or keep for sale any cigarette, cigarette paper or cigarette wrappers, or any substitute therefore, without first obtaining a license as hereinafter provided. The annual fee for such license shall be \$5.00 and shall be valid from July 1st to June 30th. All cigarette licenses shall be signed by the Village Clerk and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business. Upon payment of a fee of \$5.00, a license issued hereunder may be transferred from the licensee to another owner, but no license shall be transferable as to the location of the licenses premises.

- (c) **STATE STATUTE ADOPTED.** Section 134.65, Wis. Stats., is hereby incorporated by reference.

State Law Reference: §134.65, Wis. Stats.

Cross Reference: Sec. 44.08, Municipal Code of Ordinances

### **32.03 VAPOR PRODUCT SALES**

- (a) **DEFINITIONS.** The following definitions shall apply to this Section:
- (1) "Electronic Delivery Device" shall include any component part of such a Vapor Product whether or not sold separately but shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.
  - (2) "Minor" shall mean an individual who is less than eighteen (18) years.
  - (3) "Vape" or "Vaping" shall mean the act of simulate cigarette smoking through the use of a Vapor Product.
  - (4) "Vapor Product" shall mean any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product, including, but not limited to, "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," which allow the user to simulate cigarette smoking.
- (b) **SALE OF VAPOR PRODUCTS TO PERSONS UNDER AGE 18 PROHIBITED.**
- (1) No person, firm or corporation shall, directly or indirectly, or upon any pretense, or by any device sell, give away or otherwise dispose of to any person under the age of 18 years any Vapor Product.
  - (2) Subsection (1) of this section does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of the minor's employment.
  - (3) Before selling, offering for sale, giving, or furnishing a Vapor Product to an individual, the person providing the Vapor Product shall verify that the person receiving the Vapor Product is at least eighteen (18) years of age by doing one (1) of the following:
    - a. Examining a government-issued photographic identification that establishes that the individual is at least eighteen (18) years of age.
    - b. For sales made by the internet or other remote sales method, performing an age verification through an



independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is eighteen (18) years of age or older.

(c) **PURCHASE OR POSSESSION OF VAPOR PRODUCTS BY PERSONS UNDER AGE 18 PROHIBITED.** No person under the age of 18 shall purchase, attempt to purchase or possess any Vapor Product unless otherwise exempt under the provisions of Sec. 44.08(c)(2) of this Code.

(d) **PENALTIES.** The penalties for the violation of the provisions hereof shall be those penalties set forth in Sec. 44.08(e) of this Code.

Cross Reference: Sec. 44.08, Municipal Code of Ordinances

## CHAPTER 33

### DIRECT SELLERS

33.01	Registration Required
33.02	Definitions
33.03	Exemptions
33.04	Registration
33.05	Investigation
33.06	Appeal
33.07	Regulation of Direct Sellers
33.08	Records
33.09	Revocation of Registration
33.10	Penalty

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#### **33.01 REGISTRATION REQUIRED**

It shall be unlawful for any transient merchant to engage in sales within the Village of Pulaski, Wisconsin, without being first registered for that purpose as provided herein.

#### **33.02 DEFINITIONS**

- (a) **DEFINITIONS.** Whenever the following words or terms are used in this Chapter, they shall be construed to have the following meanings:
- (1) **"Transient Merchant"** shall mean any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.
  - (2) **"Permanent Merchant"** shall mean any person who, for at least one year prior to the consideration of the application of this ordinance to said merchant (1) has continuously operated an established place of business in the local trade area among the communities bordering the place of sale or (2) has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his/her residence.

- (3) **"Merchandise"** shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.
- (4) **"Charitable Organization"** shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.
- (e) **"Clerk"** shall mean the Village of Pulaski Clerk.

### **33.03 EXEMPTIONS**

- (a) **EXEMPTIONS.** The following shall be exempt from all provisions of this ordinance.
  - (1) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
  - (2) Any person selling merchandise at wholesale to dealers in such merchandise;
  - (3) Any person selling agricultural products which the person has grown;
  - (4) Any permanent merchant or employee thereof who takes orders away from the established place of business for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
  - (5) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;
  - (6) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
  - (7) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
  - (8) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
  - (9) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under §440.41, Stats. Any charitable organization not registered under §440.41, Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter;

- (10) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk proof that such person has leased for at least one year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Village for at least one year prior to the date complaint was made;
- (11) Any individual licensed by an examining board as defined in §15.01(7) of the Wisconsin Statutes.
- (12) This ordinance does not apply to transient merchants while doing business at special events authorized by the Village Board.

### **33.04 REGISTRATION**

- (a) **APPLICATION FORM.** Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:
  - (1) Name, permanent address and telephone number, and temporary address, if any;
  - (2) Age, height, weight, color of hair and eyes;
  - (3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
  - (4) Temporary address and telephone number from which business will be conducted, if any;
  - (5) Nature of business to be conducted and a brief description of the merchandise, and any services offered;
  - (6) Proposed methods of delivery of merchandise, if applicable;
  - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
  - (8) Most recent cities, villages, towns, not to exceed three, where applicant conducted his/her business;
  - (9) Place where applicant can be contacted for at least seven (7) days after leaving this Village;
  - (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, and the nature of the offense and the place of conviction.

- (b) **APPLICANT IDENTIFICATION.** Applicants shall present to the Clerk for examination:
- (1) A driver's license or some other proof of identity as may be reasonably required;
  - (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
  - (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application license is made.
- (c) **LICENSE REGISTRATION FEE.**
- (1) At the time the registration is returned, a fee of \$5.00 shall be paid to the Clerk to cover the cost of processing and registration.
  - (2) The applicant shall sign a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
  - (3) Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Sec. 33.05(b) below.

### **33.05 INVESTIGATION**

- (a) **INVESTIGATION.** Upon receipt of each application, the Clerk may refer it immediately to the Chief of Police who may make and complete an investigation including photographs, fingerprints, criminal history check and state attorney general's office of consumer affairs history check of the applicant and of the statements made in the registration application by the applicant.
- (b) **GROUND FOR REJECTION.** The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Sec. 33.04(b) above.

### **33.06 APPEAL**

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board, or, if none has been adopted, under the provisions of §68.07 through §68.16, Wis. Stats.

### **33.07 REGULATION OF TRANSIENT MERCHANTS**

#### **(a) PROHIBITED PRACTICES.**

- (1) A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m., except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
- (3) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred (100) foot radius of the source.
- (5) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(b) **DISCLOSURE REQUIREMENTS.**

- (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
- (2) If any sale of merchandise is made by a transient seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in §423.203, Wis. Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.
- (3) If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

**33.08 RECORDS**

The Chief of Police shall report to the Clerk all convictions for violation of this Chapter and the Clerk shall note any such violation on the record of the registrant convicted.

**33.09 REVOCAION OF REGISTRATION**

- (a) **REVOCAION.** Registration may be revoked by the Village Board after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Chapter or was convicted of any crime or ordinance or statutory violation which directly related to the registrant's fitness to engage in direct selling.
- (b) **HEARING.** Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

### **33.10 PENALTY**

Any person adjudged in violation of any provision of this ordinance shall forfeit not less than \$10.00 nor more than \$1,000.00 for each violation per day plus the costs of prosecution.



## CHAPTER 34

### TRAILERS AND MOBILE HOMES

34.01	Findings and Policy
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34.09	General Mobile Home park Development Standards
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34.12	Required Setbacks, Buffer Strips, and Screening
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34.27	Mobile Home Placement and Anchorage
34.28	Fuel Supply and Storage
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### **34.01 FINDINGS AND POLICY**

The Village Board hereafter referred to as Governing Body of the Village of Pulaski, Wisconsin, hereinafter referred to as the Municipality finds that properly planned and operated Mobile Home Communities: Promote the safety and health of the residents of such communities and of other nearby communities and encourage economical and orderly development of such communities and other nearby communities. It is, therefore, declared to be the policy of this Village to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for the standards and regulations necessary to accomplish these purposes. It is further declared the policy of this Village, pursuant to the provisions of §66.058, Stats., that mobile homes, as defined herein, may only be placed and maintained in mobile home parks licensed to operate under the provisions of this Chapter.

### **34.02 STATE STATUTES ADOPTED**

The provisions of §66.058, Stats., and the definitions therein, are hereby adopted and incorporated herein.

### **34.03 DEFINITIONS**

- (a) **DEFINITIONS.** The following terms shall have the following meanings herein:
- (1) **"Accessory Structure"** shall mean any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets and similar appurtenant structures.
  - (2) **"Building"** shall mean a roofed structure erected for permanent use.
  - (3) **"Common Area"** shall mean any area or space designed for joint use of tenants occupying mobile home developments.
  - (4) **"Common Management"** shall mean the person who owns or has charge, care or control of the mobile home development.
  - (5) **"Community System"** (Water or Sewerage) shall mean a central system which serves all living units and is not publicly owned.
  - (6) **"Density"** shall mean the number of mobile homes or mobile home stands per gross acre.
  - (7) **"Driveway"** shall mean a minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots of common facilities.
  - (8) **"Dwelling"** is the same as living unit.
  - (9) **"Easement"** shall mean a vested or acquired right to use land, other than as a tenant, for specific purposes; such right being held by someone other than the owner who holds title to the land.

- (10) **"Enforcing Agency"** shall mean the Planning and Zoning Committee or other authorized representative of the Village charged with the duty to enforce the provisions of this regulation.
- (11) **"Housing"** shall mean living units, dwellings and/or other structures that shelter or cover.
- (12) **"License"** shall mean a written document issued by the enforcing agency allowing a person to operate and maintain a mobile home development under the provisions of this regulation.
- (13) **"Living Unit"** shall mean a residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (14) **"Lot Area"** shall mean the total area reserved for exclusive use of the occupants of a mobile home.
- (15) **"Lot Line"** shall mean a line bounding the Lot as shown on the accepted plot plan.
- (16) **"Mobile Home"** shall mean a mobile home as defined by §66.058, Wis. Stats. (also known as "Manufactured Home")
- (17) **"Mobile Home Community"** shall mean a mobile home development and related utilities and facilities, including the mobile home and all of the people living within the development.
- (18) **"Mobile Home Development"** shall mean a contiguous parcel of land which has been planned and improved for the placement of mobile homes. Developments or portions of developments intended for the sale of individual lots or parcels for the placement of mobile homes shall not be included within the definition of a mobile home development and shall not be subject to the provisions of this Chapter, but shall conform to other applicable land use control measures of the Village.
- (19) **"Mobile Home Lot"** shall mean a parcel of land for the placement of a mobile home and the exclusive use of its occupants.
- (20) **"Mobile Home Stand"** shall mean that part of an individual mobile home lot which has been reserved for the placement of a mobile home.
- (21) **"Occupied Area"** shall mean that area of an individual mobile home lot which has been covered by a mobile home and its accessory structures.
- (22) **"Permit"** shall mean a written document issued by the enforcing agency permitting the construction, alteration or expansion of a mobile home development.
- (23) **"Permanent Building"** shall mean a building, except a mobile home accessory structure.
- (24) **"Person"** shall mean any individual, firm trust, partnership, public or private association or corporation.
- (25) **"Plat"** shall mean any map, plan or chart of a city, town, section or subdivision, indicating the location and boundaries of individual properties.
- (26) **"Plot"** shall mean a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or metes and bounds.

- (27) **"Power Supply Assembly"** shall mean the conductors, including the grounding conductors, insulated from one another, the connectors, attachment plugs, caps and all other fittings, grommets, or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the mobile home.
- (28) **"Private Street"** shall mean a private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.
- (29) **"Property"** shall mean a plot with any buildings or other improvements located thereon.
- (30) **"Property Line"** shall mean a recorded boundary of a plot.
- (31) **"Public Street"** shall mean a public way which affords principal means of access to abutting properties.
- (32) **"Public System"** (Water or Sewerage) shall mean a system which is owned and operated by the Village or a licensed public utility which is adequately controlled by a governmental authority.
- (33) **"Rights-of-Way"** shall mean the area, either public or private, over which the right of passage exists.
- (34) **"Service Building"** shall mean a building housing toilet, lavatory and such other facilities as may be required by this regulation.
- (35) **"Service Equipment"** shall mean the necessary equipment, usually consisting of circuit breaker or switch and fuses and their accessories located near the point of entrance of supply conductors to or in a building or mobile home and intended to constitute the main control and means of cutoff for the supply to that mobile home or building.
- (36) **"Sewer Connection"** shall mean a connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home development.
- (37) **"Sewer Riser Pipe"** shall mean that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.
- (38) **"Shall"** shall indicate that which is required.
- (39) **"Should"** shall indicate that which is recommended but not required.
- (40) **"Site"** shall mean a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.
- (41) **"Water Connection"** shall mean a connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
- (42) **"Water Riser Pipe"** shall mean that portion of the water supply system serving the mobile home development which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

#### **34.04 PERMITS**

- (a) **PERMIT REQUIRED.** It shall be unlawful for any person to construct, alter or extend any mobile home development within the Village unless he holds a valid permit issued by the enforcing agency in the name of such person for the specific construction, alteration or extension proposed. The permit hereunder is distinguished from the license to operate under Sec. 34.05.
- (b) **PERMIT APPLICATIONS.** All applications for permits shall contain the following:
  - (1) Name and address of applicant and all owners and developers of the proposed mobile home park.
  - (2) Location and legal description of the mobile home development.
  - (3) Complete engineering plans and specifications of the proposed development in compliance with the provisions of Sec. 51.11(d) showing but not limited to the following:
    - a. The area and dimensions of the tract of land;
    - b. The number, location, and size of all mobile home lots;
    - c. The location and width of roadways and walkways;
    - d. The location of water and sewer lines and riser pipes;
    - e. Plans and specifications of the water supply and refuse and sewage disposal facilities;
    - f. Plans and specifications of all buildings constructed or to be constructed within the mobile home development; and
    - g. The location and details of lighting and electrical systems.
    - h. Existing and proposed landscape features and concepts.
- (c) **FEE.** All applications shall be accompanied by the deposit of a fee of Two Hundred Fifty (\$250.00) Dollars.
- (d) **ISSUANCE OF PERMIT.** When, upon review of the applications, the enforcing agency is satisfied that the application and the proposed plan meets the requirements of the Chapter and the Village Comprehensive Plan, a permit shall be issued.
- (e) **DENIAL OF PERMIT.** Any person whose application for a permit under this Chapter has been denied may request and shall be granted a hearing on the matter before the enforcing agency under the procedure provided by this Chapter.

#### **34.05 LICENSES**

- (a) **LICENSE REQUIRED.** It shall be unlawful for any person to administer any mobile home community in the Village unless he holds a valid license issued annually by the enforcing agency in the name of such person for the specific mobile home community. All applications for licenses shall be made to the enforcing agency, who shall issue a license upon compliance by the applicant with provisions of this Chapter.

- (b) **NOTICE OF TRANSFER.** Every person holding a license shall give notice in writing to the enforcing agency within twenty-four hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home community. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home community. Upon application in writing for transfer of the license and payment of Ten (\$10.00) Dollars, the license shall be transferred if the mobile home community is in compliance with the applicable provisions of this Chapter.
- (c) **APPLICATION.**
- (1) Applications for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by deposit of a fee of One Hundred (\$100.00) Dollars for each 50 spaces or fraction thereof, and shall contain: the name and address of the applicant, the location and legal description of the mobile home community showing all mobile home stands, structures, roads, and other service facilities.
  - (2) Applications for renewal of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee of One Hundred (\$100.00) Dollars and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.
- (d) **HEARING.** Any person whose application for a license under this Chapter has been denied may request and shall be granted a hearing on the matter before the enforcing agency under the procedure provided by Sec. 34.07(a) of this Chapter.
- (e) **SUSPENSION.** Whenever, upon inspection of any mobile home community, the enforcing agency finds that conditions or practices exist which are in violation of this Chapter, the enforcing agency shall give notice in writing in accordance with Sec. 34.07(a) to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the enforcing agency, the license shall be suspended. At the end of such period the enforcing agency shall re-inspect such mobile home community and, if such conditions or practices have not been corrected, shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension such person shall cease administration of such mobile home community except as provided in Sec. 34.07(b).

### **34.06 INSPECTION**

- (a) **INSPECTION.** The Enforcing Agency is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter. The Enforcing Agency shall have the power to inspect the register containing a record of all residents of the mobile home community.
- (b) **RIGHT OF ENTRY.** The Enforcing Agency shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Chapter.
- (c) **ACCESS.** It shall be the duty of every resident of a mobile home community to give the management thereof or his designated agent access to any part of such mobile home development at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter.

### **34.07 NOTICES, HEARINGS AND ORDERS**

- (a) **NOTICE.** Whenever the enforcing agency determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, the Enforcing Agency shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:
  - (1) Be in writing;
  - (2) Include a statement of the reasons for its issuance;
  - (3) Allow a reasonable time for the performance of any act it requires.
  - (4) Be served upon the owner or his agent as the case may require provided: Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state;
  - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.
- (b) **REMEDIAL ACTION.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter shall take the such remedial action as may be required by the enforcing agency to effect compliance with the provisions of this Chapter. In the event that such action is not taken in the period provided for in the notice issued pursuant to Sec. 34.07(a) herein, the license or permit shall be subject to revocation or suspension pursuant to §66.058(2)(9d), Wis. Stats.

- (c) **HEARING.** The holder of the license or permit shall be entitled to a public hearing on the issue of revocation, suspension or non-renewal; and, shall be given ten (10) days' notice in writing of such hearing. The holder shall be entitled to appear and be heard as to why such permit or license shall not be revoked, suspended or non-renewed. The holder of such permit or license shall have such rights to appeal revocation, suspension or non-renewal of the permit or license as shall be provided by law.

### **34.08 EXEMPTIONS**

- (a) **UNDUE HARDSHIP.** Where the enforcing agency finds that compliance with provisions of this Chapter would result in undue hardship, which undue hardship shall not be self-imposed, an exemption may be granted by the enforcing agency without impairing the intent and purpose of this Chapter.
- (b) **DEVIATIONS.** Deviations from design, construction and installation provisions shall be brought into compliance within one of two periods of time. Either a period of time hereinafter referred to as a "minimum period" not to exceed one year or a period of time hereinafter referred to as a "maximum period" not to exceed five years. Factors to be considered in determining the length of time and the given period in which to correct any deviation in and from standards shall include but not be limited to the economic feasibility of improvement, nature, significance and extent of the deviation, depreciation of materials, improvements, the existing layout, and other similar factors. Such period shall begin after the enforcing agency has given notice of a certain and specific deviation from this Chapter to the person to whom the permit or certification was issued. Gradual improvements to a higher degree of conformity shall be permissive provided that there shall be complete conformity at the end of a period prescribed by the enforcing agency.

### **34.09 GENERAL MOBILE HOME PARK DEVELOPMENT STANDARDS**

- (a) **GENERAL REQUIREMENTS.**
  - (1) A mobile home development shall be located only upon property designated and zoned for that use by the appropriate public planning agency.
  - (2) No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the mobile home park. Nothing contained in this section shall be deemed as prohibiting the sale of the mobile home located on a mobile home stand and connected to the pertinent utilities.
  - (3) Condition of soil, ground water level, drainage and topography



shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion which would expose persons or property to hazards.

- (4) All accessory structures and detached structures, including, but not limited to, steps, stairs, stoops, porches, decks and storage sheds, constructed in a mobile home park shall be in conformity with the Wisconsin Uniform Dwelling Code as adopted at Sec. 54.04 of this Code. All electrical work in a mobile home park shall conform to the National Electrical Code and the Wisconsin State Electrical Code as adopted at Sec. 54.07 of this Code. All plumbing work in a mobile home park shall conform to the Wisconsin State Plumbing Code as adopted at Sec. 54.08 of this Code.
- (b) **OBJECTIVES.** Site planning improvements shall provide for:
- (1) Facilities and amenities appropriate to the needs of the occupants.
  - (2) Safe, comfortable and sanitary use by the occupants under all weather conditions.
  - (3) Practical and efficient operation and maintenance of all facilities at reasonable costs.

#### **34.10 DENSITY**

- (a) **MOBILE HOME DEVELOPMENT.** The maximum density of mobile homes located in the mobile home development or park shall be regulated by separation requirements, occupied lot area ratios and recreation area requirements as set forth in this standard. Density will vary considerably in accommodating different sizes of mobile home units with its accessory structures used in the locality and in the type of layout proposed.
- (b) **MOBILE HOME LOTS.** Mobile home stands shall not occupy an area in excess of one-fourth of the respective lot area and there shall not be more than one mobile home per lot. The accumulated occupied area of the mobile home, and its accessory structures or detached structures, on a mobile home lot shall not exceed one-half of the respective lot area.

#### **34.11 RECREATION AREA**

Not less than eight (8%) percent of the gross site area shall be devoted to recreational facilities, generally provided in a central location. Provided, however, that this requirement shall not be less than one-half acre for each 100 sites and the minimum area in any development shall be not less than one-half acre. In larger developments, recreation facilities can be decentralized with at least one area large enough for a small softball park (two-thirds of an acre). Recreation areas may include space for community buildings and community use facilities, such as indoor recreation areas, swimming pools, hobby and repair shops, and service buildings.

#### **34.12 REQUIRED SETBACKS, BUFFER STRIPS AND SCREENING**

- (a) **SETBACKS.** All mobile homes, accessory structures and detached structures shall be located at least forty (40) feet from the exterior property boundary line except where greater distances are required by the zoning regulations. All mobile homes, accessory structures and detached structures shall be set back at least twenty-five (25) feet from the right-of-way line of any internal public or private street of the park (development). No mobile home shall be placed closer than six (6) feet from any lot line. No accessory structure or detached structure shall be placed closer than five (5) feet from any lot line. All other setbacks shall comply with the provisions of Sec. 51.11(d).
- (b) **BUFFER STRIPS.** There shall be a minimum distance of twenty-five (25) feet between the mobile home stand and the abutting street.
- (c) **SCREENING.** All mobile home developments shall be provided with screening such as fences or natural growth having a minimum height of five (5) feet along the property boundary line separating the developing and adjacent land uses.

#### **34.13 STREETS**

- (a) **GENERAL.** All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.
- (b) **ENTRANCE STREETS.** Entrances to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of 100 feet from its point of beginning.
- (c) **CIRCULATION.** The street system should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to 1,000 feet and their closed end shall be provided with an adequate turnaround (80 feet diameter cul-de-sac).
- (d) **PAVEMENT WIDTHS.** Pavements should be of adequate widths to ac-

commodate the contemplated parking and traffic load in accordance with the type of street with fourteen (14) feet minimum moving lands for collector streets, ten (10) feet minimum moving lanes for minor streets, seven (7) feet minimum lane for parallel regulations and master plan or master plan component.

- (e) **STREET GRADES.** Grades of all streets shall be sufficient to insure adequate surface drainage and shall further be in conformance with the subdivision regulations of the municipality.
- (f) **INTERSECTIONS.** Street intersections should generally be at right angles. Offsets at intersections and intersections of more than two streets at one point shall not be allowed.
- (g) **EXTENT OF IMPROVEMENTS.** All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks and holes and its edges shall be protected by suitable means to prevent traveling and shifting of the base.
- (h) **STREET LIGHTS.** Lighting shall be designed to produce a minimum of 0.1 footcandle throughout the street system. Potentially hazardous locations, such as major street intersections and steps or stepped ramps shall be individually illuminated with a minimum of 0.3 footcandle.

#### **34.14 WALKS**

- (a) **GENERAL REQUIREMENTS.** All mobile home developments shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.
- (b) **COMMON WALK SYSTEM.** A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four (4) feet.
- (c) **INDIVIDUAL WALKS.** All mobile home stands should be connected to common walks, or to streets, or to driveways or to parking spaces. Such individual walks shall have a minimum width of three (3) feet.

#### **34.15 MOBILE HOME LOTS**

- (a) **GENERAL.** The limits of each mobile home lot should be marked on the ground by suitable means. Location of lot limits on the ground should be the same as shown on accepted plans.

- (b) **MOBILE HOME STANDS.** The mobile home stand shall be improved to

provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Anchors or tie-downs shall be provided, such as cast-in-place concrete "dead men," eyelets imbedded in concrete screw augers or arrowhead anchors shall be placed at each corner of the mobile home stand and at intervals of at least twenty (20) feet. Each device shall be able to sustain a minimum load of 4,800 pounds.

- (c) **DRIVEWAYS.** Improved driveways should be provided on lots where necessary for convenient access to mobile homes. The minimum width shall be ten (10) feet.
- (d) **PARKING SPACES.** The design criteria for automobile parking shall be based upon two parking spaces for each mobile home lot. Parking may be in tandem.
- (e) **OUTDOOR LIVING AREA.** Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than 300 square feet with a least dimension of 15 feet.
- (f) **ACCESSORY STRUCTURES.** Each mobile home lot shall contain no more than one accessory structure in addition to the garage. The maximum size of any accessory structure, other than the garage, shall not exceed ten (10) feet by fourteen (14) feet and be of only one story.

#### **34.16 WATER SUPPLY AND DISTRIBUTION SYSTEM**

- (a) **GENERAL REQUIREMENTS.** An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development. When a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection will be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the enforcing agency.
- (b) **SOURCE AND VOLUME OF SUPPLY.**
  - (1) The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home.
  - (2) Every well or suction line of the water supply system shall comply with appropriate regulations of State Law.
  - (3) No well-casings, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
  - (4) The treatment of a private water supply shall be in accordance with applicable laws and regulations.
- (c) **WATER STORAGE FACILITIES.** All water storage reservoirs shall be co-

vered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

(d) **WATER DISTRIBUTION SYSTEM.**

- (1) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the Health Authority.
- (2) The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.
- (3) The system shall be so designed and maintained as to provide a pressure of not less than 20 pounds and not more than 80 pounds per square inch, under all normal operating conditions at each mobile home stand. Also the system shall be capable of supplying 50 mobile homes with a demand load of 100 gpm, 100 mobile homes with 180 gpm, and 300 mobile homes with 370 gpm. Greater design values may be required when the system is to provide fire hydrants. In such event the water supply system shall permit the operation of a minimum of two one-and-one-half (1-1/2) inch hose streams. Each of two nozzles, held four feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 20 pounds per square inch at the highest elevation point of the development.
- (4) Fire hydrants, if provided, shall be located within 500 feet of any mobile home, service building or other structure in the development.
- (5) Water mains, if installed parallel to sewer lines, shall be separated, whenever possible, at least ten (10) feet horizontally from any sanitary sewer, storm sewer or sewer manhole. In case of unusual conditions, separation requirements can be waived, provided the sewer is constructed of materials and with joints that are equivalent to water main standards of construction and shall be pressure tested to assure watertightness prior to backfilling.

(e) **INDIVIDUAL WATER RISER PIPES AND CONNECTIONS.**

- (1) Individual water riser pipes shall be located within the area of the mobile home stand and approximately thirty (30) feet from the front of such stand.
- (2) Water riser pipes shall extend at least four inches above ground elevation. The pipe diameter shall be at least three-quarter (3/4) inch. The water outlet shall be capped when a mobile home does not occupy the lot.

- (3) Adequate provisions shall be made to prevent freezing of service

lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

- (4) A shutoff valve below the frost line shall be provided near the water riser pipe on each mobile home lot.
- (5) Underground stop and waste valves shall not be installed on any water service.

### **34.17 SEWAGE DISPOSAL**

- (a) **GENERAL REQUIREMENTS.** An adequate and safe sewerage system shall be provided in all mobile home developments for conveying and disposing of all sewage. Wherever feasible, connection shall be made to a public system. All new improvements shall be designed, constructed and maintained in accordance with state and local laws.
- (b) **SEWER LINES.** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the development water supply system at a safe distance [see Sec. 34.16(d)(5)]. Sewers shall be at a grade which will insure a velocity of two feet per second when flowing full. The system shall be designed adequate for a minimum flow of 150 gallons per day per mobile home lot. All sewer lines shall be constructed of materials approved by the enforcing agency, shall be adequately vented and shall have watertight joints.
- (c) **INDIVIDUAL SEWER CONNECTIONS.**
  - (1) Each mobile home stand shall be provided with a four-inch diameter sewer riser pipe. The sewer riser pipe shall be located within the area of the mobile stand and approximately forty (40) feet from the front of such stand.
  - (2) The sewer connection (see definition) shall have a nominal inside diameter of three inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one pipeline without any branch fittings. All joints shall be watertight.
  - (3) All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.
  - (4) Provisions shall be made for adequately sealing the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) inches above ground elevation.
- (d) **SEWAGE TREATMENT AND/OR DISCHARGE.** Where the sewer lines of the mobile home development are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the enforcing agency prior to construction. Effluents from sewage treatment facilities shall be discharged only as permitted by the enforcing agency.

### 34.18 SOLID WASTE DISPOSAL SYSTEM

Waste collection shall comply with the provisions of Chapter 19.

### 34.19 ELECTRICAL DISTRIBUTION SYSTEM

- (a) **DEFINITIONS OF MOBILE HOME ELECTRICAL WIRING SYSTEM.** All of the electrical wiring, fixtures, equipment and appurtenance, related to electrical installations within a mobile home development, up to the mobile home service entrance conductor, or if none, the mobile home service equipment.
- (b) **ELECTRICAL CODE.** All electrical installations in mobile home developments shall be designed and constructed in accordance with the applicable electrical code adopted by the enforcing agency. (National Electrical Code, Section 550).
- (c) **DISTRIBUTION SYSTEM.** The mobile home development secondary electrical distribution system to mobile home lots shall be single phase, 120/240 volts.
- (d) **CALCULATED LOAD.**
  - (1) Mobile home development electrical wiring systems shall be calculated on the basis of not less than 16,000 watts (at 110/240 volts), per each mobile home service. The demand factors which are set forth in the following table are the minimum allowable demand factors which may be used in calculating load on feeders and service.

<u>Number of Mobile Home Lots</u>	<u>Demand Factor (percent)</u>
1	100
2	55
5	33
10	27
20	25
50	23
100 and over	22

- (2) For the purpose of this Section, where the development service exceeds 240 volts, transformers and secondary distribution panel boards shall be treated as services.
  - (3) Mobile home lot feeder circuit conductors shall have adequate capacity for the loads supplied and shall be rated at not less than 100 amperes at 110/240 volts.
- (e) **MOBILE HOME SERVICE EQUIPMENT.**

- (1) Mobile home service equipment shall be rated at not less than 100 amperes. Provision may be made for connecting a mobile home power supply assembly by a permanent wiring method which may have 50 ampere receptacles conforming to applicable electrical codes.
- (2) Mobile home service equipment may also be provided with a means for connecting a mobile home accessory building or structure or additional electrical equipment located outside a mobile home by a permanent wiring method.
- (3) Additional receptacles may be provided for connection of electrical equipment located outside the mobile home.
- (4) The point of the electrical connection for the mobile home shall be within the area of the mobile home stand and approximately forty (40) feet from the front of such stand.

### **34.20 GAS DISTRIBUTION SYSTEM**

- (a) **GENERAL.** Gas equipment and installations within a mobile home development, shall be designed and constructed in accordance with the appropriate provisions of American National Standards Institute ANSI-Z 21.30 and Z 106.1.
- (b) **REQUIRED GAS SUPPLY.** The minimum hourly volume of gas required at each mobile home lot outlet or any section of the mobile home development gas piping system shall be calculated as follows:

	<u>Natural</u>	<u>L.P.G.</u>
(1) For the most remote mobile home lot outlet on any branch or main	125 CFH	50 CFH
(2) For the second most remote outlet on any branch or main	100 CFH	40 CFH
(3) For the third most remote outlet on any branch or main	75 CFH	30 CFH
(4) After the third most remote outlet subsequent branch or main line loadings may be computed using a value of 50 cubic feet per hour for natural gas and 20 cubic feet per hour for liquified petroleum gas.		

- (c) **INSTALLATION.** All gas piping installed below ground shall have a minimum earth cover of 18 inches. Gas piping shall not be installed under any mobile home.
- (d) **SYSTEM SHUTOFF VALVE.** A readily accessible and identified shutoff valve controlling the flow of gas to the entire gas piping system shall be installed near the point of connection to the service piping or supply connection of the liquified petroleum gas tank.
- (e) **MOBILE HOME LOT SHUTOFF VALVE.** Each mobile home lot shall have an



approved gas shutoff valve installed upstream of the mobile home lot gas outlet and located on the outlet riser at the height of not less than four inches above grade. Such valve shall not be located under any mobile home. Whenever the mobile home lot outlet is not in use, the outlet shall be equipped with an approved cap or plug to prevent accidental discharge of gas.

- (f) **MOBILE HOME CONNECTOR.** Each mobile home shall be connected to the mobile home lot outlet by an approved three-quarter (3/4) inch mobile home connector not more than six (6) feet in length. Approved pipe and fittings may be used between the flexible connector and the mobile home lot gas outlet with the distance between the mobile home gas outlet and the mobile home gas service connection exceeds that required to make a safe installation with only a mobile home connector.
- (g) **MECHANICAL PROTECTION.** All gas outlet risers, regulators, meters, valves or other exposed equipment shall be protected from mechanical damage by vehicles or other causes.
- (h) **LOCATION.** The mobile gas connection shall be installed at the edge of the mobile home stand, approximately thirty (30) feet from the front of such stand; and located as not to terminate beneath the mobile home.

#### **34.21 FUEL OIL DISTRIBUTION SYSTEMS**

- (a) **GENERAL.** Distribution systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Piping installed below ground shall have a minimum earth cover of eighteen (18) inches.
- (b) **INSTALLATION.** All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place. All fuel oil storage tanks or cylinders should be installed underground and shall not be located inside or beneath any mobile home or accessory structure, or less than five feet from any mobile home exit.
- (c) **VENTING.** Every tank shall be vented by a vent not less than 1-1/4 inches iron pipe size, so designed and installed to prevent entrance of rain or debris.
- (d) **SHUTOFF.** A shutoff valve located immediately adjacent to the feed connection of a tank shall be installed in the supply line to the mobile home.
- (e) **CONNECTORS.** Fuel oil connectors from the tank to the mobile home shall be brass or copper tubing or approved flexible metal hose, not smaller than 3/8 inch iron pipe size or tubing, and shall be protected from physical damage. Aluminum tubing shall not be used. Valves and connectors shall be listed standard fittings maintained liquid-tight to prevent spillage of fuel oil on the ground.

#### **34.22 TELEPHONE AND TELEVISION**

When telephone service to mobile home stands is provided, the distribution systems shall be underground, unless economically impractical. Where central television antenna systems are to be installed as part of the property to be covered by mortgage insurance, a warranty shall be obtained to assure satisfactory service. Distribution to mobile home stands may be overhead or underground, but shall be in general accord with the placement of the electrical distribution system.

### **34.23 SERVICE BUILDING AND OTHER COMMUNITY FACILITIES**

- (a) **GENERAL.** The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities such as:
- (1) Management offices, repair shops and storage areas;
  - (2) Sanitary facilities;
  - (3) Laundry facilities;
  - (4) Indoor recreation areas;
  - (5) Commercial uses supplying essential goods or services for the exclusive use of development occupants.
- (b) **COMMUNITY SANITARY FACILITIES.** Every development shall be provided with the following emergency sanitary facilities: For each 100 mobile home lots, or fractional part thereof, there shall be one flush toilet and one lavatory. The building containing such emergency sanitary facilities shall be accessible to all mobile homes.
- (c) **PERMANENT BUILDINGS.**
- (1) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
  - (2) All rooms containing sanitary or laundry facilities shall:
    - a. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material.
    - b. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10%) percent of the floor area served by them.
  - (3) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
  - (4) Illumination levels shall be maintained as follows: (1) general seeing tasks -- five footcandles; (2) laundry room work area -- 40

- footcandles; (3) toilet room, in front of mirrors -- 40 footcandles.
- (5) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

### **34.24 (Reserved)**

### **34.25 MAINTENANCE REGULATIONS**

#### **(a) RESPONSIBILITIES OF THE MANAGEMENT.**

- (1) The person to whom a license for a mobile home community is issued shall provide adequate supervision to maintain the community in compliance with this Chapter and to keep its facilities and equipment in good repair and in a clean and sanitary condition.
- (2) The management shall notify the community residents of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter.
- (3) The management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
- (4) The management shall maintain a register containing the names of all community residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the community.
- (5) The management shall notify the enforcing agency immediately of any suspected communicable or contagious disease within the community.

#### **(b) RESPONSIBILITIES OF THE RESIDENT.**

- (1) The resident shall comply with all applicable requirements of this Chapter and shall maintain his mobile home lot, its facilities and equipment in good repair and in clean and sanitary condition.
- (2) The resident shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the management.
- (3) Pets, if permitted in the community, shall be governed by appropriate Village Ordinances.

- (4) Skirtings, porches, awnings, and other additions shall be installed only if permitted and approved by the management. When

installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the management. If permitted, the following conditions shall be satisfied:

- a. The storage area shall be provided with a base of impervious material.
  - b. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
  - c. The storage area shall be enclosed by skirting.
- (5) The resident shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof and watertight.
- (6) First aid fire extinguishers for class A, B and C fires shall be kept at the premises and maintained in working condition.
- (c) **SOLID WASTE HANDLING.**
- (1) The storage, collection and disposal of refuse in the mobile home community shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
  - (2) All refuse containing garbage shall be collected in accordance with the provisions of Chapter 19 and the amendments thereto. Where suitable collection service is not available from municipal or private agencies, the management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.
- (d) **INSECT AND RODENT CONTROL.**
- (1) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Enforcing Agency.
  - (2) The Community shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
  - (3) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground.
  - (4) Where the potential for insect and rodent infestation exists all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
  - (5) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. The community shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
- (e) **FIRE PROTECTION.**
- (1) Mobile home communities shall be kept free of litter, rubbish and other flammable materials.

- (2) Portable fire extinguishers rated for classes A, B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their UL or Factory Mutual rating shall not be less than six (6).
- (3) Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.
- (4) Fire hydrants, if provided, shall comply with Sec. 34.16(d)(3).

#### **34.26 ACCESSORY STRUCTURES**

- (a) **GENERAL.** Accessory structures shall remain as per definition dependent upon and separate from the mobile home and shall not be used as complete independent living units with permanent provisions for sleeping, cooking and sanitation. Such structure shall be erected, constructed and occupied on a mobile home lot as directed by the management of the mobile home development, as required by applicable state or local standards and as specified in this Chapter. Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home development; shall not obstruct required openings for light and ventilation of the mobile home; and, shall not prevent inspection of mobile home equipment and utility connections.
- (b) **ELECTRICAL SYSTEMS.** Construction and electrical installations shall comply with the applicable regulations of the municipality. Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the mobile home.

#### **34.27 MOBILE HOME PLACEMENT AND ANCHORAGE**

The mobile home shall be properly placed on its foundation and its stability shall be affirmed. The mobile home shall be properly secured against high wind velocities. Overturning, sliding or uplift shall be prevented through anchors, tie-downs or similar devices.

#### **34.28 FUEL SUPPLY AND STORAGE**

Liquefied petroleum gas containers installed on a mobile home lot shall

be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 25 or more than 500 gallons LP-Gas capacity. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure, unless such installations are approved by the enforcing agency. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five feet from any mobile home exit.

### **34.29 MOBILE HOME MONTHLY PARKING FEES**

- (a) **GENERAL.** There is hereby imposed on each occupied mobile home located in the municipality a monthly parking fee as determined in accordance with §66.058, Wisconsin Statutes. Said fees shall be paid to the Village Clerk-Treasurer on or before the 10th day of the month for which such fees are due.
- (b) **FEE.** Owners of non-exempt, occupied mobile homes, upon receipt of notice from the Village Clerk of their liability for the cash deposit of \$75.00 (seventy-five dollars) to guarantee payment of such fees when due to the Village Treasurer. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such cash deposits from each occupied, non-exempt mobile home therein and remit such deposits to the Village Clerk. Upon receipt of a notice from the owner or licensee that the non-exempt, occupied mobile home has been or is about to be removed from the Village, the Village Clerk shall direct the Village Treasurer to apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.
- (c) **ADMINISTRATION.** The Village shall retain ten (10%) percent of the monthly parking permit fees collected in each month to cover the cost of administration and shall pay to the school district(s) in which any mobile home park or development is located such remaining fees in accordance with provisions of §66.058(8), Wisconsin Statutes.
- (d) **PENALTY.** In the event that a park operator shall fail to report the addition of occupied mobile homes to the park, such operator shall be subject to a forfeiture of not more than \$25.00, pursuant to the provisions of §66.058(3)(h), Wis. Stats. Each failure to report shall be regarded as a separate offense.

### **34.30 PENALTIES.**

Except as otherwise specifically provided for herein, any person who

violates any provision of this Chapter shall, upon conviction, be punished by a fine of not less than \$25.00, nor more than \$200.00 dollars; and each day's failure to comply shall constitute a separate violation. The imposition of any such fine shall not bar any other relief or penalties otherwise applicable.

**CHAPTER 35**  
**(Reserved)**



**CHAPTER 36**  
**(Reserved)**

## CHAPTER 37

### MISCELLANEOUS PERMITS, LICENSES AND REGULATIONS

37.01	Application
37.02	Definitions
37.03	Amusement Parlors
37.04	Entertainment Licenses
37.05	Sauna and Massage Licenses
37.06	Parade Permits
37.07	Auction and Transient Merchants
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37.15	License and Permit Granting and Issuing Restrictions
37.16	Suspension, Revocation, Non-Issuance and Non-Renewal

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#### **37.01 APPLICATION**

This Chapter shall apply to the regulation and licensing of amusement parlors, auctions, massage establishments, parades, public entertainment and transient merchants.

#### **37.02 DEFINITIONS**

(a) **DEFINITIONS.** For purposes of this Chapter, the following words shall have the following meanings:

(1) **"Amusement Device"** shall mean any table, platform, mechanical device, or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition, or sport, the use or operation of which is conditioned upon payment of a consideration either by insertion of coin or token in a slot or otherwise. Such amusement device shall include, but not be limited to, devices commonly known as baseball, football, basketball, hockey, pinball, shuffleboard, ray guns, bowling games, bumper games, skeeball, electronic video games, and shall also include billiard tables and pool tables (whether coin operated or not). Such definition does not include a bowling alley, jukebox or other coin operated music machine or a mechanical children's amusement riding device.

(2) **"Amusement Parlor"** shall mean any premises or arcade operated

by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building whose primary purpose or object of its existence or operation is that of providing "amusement devices" to the public at retail, and/or any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building the majority of whose gross receipts are derived from the providing of "amusement devices" to the public at retail.

- (3) **"Auction"** shall mean a public sale of goods, wares or merchandise by public outcry to the highest bidder.
- (4) **"Employee"** shall mean any and all persons, other than masseurs or masseuses, who render any service for the licensee and who receives compensation directly from the licensee but has no physical contact with customers or clients.
- (5) **"Granting"** shall mean approval by the Village Board.
- (6) **"Issuing"** shall mean delivery by the Clerk to the applicant following granting authority from the Village Board.
- (7) **"Massage"** shall mean any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating or stimulating of external parts of the body with hands or with the aid of any manual, mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, creams, lotions, soaps, ointments or other similar preparations commonly used this practice.
- (8) **"Massage Establishment"** shall mean any establishment having its place of business where any person, firm, association or corporation engages in or carries on permits to be engaged or carried on any of the activities mentioned in sub(a) hereof.
- (9) **"Massage Services"** shall mean the providing of a massage or massages by any person, firm, association or corporation.
- (10) **"Masseur or Masseuse"** shall mean any person who, for any consideration whatever, engages in the practice of massage as above defined.
- (11) **"Parade"** shall mean any parade, march, ceremony, show, exhibition, pageant or procession, or any similar display, in or upon any street, park or any other public place in the Village.
- (12) **"Parade Permit"** shall mean a permit required by this Chapter.
- (13) **"Persons"** shall mean any individual, co-partnership, firm, association, joint stock company, corporation or any combination of individuals of whatever form or character.
- (14) **"Sauna"** shall mean a steam bath or heating bathing room used for the purpose of bathing, relaxation or reducing utilizing steam or hot air as a cleaning, relaxing or reducing agent.
- (15) **"Transient Merchant"** shall mean anyone who engages in the sale of merchandise at any place in this State temporarily, and who does not intend to become and does not become a permanent merchant of such place. For the purposes of

this Section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of this State.

### **37.03 AMUSEMENT PARLORS**

- (a) **LICENSE REQUIRED.** No person, firm, or corporation shall operated or keep an amusement parlor, as defined herein, without having obtained and posted on the premises, in plain view, a license to operate such parlor. Application shall be made to the Village Clerk on the form provided by such office, accompanied by an application fee of \$50.00 which shall cover the cost of processing the application and shall be non-refundable. The application shall set forth the following information:
- (1) The name and address of the applicant, or, if a partnership, the name and addresses of all the partners, or, if a corporation, the names and addresses of the principal officers and registered agent thereof, and the name and address of the person who will supervise the game room.
  - (2) The name and addresses of the owners of the amusement devices to be located on the licenses premises, if such owners are different from that of the applicant. If the owners of the amusement devices is a partnership, the names and addresses of all the partners, or if a corporation, the names and addresses of the principal officers and registered agent thereof.
  - (3) A building plan of the premises to be licensed specifically descrybing and otherwise showing all dimensions, indicating the intended division of floor space, exits and entrances, the areas to be used for amusement devices, and the common aisles.
  - (4) A site plan of the premises to be licensed which shall include the proposed landscaping for the subject premises, and all the improvements, parking and driveway areas, and landscaping located on property adjacent to and within twenty (20) feet of the property lines of the premises to be licensed.
  - (5) If the applicant operates other game rooms in other areas, the names and addresses of such other licensed establishments.
  - (6) Such application shall also contain such additional information as the Village deems necessary to assist it in determining the qualifications of the applicant for such license.
- (b) **PUBLIC HEARING.** The application shall be forwarded to the Village Board which shall hold a public hearing prior to the granting or denial of any amusement parlor license. In reviewing each application, the Village Board shall find:
- (1) That the establishment, maintenance, or operation of an amusement parlor at the location requested will not be detrimental to or

endanger the public health, safety, morals, comfort, or general welfare.

(2) That the proposed amusement parlor will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

(3) That the establishment of the amusement parlor will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.

(4) That adequate measures have been or will be taken to maintain good order surrounding the location thereof.

(c) **ISSUANCE OF LICENSE; TERM.** The Village Clerk shall issue a license upon approval of the application by the Village Board, upon the payment by the applicant of an annual license fee of \$150.00. All licenses issued herein shall be for one year ending on the 30th day of June and shall not be transferable.

(d) **HOURS OF OPERATION FOR AMUSEMENT PARLORS.**

(1) No premises for which an amusement parlor license has been issued shall be permitted to remain open for the offering of electronic amusement devices to the public at retail between the hours of 10:00 p.m. and 10:00 a.m.

(2) No premises for which an amusement parlor license has been issued shall be permitted to remain open for the offering of amusement devices to the public at retail between the hours of 10:00 p.m. and 3:00 p.m. on any day in which school is in regular session.

(3) For the purpose of this section the term public school or parochial school shall be any institution providing learning facilities for Grades K thru 12.

(e) **GENERAL REQUIREMENTS FOR AMUSEMENT PARLORS.** The following general requirements shall apply to all amusement parlors licensed in accordance with this Chapter:

(1) All amusement parlors shall have an adult supervisor on the premises at all times in which the game room is open to the public.

(2) Every amusement parlor shall provide an adequate area and number of bicycle racks for the orderly parking of bicycles, which area shall be separate from a required vehicle parking stall and shall be so located as to not occupy any portion of a public sidewalk or to otherwise obstruct pedestrian passage to and from the premises.

(3) Game rooms licensed herein shall comply with all other building, fire code, and applicable Village laws and regulations.

(4) All parlors shall post rules of nonacceptable patron conduct and shall order anyone violating the rules to leave the premises. Should the violator refuse to leave, they shall advise the Police Department immediately.

### **37.04 ENTERTAINMENT LICENSE**

(a) **LICENSE REQUIRED.** Any person conducting, sponsoring, promoting, managing or otherwise providing for gain live musical entertainment within any premises or at an outdoor setting within the Village of Pulaski shall first obtain a license therefore from the Village Clerk.

(b) **APPLICATION FOR LICENSE.**

(1) Application. Every application for license required by this Section shall be made upon forms furnished by the Village Clerk. The Village Clerk shall issue a license to the applicant upon compliance with all provisions of the Municipal Code of the Village of Pulaski, approval by the Village Board, and upon payment of the proper fee.

(2) Investigation. The Village Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department, and Building Inspector of each new application for license hereunder and these officials shall inspect or cause to be inspected each application and the premises or location of the proposed entertainment, together with such other investigation as shall be necessary to determine whether the applicant and the premises or location sought to be licensed comply with the regulations, ordinances and laws applicable thereto and whether the applicant is a proper recipient of the license sought. These officials shall furnish to the Village Board in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.

(3) Exemption. The licensing requirement hereunder shall not be applicable to the following:

- a. Single event indoor entertainment sponsored by nonprofit organizations for which fifty (50%) percent or more of the proceeds therefrom shall be retained by the sponsoring nonprofit organization.
- b. Entertainment sponsored by the Pulaski Park and Recreation Department.

(c) **APPROVAL OF APPLICATION.**

(1) In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location or premises proposed, and generally the applicant's fitness for the trust to be reposed.

(2) No license shall be issued unless the premises conformed to the sanitary, safety and health regulations of the State Building Code, or, in the event of any outdoor entertainment license, the location for its proper sanitary facilities.

(d) **CONDITIONS OF LICENSE.**

(1) Disorderly Conduct Prohibited. Each licensee hereunder shall at all times conduct his affairs in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any premises or location where such entertainment is to be conducted.

- (2) Regulatory Conditions. The Village Board reserves the right to impose as conditions precedent to the approval, issuance and granting of any license hereunder any such other and further condition, requirement or obligation as it, in its sole discretion deems just and reasonably necessary under the circumstances to preserve and protect the public welfare of the community.
- (e) **LICENSE FEES.**
- (1) Fees. The fees for entertainment licenses shall be as follows:
- a. Single Event Indoor Entertainment License: Five (\$5.00) Dollars.
  - b. Annual Indoor Entertainment License: Ten (\$10.00) Dollars.
  - c. Outdoor Entertainment License: Twenty-five (\$25.00) Dollars.
- (2) Exemptions. The license fee requirement shall not be applicable to the following:
- a. Outdoor entertainment sponsored by nonprofit organizations to which fifty (50%) percent or more of the proceeds therefrom are to go to the sponsoring nonprofit organization shall not be exempt from obtaining an Outdoor Entertainment License but shall be exempt from the applicable fee therefore.
  - b. Outdoor entertainment sponsored by the Village of Pulaski Park and Recreation Department.

### **37.05 SAUNA AND MASSAGE LICENSES**

- (a) **LICENSE REQUIRED.** It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, upon any premises in the Village of Pulaski the operation of a massage establishment as herein defined without first having obtained a license from the Village Clerk, which shall be issued upon written application and which shall be subject to cancellation as hereinafter provided.
- (b) **APPLICATION AND FEE.**
- (1) Every applicant for a permit to maintain, operate, or conduct a massage establishment shall file an application in triplicate, under oath, with the Village Clerk upon a form provided by the Village Clerk, and pay a refundable filing fee of \$500.00 to the Village who shall issue a receipt which shall be attached to the application filed with the Clerk and Chief of Police. The Village Clerk shall forthwith refer copies of such application and all additional information to the Health Officer and Fire Department. These agencies shall within thirty (30) days, inspect the premises proposed to be operated as a massage establishment, and make recommendations to the Village Board concerning compliance with Village Ordinances. Upon receipt of the recommendations of the respective Agencies, the Village Clerk shall notify the applicant as to whether his application has been

granted, denied, or held for further investigation or corrective action. The period held for corrective action or additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. At the conclusion of such period, or such longer period if agreed to, the Village Clerk shall advise the applicant in writing as to whether the application has been granted or denied. If the application is denied, the Village Clerk shall advise the applicant in writing of the reason for such denial.

(2) The failure or refusal of the applicant to give any information relevant to the investigation of the application within a reasonable time, or the refusal or failure of the applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of applicant to submit to or cooperate with any inspection required by this section, shall be grounds for denial of the application.

(c) **APPLICATION FOR LICENSE FOR MASSAGE ESTABLISHMENT.** The application for a license to operate a massage establishment shall set forth the services to be administered and the proposed place and facilities thereof. In addition thereto, any applicant for a license, which shall be the sole proprietor, if a sole proprietor applicant, a partner, if a partnership applicant, and the designated agent, if a corporate applicant, shall furnish the following information.

(1) Written proof that each individual is at least 18 years of age.

(2) Current residential addresses.

(3) Whether the individual has had any license denied, revoked, or suspended elsewhere for a massage establishment, the reason therefore, and the business activity or occupation of the individual subsequent to such suspension, revocation or denial.

(4) Satisfactory proof that the applicant has been a resident of the State of Wisconsin for at least one (1) year and of the county for at least ninety (90) days.

(d) **LICENSE.**

(1) Upon receipt of the recommendations of the respective agencies and with the information contained in the application, together with all additional information provided therein, the Village Board shall direct the issuance of the license by the Village Clerk to the applicant to maintain, operate, or conduct a massage establishment unless the Chief of Police shall find:

a. That the operation of the massage establishment as proposed by the applicant, if permitted, would not comply with the applicable laws of the State of Wisconsin and the Village of Pulaski, including but not limited to the building, health, planning, housing, fire prevention, and zoning codes of the Village of Pulaski, or

b. That the applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of a felony.



- c. That the operation of the massage establishment as proposed by the applicant, if permitted, would violate the provisions of this Chapter.
    - (2) The license provided herein shall be for a period of one (1) year from date of application, unless sooner suspended or revoked. Such license must be renewed annually.
  - (e) **CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR SAUNA AND MASSAGE ESTABLISHMENTS.** Any sauna or massage establishment as defined herein shall construct its facilities and maintain same in accordance with the following regulations:
    - (1) All sauna rooms, massage parlors and all restrooms used in connection therewith shall be constructed of materials and maintained so that they are impervious to moisture, bacteria, mold, or fungus growth.
    - (2) Shower rooms must be finished in tile or equal material with proper floor drains.
    - (3) Each sauna establishment having two or more massage rooms shall be required to have a separate restroom for men and women, and provided with mechanical ventilation with two cfm. per square foot of floor area, a minimum of fifteen (15) foot candles of illumination, a hand-washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.
    - (4) Each sauna or massage establishment shall have a janitor's closet which shall be provided for the storage of cleaning supplies.
    - (5) Floors, walls and equipment in sauna rooms, massage parlors, restrooms and in bathrooms used in connection therewith must be kept in a state of good repair and sanitary at all times. Linens and other materials shall be stored at least six inches off the floor. Sanitary towels, washcloths, cleaning agents and toilet tissue must be available for each customer.
    - (6) Individual lockers shall be made available for use by each customer. Such lockers shall have a separate key for locking.
    - (7) Doors on massage rooms shall not be locked, but shall contain an adequate door latch for privacy. All massage rooms shall be clearly identified by door plates or signs.
    - (8) Each sauna or massage establishment shall have approved fire extinguishers, fire exits designated by fire exit signs.
    - (9) If any provision of this section is inconsistent with a comparable and applicable provision of the building code, the provision of the building code shall govern to the extent of such inconsistency.
    - (10) The establishment shall permit inspection of the premises at any time during business hours by Building Inspectors, Fire Inspectors, Health Inspectors, and law enforcement officers.
    - (11) Entrance doors during business hours shall be open to the public the same as any other business.
  - (f) **PERMIT FOR MASSEUR OR MASSEUSE.** Any person who engages in the practice of massage as herein defined shall file an application for a permit as a masseur or masseuse, which application shall be filed with

the Village Clerk upon the form provided by the Clerk and shall pay a nonrefundable filing fee of \$25.00 for the original application and \$25.00 for each renewal application to the Village Treasurer.

(g) **APPLICATION FOR MASSEUR OR MASSEUSE.** The application for a permit for a masseur or a masseuse shall contain the following:

- (1) Name and residence.
- (2) Social Security number.
- (3) Written evidence that the applicant is at least 18 years of age.
- (4) The applicant shall further undergo a physical examination and present the written results thereof for contagious and communicable diseases which shall include a test or tests which will demonstrate freedom from tuberculosis, and each test shall have been made by a licensed physician and all laboratory tests shall be in licensed laboratories. The applicant shall then present a certificate with the results of each such examination signed by a licensed physician, stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others. Each applicant shall undergo the physical examination provided herein and present to the Village Clerk the certificate required herein prior to the commencement of employment and at least once each twelve (12) months thereafter.

(h) **ISSUANCE OF PERMIT FOR MASSEUR OR MASSEUSE.**

- (1) The Village Clerk shall direct the issuance of permit for a masseur or masseuse upon receipt of completed application and upon receipt of certificate of examination stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others.
- (2) Said permit is subject to cancellation upon the following grounds:
  - a. The Chief of Police finds that the applicant for a permit has been convicted of a felony; or
  - b. The applicant has failed to provide all of the information required by this Chapter.
- (3) Each permit for a masseuse, pursuant to this Chapter, and any renewal shall be for a one (1) year term and shall be displayed by the permit holder while engaged in his or her employment. Permits may be applied for and will only be issued Monday through Thursday.

(i) **HOURS OF OPERATION.** No massage establishment in the Village of Pulaski shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m. except during that period of the year for which the standard of time is advanced under Sec. 176.95 of the Wisconsin Statutes when the premises shall be closed between 2:00 a.m. and 8:00 a.m.

(j) **ENFORCEMENT AND PENALTIES.**

- (1) Interference. No person shall prevent, resist or interfere with any of the officers or employees of the city in the entering of any premises or the carrying out of their duties.

(2) Penalties. Any person violating any provision of this Chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this Chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin:

- a. Any license or permit issued pursuant to this Chapter may be suspended by the Village Police Chief without hearing for not more than thirty (30) days.
  - b. Any license or permit issued pursuant to this Chapter may be suspended more than thirty (30) days or revoked by the board after allowing the licensee or permittee a hearing on notice.
  - c. Any license or permit issued pursuant to this Chapter, may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
- (3) Upon conviction thereof, shall forfeit not less than \$20.00 nor more than \$200.00 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 ninety (90) days for each violation.

### **37.06 PARADE PERMITS**

- (a) **PERMIT REQUIRED.** No person shall participate in or form any parade unless a parade permit has been obtained from the Chief of Police.
- (b) **EXCEPTIONS.** This Chapter shall not apply to:
  - (1) Funeral processions.
  - (2) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate and supervision of the proper school authorities.
  - (3) A governmental agency acting within the scope of its functions.
- (c) **APPLICATION FOR PERMIT.**
  - (1) Application. A person seeking a parade permit shall file an application with the Chief of Police on forms provided by him.
  - (2) Filing Period. An application for a parade permit shall be filed with the Chief of Police not less than thirty (30) days nor more than forty-five (45) days before the date on which it is proposed to conduct the parade.
  - (3) Contents. The application for a parade permit shall set forth the following information:
    - a. The name, address and telephone number of the person seeking to conduct such parade.
    - b. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization,

and of the authorized and responsible heads of such organization.

- c. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
- d. The date when the parade is to be conducted.
- e. The route to be traveled, the starting point and the termination point.
- f. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles.
- g. The hours such parade will start and terminate.
- h. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
- i. The location by streets of any assembly areas for such parade.
- j. The time at which units of the parade will begin to assemble at any such assembly area or areas.
- k. The interval of space to be maintained between units of such parade.
- l. If the parade is designed to be held by, and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
- m. Any additional information which the Chief of Police finds reasonably necessary to a fair determination as to whether a permit should be issued.

(4) Late Applications. The Chief of Police, where good cause is shown, may consider any application which is filed less than thirty (30) days before the date such parade is proposed to be conducted.

(5) Fee. There shall be no fee required.

(d) **STANDARDS FOR ISSUANCE**. The Chief of Police shall issue a permit when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the Village to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Village.

(3) The conduct of such parade will not require the diversion of so great number of ambulances as to prevent normal ambulance service to portions of the Village other than that to be occupied by the proposed line of march and areas contiguous thereto.

(4) The concentration of persons, animals and vehicles at assembly

points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.

- (5) The conduct of such parade will not interfere with the movement of firefighting equipment enroute to a fire.
  - (6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
  - (7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.
- (e) **NOTICE OF DENIAL.** The Chief of Police shall act upon the application for a parade permit within three (3) days after the filing thereof. If the Chief of Police disapproves the application, he shall mail to the applicant within five (5) days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.
  - (f) **APPEAL PROCEDURE.** Any person aggrieved may appeal the denial of a parade permit to the Public Safety Committee of the Village Board. The appeal shall be taken within seven (7) days after notice. Within fifteen (15) days of receipt of the appeal, the Committee shall give the applicant an opportunity to be heard.
  - (g) **NOTICE TO VILLAGE AND OTHER OFFICIALS.** Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:
    - (1) Village President.
    - (2) Fire Chief.
    - (3) Director of the Department of Public Works.
    - (4) Village Administrator.
  - (h) **CONTENTS OF PERMIT.** Each parade permit shall state the following:
    - (1) Starting time.
    - (2) Minimum speed.
    - (3) Maximum speed.
    - (4) Maximum interval of space to be maintained between the units of the parade.
    - (5) The portions of the streets to be traversed that may be occupied by the parade.
    - (6) The maximum length of the parade in miles or fractions thereof.
    - (7) Such other information as the Chief of Police shall find necessary to the enforcement of this Chapter.
  - (i) **DUTIES OF PERMITTEE.** A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
  - (j) **POSSESSION OF PERMIT.** The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.
  - (k) **PUBLIC CONDUCT DURING PARADES.**
    - (1) Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with

- any person, vehicle or animal participating or used in a parade.
- (2) Driving Through Parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
  - (3) Parking on Parade Route. The Chief of Police may prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and no person shall park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Chapter.

### **37.07 AUCTION AND TRANSIENT MERCHANT LICENSES**

(a) **LICENSE REQUIRED.**

- (1) Auction License. No person, firm or corporation shall vend or sell by auction, within the meaning of this Chapter, goods, wares and merchandise, or other property, except household furniture which has been used as such, without having first procured a license as provided in this Chapter nor without complying with all of the provisions of this Chapter and all statutes and regulations applicable thereto.
- (2) Transient Merchant License. No person, firm or corporation coming within the definition of a transient merchant shall conduct an auction sale, liquidation sale or other sale of more than four articles of merchandise in one location in this state, without having first procured a transient merchants license as provided for in this Chapter nor without complying with all of the provisions of this Chapter and all statutes and regulations applicable thereto.

(b) **LICENSE FEES.**

- (1) Auction License. An annual auction license fee shall be Two Hundred (\$200.00) Dollars per year. The daily auction license shall be Ten (\$10.00) Dollars per day.
- (2) Transient Merchant License. The fee for a transient merchant license shall be Ten (\$10.00) Dollars per day plus a corporate surety bond in the sum of Two Thousand (\$2,000.00) Dollars with surety to be approved by the Clerk, which bond shall be conditioned on the compliance with all laws and on compliance with all material oral or written statements and representations made by or in behalf of the merchant with reference to merchandise sold or offered for sale and on a faithful performance of all warranties made with reference thereto.
- (3) Transient Merchant To Have Auction License. Any transient merchant having obtained a transient merchant license as specified in this Chapter shall also be required to obtain an auction license pursuant to the terms of this Chapter for any auction sales to be conducted by the transient merchant.

(c) **APPLICATION FOR LICENSE.**

(1) Auction License. Any person desiring an auction license under this Section shall, at least ten (10) days before the first schedule sale is held, file with the Village Clerk a sworn application which contains the following information.

- a. The applicant's name, residence and business address for the previous two (2) year period.
- b. The type of business in which the applicant has been engaged during the previous two (2) years.
- c. The name, address and occupational history of the auctioneer.
- d. Whether the applicant will be present and in continuous attendance at the proposed auction sales.
- e. Premises where auction sales are to take place.
- f. The nature and type of goods, wares or merchandise to be sold at said auction sales.
- g. A sworn statement of intent to become a permanent merchant. In the event said applicant is not a permanent merchant, the application shall be accompanied by a Two Thousand (\$2,000.00) Dollars corporate surety bond with surety to be approved by the Clerk, which bond shall be condition on compliance with all laws and on compliance with all material oral or written statements in representations made by or in behalf of the merchant with reference to merchandise sold or offered for sale and on the faithful performance of all warranties made with reference thereto.

(2) Transient Merchant License. Any person desiring a transient merchant license shall, at least ten (10) days before the sale is to be held, file with the Village Clerk a sworn application which contains the following information:

- a. The applicant's name, residence and business address for the prior two (2) year period.
- b. The type of business in which the applicant has been engaged during the previous two (2) years.
- c. Whether the applicant will be present and in continuous attendance at the proposed sale.
- d. The exact time and place of the sale.
- e. Whether the applicant or anyone interested in the sale has within two (2) years prior to the application conducted or had any connection with a similar sale either in the same place or any other place in the county and if so, to give dates and places of such other sales.
- f. The applicant shall attach to the application an itemized list of all merchandise to be offered for sale at the proposed sale, reciting as to each item a description thereof including the serial number, if any, the owners actual cost thereof and the designation of number corresponding with the number to be affixed to each item

by tag which shall be fastened to the item at all times until sold. Nothing shall be offered for sale at any such sale which has not been so listed.

(d) **INVESTIGATION.** The Village Clerk shall notify the Chief of Police of each new application for license and shall direct the Chief of Police to cause an inspection to be made of each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including whether the applicant is a proper recipient of a license.

(e) **APPROVAL OF APPLICATION.**

(1) In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.

(2) No license shall be granted to any applicant for the operation on any premises or with any equipment which taxes or assessments or other financial claims of the Village are delinquent and unpaid.

(3) No license shall be issued unless the premises proposed for the sale conform to the sanitary, safety and health requirements of the State Building Code. The premises must be properly lighted and ventilated, and must conform with all Ordinances of the Village.

(4) Upon the approval of the applicant by the Village Board, the Village Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village. The full license fee shall be charged for the whole or fraction of any year. The fee shall be paid to the Village Treasurer who shall deposit the same in the general fund.

(f) **CONDITIONS OF LICENSE.** All licenses granted hereunder shall be granted subject to the following conditions, and all conditions of this Section, and subject to all other Ordinances and regulations of the Village applicable thereto:

(1) Consent to Entry. Every applicant procuring a license thereby consents to the entry of the police and other duly authorized representatives of the Village at all reasonable hours for the purposes of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village Ordinances of State Laws, and consents to introduction of such things and articles into evidence in any prosecution that may be brought for such offenses.

(2) Disorderly Conduct Prohibited. Each licensee shall at all times conduct his affairs in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any premises where such sale is to be conducted.

(3) Appointment of Clerk as Attorney. Before receiving a license



under this Section, the applicant shall in writing appoint the Village Clerk as his attorney to accept service of process in any action commenced against the applicant arising out of the sale. Such action shall be brought in the county where the sale is held.

(4) Attendance. Wherever any such license sale is being conducted, the persons to whom the license has been granted shall remain in continuous attendance at all times while such sale is being conducted, and shall be responsible for any violations of this Section.

(5) Sale in Name of Bona Fide Owner. No sale shall be conducted in the name of any person other than the bona fide owner of the merchandise.

(6) Exhibit Merchandise Forty-Eight (48) Hours. No merchandise shall be sold at any such sale which has not been placed on the sale premises at least forty-eight (48) hours before the sale begins, and made available for the inspection by persons during regular business hours.

### **37.08 BEER GARDEN LICENSE**

(a) **LICENSE REQUIRED.** No Class "B" licensee, under Sec. 31.02 hereof, shall permit the sale or consumption of intoxicating liquor or fermented malt beverages ("alcoholic beverages") outdoors on the property on which their licensed premises, under Chapter 31 hereof, is located in the Village of Pulaski without first obtaining and maintaining a license under the provisions of this Section.

(b) **LICENSING REQUIREMENTS.**

(1) Application. Every application for a license required by this Section shall be made upon forms furnished by the Village Clerk. The Village Clerk shall issue a license to the applicant upon the applicant's compliance with all provisions of the Municipal Code of the Village of Pulaski, approval by the Village Board, and upon payment of the proper fee.

(2) Beer Garden Facilities:

a. Annual License. The applicant for an annual license shall provide, under such permits as shall be required by the Building Inspector, an outdoor area that meets the following requirements:

1. The location of the beer garden must be entirely within the perimeter of the applicant's property on which the applicant's licensed premises is located.
2. The beer garden must be contiguous and connected to the applicant's licensed premises.
3. The beer garden must be enclosed with a fence not less than sixty (60") inches in height, whose individual strands or members are no more than four (4") inches apart and of sufficient construction so as to preclude passage through such fence and which fence shall

contain only emergency exits. The only other exit or exits from the enclosed area shall be through the licensed premises.

4. The location of the fence on the property shall be subject to all applicable Village of Pulaski fence setback requirements.

b. Single Event License. The applicant for a single event license shall provide an outdoor area that meets the following requirements:

1. The location of the beer garden must be entirely within the perimeter of the applicant's property on which the applicant's licensed premises is located.

2. The beer garden must be enclosed with a temporary fence of not less than forty-eight (48") inches in height whose individual strands or members are no more than four (4") inches apart so as to preclude passage through such fence except at specifically designated gates or openings.

3. The location of the fence on the property shall be subject to all applicable Village of Pulaski fence setback requirements.

(c) **APPROVAL OF APPLICATION.**

(1) In determining the suitability of an applicant for a license hereunder, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location or premises proposed and, generally, the applicant's fitness for the trust to be reposed.

(2) No license shall be issued hereunder unless the applicant's licensed premises conform to sanitary, safety and health regulations under the State Building Code.

(d) **CONDITIONS OF LICENSE.**

(1) Disorderly Conduct Prohibited. Each licensee hereunder shall, at all times, conduct his affairs in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any premises licensed hereunder.

(2) Noise Control. The licensee hereunder shall be responsible for noise control emanating from the beer garden area and shall maintain such area in compliance with the noise control provisions of Sec. 44.06 hereof.

(3) Regulatory Conditions. The Village Board reserves the right to impose, as conditions precedent to the approval, issuance and granting of any license hereunder, any such other and further condition, requirement or obligation as it, in its sole discretion, deems just and reasonably necessary under the circumstances to preserve and protect the public welfare of the community.

(e) **LICENSE FEES.**

(1) Single Event Fee. The fee for a single event license hereunder shall be \$10.00.

(2) Annual License. The fee for an annual license hereunder shall be

\$10.00, unless the application for the annual beer garden license is included with the applicant's annual Class "B" License Application, in which case, there shall be no fee for the annual beer garden license.

- (3) Exemptions. The license fee requirement of this Section shall not be applicable to single events sponsored by non-profit organizations to which fifty (50%) percent or more of the proceeds from the single event are to go to the sponsoring non-profit organization or to single events sponsored by the Village of Pulaski Park and Recreation Department.

### **37.09 (Reserved)**

#### **SECTION 37.10 HOTEL AND MOTEL: ROOM TAX**

(a) **DEFINITIONS.** For purposes of this Section, the following words shall have the following meanings:

(1) **"Hotel"** or **"Motel"** shall mean a building, or group of buildings, in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, hotels, tourist rooms, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment motels, resort lodges and cabins, and any other building in which accommodations are available to the public as provided under Sec. 77.52(2)(a)(1), Wis. Stats., except accommodations rendered by a continuous period of more than one month and accommodations furnished by hospitals, sanitoriums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable, or educational purposes, provided no part of the net earnings of such corporations and associations inure to the benefit of any private shareholder or individual.

(2) **"Gross Receipts"** shall have the meaning defined in §§77.51(11)(a), (b), and (c), Wis. Stats.

(3) **"Lodging Provider"** shall mean the operator of a Hotel or Motel, as those terms are defined in Subsection (1) hereof, within the Village.

(4) **"Lodger"** shall mean any person residing for a continuous period of time less than one month in a hotel, motel, or furnished accommodation available to the public.

(5) **"Lodging Permit"** shall mean a room tax identification number.

(6) **"Person Responsible"** shall mean the sole owner of the business subject to this chapter, the partners, if a partnership owns the business subject to this chapter, the corporate president, or designated general manager or agent, if a corporation owns the business subject to this chapter.

(7) “**Rental Unit**” shall mean a single room or suite in a Hotel or Motel that is available for rental.

(8) “**Room Tax**” shall mean the fiduciary tax imposed by this Section.

(9) “**Room Tax Commission**” shall mean the standing commission established under and pursuant to Sec. 66.0615(1), Wis. Stats., under Section 5.08 of this Code of Ordinances.

(10) “**Total Available Rental Units**” shall mean the number of rental units in the Hotel or Motel multiplied by the days in the month or the days that the Hotel or Motel was open during that month.

(11) “**Tourism promotion and tourism development**” shall mean any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment on which the room tax may be imposed, that are owned by different persons and located within the Village reasonably likely to generate paid overnight stays:

- a. Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups.
- b. Transient tourist informational services.
- c. Tangible municipal development.

(12) “**Transient**” shall have the same meaning as “Lodger” hereunder.

(b) **ROOM TAX IMPOSED.** Pursuant to §66.0615, Wis. Stats., a tax is imposed on the privilege of furnishing at retail rooms or lodging to lodgers by hotel keepers, motel operators, and other persons furnishing accommodations that are available to the public irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of eight (8.0%) percent of the Gross Receipts from such retail furnishing of rooms or lodging. Such tax shall be collected from the lodger by the person responsible when the lodger's bill is paid, and shall be paid over by the person responsible to the Village Treasurer on a monthly basis. Such tax shall not be subject to the selective sales tax imposed by §77.52(2), Wis. Stats. The proceeds of such tax shall be remitted to and received by the Treasurer monthly on or before the 20th day of the following month.

(c) **LODGING PERMIT REQUIRED.** Every person furnishing rooms or lodging under Subsection (b) hereof shall file with the Treasurer an application for a Lodging Permit for each Hotel or Motel operated within the Village. Every application shall be made upon a form prescribed by the Treasurer and shall set forth the name under which the applicant intends to transact business, and such other information as the Treasurer requires. The application shall be signed by the owner if a sole proprietor; and if not a sole proprietor, by the person responsible who is authorized to act on behalf of the business.

Upon the Treasurer's approval of the Permit Application the Treasurer shall assign and issue a Lodging Permit Number to the Lodging Provider.

(d) **MONTHLY ROOM TAX RETURN.** The Responsible Person for each Lodging Permit holder shall be responsible for preparing and filing a monthly Room Tax Return with the Village Treasurer on such form as shall be prescribed by the Treasurer. The Monthly Room Tax Return must be filed with the Village Treasurer on or before the thirtieth (30<sup>th</sup>) day following the last day of the month for which the Report is due. The Monthly Room Tax Report shall contain the following information: name of Hotel or Motel, physical address, postal address, name of Person Responsible, month and year that the return is for, the total available rental units for that month, the number of Rental Units rented, total Gross Receipts for the month, the room tax to be paid and the signature of the person filling out and filing the Return, attesting to its accuracy.

(e) **ROOM TAX RESPONSIBILITY.** The Person Responsible shall be responsible for payment to the Village Treasurer on a monthly basis the correct amount of room tax payable on the basis of the Monthly Room Tax Report filed under the provisions of Subsection (d) hereof. The correct amount of room tax shall accompany the filing of the Lodging Provider's Monthly Room Tax Return.

(f) **DELINQUENT ROOM TAX RETURN.** If the Lodging Provider shall fail to file a Monthly Room Tax Return within the timeframe provided under Subsection (d) hereof, the Lodging Provider shall be subject to a twenty-five (\$25.00) dollar late filing fee.

(g) **DELINQUENT ROOM TAX.** If the Lodging Provider shall fail to collect or pay over to the Village Treasurer the room tax due by the tax payment due date provided under the provisions of Subsections (d) and (e) hereof that tax shall be deemed delinquent and shall be subject to the following:

(1) Forfeiture. A forfeiture of twenty-five (25%) of the room tax due or five thousand (\$5,000.00) dollars, whichever is less, shall be due and owing by the Lodging Provider in the event the room tax due shall become delinquent.

(2) Interest. In addition to the forfeiture, all unpaid room taxes shall be subject to and bear interest at the rate of twelve (12%) percent per annum from the due date to the date of payment.

(h) Security. The Treasurer shall require any Lodging Provider liable for the tax imposed by this Section, who fails to pay the tax as herein required, to file and post with the Treasurer, before or after the Lodging Permit is issued, such security, in cash or through a bank line of credit, an amount not in excess of \$5,000, equal to the average of two prior month's tax, as the Treasurer determines. If any Lodging Provider fails or refuses to post such security, the Treasurer may refuse or revoke its permit.

(i) **DELINQUENT ROOM TAX ESTIMATE.** In the event that the Lodging Provider shall fail to file a Monthly Room Tax Report and pay the monthly room tax when due the Village Treasurer shall make an estimate of the amount of tax due and owing and shall add to that amount a penalty of

ten (10%) percent of the estimated tax due.

(j) **FALSE OR FRAUDULENT REPORT.** If a Lodging Provider is found to have filed a false or fraudulent report a penalty of fifty (50%) percent of the tax due shall be added to the tax required to be paid, exclusive of interest and other penalties otherwise due hereunder.

(k) **RECORDS TO BE KEPT.** The Person Responsible for each Lodging Provider hereunder shall keep, or cause to be kept, such records, receipts, invoices, and other pertinent records relating to their lodging operation as shall be necessary to accurately and correctly verify their lodging operations for purposes of the room tax imposed hereunder.

(l) **TREASURER'S RIGHT OF INSPECTION AND AUDIT.**

(1) Inspection and Audit. Whenever the Treasurer has probable cause to believe that the correct amount of room tax has not been assessed upon and collected from customers, or that the tax return is not correct, the Treasurer may cause an inspection and audit of the financial records of any person subject to (2) above to determine whether or not the correct amount of room tax is assessed, collected, and paid according to (2) and (6).

(2) Penalty. In the event any Lodging Provider fails to comply with a request by the Treasurer or an authorized agent of the Village to inspect and audit the Lodging Provider's financial records as provided in Subsection (1) above, such Lodging Provider shall be subject to a forfeiture in the amount of five (5%) percent of the room tax due the Village at the time of the inspection or audit.

(m) **ENFORCEMENT AND COSTS OF PROSECUTION.** In the event of a violation of this Section requiring the Village to initiate an enforcement prosecution, the Lodging Provider who is found in violation of this Section shall be held responsible for the Village's costs of prosecution, including, but not limited to the Village's actual attorney's fees.

(n) **ADMINISTRATION OF ROOM TAX.** The administration of the room tax shall be under the direction of the Village of Pulaski Room Tax Commission.

(o) **APPLICATION OF THE ROOM TAX.** Seventy (70%) percent of the room tax collected hereunder shall be applied by the Room Tax Commission for tourism promotion and tourism development within the Village. The remaining thirty (30%) percent of the room tax collected hereunder shall be allocated to the Room Tax Commission's operating expenses and to the Village of Pulaski General Fund for such uses and purposes as shall be determined by the Village Board.

(p) **CONFIDENTIALITY.** Information obtained under this section shall be confidential, except the Treasurer may provide information to persons using the information in the discharge of duties imposed by law, the duties of their office, such as the duties of the office of Room Tax Commissioner, or by order of a court. The Treasurer may publish statistics classified so as not to disclose the identity of particular returns. Any person who violates any provision of this subsection shall forfeit not less than \$100 nor more than \$300.

### 37.11 SECURITY ALARMS

(a) **DEFINITIONS.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

- (1) **“Alarm Business”** means any person, property owner, firm, partnership or corporation who uses an alarm system for security purposes.
- (2) **“Alarm User”** means any person, property owner, firm, partnership, corporation or governmental entity whose premise has an alarm system.
- (3) **“Alarm System”** means a device or system that emits, transmits or relays a remote or local audible, visual or electronic signal indicating an alarm condition and intended to or reasonably expected to summon police or fire services. Alarm system does not include an alarm installed on a vehicle.
- (4) **“Calendar Year”** means the twelve (12) month period beginning January 1 and ending December 31.
- (5) **“Central Monitoring Station”** means a central location where remote detection devices installed at the premise of an Alarm User automatically transmits a signal and the central location is manned twenty-four (24) hours a day by trained operators who monitor, receive, record, verify, validate or report the signal.
- (6) **“Emergency Communications Center”** means the communications center, which handles the emergency phone calls and radio communications for the Police and Fire Departments.
- (7) **“Enhanced Call Verification”** means an attempt by the Alarm Business or its representative to contact the Alarm site, Alarm User and/or keyholder by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement to respond to the alarm signal, in an attempt to avoid an unnecessary alarm dispatch request. For purposes of this ordinance, telephone and/or other electronic verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user or keyholder who can properly identify themselves, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.
- (8) **“False Alarm”** means any signal, message or other communication transmitted by an alarm system, person or other device which causes Police or Fire Department response in which it is determined by the Village not to be of an existing emergency or unlawful situation.
- (9) **“Fire Department”** means the Tri-County Fire Department, its headquarters and any other location housing publicly owned equipment serving the Fire Department.

- (10) “**Keyholder**” means a person or persons who will be responsible for responding to the premise of an alarm activation, who has access to the premise and the alarm system and who has the authority and ability to set or deactivate the system.
- (11) “**Police Department**” means the Village of Pulaski Police Department, its headquarters and any other location housing equipment serving the Police Department.
- (12) “**Verified Response**” means the alarm business or its representative has verified the legitimacy of an alarm at the scene through independent means such as witness verification, live listening devices or live video monitoring.

(b) **PURPOSE.** The purpose of this Section is to reduce the number of false alarms by eliminating those which are preventable or avoidable and to establish control of the various types of alarm systems that would require police response at the location of an event reported by a signal which is transmitted by telephone or radio or which is otherwise relayed to the emergency communications center by a signal activated by an automated alarm device, including such devices already in use within the Village.

(c) **ALARM SYSTEM REGISTRATION.** All businesses employing an alarm system must register with the Pulaski Police Department.

(d) **DUTIES OF THE ALARM BUSINESS.**

- (1) An Alarm Business shall use enhanced call verification or verified response prior to requesting a response by emergency services. Enhanced call verification or verified response shall not be used for holdup, duress, panic or fire alarms.
- (2) Any alarm equipment installed by an Alarm Business after the effective date of this ordinance shall meet the ANSI/SIA CP-01 standards.
- (3) A central alarm monitoring station used by an Alarm Business shall meet the Underwriters Laboratory (UL) or Factory Mutual (FM) standards.
- (4) An Alarm Business shall keep current alarm system records and information including, but not limited to, names of alarm users, keyholders, addresses, phone numbers and other contact information to be used for enhanced call verification and keyholder notification. The alarm business shall provide this information to the Police Department and keep that information current.
- (5) An Alarm Business shall provide written and oral instructions explaining the proper use and operation of the alarm system to each of its alarm users. In addition, an Alarm Business shall take reasonable steps to educate all Alarm Users in order to minimize the number of False Alarms.
- (6) An Alarm business or representative shall be responsible for notifying a keyholder for the premise when request is made for response by the Police Department.



(e) **EXCEPTIONS** None of the provisions of this article shall prevent the Village from providing special alarm monitoring services as may be required because of medical reasons or communicative disorders.

(f) **PROHIBITED DEVICES.** No person shall use or cause to permit to be used any telephone or electronic device or attachment that automatically selects a public primary telephone trunk line of the Police Department, Fire Department or emergency communications center and then reproduces any prerecorded message to report any unlawful act, fire or other emergency.

(g) **FALSE ALARM FEE.**

- (1) Any fees payable to the Village under this Section which are delinquent or otherwise unpaid at the end of the year may be assessed against the property involved as a special charge for current service, without notice, pursuant to Section 66.0627, Wis. Stats.
- (2) If the Police Department responds to a false alarm, the alarm user shall pay the Village a fee according to the following schedule of fees for any false alarm occurring in a calendar year:
  - a. First two (2) false alarms Warning Letter / No charge
  - b. Third, fourth and fifth false alarms \$75.00 each.
  - c. Sixth, seventh and eighth false alarms \$150.00 each.
  - d. Ninth, tenth, and eleventh false alarms \$300.00 each.
  - e. Twelfth and subsequent false alarms \$600.00 each.
- (3) Discontinuance of Response.
  - a. If the Police Department is cancelled by the emergency communications center while responding to an alarm, the alarm user may still be assessed a fee for a false alarm.
  - b. In cases where the alarm user has twelve (12) or more false alarms within a six (6) month period the Police Department may suspend response after the Chief of Police or designee sends written notification to the alarm user. In order to lift the suspension, the alarm user shall submit written confirmation to the Chief of Police or designee that the alarm system has been inspected and repaired, if necessary, and/or additional measures have been taken to reduce the number of false alarms at that location. If the Chief of Police or designee determines that the actions taken are likely to prevent the occurrence of additional false alarms, the Police Department shall lift the suspension.
- (4) Exceptions and appeals.
  - a. A fee shall not be charged if any of the following apply:
    1. The alarm was activated by criminal activity or a legitimate emergency.
    2. The alarm was activated after a power outage that lasted more than four (4) hours.

3. The alarm was activated after the premise was damaged by weather conditions.
  4. The Fire Department has assessed a fee for a false fire alarm.
  - 5.. The Police Department was cancelled prior to arriving at the premise and documentation is provided that enhanced call verification or verified response was properly utilized.
- b. An Alarm User may appeal the assessment of a false alarm fee by submitting written documentation to the Police Chief or designee within ten (10) business days after notification of the assessment of a fee. The Chief or designee must inform the alarm user of the decision in writing. If the alarm user further contests the Chief or designee's decision within ten (10) days of receiving the Chief or designee's decision, the alarm user may seek review by the Village Board by submitting a written notification to the Village Clerk's Office.

(h) **VIOLATIONS AND PENALTIES.** Any person, Alarm User or Alarm Business that fails to register its system with the Police Department or violates any of the provisions of this section may be subject to a forfeiture of no more than one hundred dollars (\$100.00) for the first offense and no more than five hundred dollars (\$500.00) for the second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense.

### **37.12 (Reserved)**

### **37.13 (Reserved)**

### **37.14 (Reserved)**

### **37.15 LICENSE OR PERMIT GRANTING AND ISSUING RESTRICTION**

(a) **GENERAL RESTRICTIONS.** No license or permit controlled or regulated by this Title shall be granted or issued to any person, partnership, corporation, firm or enterprise; or, for any premises in the Village, for which any of the following obligations to the Village are delinquent, unpaid or otherwise outstanding at the time the application is received, to-wit:

- (1) Personal Property Tax
- (2) Real Property Tax
- (3) Special Assessments or Improvements Bonds
- (4) Orders from the Building, Zoning or Health Inspector
- (5) License or Permit Fees
- (6) Sewer or Water Charges or Fees

- (7) Ordinance Violation Forfeitures
- (b) **NOTICES AND HEARING.** In the event of the existence of a delinquent, unpaid or outstanding obligation due and owing to the Village by the license or permit applicant or against the applicant's premises:
- (1) The applicant shall be provided with a written notice of the delinquent, unpaid or outstanding obligation, which notice shall be served upon the applicant by registered mail. Said notice shall advise the applicant of the opportunity for a hearing before the Village Board.
  - (2) Should the applicant desire a hearing on the preliminary denial of the application, a written request for such hearing shall be filed by the applicant with the Village Clerk within ten (10) days of receipt of the notice under Sec. 37.08(b)(1).
  - (3) If, after receipt of the notice under Sec. 37.08(b)(1) the applicant fails to file a timely written request for a hearing or if the delinquent, unpaid or outstanding obligation to the Village is not cured within the time specified for requesting such hearing, the license or permit application shall be denied.
  - (4) Upon receipt of a written request for a hearing from the applicant, such hearing shall be scheduled and held before the Village Board within ten (10) days of the date of receipt of said request by the Clerk. The applicant shall be provided with written notice of the date, time and place of such hearing.
  - (5) The applicant shall have the opportunity to appear before the Village Board and be heard and present evidence as to why the license or permit application should not be denied. In the event of a denial of the application, the applicant shall have the right to appeal such decision or determination as provided by law.

### **37.16 SUSPENSION, REVOCATION, NON-ISSUANCE AND NON-RENEWALS**

- (a) **REVOCATION, SUSPENSION, NON-ISSUANCE OR NON-RENEWAL.** The Village may revoke, suspend or refuse to issue or renew any license or permit under this Chapter.
- (b) **PROCEDURES.** The revocation, suspension or non-renewal of any license hereunder shall be conducted in the manner provided in Sec. 31.19.
- (c) **PENALTIES.** Any person found to have violated any provision of this Chapter shall be subject to the General Penalty provisions of Sec. 1.06.  
(Ord. #404)

## CHAPTER 38

### TRAFFIC REGULATION

38.01	State Traffic Laws Adopted
38.02	Definitions
38.03	Speed Limits
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#### **38.01 STATE TRAFFIC LAWS ADOPTED**

Pursuant to the provisions of Chapter 349 of the Wisconsin Statutes, except as otherwise specifically provided in this Chapter, the statutory provisions in Chapters 340 to 350 of the Wisconsin Statutes describing and defining regulations with respect for vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this ordinance as if fully set forth therein. Any act required to be performed or prohibited by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of statutes incorporated herein are intended to be made part of this Chapter in order to secure uniform statewide regulation of traffic on the highways, streets, and alleys of the State of Wisconsin.

#### **38.02 DEFINITIONS**

For the purposes of this Code of Ordinances and this Chapter thereof, the words, phrases and definitions contained and set forth in Chapter 340 of the Wisconsin Statutes, together with any subsequent additions, amendments or modifications thereof, are hereby incorporated by reference and made a part hereof as through fully set forth herein. The words, phrases and definitions referenced as §340.01(1m) through (75) may be referred to and cited herein as Sec. 38.02(a)(1m) through (75).

#### **38.03 SPEED LIMITS**

(a) **GENERAL SPEED LIMIT.** Except as otherwise specified in sub(b) and (c),

- the speed limit for all street in the Village shall be 25 miles per hour.
- (b) **DESIGNATED SPEED LIMITS.** Pursuant to Section 349.11, Wis. Stats., the speed limits set forth in ss. 46.57 and 346.58, Wis. Stats., in fixed miles per hour, are increased or decreased as follows upon the following designated streets or portions of streets in the Village:
- (1) Except for vehicles described in §346.58(1), Wis. Stats., 35 miles per hour on the following streets or portions of streets:
    - a. St. Augustine Street, from a point 0.2 miles north of its intersection with Chicago Street, to the northern limits of the Village.
    - b. Highway 32 from south Village limit to its intersection with Green Bay Street.
    - c. County Trunk "B", from the eastern boundary line of the Village to State Highway "32". **(Ord. #421)**
  - (2) Except for vehicles described in §346.58(1), Wis. Stats., 25 miles per hour on the following streets or portions of streets:
    - a. Such portions of any streets within, contiguous or adjacent to school, playground or park zones.
  - (3) The speed limit in all alleyways located in the Village shall be 15 miles per hour.
  - (4) The speed limit on Crest Drive, between State Hwy. "32" and St. Augustine Street, shall be 45 mph. **(Ord. #441-05)**

### **38.04 THROUGH HIGHWAYS DESIGNATED**

- (a) **THROUGH HIGHWAYS DESIGNATED.** In the interest of public safety and pursuant to §349.07, Wis. Stats., the following streets or portions thereof are declared to be through highways:
- (1) St. Augustine Street from the North Village limits to Pulaski Street
  - (2) Pulaski Street from St. Augustine Street to Wisconsin Avenue (3) Wisconsin Avenue to South Village limits
  - (3) Pulaski Street from St. Augustine to West Village limits
- (b) **SIGNAGE.** Traffic signs or signals giving notice thereof shall be erected by the Public Works Department in accordance with this Chapter.

### **38.05 WEIGHT LIMITS AND HEAVY TRAFFIC ROUTES**

- (a) **SPECIAL AND SEASON WEIGHT LIMITATIONS.** Pursuant to Sec. 349.16, Wis. Stats., the Village Board may, from time to time, as circumstances may require, establish by Resolution, Special Temporary Weight Limits for certain designated streets and alleys within the Village. The Resolution shall identify the streets and alleys subject to the Special Temporary Weight Limits, the applicable special weight limit and the dates such special weight limit is in effect: and, shall provide for erection of signs giving notice thereof in accordance with Sec. 349.16, Wis. Stats. Vehicles identified in Sec. 349.16(3), Wis. Stats., shall be exempt from any special temporary weight limits established

hereunder.

- (b) **HEAVY TRAFFIC ROUTES DESIGNATED.** The following streets and parts of streets within the Village of Pulaski, Wisconsin that are hereby designated heavy traffic routes:

- (1) Wisconsin Street from South Village limits to Pulaski Street
- (2) Pulaski Street from East Village limits to West Village limits
- (3) St. Augustine Street from South Village limits to North Village limits
- (4) Third Avenue from Cedar Street to Pulaski Street
- (5) East Cedar Street from Wisconsin Street to Markham Drive
- (6) East Glenbrook Drive from Wisconsin Street to East Village limits
- (7) Markham Drive from Cedar Street to East Glenbrook Drive
- (8) Industrial Way from East Glenbrook Drive to Cedar Drive

- (c) **RESTRICTIONS ON USE OF OTHER STREETS BY HEAVY TRAFFIC.** No vehicle which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 6,000 pounds shall be operated or moved on any street or alley not part of the heavy traffic route designated in Sub(b) of this Section in the Village of Pulaski, except for the purpose of obtaining orders for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon; or, in regard to school buses, the pick-up or drop-off of passengers on a designated and approved school bus route, provided that in no event shall the weight of vehicle and load on such other street exceed the limitations of Sections 348.15 or 348.16(3), Wis. Stats. pertaining to class "A" highways or deliveries on Class "B" highways. (Ord. #420)

- (d) **CERTAIN HEAVY EQUIPMENT PROHIBITED ON STREETS.**

- (1) Permit Required. No person shall propel or move or cause to be propelled or moved any heavy equipment or similar machinery having cogs, spikes, or other projections on the outer circumference of wheels over or along any paved street or alley within the Village without first having obtained a permit therefor from the Director of Public Works. The Director may grant a permit in writing to propel or move heavy equipment or similar machinery over paved streets or alleys in case any such equipment or other machinery cannot be moved or propelled to its destination over streets or alleys that are not paved. The Permit Fee hereunder shall be \$35.00.
- (2) Route Designation. The Director shall designate in such permit the streets, alleys, or portions thereof over or along which any such heavy equipment or similar machinery may be propelled or moved and designate the duration for which the permit shall remain valid. The requirements of this section apply to all implements of husbandry (IOH) and agricultural commercial motor vehicles (Ag CMV) as defined by Sections 340.01(24)(a) and 340.01(10), Wis. Stats.
- (3) Bond Required. The party applying to transport any load exceeding statutory size or load limits shall file with the Village Clerk a surety bond in the sum of \$5,000.00, which bond shall

indemnify the Village for any costs and expenses which may accrue against or to the Village as a result of granting such permit.

- (4) Damage Repair. The Permit Holder hereunder shall be responsible for the repair of any and all damage to a Village street or alleyway by the use, operation and movement of such equipment or machinery upon such street or alleyway in compliance with street and alleyway specifications as determined by the Director of Public Works.

(e) **TRANSPORTATION OF LOADS EXCEEDING STATUTORY SIZE OR LOAD LIMITS.**

- (1) Permit Required. No person shall transport any load exceeding statutory size or load limits on any street or alley within the Village without first obtaining a "Single Trip Permit Application to Transport a Non-Divisible Load Exceeding Statutory Size and/or Weight" approved by the Director of Public Works. The "Single Trip Permit Application" shall be submitted to the Director of Public Works at least 48 hours prior to transporting said load. The Permit Fee shall be \$50.00

- (2) Bond Required. The party applying to transport any load exceeding statutory size or load limits shall file with the Village Clerk a surety bond in the sum of \$5,000.00, which bond shall indemnify the Village for any costs and expenses which may accrue against or to the Village as a result of granting such permit.

- (3) Certificate of Insurance Required. No permit to transport any load exceeding statutory size or load limits hereunder shall be granted until the applicant files a certificate of insurance with the Village Clerk giving evidence of liability insurance in the following:

- a. Public liability.
  1. Bodily injury  
\$1,000,000.00 each occurrence  
\$1,000,000.00 aggregate
  2. Property damage  
\$500,000.00 each occurrence  
\$500,000.00 aggregate
- b. Auto liability.
  1. Bodily injury  
\$100,000.00 each occurrence  
\$300,000.00 aggregate
  2. Property damage  
\$100,000.00 each occurrence
- c. Both public liability and auto liability insurance coverages are required in addition to the \$5,000.00 bond in subsection (2).
- d. The applicant shall agree to indemnify and hold the Village harmless from all liability arising out of the job. Such insurance shall not be cancelled or reduced without

30 days prior written notice thereof to the Village Clerk. Such notice shall suspend the permit and no work shall be done under such permit until a new insurance certificate complying with this subsection has been filed with the Village Clerk.

- (4) Time of Transport. The time for transporting any load subject to a Permit hereunder shall be as continuous as possible during such hours of the day, or night as the Director of Public Works shall so order, until complete, with the least possible obstruction of traffic movement. If, in the opinion of the Director of Public Works, the move constitutes a hazard and obstruction of traffic movement, the Director may, in coordination with the Pulaski Police Department order that the move take place between the hours of 6:30 p.m. and 6:00 a.m.
- (5) Parking Restrictions. If the Director of Public Works in coordination with the Pulaski Police Chief deems it necessary to post "No Parking" signs and other traffic control signs along the route that the load is to be transported on to allow the load to be transported safely, the Director shall order them erected and taken down after the load is transported and bill the full cost to the party receiving the Permit to transport the load. The Village shall hold the sureties of the bond given by the person receiving the permit until the director of public works receives payment in full for erecting and removing the necessary traffic signs.

### **38.06 ACCIDENT REPORTS**

The operator of any vehicle involved in an accident shall within ten (10) days after such accident file with the Village Police Department a copy of the report required by §346.70, Wis. Stats., if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations in §346.70(4)(f) and §346.73, Wis. Stats.

### **38.07 POWERS OF POLICE DEPARTMENT**

- (a) **TRAFFIC SIGNS.** The Police Department shall, in conformance with the State Traffic Control Devices Manual determine the property signs, markers and devices for traffic control within the Village, including, but not limited to safety zones, school zones, park and recreation zones, pedestrian cross-walks and loading zones, and the proper location for such signs, markers or devices.
- (b) **EMERGENCY REGULATIONS.** The Chief of Police may establish and enforce temporary traffic control and parking regulations to cover emergency or special conditions, and all traffic shall be subject thereto.



- (c) **SNOW REMOVAL.** In addition to the provisions of sub(b), the Chief of Police may establish and enforce parking and traffic regulations and prohibitions in certain areas to facilitate snow removal by the Department of Public Works.

### **38.08 DISORDERLY CONDUCT WITH A MOTOR VEHICLE**

- (a) **PROHIBITED.** No person shall cause or provoke disorderly conduct with a motor vehicle or cause a disturbance or annoy one or more persons within the Village by use or operation of any motor vehicle including but not limited to an automobile, truck, motorcycle, minibike or snowmobile.
- (b) **DEFINITION.** Disorderly conduct with a motor vehicle means engaging in violent, abusive, unreasonably loud or otherwise disorderly conduct, including but not limited to unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (c) **COMPRESSION BRAKES PROHIBITED.** No person shall use motor vehicle brakes within the Village of Pulaski which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. It shall be an affirmative defense to the prosecution under this Section that such compression brakes were applied in an emergency situation and were necessary for the protection of persons and/or property. (*Ord. #377*)

### **38.09 ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS**

- (a) **VILLAGE AUTHORITY.** The Village Board shall determine, designate placement of and maintain all traffic control signs, signals, devices, instruments and other traffic control and regulation mechanisms for the control and regulation of vehicular traffic in the Village of Pulaski in the form prescribed by law and in conformity with such uniform rules and regulations as may be required, promulgated or otherwise prescribed by the Wisconsin Department of Transportation.
- (b) **LOCATION.** Traffic control signs, signals, devices, instruments and mechanisms shall be placed and erected in such locations throughout the Village as may be determined by the Village Board.
- (c) **STOP SIGNS.** Stop signs shall be placed at the following locations in the Village of Pulaski:
  - (1) For eastbound traffic on Glenbrook Drive at South Wisconsin Street.
  - (2) For westbound traffic on Glenbrook Drive at South Wisconsin Street.
  - (3) For eastbound traffic on Cedar Street at South Wisconsin Street.
  - (4) for north and south bound traffic on South St. Augustine Street on the east and west sides of the street at the horse shoe exit from

the Pulaski Middle School. These signs shall be effective from 7:00am to 8:00am and from 3:00pm to 4:00pm on days when school is in session

- (5) For eastbound traffic on Green Bay Street at South Wisconsin Street.
- (6) For eastbound traffic on Williams Street at South Wisconsin Street.
- (7) For eastbound traffic on Summit Street at South Wisconsin Street.
- (8) For eastbound traffic on East Pulaski Street at South Wisconsin Street.
- (9) For westbound traffic on East Pulaski Street at South Wisconsin Street.
- (10) For eastbound traffic on West Glenbrook Drive at South St. Augustine Street.
- (11) For westbound traffic on Glenbrook Drive at South St. Augustine Street.
- (12) For eastbound traffic on Memorial Drive at South St. Augustine Street.
- (13) For eastbound traffic on Cedar Street at South St. Augustine Street.
- (14) For westbound traffic on Cedar Street at South St. Augustine Street.
- (15) For eastbound traffic on Helen Street at South St. Augustine Street.
- (16) For eastbound traffic on Green Bay Street at So. St. Augustine Street.
- (17) For westbound traffic on Green Bay Street at So. St. Augustine Street.
- (18) For westbound traffic on Williams Street at South St. Augustine Street.
- (19) For eastbound traffic on Front Street at South St. Augustine Street.
- (20) For westbound traffic on Summit Street at South St. Augustine Street.
- (21) For eastbound traffic on West Pulaski Street at South St. Augustine Street.
- (22) For westbound traffic on East Pulaski Street at North St. Augustine Street.
- (23) For eastbound traffic on Chicago Street at North St. Augustine Street.
- (24) For eastbound traffic on Anthony Lane at North St. Augustine Street.
- (25) For northbound traffic on South St. Augustine Street at East Pulaski Street.
- (26) For northbound traffic on Flora Street at East Pulaski Street.
- (27) For northbound traffic on Pine Street at East Pulaski Street.
- (28) For northbound traffic on Second Avenue at East Pulaski Street.
- (29) For northbound traffic on Third Avenue at East Pulaski Street.
- (30) For northbound traffic on Fourth Avenue at East Pulaski Street.

- (31) For southbound traffic on North Wisconsin Avenue at East Pulaski Street.
- (32) For southbound traffic on North St. Augustine Street at West Pulaski Street.
- (33) For southbound traffic on Main Street at West Pulaski Street.
- (34) For northbound traffic on Lincoln Street at West Pulaski Street.
- (35) For northbound traffic on Johnson Street at West Pulaski Street.
- (36) For southbound traffic on Grant Street at West Pulaski Street.
- (37) For southbound traffic on West Town Road at West Pulaski Street.
- (38) For eastbound traffic on Industrial Way at Cedar Drive.
- (39) For northbound traffic on Cedar Drive at East Glenbrook Drive.
- (40) For southbound traffic on Cedar Drive at East Glenbrook Drive.
- (41) For southbound traffic on Markham Drive at East Glenbrook Drive.
- (42) For northbound traffic on Industrial Way at East Glenbrook Drive.
- (43) For southbound traffic on Karcz Drive at Glenbrook Drive.
- (44) For southbound traffic on Carol Lane at Glenbrook Drive.
- (45) For southbound traffic on Pine Street at Glenbrook Drive.
- (46) For eastbound traffic on Glenbrook Drive at James Court.
- (47) For westbound traffic on Glenbrook Drive at James Court.
- (48) For eastbound traffic on Nancy Lane at Karcz Drive.
- (49) For northbound traffic on Carol Lane at Nancy Lane.
- (50) For eastbound traffic on Nancy Lane at Pine St.
- (51) For westbound traffic on Nancy Lane at Pine St.
- (52) For westbound traffic on Cedar Street at Markham Drive.
- (53) For southbound traffic on Fourth Avenue at Cedar Street.
- (54) For southbound traffic on Third Avenue at Cedar Street.
- (55) For northbound traffic on Karcz Drive at Cedar Street (State Hwy. "32").
- (56) For southbound traffic on Alchris Court at Cedar Street.
- (57) For northbound traffic on Pine Street at Cedar Street.
- (58) For southbound traffic on Pine Street at Cedar Street.
- (59) For southbound traffic on Washington Street at Cedar Street
- (60) For westbound traffic on Cedar Street at Lincoln Street.
- (61) For westbound traffic on Helen Street at Lincoln Street.
- (62) For northbound traffic on Pine Street at Green Bay Street.
- (63) For southbound traffic on Pine Street at Green Bay Street.
- (64) For northbound traffic on Flora Street at Green Bay Street.
- (65) For southbound traffic on Flora Street at Green Bay Street.
- (66) For northbound traffic on Washington Street at Green Bay Street.
- (67) For westbound traffic on Green Bay Street at Lincoln Street.
- (68) For eastbound traffic on Green Bay Street at Lincoln Street.
- (69) For westbound traffic on Green Bay Street at Johnson Street.
- (70) For eastbound traffic on Front Street at Johnson Street.
- (71) For eastbound traffic on Front Street at Lincoln Street.
- (72) For westbound traffic on Front Street at Lincoln Street.
- (73) For westbound traffic on Summit Lane at Lincoln Street.
- (74) For northbound traffic on Pine Street at Williams Street.
- (75) For southbound traffic on Pine Street at Williams Street.
- (76) For northbound traffic on Flora Street at Williams Street.

- (77) For southbound traffic on Flora Street at Williams Street.
- (78) For northbound traffic on Pine Street at Summit Street.
- (79) For southbound traffic on Pine Street at Summit Street.
- (80) For northbound traffic on Flora Street at Summit Street.
- (81) For southbound traffic on Flora Street at Summit Street.
- (82) For eastbound traffic on Second Street at Fourth Avenue.
- (83) For eastbound traffic on First Street at Fourth Avenue.
- (84) For eastbound traffic on First Street at Third Avenue.
- (85) For westbound traffic on First Street at Third Avenue.
- (86) For eastbound traffic on Park Street at Main Street.
- (87) For eastbound traffic on Chicago Street at Main Street.
- (88) For westbound traffic on Chicago Street at Main Street.
- (89) For eastbound traffic on Park Street at Grant Street.
- (90) For westbound traffic on Park Street at Grant Street.
- (91) For westbound traffic on Chicago Street at Grant Street.
- (92) Stop sign with Right Turn No Stop for eastbound traffic on Cedar Street at Markham Drive.
  
- (93) For northbound traffic on Lincoln Street at West Cedar Street.
- (94) For southbound traffic on Lincoln Street at West Cedar Street.
- (95) For westbound traffic on Cedar Street at Lincoln Street.
- (96) For southbound traffic on James Court at Nancy Lane.
- (97) For northbound traffic on James Court at Nancy Lane.
- (98) For southbound traffic on Pine Street at Glenbrook Drive.
- (99) For northbound traffic on Carol Lane at Nancy Lane.
- (100) For southbound traffic on Carol Lane at Glenbrook Drive.
- (101) For eastbound traffic on Cedar Street at Great American Way.
- (102) For southbound traffic on Great American Way at Glenbrook Drive.
  
- (103) For northbound traffic on Cedar Drive at Glenbrook Drive.
- (104) For southbound traffic on Cedar Drive at Glenbrook Drive.
- (105) For northbound traffic on Blue Heron Drive at Glenbrook Drive.
- (106) For eastbound traffic on Blue Heron Drive at Pelican Drive.
- (107) For westbound traffic on Blue Heron Drive at Pelican Drive.
- (108) For northbound traffic on Pelican Drive at Glenbrook Drive.
- (109) For eastbound traffic on Nightingale Drive at Pelican Drive.
- (110) For southbound traffic on Nightingale Court at Nightingale Drive.
- (111) For northbound traffic on Washington Street at Green Bay Street.
- (112) For northbound traffic on Washington Street at Helen Street.
- (113) For southbound traffic on Washington Street at Helen Street.
- (114) For southbound traffic on Washington Street at Cedar Street.
- (115) For northbound traffic on James Court at Glenbrook Drive. **(Ord. #364)**
- (116) For southbound traffic on James Court at Glenbrook Drive. **(Ord. #364)**
- (117) For northbound traffic on Pine Street at Nancy Lane. **(Ord. #364)**
- (118) For southbound traffic on Pine Street at Nancy Lane. **(Ord. #364)**
- (119) For northbound traffic on South St. Augustine Street at East Glenbrook Drive. **(Ord. #407)**
- (120) For southbound traffic on South St. Augustine Street at East

Glenbrook Drive. **(Ord. #407)**

- (121) For eastbound traffic on Falcon Drive at Pelican Drive. **(Ord. 440-05)**
- (122) For southbound traffic on Johnson Street at West Glenbrook Drive. **(Ord. 440-05)**
- (123) For southbound traffic on Covered Wagon Trail at West Glenbrook Drive. **(Ord. 440-05)**
- (124) For northbound traffic on Rosemary Drive at West Green Bay Street. **(Ord 440-05)**
- (125) For northbound traffic on Patrick Lane at West Green Bay Street. **(Ord. 440-05)**
- (126) For southbound traffic on Steno Trail at Wendy Way. **(Ord. 440-05)**
- (127) For westbound traffic on Whimbrel Way at So. St. Augustine Street.
- (128) For southbound traffic on Whimbrel Court at Whimbrel Way.
- (129) For eastbound traffic on Falcon Drive at Pelican Drive.
- (130) For northbound traffic on Markham Drive at East Cedar Street. **(Ord. 455-06)**
- (131) For southbound traffic on Lincoln Street at W. Green Bay Street.
- (132) For northbound traffic on Lincoln Street at W. Green Bay Street.
- (133) For southbound traffic on Lincoln Street at Front Street.
- (134) For north bound traffic on Lincoln Street at Front Street.
- (135) For southbound traffic on Johnson Street at W. Green Bay Street.
- (136) For northbound traffic on Johnson Street at W. Green Bay Street.
- (137) For southbound traffic on Johnson Street at Front Street.
- (138) For northbound traffic on Johnson Street at Front Street.
- (139) For eastbound traffic on East Green Bay Street at Flora Street.
- (140) For westbound traffic on East Green Bay Street at Flora Street.
- (141) For eastbound traffic on East Green Bay Street at Pine Street.
- (142) For westbound traffic on East Green Bay Street at Pine Street.

**(Ord. 516-12)**

- (d) **TEMPORARY STOP SIGNS.** Temporary stop signs, that being stop signs that are operational at defined times during the day, shall be placed at the following locations in the Village:
  - (1) For southbound traffic on South St. Augustine Street at the south driveway for the Pulaski Middle School. This sign shall have lights and be effective from 7:00 a.m. to 8:00 a.m. and from 3:00 p.m. to 4:00 p.m. on days when school is in session.
  - (2) For northbound traffic on South St. Augustine Street at the south driveway for the Pulaski Middle School. This sign shall have lights and be effective from 7:00 a.m. to 8:00 a.m. and from 3:00 p.m. to 4:00 p.m. on days when school is in session.
  - (3) For eastbound traffic exiting the south driveway of the Pulaski Middle School onto South St. Augustine Street. This sign shall have lights and be effective from 7:00 a.m. to 8:00 a.m. and from 3:00 p.m. to 4:00 p.m. on days when school is in session. **(Ord. 471-08)**
- (e) **ALL-WAY INTERSECTIONS.** Any intersection within the Village that has,

pursuant to the provisions of Section 38.09(c), stop signs at all for corners shall be designated as an "All-Way Stop" Intersection and shall be signed accordingly. (Ord. 516-12)

(Reserved)

### **38.10 SCHOOL BUS WARNING LIGHTS**

Notwithstanding the provisions of §346.48(2)(b)2, Wis. Stats., adopted by reference in Sec. 38.01 of this Code to the contrary, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

### **38.11 ADDITIONAL TRAFFIC CONTROL REGULATIONS**

- (a) **REGULATION OF HORSES ON VILLAGE STREETS.** See Sec. 30.11
- (b) **REGULATION OF GOLF CARTS ON VILLAGE STREETS.**
- (c) **REGULATION OF ATV/UTV ON VILLAGE STREETS.**

- (1) General Authority. Pursuant to the provisions of, except as otherwise specifically provided in this Section, Chapter 23 and Chapter NR64 of the Wisconsin Statutes, the operation of ATV/UTV, as defined in subsection (3) herein below, shall be permitted on all Village streets.
- (2) Definitions. The definitions prescribed in Sec. 23.33(1), Wis. Stats., shall apply to the Section; and, as used in this Section, the following terms shall have the meaning indicated:
  - a. "All Terrain Vehicle" ("ATV") shall mean a motorized vehicle as more particularly defined in Section 340.01(2g), Wis. Stats.
  - b. "ATV/UTV ROUTE" shall mean highway, road, street or right-of-way designated for use by ATVs or UTVs by the Village.
  - c. "ATV/UTV TRAIL" shall mean a marked corridor on public property or on private lands subject to public easement or lease, designated for use by ATV/UTV operators by the governmental agency having jurisdiction, but excluding roadways or highways except those roadways that are seasonally not maintained for motor vehicle traffic.
  - d. "Utility Terrain Vehicle" ("UTV") shall mean a motorized vehicle as more particularly defined by Section 23.33(ng), Wis. Stats.
- (3) State Driver's License Required. No person may operate an ATV or UTV on any Village street unless they hold a current valid Driver's License.
- (4) ATV/UTV Routes. All streets in the Village of Pulaski are open to ATVs/UTVs that have designated signage indicating ATV/UTV

route. The aforementioned routes shall not include any private roads or driveways nor any private property in the Village. The Village shall retain the right to close any Village street to ATV/UTV operation for special events, or due to street construction or repair, without advance notice.

- (5) ATV/UTV Regulations. ATVs/UTVs that operate on the designated streets in the Village shall abide by all state laws regulating ATV/UTV operation, including the following:
- a. Operate in the extreme right-hand portion of the traveled part of the road and travel in single file.
  - b. Speed limit shall not exceed posted Village speed limits except where a higher speed is posted by an official ATV/UTV speed limit sign.
  - c. ATVs/UTVs operated on Village streets shall be currently registered by the State of Wisconsin in accordance with Wisconsin State Statutes. Registration does not constitute a license to cross or operate an ATV/UTV on public or private roads.
  - d. At all times while operating an ATV/UTV on Village streets, operators born after January 1, 1988, shall have passed an approved safety course. The driver of an ATV/UTV shall obey all state of Wisconsin laws regarding the operation of ATVs/UTV.
  - e. Except as otherwise provided in this Section, a person may only operate or permit an ATV/UTV owned by him/her or under their control to be operated in accordance with Wisconsin State Statutes and all regulations adopted pursuant thereto.
  - f. When operating an ATV/UTV under this Section, if the ATV/UTV has no turn signals and/or brake lights, the operator shall use hand signals when making turns or stopping.
  - g. No public or private landowner shall be liable for any property damage or personal injury sustained by any person operating or riding as a passenger on an ATV/UTV or upon a vehicle or other device drawn by an ATV/UTV upon the public or private landowner's property, whether or not the public or private landowner has given permission to use the land unless the public or private landowner charges a cash fee to the operator or owner of the ATV/UTV for the use of the property or unless damage or injury is intentionally inflicted by the landowner.
  - h. ATV/UTV operators must remain on an approved Village route. Upon failure to do so, Wisconsin DNR and other penalties will apply.
  - i. It shall be unlawful for any person to consume or have in their possession any open container containing an alcoholic beverage upon any public street, public way, public alley, or public parking lot within the Village.
  - j. No person may engage in the operation of an all-terrain

vehicle or utility terrain vehicle on the streets of the Village or upon all premises held out to the public for use of their all-terrain vehicles or utility terrain vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof while under the influence of an intoxicant to a degree which renders him or her incapable of safe operation of an all-terrain vehicle or utility terrain vehicle; while the person has an alcohol concentration of 0.08 or more or while the person has a detectable amount of a restricted controlled substance in his or her blood.

- (6) Additional ATV/UTV Operation Prohibitions. The operation of ATVs and UTVs in the Village are subject to the following limitations:
  - a. School Hours. ATVs and UTVs shall not be operated on South St. Augustine between 6:30 and 8:00 am and 2:00 and 3:30 pm on days when school is in session.
  - b. Highways. ATVs and UTVs may not be operated on E. Pulaski Street, S. Wisconsin Street and North St. Augustine Street (State HWY 32) or on W. Pulaski Street (HWY 160).
- (7) Traffic and Parking Regulation Compliance. The operators of ATVs/UTVs on Village streets shall be subject to all applicable traffic and parking regulations.
- (8) Insurance Requirements. No person may operate an ATV or UTV or allow another person to operate their ATV or UTV on any Village street unless the owner of the ATV or UTV has an insurance policy in place that covers the operation of the ATV or UTV.
- (9) Equipment Requirements. ATVs/UTVs operated on Village streets pursuant to this Section shall have the following properly working equipment:
  - a. Headlights. One (1) or more properly functioning headlights that shall display a white or clear light and be visible from a distance of 500 feet.
  - b. Taillights. Properly functioning taillights that shall be red in color and be visible from a distance of 500 feet.
  - c. Brakes. Brakes in good mechanical condition.
  - d. Muffler System. A fully functioning muffler system and such other related equipment or devices that preclude the operation of an ATV/UTV in such manner that noise emitted from the machine is louder than 80 decibels on the A scale dB(a) at 50 feet, measured in the manner prescribed in the reaffirmed 1998-07, Society of Automotive Engineers Standard J1287, entitled Measurement of Exhaust Sound Levels of Stationary Motorcycles.".
- (10) Registration and Inspection. Before operating on any street within the Village the ATV or UTV shall first be inspected by and registered with the Pulaski Police Department and obtain from



the Department an annual ATV/UTV Registration Permit under the following provisions:

- a. Inspection Requirements:
  1. The ATV/UTV can only be registered by the owner thereof who shall provide proof of ownership and proof of insurance at the time of inspection.
  2. The Registrant must provide proof of a valid Wisconsin Driver's License.
  3. The ATV/UTV must meet all equipment requirements identified in this subsection together with such safety and equipment inspection requirements as the Department shall establish and provided from time to time.
- b. ATV/UTV Registration Fee. The fee for the annual ATV/UTV registration permit from the Village shall be \$35.00.
- c. ATV/UTV Registration Permit. The annual Village of Pulaski ATV/UTV Registration Permit sticker shall be displayed on the left (driver side) rear of the ATV/UTV.
- d. ATV/UTV Temporary Permit. The Pulaski Police Department may issue temporary 4-day ATV/UTV permits for special events within the Village. The ATV/UTV Temporary Permit fee shall be set from time-to-time by Village Resolution.

(11) Penalties. Any person found to have violated this subsection shall be subject to the penalties set forth in Sec. 23.33(13)(a), Wis. Stats., together with all applicable court costs and fees. (**Ord # 571-19**)

(d) **MISCELLANEOUS MOTORIZED VEHICLE REGULATION.**

(1) Mopeds. No one shall operate on Village streets a moped, being defined as a small motorized two-wheeled vehicle with an engine being less than 50ccs, without first meeting the following requirements:

- a. Operator must have a valid Class D license
- b. Vehicle needs to be properly titled and have a Wisconsin registration.
- c. Must have all safety equipment otherwise required under Wisconsin laws and regulations.
- d. Must follow all traffic regulations.

(2) Motorized Scooters. No one shall operate on Village streets a motorized scooter, being defined as a single-wheeled or multi-wheeled device that is intended to be operated from a standing position, without first meeting the following requirements:

- a. Operator must be at least 16 years of age.
- b. Must follow all traffic regulations.

(3) Electric Bicycle. No one shall operate on Village streets an electric bicycle or a bicycle with an electric motor to enhance propulsion without first meeting the following requirements:

- a. Operator must be at least 16 years of age.
- b. Must follow all traffic regulations.

(4) Mini-bikes, Motor bikes, mini-motorized vehicles. No one shall

operator on any Village street a mini-bike, motor bike, or any other mini-motorized vehicle that is not designed or intended to be operated on a public roadway.

(5) Penalties. The penalty for violating any miscellaneous vehicle regulation under this Section 38.11(d) of the Code shall no less than \$50.00 for the first offense and no less than \$200.00 for every offense thereafter.

## **38.12 ENFORCEMENT**

- (a) **MOVING VIOLATIONS.** This Chapter, except non-moving violations, shall be enforced in accordance with the provisions of §345.20 to §345.33, Chapter 300 and §66.12 of the Wisconsin Statutes.
- (b) **STIPULATION OF NO CONTEST.** The Chief of Police or officer designated by him, upon request of any person charged with a violation of any provision of this Chapter, after the issuance of a citation upon an official Wisconsin Uniform Municipal Citation and Complaint form prescribed by §345.11, Wis. Stats., may accept a signed stipulation of "no contest" as found on the reverse side of said uniform form. Said stipulation shall be accompanied by the amount of penalty prescribed by the schedule of penalties established by the County Court for violations of the state traffic laws, as have been adopted by reference in Sec. 38.01 of the Municipal Code of the Village of Pulaski.
- (c) **FORFEITURES TO MUNICIPAL COURT.** The officer accepting forfeited penalties shall deliver them to the Municipal Court at least once in each seven (7) days unless such delivery would be in violation of §345.15, Wis. Stats.
- (d) **BAIL BONDS.** Nothing in this section shall be construed to limit the right of proper authorities to accept bail bonds, deposits, certificates, or money deposits, or permit a persons release from custody on his own bond, as provided in §§66.114, 345.13, 345.135, or 345.15, Wis. Stats.
- (e) **STATEMENT OF NOTICE.** Any official, enforcement officer, or Village Attorney accepting a stipulation of no contest or a bail under the provisions of this section or prosecuting a violation of this Chapter shall comply with the provisions of §343.27 and §343.29, Wis. Stats., and shall inform the accused of the effect of a stipulation of no contest, forfeiture of bail, or of a conviction of the violation charged. Such official or officer shall require the accused to sign the statement of notice which is found on the reverse side of Official Wisconsin Uniform Municipal Citation and Complaint form, prescribed by §345.11, Wis. Stats.
- (f) **NON-MOVING TRAFFIC OFFENSES.**
  - (1) Direct Payment of Penalty Permitted. Persons cited for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by forwarding, according to Sec. 38.14(c), to the Pulaski Police Department the fee requirement for violation. When payment is made as provided in this paragraph, no court costs shall be

- charged.
- (2) Court Prosecution. If the alleged violator does not deliver or mail a deposit as provided in sub(1) above, within six (6) days, the Chief of Police shall take such further steps in the prosecution of the cited violation as may be provided for by law.
  - (3) Deposits. Officers receiving deposits for non-moving traffic
  - (4) violations under this subsection shall pay over such deposits to the Municipal Court Clerk on or before the next scheduled Court date. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.

### **38.13 FAILURE TO OBEY TRAFFIC REGULATIONS.**

No person shall violate any traffic control regulation made or provided under this Chapter. For purposes hereof, "traffic control regulation" shall mean speed regulations, traffic control signals, as defined under s. 340.01(69), Stats., and all other traffic regulations, as defined under s. 345.20(1)(b), Stats." (Ord. #423)

### **38.14 PROOF OF VEHICLE INSURANCE COVERAGE.**

- (a) **MOTOR VEHICLE LIABILITY INSURANCE.** No person may operate a motor vehicle upon any street, road, highway or other public right-of-way within the Village unless the owner or operator has in effect a motor vehicle liability insurance policy with respect to the vehicle being operated.
- (b) **PROOF OF INSURANCE.** Except as provided in Sec. 344.63, Stats., no person may operate a motor vehicle upon any street, road, highway or other public right-of-way within the Village unless the person, while operating the vehicle, has in his or her immediate possession proof of motor vehicle liability insurance coverage.
- (c) **VIOLATION.** No person may be convicted of violating this Section if they produce proof that they were in compliance with this Section at the time the person was issued a traffic citation for the violation of this Section. Such proof may be provided and produced either at the time of the person's initial appearance in Municipal Court in response to the citation or in the office of the traffic officer who issued the citation. Such person shall remain subject to court costs in Municipal Court.
- (d) **PENALTIES.** Any person violating this Section shall be subject to a forfeiture of \$10.00 plus all applicable court costs. (Ord. #493-10)

### **38.15 PENALTIES**

- (a) **FORFEITURE PENALTY.** The penalty for violation of any provision of this Chapter of the Pulaski Code of Ordinances shall be a forfeiture as hereinafter provided together with the costs of prosecution and the penalty assessment imposed by §165.87, Wis. Stats., where applicable. Payment of the judgment may be suspended by the sentencing judge for not more than sixty (60) days. Any person who shall fail to pay the amount of the forfeiture, costs of prosecution and penalty imposed for violation of any provision of this Chapter of the Pulaski Code of Ordinances may, where otherwise permitted by law, upon order of the court entering judgment therefore and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessments are paid, but not exceeding ninety (90) days.
- (b) **FORFEITURES FOR UNIFORM TRAFFIC OFFENSES.** Forfeitures for violations of any traffic regulations set forth in the Wisconsin Statutes adopted by reference in Sec. 38.01 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not permit prosecution under this Chapter of any offense for which an imprisonment penalty or fine may be imposed upon the defendant.
- (c) **SPECIAL LOCAL REGULATIONS.** The forfeiture for violation of Sections 38.03 through 38.06 shall be not less than \$5.00 nor more than \$200.00 for the first offense and not less than \$10.00 nor more than \$500.00 for the second offense within two (2) years.
- (d) **OTHER SANCTIONS.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant or to order the defendant to submit to assessment and rehabilitation or attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
- (e) **FORFEITURES IN TREASURY; OFFICER TO POST BOND, QUALIFY.** Any officer accepting deposits or forfeited penalties under this Chapter shall deliver them to the Municipal Court Clerk within seven (7) days after receipt. Any officer authorized to accept deposits under §345.26, Wis. Stats., or this Chapter shall qualify by taking the oath prescribed by §19.01, Wis. Stats., and filing an official bond in the sum of \$500.00 as described



## CHAPTER 39

### PARKING REGULATIONS

39.01	Definitions
39.02	Parking Prohibitions
39.03	Parking Restrictions
39.04	Handicapped Parking Restrictions
39.05	Illegally Parked Vehicles
39.06	Penalties

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#### **39.01 DEFINITIONS**

- (a) **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Section:
- (1) **"Motor Vehicle"** shall mean any machine propelled by power designed to travel along the ground by use of wheels, tread, runners, or slides for the purpose of moving, carrying or transporting persons or property and including, without limitation, automobiles, trucks, tractors, motorcycles, motor scooters, snowmobiles, buggies, all-terrain vehicles, and riding lawn mowers.
  - (2) **"Parking"** shall mean the standing of any motor vehicle or vehicle, whether occupied or not, upon any Village-owned street, road or parking lot, except when such motor vehicle or vehicle is temporarily standing while actively engaged in loading or unloading or while standing in obedience of traffic directions or signals.
  - (3) **"Terrace"** shall mean the area between the cemented, paved or traveled portion of any sidewalk or pedestrian walkway and the curb or edge of any street, roadway or thoroughfare.
  - (4) **"Vehicle"** shall mean any device designed to travel on or along the ground by use of wheels, tread, runners or slides for the purpose of moving, carrying or transporting persons or property, including, without limitation, trailers, wagons, farm equipment and campers.

#### **39.02 PARKING PROHIBITIONS**

- (a) **PARKING PROHIBITIONS.** Parking is prohibited at all times in the following places, locations or manners:
- (1) Within any intersection, designated crosswalk, pedestrian cross-

way, railroad crossing or designated truck loading zone.

- (2) On, over or across any pedestrian walkway, sidewalk, sidewalk area or terrace area, except when parking in such areas is clearly indicated by official traffic signs or markers.
- (3) Alongside or opposite any highway, roadway or street excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
- (4) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
- (5) Within twenty (20) feet of any driveway entrance to the fire station or the rescue squad building.
- (6) Upon any portion of any highway, roadway or street where and at the time when stopping or standing is otherwise prohibited by traffic signals indicating that prohibition of any stopping or standing.
- (7) Within ten (10) feet of any fire hydrant unless a greater distance is indicated by official traffic signs or markers.
- (8) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
- (9) Upon any bridge.
- (10) In front of, across or otherwise blocking any driveway or other vehicle entry or exitway.
- (11) On or in any narrow thoroughfare, street or alley of less than 18 feet in width from curb to curb or side to side.
- (12) On any property owned by the Village government or any municipal entity where there is posted in plain view a "No Parking" sign.
- (13) Whenever it is necessary to clear or repair a Village street, roadway or thoroughfare or any part thereof, for the protection of the public, and the Public Works Department shall have posted such streets, roadways or thoroughfares with signs bearing the words "No Parking" or other signs indicating the prohibition of parking for street maintenance purposes.
- (14) In any other place or manner that is an obstruction or hindrance to traffic.
- (15) No campers, trailers, recreational vehicles or motorhomes shall be used for occupancy purposes on any residential lot within the Village for more than seven (7) days in any month unless the property owner has first received a Camper Occupancy Permit from the Village of Pulaski Police Department. Camper Occupancy Permits for residential lots shall be \$25.00 and shall only be issued upon the demonstration of sufficient need as determined by the Chief of Police or his designee.

- (16) The parking of vehicles on residential lots in the Village shall be limited to the following:
- a. Garages, as defined at Sec. 51.02(b) of the Municipal Code of Ordinances.
  - b. That portion of the residential driveway line between the inside edge of the sidewalk and the garage.
  - c. Parking lots provided for multi-family residential structures, as previously approved by the Village Board.
  - d. Paved carports previously approved by the Village Board.
  - e. No more than one (1) vehicle may be parked on either side yard or the rear yard of the property.
  - f. The Village Board may, in its sole discretion, upon good cause being shown, grant a temporary exemption from the restrictions of this subsection.
  - g. For purposes of the this Section, the term "vehicle" shall have the meaning as defined at §340.01 (74), Wis. Stats. **(Ord. #456-06)**

### **39.03 PARKING RESTRICTIONS**

- (a) **PARKING RESTRICTIONS.** Other than as expressly prohibited under Sec. 39.02 and Sec. 39.04, parking is also restricted in the following places and manners or during the following times:
- (1) On any street or public alleyway in the Village of Pulaski from 2:00 a.m. to 6:00 a.m., commencing on the 1st day of December of each year until and through the 1st day of April of each year.
  - (2) On the side of any highway, street, or roadway adjacent to a school from 7:30 a.m. to 4:30 p.m. on school days where such prohibition has been designated by official signs reading "No Stopping, Standing or Parking, 7:30 a.m. to 4:30 p.m. on School Days,". This Section shall not apply to any vehicle licensed as a common carrier while said vehicle is actually engaged in the receiving and discharging of passengers. Signage hereunder shall be designated by resolutions adopted by the Village Board. **(Ord. #517-12)**
  - (3) No semi-tractor, semi-tractor and trailer or semi-trailer shall be parked on any Village street, roadway or thoroughfare unless otherwise posted.
  - (4) No vehicle or motor vehicle shall be parked on any Village street, roadway or alleyway for longer than seventy-two (72) hours.
  - (5) On both sides of Washington Street, between Green Bay and Helen Streets, from 7:30 a.m. to 4:30 p.m., on school days, parking shall be limited to one hour where such restriction has been designated by official signs reading "One Hour Parking, 7:30 a.m. to 4:30 p.m. on School Days".
  - (6) No parking shall be allowed on either side of Markham Drive be-



tween its intersection with East Cedar Street on the north and East Glenbrook Drive on the south.

- (7) No parking shall be allowed on either side of East Glenbrook Drive between its intersection with State Hwy. "32" on the west and Corporate Way on the east. **(Ord. #408)**

(8) Parking shall be limited to ten (10) minutes per vehicle in those locations in the Village designated by official signs reading "10 Minute Parking" and as may otherwise be designated by painted curbing, to-wit:

- a. 131 A West Pulaski Street
- b. 125 So. St. Augustine Street
- c. 118 E. Pulaski Street
- d. 162 W. Pulaski Street **(Ord. #429)**
- e. 106 W. Pulaski Street **(Ord. #448-06)**

(9) Parking shall be limited to two (2) hours per vehicle between 8:00 o'clock A.M. and 8:00 o'clock P.M. in those locations in the Village designated by official signs reading "2 Hour Parking" and as may otherwise be designated by painted curbing, to-wit:

- a. 212 So. St. Augustine Street, for customers at that location only.

(10) No parking shall be allowed on the west side of Lincoln Street between the Memorial Park entrance and the south crosswalk at the corner of Lincoln Street and West Cedar Street during functions or activities at Memorial Park **(Ord. #433)**"

#### **39.04 HANDICAPPED PARKING RESTRICTIONS**

Except for motor vehicles used by a physically disabled person, as defined under §346.503(1), Wis. Stats., no person may park, stop or leave standing any motor vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of the street, highway or parking facility reserved by official traffic signs indicating the restrictions, for vehicles displaying special statutorily regulated registration plates or a special identification card, or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person. Any person violating this Section shall be subject to the general penalty provisions of Sec. 1.06.

### **39.05 ILLEGALLY PARKED VEHICLES**

Whenever any traffic officer shall find a vehicle standing upon a street or in a parking lot in violation of the provisions of this Chapter, he may move such vehicle or require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. If such moving is done by the Police Department or by a garage at the request of the Police Department, the cost of such towing shall be charged to such owner or operator of such vehicle, and such cost shall be paid by such owner or operator before he can recover possession of such vehicle. Any vehicle which has been left parked in a municipal parking lot in excess of seventy-two (72) hours shall be conclusively presumed to be abandoned and may be removed to a public storage lot and in such case the owner shall pay the storage fees on said vehicle before he may recover the possession thereof.

### **39.06 PENALTIES**

- (a) **NON-MOVING VIOLATIONS.** The forfeitures for a violation of the parking regulations set forth in Sec. 38.01 shall be as follows:
- (1) Handicapped Parking Violations. The forfeiture for a handicapped parking violation shall be Ten (\$10.00) Dollars if guilt is stipulated within five (5) days of the date of violation. After five (5) days of the date of violation, guilt may be stipulated only upon the payment of a forfeiture of Twenty-five (\$25.00) Dollars. If guilt is not stipulated within thirty (30) days of the date of violation, the forfeiture shall be Fifty (\$50.00) Dollars. After thirty (30) days, all violations shall be handled through Municipal Court.
  - (2) All Other Non-moving Violations. The forfeiture for all other non-moving violations shall be Five (\$5.00) Dollars if guilt is stipulated within five (5) days of the date of violation. After five (5) days of the date of violation, guilt may be stipulated only upon payment of a forfeiture of Ten (\$10.00) Dollars. If guilt is not stipulated within thirty (30) days of the date of violation, the forfeiture shall be Twenty-five (\$25.00) Dollars. After thirty (30) days, all violations shall be handled through Municipal Court.
- (b) **PARKING CITATIONS.** Citations for all nonmoving traffic violations under this Chapter shall conform to §345.28, Wis. Stats., and shall permit direct mail payment of the applicable minimum forfeiture to the Municipal Court. The issuing officer shall specify thereon the amount of the applicable forfeiture as provided in this Chapter.

## CHAPTER 40

### SNOWMOBILES, OFF-ROAD VEHICLES AND ALL TERRAIN VEHICLES

40.01	Definitions
40.02	State Snowmobile Laws Adopted
40.03	Snowmobile Speed Limits
40.04	Unattended Snowmobiles
40.05	Operation of Snowmobiles on Sidewalks Prohibited
40.06	Operation on Private Premises Prohibited
40.07	Accidents and Accident Reports
40.08	Designated Snowmobile Routes
40.09	Operation Prohibition

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#### 40.01 **DEFINITIONS**

- (a) **DEFINITIONS INCORPORATED BY REFERENCE.** The definitions applicable to snowmobiles under §350.01 of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code and Chapter.
- (b) **DEFINITIONS.** The following definitions shall also apply to this Chapter:
- (1) **"All-Terrain Vehicle"** shall mean any engine-driven device which has a net weight of five hundred (500) pounds or less, which has a width of forty-six (46) inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel of three (3) or more low-pressure tires. A low-pressure tire is a tire which has a maximum width of six (6) inches, which is designed to be mounted on a rim with a maximum diameter of twelve (12) inches and which is designed to be inflated with an operating pressure not to exceed six (6) pounds per square inch as recommended by the manufacturer.
  - (2) **"Off-Road Vehicle"** shall mean any engine-driven device designed or modified to allow its use or operation beyond the usual and proximate bounds of the roadway.
  - (3) **"Owner"** shall mean any person who has lawful title to or possession of real or personal property by virtue of legal title or equitable interest in said property.
  - (4) **"Snowmobile Accident"** means a collision, accident or other casualty involving a snowmobile.

#### **40.02 STATE SNOWMOBILE LAWS ADOPTED**

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in Chapters 346 and 350 of the Wisconsin Statutes are hereby adopted by reference and made part of this Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

#### **40.03 SNOWMOBILE SPEED LIMITS**

No person shall operate a snowmobile upon any public highway within the Village of Pulaski at a speed in excess of 10 m.p.h. No person shall operate a snowmobile on any designated trail or in any public park, golf course or recreation area at a speed in excess of the posted limit of 10 m.p.h.

#### **40.04 UNATTENDED SNOWMOBILES**

No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

#### **40.05 OPERATION OF SNOWMOBILES ON SIDEWALKS PROHIBITED**

No person shall operate a snowmobile on any sidewalk, pedestrian way or mall within the Village of Pulaski.

#### **40.06 OPERATION ON PRIVATE PREMISES RESTRICTED.**

No person shall operate a snowmobile on any private property within the Village of Pulaski not owned or controlled by the snowmobile operator without the express consent or permission of the property owner.

#### **40.07 ACCIDENTS AND ACCIDENT REPORTS**

- (a) **DUTY TO RENDER AID.** Insofar as the operator is capable of doing, the operator of a snowmobile involved in a snowmobile accident within the Village of Pulaski shall stop the snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his or her name and address and identification of his or her snowmobile to any person injured and to the owner of any property damaged in the accident.
- (b) **DUTY TO REPORT.** If the snowmobile accident results in death or injury to any person or property damage, every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Village Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the department on forms prescribed by it. If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant in the snowmobile at the time of the accident capable of making the report, he shall make such report.

#### **40.08 DESIGNATED SNOWMOBILE ROUTES**

- (a) **OPERATION RESTRICTIONS.** Except as provided in §350.02 and §350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with Section 350.04, Wisconsin Statutes, no person shall operate a snowmobile upon any public right of way, in any public park or on any other public municipal property in the Village of Pulaski except upon designated snowmobile routes and trails.
- (b) **TRAILS.** The Village Board may, by resolution, adopt, set and prescribe those streets, roads, alleyways and right-of-ways within the Village that may be used and designated as snowmobile trails within the Village for each snowmobile season. **(Ord. #401)**
- (c) **TRAIL MARKERS.** The Chief of Police is directed and authorized to procure through the involved snowmobile clubs, the appropriate snowmobile route, trail and limit signs and markers as approved by the State of Wisconsin Department of Natural Resources under §350.13 of the Wisconsin Statutes and to erect and maintain the same as so provided. Any person who fails to obey any route or trail sign, marker or limit erected in accordance with this Section shall be subject to the general penalty provisions provided for herein.

#### **40.09 ALL-TERRAIN AND OFF-ROAD VEHICLE OPERATION PROHIBITION**

No person shall operate, cause to operate or allow the operation of any all-terrain vehicle or off-road vehicle on any public or private property within the Village of Pulaski unless such person has the express prior and continuing approval, consent and permission of the owner or lessee of said property. The operation of said vehicles under such permission shall be done in a reasonable, safe and prudent manner, and shall be done in full accordance and compliance with all applicable State Statutes and Administrative Code regulations and requirements, as the same may from time to time be amended, which are hereby adopted by reference and made a part of this Chapter as if fully set forth herein.

## CHAPTER 41

### OTHER TRAFFIC REGULATIONS

41.01	Abandonment of Vehicles Prohibited
41.02	Removal, Impoundment, Notice or Reclaimer of Abandoned Vehicles
41.03	Disposal of Abandoned Vehicles
41.04	Report of Sale or Disposal
41.05	Owner Responsible for Impoundment and Disposal Costs
41.06	Storage of Junked Vehicles
41.07	Illegally Parked Vehicles
41.08	Enforcement
41.09	Registration of Bicycles
41.10	Regulation of Bicycle Operations
41.11	Penalties

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#### **41.01 ABANDONMENT OF VEHICLES PROHIBITED**

No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Village of Pulaski, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village of Pulaski or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than seventy-two (72) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.

#### **41.02 REMOVAL, IMPOUNDMENT, STORAGE, NOTICE, OR RECLAIMER OF ABANDONED VEHICLES**

- (a) **REMOVAL.** Any police officer who discovers any motor vehicles, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Village of Pulaski which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle the police officer shall notify the Police Chief or his designee of the abandonment and of the location of the impounded vehicle.

- (b) **STORAGE AND RECLAIMER.** Any abandoned vehicle which is determined by the Police Chief or his designee to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Police Chief or his designee determines an abandoned vehicle to have a value of less than One Hundred (\$100) Dollars, or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven (7) days and after certified mail notice, as hereinafter priced, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Police Chief or his designee to prove an ownership or secured party interest in said vehicle.
- (c) **NOTICE TO OWNER OR SECURED PARTY.** Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, that the vehicle has been deemed abandoned and impounded by the Village of Pulaski; the "determined value" of the abandoned vehicle or if the cost of towing and storage charges will exceed the determined value of the vehicle; that if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred (\$100) Dollars or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and that the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.



#### **41.03 DISPOSAL OF ABANDONED VEHICLES**

Any abandoned vehicle impounded by the Village of Pulaski which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter, may be sold by public auction sale, or public sale calling for the receipt of sealed bids. Class I Notice, including the description of the vehicle, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale, shall be published before the sale.

#### **41.04 REPORT OF SALE OR DISPOSAL**

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Chief of Police or his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle.

#### **41.05 OWNER RESPONSIBLE FOR IMPOUNDMENT AND DISPOSAL COSTS**

The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.

#### **41.06 STORAGE OF JUNKED VEHICLES**

- (a) **STORAGE PROHIBITED.** No disassembled or inoperable and unlicensed and no junked or wrecked motor vehicles shall be stored or allowed to remain in the open upon public or private property within the Village for in excess of three (3) days unless it is in connection with an automotive sales or repair business enterprise located in a properly zoned area.
- (b) **REMOVAL FROM PUBLIC PROPERTY.** Whenever the Police Department shall find any such vehicles placed or stored in the open upon public property within the corporate limits of the Village, they shall cause such vehicles to be removed by junk or salvage yard and stored in such junk or salvage yard for a period of thirty (30) days, at the end of which time such junk or salvage yard shall dispose of such vehicles, unless previously claimed by the owner.

- (c) **REMOVAL FROM PRIVATE PROPERTY.** Whenever the Police Department shall find any such vehicles placed or stored in the open upon private property within the Village, they shall notify the owner of the property upon which such vehicles are placed or stored of the intention of said Village to remove such vehicles immediately. If such vehicles are not removed within three (3) days, the Police Department shall cause vehicles to be removed, the cost of such removal to be charged to the property from which they are removed, which charges shall be entered as a special charge on the tax roll.
- (d) **FEES.** If such vehicles are claimed by the owner, the junk or salvage yard shall charge a reasonable fee for handling and storage.
- (e) **EXEMPTION.** The provisions of this section shall not apply to Auto Salvage Yards and/or Junk Yards that are licensed under this code pertaining to such operations.

#### **41.07 ILLEGALLY PARKED VEHICLE**

Whenever any traffic officer shall find a vehicle standing upon a street or in a parking lot in violation of the provisions of this Chapter, he may move such vehicle or require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. If such moving is done by the Police Department or by a garage at the request of the Police Department, the cost of such towing shall be charged to such owner or operator of such vehicle, and such cost shall be paid by such owner or operator before he can recover possession of such vehicle. Any vehicle which has been left parked in a municipal parking lot in excess of seventy-two (72) hours shall be conclusively presumed to be abandoned and may be removed to a public storage lot and in such case the owner shall pay the storage fees on said vehicle before he may recover the possession thereof.

#### **41.08 ENFORCEMENT**

- (a) **UNIFORM MUNICIPAL CITATION FOR HIGHWAY VIOLATIONS.** The uniform traffic citation promulgated under §345.11, Wisconsin Statutes, shall be used for violations of this Chapter relating to highway use except as herein provided.
- (b) **PARKING VIOLATIONS.** The special traffic citation described and defined in Chapter 39 shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Sec. 40.02 of this Chapter.
- (c) **POLICE DEPARTMENT TO RECEIVE STIPULATIONS AND PENALTIES.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this ordinance may be accepted at the Village Police Department Offices by the Chief or officer designated by him. The officer authorized to accept penalties and deposits shall be bonded and such bond shall be filed with the Municipal Court Clerk.

- (d) **PENALTIES.** Any person who shall violate any provision of this Chapter shall be subject to the General Penalty provisions of Sec. 1.06 of this Code, except that any person who shall violate any provision of this Chapter, for which there is a corresponding State Statute, shall be subject to the statutory penalty.

#### **41.09 REGISTRATION OF BICYCLES**

- (a) **REGISTRATION AND LICENSING.** No person shall operate a bicycle upon any street within the Village unless said bicycle shall first have been properly registered and licensed as herein provided.
- (b) **APPLICATION.** Every owner or operator of any bicycle within the Village shall each year file with the Police Department an application for registration and license of such bicycle which shall be in such form as said Department shall adopt and shall include the name and address of the applicant (including parents' names if applicant is a minor), the name of the owner of the bicycle and the serial number of the same. The owner of any bicycle which does not have a serial number stamped upon it shall cause such a number to be stamped previous to application. The application shall be accompanied by payment of a registration fee as provided in sub(b). Such registration shall be effective for a period of two (2) years and may be renewed upon expiration.
- (c) **IDENTIFICATION STICKER.** Upon registration, the Police Department shall issue to the owner of the registered bicycle an identification sticker, numbered to correspond with the registration of the bicycle. The sticker shall be attached to the frame of the bicycle and shall not be removed during the period of registration. In the event of the loss of a sticker, such loss shall be immediately reported to the Department. The Police Department or its designated representatives shall keep a record of the date of issuance of such registration tag, to whom issued, and the number thereof. A copy of said application shall be kept on record or filed in the office of the Clerk of the Village of Pulaski, and duplicate filed with the County Sheriff-Traffic Department, or in such other place as the Village Board may designate.
- (d) **PURCHASE OR TRANSFER OF BICYCLE.** Any person who shall purchase a bicycle which is not registered shall make application for registration for the same immediately and before operation within said Village. In the event of sale or other transfer of any bicycle which is registered, the new owner shall, within five (5) days after said sale or transfer, make application for registration, and a new registration and tag shall be issued for the same. The fee in any of these cases shall be \$1.00.
- (e) **RENTED BICYCLES.** Every person, firm or corporation residing or situated within Village limits and engaged in the business of renting bicycles shall furnish to every renter an identification card which must be exhibited by such renter to any police officer upon demand.
- (f) **INSPECTION OF BICYCLES.** The Department shall inspect each bicycle

presented for registration and shall have the authority to refuse to register any bicycle found to be in an unsafe mechanical condition. A bicycle shall be deemed to be in an unsafe mechanical condition only if the operation of such bicycle should threaten the safety and bodily welfare of the operator or others. If registration is denied by reason of this Section, the owner seeking registration shall be informed of the cause of such denial and, where possible, the nature of repairs necessary to put the bicycle in a safe mechanical condition.

#### **41.10 REGULATION OF BICYCLE OPERATIONS**

- (a) **GENERAL REGULATIONS.** All bicycle operators shall be subject to and comply with all traffic regulations of the Village of Pulaski.
- (b) **SPECIFIC REGULATIONS.** In addition to the regulations set forth in sub(a), the following shall also apply to all bicycles operated in the Village of Pulaski:
  - (1) Every bicycle operated between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp firmly attached to the front of such bicycles, exhibiting a white light to the front, visible at a distance of 500 feet, and with a lamp on the rear exhibiting a red light, visible at a distance of 500 feet, except that a red reflector of a type approved by the Wisconsin Department of Transportation may be used in lieu of a rear light.
  - (2) Every bicycle shall be equipped with a bell or similar device which shall sound a reasonable warning to the other users of the highway.
  - (3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself or his bicycle to any moving vehicle.
  - (4) The operator of a bicycle shall not carry another person on the bicycle when in operation, unless the bicycle has two (2) regulation seats and handlebars, nor shall the operator of any bicycle tow or draw any coaster, sled, person on roller skates, toy vehicle or any other similar article or vehicle, except in pursuit of a business venture.
  - (5) No person operating a bicycle shall participate in any race, speed or endurance contest with any other moving vehicle on a village street or highway.
  - (6) No rider of a bicycle shall practice any fancy or acrobatic riding or stunts while operating such bicycle.
  - (7) The rider of a bicycle shall ride as near as practical to within five (5) feet of the right-hand curb or edge of the roadway except when passing another vehicle or in making a left-hand turn at an intersection, and when riding in groups, shall ride in single file, unless it is unavoidable.
  - (8) No bicycle shall be parked upon any sidewalk area or upon any roadway in such a manner as to interfere with free passage of the public.
  - (9) All bicycles shall stop for arterial highway signs and automatic

traffic signals. Every person operating a bicycle shall be subject to the provisions of this Title dealing with the operation of vehicles and the rules of the road.

- (10) The use of any sidewalk within the Village limits for the running or propelling of any bicycle is hereby prohibited and declared unlawful, except bicycles may be propelled upon the sidewalks on unpaved streets; such rider shall, when meeting or passing a pedestrian, dismount from.

#### **41.11 PENALTIES**

Every violation of Sec. 41.09 and Sec. 41.10(b) shall result in a fine of not more than \$10.00. Every violation of Sec. 41.10(a) shall result in a fine as specified in Sec. 1.06. In cases of multiple bicycle violations by any owner during any single registration period, the registration of owned bicycles may be revoked and the tags for such bicycles confiscated.

**CHAPTER 42**  
**(Reserved)**

## CHAPTER 43

### STATE STATUTES ADOPTED

- 43.01 Offenses Against State Laws Subject to Forfeiture
  - 43.02 Municipal Enforcement
- 

#### **43.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE**

- (a) **STATE STATUTES ADOPTED.** The statutory provisions of the following Chapters of the Wisconsin Statutes defining offenses against the peace and good order of the State are hereby adopted by reference to define offenses against the peace and good order of the Village provided that the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of Sec. 1.06 of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be and are made part of this Code.
- (1) Chapter 167: Safeguards of Persons and Property (Fireworks)
  - (2) Chapter 939: Crimes - General Provisions
  - (3) Chapter 940: Crimes Against Life and Bodily Security
  - (4) Chapter 941: Crimes Against Public Health and Safety
  - (5) Chapter 942: Crimes Against Reputation and Civil Liberties
  - (6) Chapter 943: Crimes Against Property
  - (7) Chapter 944: Crimes Against Sexual Morality
  - (8) Chapter 945: Gambling
  - (9) Chapter 946: Crimes Against Government and Its Administration
  - (10) Chapter 947: Crimes Against Public Peace, Order and Other Interests
  - (11) Chapter 948: Crimes Against Children
  - (12) Chapter 951: Crimes Against Animals
  - (13) Chapter 968: Domestic Abuse
  - (14) Chapter 938: Children's Code (**Ord. #365**)
  - (15) Chapter 961: Uniform Controlled Substances Act (Ord. No. 374) including the provisions of Subsections 961.14[4(tb) to (ty)], Wis. Stats., specifically prohibiting the possession of a synthetic cannabinoid, also referred to as "synthetic marijuana." (**Ord. 506-2011**)
- (b) **FORFEITURE.** The penalty for violation of any offense identified and referenced in sub(a) shall be a forfeiture under the general penalty provisions of Sec. 1.06.

#### **43.02 MUNICIPAL ENFORCEMENT**

The use and implementation of the municipal citation procedure for enforcement and prosecution in the Municipal Court for the Village of Pulaski of state statute violations and offenses occurring in the Village of Pulaski or otherwise within the jurisdiction of the Village of Pulaski Municipal Court is hereby authorized and established.



OFFENSES AGAINST PUBLIC SAFETY AND PEACE

44.01	Weapons and Firearms Regulation
44.02	Throwing or Shooting of Arrows, Stones, and Other Missiles Sale and Discharge of Fireworks Restricted
44.04	Obstructing Streets and Sidewalks Prohibited
44.05	Loitering Prohibited
44.06	Loud and Unnecessary Noise Prohibited
44.07	Juvenile Curfews
44.08	Tobacco Product Regulations
44.09	Possession of THC Prohibited
44.10	Disorderly Conduct
44.11	Glass Bottles Prohibited in Village Parks
44.12	Truancy Offenses
44.13	Sexual Offender Residency Restrictions
44.14	Contributing to the Delinquency of a Minor
44.15	Contempt of Court
44.16	Child Concealment Prohibited

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**44.01 WEAPONS AND FIREARMS REGULATION**

- (a) **DEFINITIONS.** For purposes of this Section, the following definitions are hereby incorporated by reference and shall apply herein:
- (1) The definitions set forth in Section 175.60(1), Wis. Stats.
  - (2) The definitions set forth in Section 939.22, Wis. Stats.
  - (3) The definitions set forth in Sections 941.23(1), 941.24 and 941.295(1c), Wis. Stats.
  - (4) The definitions set forth in Section 943.13(1e), Wis. Stats.
- (b) **CARRYING WEAPONS.** The following restrictions shall apply:
- (1) The provisions of Sections 175.60, Wis. Stats., 941.23, Wis. Stats., and 943.13, Wis. Stats., are incorporated herein.
  - (2) No person, except authorized law enforcement personnel or a person licensed to carry a firearm or weapon under Sec. 175.60, Wis. Stats., who shall have such license on their person, shall have in their possession or under their control a firearm or weapon, as defined herein, unless such firearm or weapon is unloaded and knocked down or enclosed within a carrying case or other suitable container.
  - (3) In addition to the places identified in Sec. 175.60, Wis. Stats., where the carrying of a weapon is prohibited, including the exceptions thereto, no person, other than authorized law enforcement personnel may enter the following Village municipal buildings while carrying a weapon or firearm:
    - a. Pulaski Municipal Building (Village Hall).

- b. Pulaski Public Works Garage.
  - c. Pulaski Water Department Building
  - d. All Pulaski pump / lift station buildings
- (4) No person, other than authorized law enforcement personnel, shall carry a weapon upon the grounds of any Special Event, as defined in Section 943.13(1e)(h), Wis. Stats., being held upon any municipal grounds or property within the Village unless the carrying of weapons at such event is otherwise authorized and approved by the Village Board prior to such event.
- (c) **DISCHARGE OF WEAPONS.** No person may discharge a firearm within the Village unless the person discharging the firearm is justified in so doing or would have been subject to a defense described in Sec. 939.45, Wis. Stats., at the time of such discharge.
- (d) **SIGNAGE AND NOTICES.** Signs in compliance with the provisions of Sec. 943.13(2)(bm)(1), Wis. Stats., shall be posted in prominent locations near the entrances of all building indentified in sub. b(2) above and at the entrances to all Special Events identified in sub. b(3) above.
- (e) **PENALTIES.**
- (1) Persons violating the provisions of this Section shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00.
  - (2) Persons violating the provisions of Sec. 175.60(2g)(b) or (c), Wis. Stats., shall be subject to a forfeiture of not more than \$25.00, as provided therein; however, that the person shall be exempt from the forfeiture hereunder if, within 48 hours of the issuance of the citation for said violation, the violator presents their Sec. 175.60, Wis. Stats., licensure documentation to the Pulaski Police Department. (*Ord. 510-11*)

#### **44.02 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED**

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

#### **44.03 SALE AND DISCHARGE OF FIREWORKS RESTRICTED**

- (a) **STATUTE ADOPTED.** §167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby is adopted by reference and made a part of this section as though set forth in full.
- (b) **PRIVATE USE AND SALE.** No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks, except toy-pistol paper caps, sparklers and toy snakes, within the limits of the Village, unless he shall be authorized by a fireworks permit as hereinafter provided. The

term "fireworks" as used in this section shall be defined as provided in §167.10(1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.

- (c) **FIREWORKS PERMITS.** Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the Village President. All applications shall be referred to the Fire Chief for investigation, and no permit shall be granted unless the Village President, from the report of the Chief, determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised, with regard to the protection of the lives and property of all persons, and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the Village President shall require the applicant to post, with the Village Clerk, an approved indemnity bond in the sum of \$1,000,000.00 for the payment of all claims that may arise by reason of injuries to persons or property, from the handling, use or discharge of fireworks under such permit.

State Law Reference: §167.10, Wis. Stats.

#### **44.04 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED**

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

#### **44.05 LOITERING PROHIBITED**

- (a) **DEFINITIONS.** As used in this Section, the following words shall have the following meanings:
- (1) **"Loitering"** shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression "hanging around".
  - (2) **"Public Place"** shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also parking lots, public grounds, areas or parks.
- (b) **PROHIBITION.** It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle, either along and/or in concert with others in a public place in such a manner so as to:

- (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tender or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
  - (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or other place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.
- (c) **ORDER TO DISPERSE.** When any person causes or commits any of the conditions enumerated in sub(b), above, a police officer, or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such order shall be guilty of a violation of this section.

#### **44.06 LOUD AND UNNECESSARY NOISE PROHIBITED**

- (a) **LOUD AND UNNECESSARY NOISE PROHIBITED.**  
No person shall make, produce, continue or cause to be made or produced any audible sound, the volume of which shall unreasonably disturb the peace, comfort, quiet and enjoyment of a reasonable person in the vicinity. A court may consider any relevant factors to determine whether any noise is unreasonable, including, but not limited to, the following:
- (1) Location. The location from which the noise is being made or produced and the location from which the noise can be heard. Certain noise that is unreasonably loud in residential areas may be reasonable in mixed-use, commercial or industrial areas.
  - (2) Time of day. Certain noise that is reasonable during daytime hours may be unreasonably loud during nighttime hours.
  - (3) Duration of noise. Certain noise may be reasonable for a short time, but may be unreasonable if the noise persists over a long period of time.
- (b) **PROHIBITED ACTS.** The following acts are declared to be loud, disturbing and unnecessary sound in violation of this Section, but this enumeration shall not be deemed to be exclusive:
- (1) Horns, Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling

- device when traffic is for any reason held up.
- (2) Radios, Phonographs, Similar Devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound the volume of which shall unreasonably disturb the peace, comfort, quiet and enjoyment of a reasonable person in the vicinity. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
  - (3) Loudspeakers, Amplifiers for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
  - (4) Animals, Birds. The keeping of any animal or bird which by causing frequent or long continued unnecessary noise.
  - (5) Steam Whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
  - (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (7) Construction or Repair of Buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Village Board shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
  - (8) Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys

patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.

- (9) Motor Vehicles. No person shall make unnecessary noises with a motor vehicle, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noises.
- (c) **EXCEPTIONS.** The provisions of this Section shall not apply to:
- (1) Any vehicle of the Village while engaged in necessary public business.
  - (2) Excavations or repairs of streets or other public construction by or on behalf of the Village at night when public welfare and convenience renders it impossible to perform such work during the day.
  - (3) Such events, as determined by the Village Board, upon application of the event organizer or sponsor, or by the Village Board on its own declaration, subject to such restrictions and limitations as to date, times and locations as the Village Board shall, under its police powers, approve by Resolution, subject or applicable to the provisions of Sec. 37.04 of the Code of Ordinances.
- (d) **SPECIAL PERMIT.**
- (1) Application. Any person wishing to produce or allow noise notwithstanding this Section may file a written request with the Police Department for a Noise Permit at least 30 days prior to the event or activity that will produce the noise.
  - (2) Police Approval. If the Chief of Police, or the Chief's designee, determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Police Department may issue a special permit allowing such noise and place conditions upon its use. Whether a permit is issued or denied, the Police Department shall notify the applicant by mail of its decision.
  - (c) Appeal. A Police Department decision regarding the issuance or denial of a Noise Permit hereunder may, within 15 days of date of that decision be appealed to the Village Board upon filing a written Notice of Appeal with the office of the Village Clerk under the provisions of Chapter 9 of this Code. The Committee shall hear the applicant's appeal and affirm, reverse or modify the Police Department decision. If the Committee determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Committee may recommend issuance of a special permit allowing such noise and place conditions upon its use. The Council shall affirm, reverse or modify the Committee decision.
  - (d) Revocation. The Police Department may immediately revoke a permit issued under this subsection if the permittee violates any conditions placed upon the permit. (Ord. No. 534-15)

#### 44.07 JUVENILE CURFEWS

(a) **NIGHTTIME CURFEW.**

- (1) Purpose. In order for the Village to meet its obligations to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over the responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities, a curfew for those under the age of eighteen (18) has been determined to be in the best interest of the public health, safety and general welfare of the community and will help to attain the foregoing objectives.
- (2) Definitions. For the purpose of this Section, the following definitions shall apply:
  - a. **"Curfew Hours"** shall mean that time between 11:00 p.m. until 6:00 a.m. of the following day for each day of the week.
  - b. **"Emergency"** shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
  - c. **"Establishment"** means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
  - d. **"Guardian"** shall mean any person who, under court order, is a guardian of a person or a minor; or, a public or private agency with whom a minor has been placed by a court.
  - e. **"Minor"** means any person under the age of eighteen (18) years.
  - f. **"Operator"** means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officer of a corporation.
  - g. **"Parent"** means a person who is a natural parent, adoptive parent, or stepparent to another person; or, a person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care or custody of a minor.
  - h. **"Public Place"** means any place to which the public, or a substantial group of the public, has access and includes, but it is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

- i. “**Remain**” means to linger or stay; or, the failure to leave a premises when requested to do so by a law enforcement officer or the owner, operator or other person in control of the premises.
  - j. “**Serious Bodily Injury**” means any bodily injury that creates a substantial risk of death or causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
  
- 3) Curfew Violation. No minor shall remain in any public place or on the premises of any establishment within the Village during curfew hours.
  
- (4) Contributing to Curfew Violation. No parent or guardian of a minor shall knowingly permit, or by insufficient control, allow a minor to remain in any public place or on the premises of any establishment within the Village during curfew hours. No owner, operator or employee of an establishment shall knowingly allow a minor to remain upon the premises of the establishment during curfew hours.
  
- (5) Exceptions. The actions set forth in subsections (3) and (4) above shall not be a violation of this Section if, during the curfew hours, the minor was:
  - a. Accompanied by the minor's parent or guardian.
  - b. On an errand at the direction of the minor's parent or guardian without any detour or stop.
  - c. In a motor vehicle involved in interstate travel.
  - d. Engaged in any employment activity or going to or returning home from an employment activity without any detour or stop.
  - e. Involved in an emergency.
  - f. Attending an official school, religious or other recreational activity supervised by adults and sponsored by the county, or by any city, village or town, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or recreational activity supervised by adults and sponsored by the county, or by any city, village, town, civic organization or other similar entity that takes responsibility for the minor.
  - g. The owner, operator or employee of an establishment promptly notified a law enforcement department that a minor was present on the premises of the establishment during curfew hours and refused to leave the premises after directed to do so by the owner, operator or employee.
  
- (b) **DAYTIME CURFEW.**
  - (1) Purpose. The purpose of this Section is to discourage children of compulsory school age from unauthorized absences and to impose penalties upon those students and the parents or legal



guardians of such students. It is the intent of this Ordinance to promote the development and welfare of the children of this community by discouraging unauthorized absenteeism and encouraging school attendance.

- (2) Definitions. For the purpose of this Section, the following definitions shall apply:
  - a. **“Guardian”** shall mean any person who, under court order, is a guardian of a person or a minor; or, a public or private agency with whom a minor has been placed by a court.
  - b. **“Parent”** means a person who is a natural parent, adoptive parent, or stepparent to another person; or, a person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care or custody of a minor.
  - c. **“Responsible Adult”** shall mean a person eighteen (18) years of age or older who has the mental capacity to fulfill the duty of protecting and caring for the general welfare of the child and who has a written authorization from that child’s parent or legal guardian designating the person as a responsible adult, naming the child involved and designating the time period which the responsible adult shall have control of the child.
  - d. **“Subject to Compulsory School Attendance”** shall mean any child subject to mandatory school attendance under Wisconsin law in the school district of such child’s residence; or, any child found in the Village who shall be subject to mandatory attendance if the child were a residence of the Village.
- (3) Daytime Curfew Violation. No child subject to compulsory school attendance shall be any place within the Village, except in attendance at school or such child’s place of residence, during the hours when the student is required to be in attendance at either a public or private school as required by law, unless that child has written proof from the school authorities excusing the child from school attendance at that particular time or unless the student is accompanied by a parent, legal guardian or responsible adult selected by the parent or legal guardian who supervises the child subject to compulsory school attendance.
- (4) Contributing to Daytime Curfew Violation. Each parent or legal guardian of a child subject to compulsory school attendance shall have a duty to prevent that child from violating the provisions of this Ordinance.
- (5) Exceptions. The actions set forth in subsections (3) and (4) above shall not be a violation of this Section if:
  - a. The child, at the time of the alleged violation, was not required by law to be in attendance at the school attended by that child.

- b. The parent or legal guardian is a petitioner in a currently pending juvenile court proceeding involving the child or such a proceeding in which the judge has restrained ongoing supervision or jurisdiction.
- c. At the time of the alleged violation, the student was employed pursuant to a school-sponsored program or was the recipient of a work permit issued by the school authorities and the student was on the job or traveling to or from the job site or program location at the time. (Ord. #385)

#### **44.08 TOBACCO AND VAPOR PRODUCT REGULATIONS RELATED TO MINORS**

(a) **DEFINITIONS.** The tobacco product smoking and vaping definitions set forth in §§101.123 and 254.911 of the Wisconsin Statutes and in Sec. 32.03 hereof shall apply to this Section.

(b) **SALE TO MINORS PROHIBITED.** No person, acting alone or through a servant or agent, or as a servant or agent for any other person, shall sell, give away or otherwise dispose of, directly or indirectly, by vending machine or otherwise, any cigarettes, tobacco, tobacco products or vaping products to any person under the age of 18 years.

(c) **PURCHASE OR POSSESSION OF TOBACCO OR VAPOR PRODUCT BY MINORS PROHIBITED.**

- (1) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette, tobacco or vaping product.
- (2) No person under 18 years of age may purchase, attempt to purchase or possess any cigarette, tobacco or vaping product, except as follows:
  - a. A person under 18 years of age may purchase or possess cigarettes, tobacco or vaping products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.
  - b. A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes or tobacco products in the course of his or her participation in an investigation being conducted under the provisions of §254.916, Wis. Stats., that is conducted in accordance with the provisions of §254.916(3), Wis. Stats.
- (3) A law enforcement officer shall seize any cigarette, tobacco or vaping product that has been sold to or is in the possession of a person under the age of 18 years of age. (Ord. #451-06)

(d) **REGULATION OF SMOKING AND VAPING.**

(1) Except as provided under §101.123, Wis. Stats., no person may smoke or vape in any enclosed indoor area of the following places:

- a. Educational facilities.
- b. Offices.
- c. Restaurants.
- d. Retail Establishments.
- e. Village buildings.
- f. Taverns
- g. Private Clubs
- h. Common areas of multiple-unit residential properties
- i. Sports arenas.
- j. Day Care Centers.
- k. Lodging Establishments.
- l. Bowling Centers
- m. Skating Rinks
- n. All enclosed places that are places of employment or that are public places except as are specifically provided in Section 101.123, Wis. Stats.

(2) Responsibility of Persons in Charge.

- a. No person in charge may allow any person to smoke or engage vaping in violation of sub. (d)(1) at a location that is under their control or direction.
- b. A person in charge may not provide matches, ashtrays, or other equipment for smoking or vaping at any location described in sub. (d)(1).
- c. A person in charge shall make reasonable efforts to prohibit persons from smoking or vaping at a location described in sub. (d)(1) by doing all of the following:
  1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition against smoking or vaping.
  2. Refusing to serve a person, if the person is smoking or vaping in a restaurant, tavern or private club.
  3. Asking a person who is smoking or vaping to refrain from smoking or vaping and, if the person refuses to do so, asking the person to leave the location.
  4. If a person who is smoking in a location described in sub. (d)(1) refuses to cease smoking or vaping or to leave the smoking and vaping prohibited location after being requested to do so, the person in charge shall immediately notify the Pulaski Police Department of the violation.

**PENALTIES.**

- a. Any person who violates sub. (d)(1) shall be subject to a forfeiture of not less than \$100 nor more than \$250.00 for each violation.

- b. Any person in charge who has violated sub. (d)(2) shall be issued a warning for the first violation thereof. Any person in charge who has violated sub. (d)(2) and has previously received a warning shall be subject to a forfeiture of not more than \$100. (Ord. #492-10)

#### **44.09 POSSESSION OF THC PROHIBITED**

- (a) **DEFINITIONS.** For the purpose of this section, the following definitions shall apply:
  - (1) **"Marijuana"** means all parts of the plant Cannabis Sativa L., whether growing or not; the seed thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.
  - (2) **"Practitioner"** means:
    - a. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.
    - b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.
- (b) **POSSESSION OF THC PROHIBITED.** It is unlawful for any person to possess and/or use marijuana or THC, unless the marijuana was obtained directly form, or pursuant to a valid prescription or order of, a practice, or except as otherwise authorized by Chapter 161, Wisconsin Statutes.

#### **44.10 DISORDERLY CONDUCT**

- (a) **DISORDERLY CONDUCT.** No person shall within the Village of Pulaski:
    - (1) In any public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.
    - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation, other than a bona fide athletic contest.
- State Law Reference: §947.01, Wis. Stats.

- (b) **DOMESTIC VIOLENCE PROHIBITED.** No person shall engage in any conduct or behavior, or commit any act against a spouse, former spouse, an adult with whom the person resides or formerly resided, or against an adult with whom the person has created a child that is prohibited by §968.075, Stats.

#### **44.11 GLASS BOTTLES PROHIBITED IN VILLAGE PARKS**

- (a) **PROHIBITION.** No person shall carry upon, bring into or otherwise have in his or her possession while in or upon any Village park any glass bottles.
- (b) **PENALTY.** Any person, or the parent, guardian or other adult person having custody or control of a minor who has been found to have violated sub(a) shall be subject to a forfeiture of not less than Fifty (\$50.00) Dollars.

#### **44.12 TRUANCY OFFENSES**

- (a) **DEFINITIONS.** For the purposes of this Section, the following definitions shall apply:

- (1) **"Habitual truant"** shall mean a pupil who is absent from school without an acceptable excuse under §118.15, Stats., for part or all of five (5) or more days on which school is held during a school semester.
- (2) **"School attendance officer"** means an employee designated by the School Board to deal with matters relating to a school attendance and truancy.
- (3) **"Truancy"** means any absence for all or part of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of §118.15 of the Wisconsin Statutes.
- (4) **"Truant"** means a pupil who is absent from school without an acceptable excuse under §§118.15 and 118.16(4), Stats., for a part or all of any day on which school is held during a school semester.

- (b) **TRUANCY PROHIBITED.** No child required to attend school pursuant to the provisions of §118.15, Wis. Stats., shall be absent from school for part or all of one or more days during which school attendance is required or engaged in intermittent attendance for the purpose of defeating the intent of these ordinances and of §118.15, Wis. Stats., unless the school attendance officer or principal of the child's school, or the child's teacher has been notified of the legal and acceptable cause of such absence by the parent or guardian of the absent pupil.
- (c) **TRUANCY DISPOSITION.** Any child found by the Court to be truant shall, pursuant to the provisions of §118.163(1m), Wis. Stats., shall be subject to one or more of the following dispositions:

- (1) An order for the person to attend school.
  - (2) A forfeiture of not more than \$50.00, plus court costs, for a first violation, or a forfeiture of not more than \$100.00, plus court costs, for a second or subsequent violation committed within twelve (12) months of a previous violation, subject to the provisions of §938.37, Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture, plus costs, may be assessed against the person, the parents or guardian of the person, or both.
- (d) **HABITUAL TRUANCY PROHIBITED.** No child required to attend school, pursuant to the provisions of §118.15, Stats., shall be absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester unless the school attendance officer or principal of the child's school, or the child's teacher, has been notified of the legal and acceptable cause of such absence by a parent or guardian of the absent pupil.
- (e) **HABITUAL TRUANCY DISPOSITION.** Any child found by the Court to be a habitual truant shall be subject to one or more of the following dispositions:
- (1) Suspension of the child's operating privilege, as defined in §340.01(40), Wis. Stats., for not less than thirty (30) days nor more than one (1) year. In such event, the Court shall immediately take possession of the suspended driver's license and forward that license to the Department of Transportation, together with a notice stating the reason for and the duration of the suspension.
  - (2) Order the child to participate in counseling, community service or a supervised work program as provided under §938.34(5g), Wis. Stats. The cost of any such counseling, supervised work program, or other community service work may be assessed against the person, the parents or the guardian of the person, or both.
  - (3) Order the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit the child to leave his or her home if the child is accompanied by a parent or guardian.
  - (4) Order the person to attend an educational program under the provisions of §938.34(7d), Stats.
  - (5) Order the Department of Industry, Labor and Human Relations to revoke, under §103.72, Stats., a permit issued under §103.70, Stats., authorizing the employment of the person.
  - (6) Order the person to attend school.
  - (7) Impose a forfeiture of not more than \$500.00, plus costs, subject to §938.37, Stats., all or part of which forfeiture, plus costs, may be assessed against the person, the parents, or guardian of the person, or both.

- (8) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
  - (9) An order placing the person under formal or informal supervision, as described in §938.34(2), Stats., for up to one (1) year.
  - (10) An order for the person's parent, guardian or legal custodian to participate in counseling at the parents' guardian's or legal custodian's own expense, or to attend school with the person, or both.
  - (11) The Court, on behalf of the Village, may petition the Branch of the Circuit Court assigned to exercise jurisdiction under Chapter 938 and Chapter 48 of the Wisconsin Statutes to impose those juvenile sanctions authorized and provided under Sec. 938.355(6)(d), Wis. Stats., and Sec. 938.355(6m), Wis. Stats., for which the Village shall assume and be responsible for all costs and expenses associated therewith.
- (f) **CONTRIBUTING TO TRUANCY.** Any person 18 years of age or older, who has been found by the Court to have, by act or omission, knowingly encouraged or contributed to the truancy of a child, shall be subject to a forfeiture as provided in the general penalty provisions of Sec. 1.06. (Ord. #385)

#### **44.13 SEXUAL OFFENDER RESIDENCY RESTRICTIONS**

- (e) **PURPOSE AND INTENT.** Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present a threat to the public safety. It is the intent of this ordinance not to impose a criminal penalty but rather to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers where certain sexual offenders and sexual predators are prohibited from establishing a residence or loitering.
- (f) **DEFINITIONS.** For purposes of this Section, the following words, terms and phrases shall have the following meanings:
- (1) **"Child"** or **"Children"** shall mean a person or persons under the age of seventeen (17).
  - (2) **"Designated Offender"** shall mean any person who is required to register under Wis. Stat. §301.45 and:
    - a. Has been convicted of violating any offense under Chapter 948, Wis. Stats., or
    - b. Who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stats. §301.46(2) and (2m).
  - (3) **"Loiter"** shall mean, whether in a group or as an individual, to stand idly about, to wander, meander or linger aimlessly in an

area.

- (4) **"Prohibited Zone"** shall mean any area within 500 feet from a property line of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village Board by resolution as a place where children are known to congregate.
- (5) **"Residence"** shall mean any premises where the person abides or lodges for 4 or more days in a 30-day period.

(g) **DESIGNATED OFFENDER RESTRICTIONS**

- (1) Prohibited Location of Residence. A Designated Offender may not reside or establish a Residence within the Prohibited Zone unless such person is otherwise exempt by reason of the following:
  - a. The Designated Offender reported and registered the Residence pursuant to Sec. 301.45, Wis. Stat. before May 1, 2012.
  - b. The Designated Offender's parents, spouse, or children established the Residence at least two (2) years before the Designated Offender established Residence at the location.
- (2) Continuing Violation. Each day a Designated Offender maintains a Residence in violation of this section constitutes a separate violation.
- (3) Prohibited Activities.
  - a. Holiday Events. A Designated Offender may not actively take part in a holiday event involving children, unless the offender is the parent, grandparent or guardian of all of the children involved in the event.
  - b. Loiter. A Designated Offender may not loiter within Prohibited Zone unless otherwise exempt by reason of the following:
    - 1. The Designated Offender is present in the Prohibited Zone at a commercial establishment for legitimate business purposes; and,
    - 2. The Designated Offender is accompanied by an adult who is not a designated offender.

(h) **PROPERTY OWNERS PROHIBITED FROM RENTING TO DESIGNATED OFFENDERS.**

- (1) Prohibited Practice. No property owner may rent a Residence located within a Prohibited Zone to a Designated Offender unless the Designated Offender is otherwise exempt under the provisions of Sec. 44.13(c)(1) hereof.
- (2) Continuing Violation. Each day a Designated Offender maintains a Residence in violation of this section constitutes a separate violation hereof.

- (i) **PENALTY.** Any person in violation of this Section shall be subject to a fine of not less than \$50.00 nor more than \$500.00 for each violation. (Ord. #512-12)



#### **44.14 CONTRIBUTING TO THE DELINQUENCY OF A MINOR**

No person shall knowingly encourage, entice, permit, solicit or assist a minor in or to the commission or attempted commission of any act or omission that is or would be a violation of the is Code of Ordinances or knowingly fail to take any action that would prevent a minor from the commission or attempted commission of any act that is or would be a violation of this Code of Ordinances.

#### **44.15 CONTEMPT OF COURT**

- (a) **DEFINITIONS.** As used in this Section, the following words and phrases shall have the following meanings:
- (1) **"Contempt of Court"** shall mean intentional:
    - a. Misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the respect due the court;
    - b. Disobedience, resistance or obstruction of the authority, process or order of the court;
    - c. Refusal as a witness to appear, be sworn or answer a question; or
    - d. Refusal to produce a record, document or other object.
  - (2) **"Punitive Sanction"** shall mean a sanction imposed to punish a past contempt of court for purposes of upholding the authority of the court.
  - (3) **"Remedial Sanction"** shall mean a sanction imposed for the purpose of terminating a continuing contempt of court.
- (b) **VIOLATION.** No person shall show, exhibit, evidence or act in a manner, as defined herein, which shows contempt for the authority of the Municipal Court.
- (c) **PENALTY.** The Municipal Court may impose a forfeiture for contempt of court as defined herein, as a punitive sanction or as a remedial sanction in an amount not to exceed \$50.00; or, upon non-payment of the forfeiture, penalty assessment under §165.87, Stats., and a jail assessment under §302.46, Stats., and any applicable domestic abuse assessment under §973.055(1), Stats., a jail sentence not to exceed seven (7) days.

State Law Reference: §§785.01 and 800.12, Wis. Stats.

#### **44.16 CHILD CONCEALMENT PROHIBITED**

No person shall knowingly or intentionally conceal or assist in the concealment of a child from such child's parent, guardian or spouse by allowing such child to remain at or upon any property under that person's

control without the consent of the child's parent, guardian or spouse. (Ord. #378)

## **CHAPTER 45**

### **OFFENSES AGAINST PROPERTY**

45.01	Destruction of Property Prohibited
45.02	Littering Prohibited
45.03	Abandonment of Wells, Open Cisterns, Basements or Other Dangerous Excavations Prohibited
45.04	Abandoned Refrigerators Prohibited
45.05	Retail Theft
45.06	Storage of Junk Regulated
45.07	Issuance of Worthless Checks
45.08	Theft of Library Material
45.09	Unauthorized Presence on School Property
45.10	Damaging or Tampering with Coin Machines
45.11	Trespass
45.12	Damage to Public Property
45.13	Vandalism
45.14	Advertising on Poles and Trees Prohibited
45.15	Compost Site Regulated

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#### **45.01 DESTRUCTION OF PROPERTY PROHIBITED**

No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature, real or personal, public or private, within the Village.

#### **45.02 LITTERING PROHIBITED**

No person shall place, deposit, throw or leave any garbage, glass, refuse hazardous material or other waste product or material or any brush, yard waste or recycling products upon the streets, alleys, highways, public parks or other property of the Village or the Pulaski School District or any private property, without the owner's permission, or upon or in any body of water within the Village. Placing any of the materials referenced above in private dumpsters, recycling bins or other refuse containers without the property owner's consent shall also constitute a violation of this Section. (Ord. #464-07)

**45.03 ABANDONMENT OF WELLS, OPEN CISTERNS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED**

- (a) **PURPOSE.** To protect public health, safety and welfare and to protect groundwater by assuring that all unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination of wells which may be illegally cross-connected to the municipal water system and all unused, unsafe or open cisterns, basements or other excavations are properly abandoned, filled or otherwise closed.
- (b) **DEFINITIONS.** The following definitions shall apply to this Section:
- (1) **"Abandonment"** means the filling and sealing of a well according to the provisions of Chapter NR 112, Wisconsin Administrative Code, or the filling, covering or fencing of a cistern, unused basement, pit or other hazardous excavation.
  - (2) **"Municipal water system"** means the Pulaski Municipal Water Utility.
  - (3) **"Noncomplying"** means a well or pump installation which does not comply with the provisions of Chapter NR 112, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, a pump or pumping apparatus was installed, or work was done on either the well or the pump installation.
  - (4) **"Pump installation"** means the pump and related equipment used for withdrawing water from a well including the discharge piping, underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
  - (5) **"Unsafe"** means a well or pump installation which produces water which is bacterially contaminated or contaminated with substances exceeding the standards of Chapters NR 109 to 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources; or, means a cistern, unused basement, pit or other excavation which is likely to pose a hazard to the health, safety or welfare of persons or property if left open, uncovered, unfenced or otherwise protected.
  - (6) **"Unused"** means a well or pump installation which is not in use or does not have a functional pumping system; or, a cistern, basement, pit or other excavation which is not in use or which has not been worked, worked on or in for a period of thirty (30) days.
  - (7) **"Well"** means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for whatever purpose.
- (c) **APPLICABILITY.** This ordinance shall apply to all property located in the Village of Pulaski and all wells located on premises served by the Pulaski Water Utility.

(d) **ABANDONMENT REQUIRED.**

- (1) All wells located on premises served by the Pulaski Water Utility shall be abandoned in accordance with the terms of this Ordinance and Chapter NR 112 of the Wisconsin Administrative Code by December 31, 1990, or not later than one (1) year from the date of connection to the Pulaski Water Utility, whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village of Pulaski.
- (2) All cisterns located on premises in the Village must be abandoned and closed by December 31, 1990 in accordance with the terms of this Ordinance and the applicable Wisconsin State Statutes and Administrative Code provisions as the same may from time to time be amended.
- (3) No unused basement, pit, excavation or other dangerous opening shall be permitted. All such places shall be filled, securely covered or fenced in such a manner as to prevent injury to any person or property and any cover shall be of a design, size and weight that the same can be secured in such a fashion that it cannot be removed by small children.

(e) **WELL OPERATION PERMIT.** The Village may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years providing the conditions of this Section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this Section are met. The Village, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. The following conditions shall be met for the issuance or renewal of any well operation permit:

- (1) The well and pump installation meet or are upgraded to meet the requirements of Chapter NR 112 of the Wisconsin Administrative Code;
- (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two (2) samplings taken at a minimum of two (2) weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well;
- (3) There are no cross-connections between the well and pump installation and the municipal water system; and
- (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

- (f) **ABANDONMENT PROCEDURES.** The following shall be the basic procedures for effecting abandonments under this Section:
- (1) All wells abandoned under the jurisdiction of this ordinance or rules shall be abandoned according to the procedures and methods of Chapter NR 112 of the Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
  - (2) The owner of the well, cistern, unused basement, pit, excavation or other opening which is subject to the provisions of this Section shall notify the Clerk at least 48 hours prior to the commencement of any abandonment activities. The abandonment operations shall be observed by the Building Inspector.
  - (3) For well abandonments, a well abandonment report form supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and to the Department of Natural Resources within ten (10) days after completion of the well abandonment.
- (g) **PENALTIES.** Any person who fails to comply with the provisions of this Section for more than ten (10) days after receiving written notice of the violation shall be subject to a penalty as imposed hereunder and the Village may cause the abandonment of the well, cistern, unused basement, pit or other dangerous excavation to be performed and the costs and expenses thereof to be assessed as a special tax against the property. Any person violating any provisions of this Section shall, upon conviction, be subject to a forfeiture of not less than \$50.00 nor more than \$500.00, together with the costs of prosecution. Each day of violation is a separate offense.

State Law Reference: Chapter NR 111, Wis. Adm. Code.

#### **45.04 ABANDONED REFRIGERATORS PROHIBITED**

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

#### **45.05 RETAIL THEFT**

- (a) **RETAIL THEFT.** No person shall intentionally alter indicia of price or value of merchandise or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant, without consent and with intent to deprive the merchant permanently of possession, or the full purchase price.
- (b) **INTENT.** The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- (c) **DETAINER.** A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (d) **DEFINITIONS.** The definitions applicable to retail theft, as set forth in §943.50, Stats., shall be applicable herein.

State Law Reference: §943.50, Wis. Stats.

#### **45.06 STORAGE OF JUNK, ETC., REGULATED**

No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks, or other unsightly debris which substantially depreciates property values in the neighborhood except in an enclosure which houses such property from public view, or upon permit issued by the Village Board. The Chief of Police may require by written order any premises violating this Section to be put in compliance within the time specified in such order, and if the order is not complied with, may have the premises declared a nuisance and put in compliance and the cost thereof assessed as a special tax against the property.

#### **45.07 ISSUANCE OF WORTHLESS CHECKS**

- (a) **ISSUANCE OF WORTHLESS CHECKS PROHIBITED.** Whoever issues any check or other order for the payment of money less than \$500.00 which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
- (b) **PRIMA FACIE EVIDENCE.** Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
  - (1) Proof that at the time of issuance, the person did not have an account with the drawee; or
  - (2) Proof that at the time of issuance, person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
  - (3) Proof that when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.
- (c) **EXCEPTION.** This section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.

#### **45.08 THEFT OF LIBRARY MATERIAL**

- (a) **DEFINITIONS.** For the purposes of this Section, certain words and terms are defined as follows:
  - (1) **"Archives"** shall mean a place in which public or institutional records are systematically preserved.
  - (2) **"Library"** shall mean the Pulaski Public Library.
  - (3) **"Library Material"** Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audio-visual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.
- (b) **POSSESSION WITHOUT CONSENT PROHIBITED.** Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code.

- (c) **CONCEALMENT.** The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- (d) **DETENTION BASED ON PROBABLE CAUSE.** An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this Section articles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (e) **DAMAGING MATERIAL PROHIBITED.** No person shall mar, deface or in any other way damage or mutilate any library material.
- (f) **RETURN DEMANDED.** No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the Library.

State Law Reference: §943.61, Wis. Stats.

#### **45.09 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY**

- (a) **UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.** It shall be unlawful for any student who is under suspension, expulsion or other discipline excluding him from attending any school, or any person not presently enrolled in such schools located within the Village of Pulaski, except as provided in subsection (b) hereof, to be present in any public school building or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof.
- (b) **EXCEPTIONS.** This Section shall not apply to:
  - (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof, to leave the school building or school grounds;



- (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this except shall apply only to the portion of the premises on which such facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;
- (3) Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- (4) Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;
- (5) Employees of such schools.
- (c) **VIOLATIONS.** The exceptions set forth in sub(b) shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
- (d) **SCHOOL ENTRANCES.** All entrances to the school buildings referred to in this Section shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited."
- (e) **VEHICLES.** Unauthorized presence shall include any vehicle that is found on school property which has not received permission to be there or those occupants or owners are not on school property for some legitimate business or activity or is parked in an area that regulates parking to certain authorized vehicles. Such vehicles may be issued a Village of Pulaski summons that regulates parking or may be towed away at the direction of the School Principal or person in charge of such school building. The Village of Pulaski Police Department may also have any vehicle towed away, which because of its location, creates a hazard to life or property.

#### **45.10 DAMAGING OR TAMPERING WITH COIN MACHINES**

No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending or video machine dispensing goods, services or entertainment, or a part thereof, or possess a drawing, print or mold a key or device specifically designed to open or break any such machine, services within the limits of the Village of Pulaski.

#### **45.11 TRESPASS**

- (a) **PRIVATE TRESPASS.** No person shall knowingly enter upon or remain on the land of another; in any structure, premises or structural unit on such land of another; or, in or upon any vehicle, equipment or machinery of another where such person does not have the permission of the owner or person in charge of such property to enter or remain thereon

or therein and where:

- (1) Such person remains thereon or therein in defiance of an order, directive or command not to enter or remain on or in such property or premises; or
  - (2) Such property or premises is posted, secured, locked, fenced, parked, placed or enclosed in a manner reasonably likely to inform others not to enter or intrude upon or in such property or premises.
  - (3) Such person enters or remains in or on such property or premises in defiance of a judicial restraining order.
- (b) **PUBLIC TRESPASS.** No person shall enter or remain upon or in any public property or premises, including public parking areas, beyond the times when such property or premises is open to the public or where such person has been directed not to enter or remain upon or in such property by the person in charge or command thereof.
- (c) **TRESPASS ON PRIVATE PROPERTY OF A BUSINESS OR ORGANIZATION.** No person shall enter upon or remain on the private property, including parking areas, of any business establishment or organization between the hours of 12:00 p.m. and 6:00 a.m. without the permission of the owner or person in charge thereof unless such business or organization is open for business at such time as the person is on the premises.

#### **45.12 DAMAGE TO PUBLIC PROPERTY**

- (a) **DAMAGING OF DRINKING FOUNTAINS.** All persons are hereby prohibited from breaking or otherwise injuring any bubbler, drinking fountain or any drinking bubbler, or in any way injuring, soiling, tampering with or defacing any such bubbler or drinking fountain, or placing dirt, leaves, refuse or matter of any sort in or upon any such bubbler, drinking fountain or drinking bubbler, in any public park, street, sidewalk or ground, or any public building, schoolhouse, hall, museum, library or branch library, Village of Pulaski.
- (b) **DAMAGING OF PUBLIC PROPERTY.** All persons are hereby prohibited from breaking or otherwise injuring any tree, shrub or plant; breaking, soiling or defacing any fountain, statue or other ornamental structure; or in any way injuring, soiling, damaging or defacing any public building or public property in any public park, square, sidewalk or ground in the Village of Pulaski, whether the same shall be owned or held in trust by said Village held in trust for the use of any district of said Village.
- (c) **BREAKING OF STREET LAMPS OR WINDOWS.** No person shall break glass in any street lamps or windows of any building owned or occupied by the Village of Pulaski.

#### **45.13 VANDALISM**

No person within the limits of the Village of Pulaski shall intentionally cause injury or damage to, including, but not limited to, defacing, painting, cutting, marking, papering, contaminating, altering, breaking, scenting, moving or removing, any property, real or personal, public or private, of another without the consent of the owner.

#### **45.14 ADVERTISING ON POLES AND TREES PROHIBITED**

No person shall post, fasten or attach any sign, bill, notice or advertisement to any telephone, electric or light pole or any traffic control sign or upon any tree within a public right-of-way or on public property. No person shall post, fasten or attach any sign, bill, notice or advertisement on any private property of another without the permission of the owner thereof.

#### **45.15 COMPOST SITE REGULATED**

- (a) **COMPOST MATERIALS REGULATED.** No person shall place or deposit garbage, refuse, junk, as defined at Sec. 51.02(b)(40) of this Code, or other non-compostable materials in or at the Village compost site.
- (b) **NON-RESIDENT USE PROHIBITED.** No person, who is not a resident of the Village or who is not acting for or on behalf of a resident of the Village, shall:
  - (1) Place or deposit compostable materials in or at the Village compost site.
  - (2) Remove compost or top soil from the Village compost site.
- (c) **PENALTIES.** Any person found in violation hereof shall be subject to a fine of not less than \$50 nor more than \$500 plus all applicable court costs. **Ord. #422**

## CHAPTER 46

### OBSCENITY

- 46.01 Obscene Literature, Materials, and Performances
  - 46.02 Exposing Minors to Harmful Materials
  - 46.03 Commercial Sexual Gratification
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#### **46.01 OBSCENE LITERATURE, MATERIALS AND PERFORMANCES**

(a) **DEFINITIONS.**

- (1) **"Obscene"**. Material is obscene if:
  - a. Its dominant theme taken as a whole appeals to a prurient interest in sex, and
  - b. It is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matter, and
  - c. It lacks serious literary, artistic, political or moral value.
- (2) **"Knowingly"**. A person acts knowingly if he has general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of the character and content of any materials described herein which is reasonably susceptible of examination.
- (3) **"Material"** shall refer to any book, magazine or other newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any sculpture or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment or machines.
- (4) **"Person"** shall mean any individual, partnership, firm, association, corporation, or other legal entity.
- (5) **"Performance"** shall mean any preview, play, show, skit, film, dance or other exhibition performed before an audience.
- (6) **"Promote"** shall mean to cause, permit, procure, counsel or assist.
- (7) **"Service to Patrons"** shall mean the provision of services to paying guests in establishments providing food and beverages, including, but not limited to, hostessing, hat checking, cooking, bartending, serving, table setting and clearing, waiter and waitressing and entertaining.

(b) **PROHIBITIONS.** It shall be unlawful for any person knowingly:

- (1) To sell, loan for a monetary consideration, deliver or provide, any obscene writing, picture, record or other representation or embodiment of the obscene; or

- (2) To present or direct or participate in an obscene play, dance or performance of knowingly to permit the same on any premises owned or operated by him or under his control; or
- (3) To publish, exhibit, distribute, give away or otherwise make available any obscene material; or
- (4) To possess any obscene material for purposes of sale or other commercial dissemination; or
- (5) To sell, advertise or otherwise commercially disseminate material, whether or not obscene, by representing or suggesting that it is obscene.

State Law Reference: Chapter 944, Wis. Stats.

#### **46.02 EXPOSING MINORS TO HARMFUL MATERIALS**

(a) **DEFINITIONS.** As used in this Section:

- (1) **"Minor"** means any person under the age of eighteen (18) years.
- (2) **"Nudity"** means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
- (3) **"Sexual conduct"** is defined to be acts of sexual intercourse between humans, normal or perverted, actual or simulated, acts of masturbation, fellatio, cunnilingus, and acts of excretory condition and sexual relations between humans and animals.
- (4) **"Sexual excitement"** means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (5) **"Sadomasochistic abuse"** means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- (6) **"Harmful to minors"** means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, which taken as a whole appeals to the prurient interest in sex, which taken as a whole portrays sexual conduct in a patently offensive way, and which taken as a whole does not have serious literary, artistic, political or scientific value. Whether a work appeals to the prurient interest and whether it depicts or describes sexual conduct in a patently offensive way, and whether it has serious literary, artistic, political or scientific value is to be determined by applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors.\

- (7) **"Knowingly"** means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:
  - a. The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and
  - b. The age of the minor provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.
- (8) **"Knowledge of the minor's age"** means:
  - a. Knowledge or information that the person is a minor; or
  - b. Reason to know, or a belief or grounds for belief, which warrants further inspection or inquiry of the age of the minor.
- (b) **ADMISSION PROHIBITED.** It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation which in whole or in part depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors, unless such minor is accompanied by his parent or legal guardian.
- (c) **OTHER PROHIBITIONS.** It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:
  - (1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors.
  - (2) Any book, pamphlet, magazine, printed matter however reproduced or sound recording which contains any matter enumerated in sub(c)(1) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

State Law Reference: §944.25, Wis. Stats.

#### **46.03 COMMERCIAL SEXUAL GRATIFICATION**

No person or any legal entity shall offer, make available, permit or in any way participate in the touching of the genitals, pubic area, buttocks, anus or perineum of any person or of the breasts or vulva of a female when such touching can be reasonably construed as being for the purpose of sexual arousal or gratification under circumstances in which it is reasonably expected that money or other consideration will be received therefore. No person or any legal entity shall offer, make available, permit or in any way participate in the administration of any form of massage for money or other consideration when the genitals, pubic area, buttocks, anus, perineum, vulva or female breast of the administrator of the massage are not fully covered by opaque material.

## CHAPTER 47

### OFFENSES INVOLVING ALCOHOLIC BEVERAGES

47.01	Outside Consumption
47.02	Beer and Liquor in Village Parks
47.03	Sale to Underage or Intoxicated Persons Restricted
47.04	Underage Persons Presence in Places of Sale; Penalty
47.05	Underage Persons; Prohibitions; Penalties
47.06	Defense of Sellers
47.07	False or Altered Identification Cards
47.08	Possession of Alcoholic beverages on School Grounds
47.09	Adult Permitting or Encouraging Underage Violation
47.10	Penalties

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#### **47.01 OUTSIDE CONSUMPTION**

- (a) **DEFINITIONS.** The following definitions shall apply to this Chapter:
- (1) **"Alcoholic Beverage"** shall mean all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar, which contain one-half of one percent or more of alcohol by volume and which are fit for use for beverage purposes.
  - (2) **"Public Area"** shall mean any location within the Village which is open to access to persons not requiring specific permission of the owner to be at such location, including all parking lots serving commercial establishments.
- (b) **ALCOHOLIC BEVERAGES IN PUBLIC AREAS.** It shall be unlawful for any person to sell or serve, or offer to sell or serve, or to consume, or to carry or expose to view any open container of any alcoholic beverage upon any street, sidewalk, alley, public parking lot, highway, public playground, public park or other public area within the Village.
- (c) **EXCEPTION.** This Section shall be suspended during the officially proclaimed Pulaski Polish Sausage Day during time prescribed by the Village Board insofar as it pertains to alcoholic and fermented malt beverages in paper cups only and shall also be similarly suspended upon the proclamation of the Village Board for a celebration or special event.



#### **47.02 BEER AND LIQUOR IN VILLAGE PARKS**

- (a) **PRIVATE CONSUMPTION.** Beer and liquor may be brought to and consumed in Memorial Park only, subject to the following restrictions:
- (1) Such use without a permit shall be restricted to a period from the Saturday before Memorial Day to the last day of October from 10:00 a.m. to 9:00 p.m. Such use shall be permitted for family picnics, family reunions, churches and various other civic community or club organizations or individuals, provided the number in such group does not exceed 100. If such number exceeds 100, then the legal representative of such group shall apply to the Village Clerk for a license to use the Park.
  - (2) If the anticipated number of attendees and invitees to an event in Memorial Park, where alcoholic beverages are to be provided, is to exceed 100, the sponsor shall apply to the Village for a permit. The Village, under the provisions of sub(a)(2), may impose such conditions as it sees fit to accommodate the size of the group and the event in regard to a bond, necessity of hiring private police and cleanup after the event and the type of license to be secured.
- (b) **SALES.** No alcoholic beverages may be sold in Memorial Park without a permit. Such sales shall be subject to the following:
- (1) A permit to sell beer only may be obtained by any group upon application for a license from the Village Clerk.
  - (2) The application for license shall be made by the group to the Village Board and the Village Board may impose such conditions as it sees fit to accommodate the size of the group and the event in regard to a bond, responsibility of requiring identification cards, necessity of hiring private police and cleanup after the event and the type of license to be secured.

#### **47.03 SALE TO UNDERAGE OR INTOXICATED PERSONS RESTRICTED**

No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, or procure for, sell, dispense or give away any intoxicating liquor to any underage person. No licensee or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any underage person.

#### **47.04 UNDERAGE PERSONS PRESENCE IN PLACES OF SALE; PENALTY**

- (a) **RESTRICTIONS.** An underage person, not accompanied by his or her parent, guardian or spouse, who has attained the legal drinking age, may not enter or be on any premises for which a license or permit for the retail sale of alcoholic beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises.
- (b) **EXCEPTIONS.** This Section does not apply to:
- (1) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part of.
  - (2) An underage person who enters or is on a "Class A" retail intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcoholic beverages. An underage person so entering the premises may not remain on the premises after the purchase.
  - (3) Hotels, drug stores, grocery stores, bowling alleys, cars operated by any railroad, regularly established athletic fields, stadiums, or public facilities as defined in §125.51(5)(b)1.d, Wis. Stats., which are owned by a county or municipality.
  - (4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests, as defined or designated in Chs. 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
  - (5) Ski chalets, golf clubhouses and private tennis clubs.
  - (6) Premises operated under both a Class "B" or "Class B" license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class "B" or "Class B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcoholic beverages, but the presumption may be rebutted by competent evidence.
  - (7) An underage person who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market, as defined in §125.34(4)(b)1, Wis. Stats., if the person does not enter or remain in a room where alcoholic beverages are sold or furnished.
  - (8) An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcoholic beverages are sold or served, for the purpose of engaging in marching or drilling with a group of other persons if no alcoholic beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this subdivision. An underage person may enter and remain on Class "B" or "Class

B" premises under this subdivision only if the municipality which issued the Class "B" or "Class B" license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this subdivision and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present under this subdivision on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

#### **47.05 UNDERAGE PERSONS; PROHIBITIONS; PENALTIES**

- (a) **PROHIBITIONS.** No underage person shall engage in any of the following activities:
- (1) Procure or attempt to procure alcoholic beverages.
  - (2) Knowingly possess or consume intoxicating liquor.
  - (3) Enter or is on licensed premises in violation of Sec. 47.04(a).
  - (4) Falsely represent his or her age for the purpose of receiving alcoholic beverages from a licensee or permittee.
- (b) **PENALTY.** Except as otherwise provided herein, any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, who knowingly procures, possesses or consumes fermented malt beverages shall be subject to the penalty provisions of Sec. 1.06. In addition, a court may suspend or revoke the violator's motor vehicle operator's license. If a court revokes or suspends a person's operating privilege under this Section, the Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency. A person who is under eighteen (18) years of age on the date of disposition is subject to §48.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under §48.344(3), Wis. Stats.

- (c) **EXCEPTIONS.** Subsections (a) and (b) do not prohibit an underage person employed by a licensee or permittee from possessing fermented malt beverages during the brewing process or for sale or delivery to customers. Subsections (a) and (b) do not prohibit an underage person employed by a brewery, a winery or a facility for the rectifying or manufacture of intoxicating liquor or the production of fuel alcohol from possessing alcoholic beverages during regular working hours and in the course of employment.

#### **47.06 DEFENSE OF SELLERS**

- (a) **DEFENSES.** Proof of the following facts by a seller of alcoholic beverages to an underage person is a defense to any prosecution for a violation of this Section:
- (1) That the purchaser falsely represented in writing and supported with other documentary proof that he or she had attained the legal drinking age.
  - (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
  - (3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.
- (b) **BOOK KEPT BY LICENSEES AND PERMITTEES.** Every retail alcoholic beverage licensee or permittee shall cause a book to be kept for the purpose of this subsection. The licensee or permittee or his or her employer shall require any person who has shown documentary proof that he or she has attained the legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of the alcoholic beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.

State Law Reference: §125.07(6) and (7), Wis. Stats.

#### **47.07 FALSE OR ALTERED IDENTIFICATION CARDS**

- (a) **PROHIBITIONS.** No person shall do any of the following:
- (1) Intentionally carry an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this Subsection.
  - (2) Make, alter or duplicate an official identification card.
  - (3) Present false information to an issuing officer in applying for an official identification card.
- (b) **SPECIFIC PENALTIES.** Any person who makes, alters or duplicates an offi-

cial identification card shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, not including court costs.

State Law Reference: §125.09(3), Wis. Stats.

#### **47.08 POSSESSION OF ALCOHOLIC BEVERAGES ON SCHOOL GROUNDS PROHIBITED**

- (a) **DEFINITIONS.** The following definitions shall apply to this Section:
- (1) **"Motor Vehicle"** shall mean a motor vehicle owned, rented or consigned to a school.
  - (2) **"School"** shall mean a public, parochial or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
  - (3) **"School Administrator"** shall mean the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
  - (4) **"School Premises"** shall mean the premises owned, rented or under the control of a school.
- (b) **PROHIBITIONS.** Except as provided by sub(c), no person may possess or consume alcoholic beverages:
- (1) On school premises;
  - (2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
  - (3) While participating in a school-sponsored activity.
- (c) **EXCEPTION.** Alcoholic beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

#### **47.09 ADULT PERMITTING OR ENCOURAGING UNDERAGE VIOLATION**

No adult may knowingly permit or encourage or fail to take action to prevent the illegal consumption of alcoholic beverages by an underage person on premises owned by the person or under the person's control, or to in any other way violate or attempt to violate any provision of this Chapter. This subsection does not apply to alcoholic beverages used exclusively as part of a religious service.

State Law Reference: §125.07(1)(a)3 and 4, Wis. Stats.

#### **47.10 PENALTY**

Except as otherwise specifically provided herein, the penalty for violation of any provision of this Chapter shall be the general penalty set forth at Sec. 1.06.

## CHAPTER 48

### PUBLIC NUISANCES

48.01	Public Nuisances Prohibited
48.02	Public Nuisances Defined
48.03	Public Nuisances Affecting Health
48.04	Public Nuisances Offending Morals and Decency
48.05	Public Nuisances Affecting Peace and Safety
48.06	Chronic Nuisance Properties
48.07	Abatement of Public Nuisances
48.08	Cost of Abatement

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#### **48.01 PUBLIC NUISANCES PROHIBITED**

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

#### **48.02 PUBLIC NUISANCE DEFINED**

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

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) In any way render the public insecure in life or in the use of property;
- (c) Greatly offend the public morals or decency;
- (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

#### **48.03 PUBLIC NUISANCES AFFECTING HEALTH**

- (a) **HEALTH NUISANCES.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Sec. 48.02.
  - (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 or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (4) Stagnant Water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- (5) Privy Vaults and Garbage Cans. Privy vaults and garbage cans which are not fly-tight.
- (6) Noxious Weeds. All noxious weeds and other tank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed one foot.
- (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 Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- (9) Street Pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- (10) All Animals or Foul Running at Large.
- (11) Other Pollutants. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village limits, or within one mile therefrom, in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Village.
- (12) Public Urination and Defecation
  - a. It shall be unlawful for any person to urinate or defecate in public, other than when using a toilet, urinal or commode located in a restroom, bathroom or other structure enclosed from public view.
  - b. The enforcement provisions of this prohibition shall not apply to the following individuals who may not be able to adequately control the bodily functions that control urination or defecation:
    1. Children five (5) years of age or younger;
    2. Persons of any age who violate this ordinance due to a verified medical condition." (Ord. #488-10)



#### **48.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY**

- (a) **PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Sec. 48.02:
- (1) Disorderly Houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
  - (2) Gambling Devices. All gambling devices and slot machines.
  - (3) Unlicensed Sale of Liquor and Beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village.
  - (4) Continuous Violation of Village Ordinances. Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
  - (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 of Wisconsin or ordinances of the Village.
  - (6) Unlicensed Sale of Tobacco Products. The sale of tobacco products without a permit or license as provided for by the ordinances of the Village.

#### **48.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY**

- (a) **SAFETY NUISANCES.** The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Sec. 48.02.
- (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 Village relating to materials and manner of construction of buildings and structures within the Village.

- (3) Unauthorized Traffic Signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.
- (4) Obstruction of Intersections. All 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 any public sidewalk, street or other public place and present a safety hazard.
- (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 of Wisconsin and ordinances of the Village.
- (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 twenty (20) 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 Village.
- (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 Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.
- (12) Noise. All loud, discordant and unnecessary noises or vibrations.
- (13) Open Excavations. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- (14) Snow and Ice. All snow and ice not removed or sprinkled with sand as required by this Code of Ordinances.

## 48.06 CHRONIC NUISANCE PROPERTIES

- (a) **DEFINITIONS.** The following terms shall be defined as follows in this section:
- (1) **"Chief"** shall mean the Chief of Police or his or her designee.
  - (2) **"Enforcement Action"** shall mean an arrest, the issuance of a citation, or the issuance of a written or verbal warning.
  - (3) **"Nuisance Activity"** shall mean any of the following activities, behaviors, or conduct occurring on a premises:
    - a. An act of Harassment, as defined in §947.013, Wis. Stats.
    - b. Disorderly Conduct, as defined in §947.01, Wis. Stats.
    - c. Battery, Substantial Battery, or Aggravated Battery, as defined in §940.19, Wis. Stats.
    - d. Lewd and Lascivious Behavior, as defined in §944.20, Wis. Stats.
    - e. Prostitution, as defined in §944.30, Wis. Stats.
    - f. Theft, as defined in §943.20, Wis. Stats.
    - g. Receiving Stolen Property, as defined in §943.34, Wis. Stats.
    - h. Arson, as defined in §943.02, Wis. Stats.
    - i. Possession, Manufacture, or Delivery of a Controlled Substance or related offenses, as defined in Ch. 961, Wis. Stats.
    - j. Gambling, as defined in §945.02, Wis. Stats.
    - k. Animal violations, as defined in Chapter 43 of the Municipal Code.
    - l. Trespassing, as defined in §943.13 and §943.14, Wis. Stats.
    - m. Weapons violations, as defined in Section 27.17, Village Municipal Code.
    - n. Noise violations, as defined in Section 44.06 of the Municipal Code.
    - o. Any conspiracy to commit, as defined in §939.31, Wis. Stats., or attempt to commit, as defined in §939.32, Wis. Stats., any of the activities, behaviors, or conduct enumerated in subdivisions 3a. through n. above.
    - p. The execution of arrest or search warrants at a particular location.
    - q. Alcohol violations, as defined in Chapter 47 of the Municipal Code, and §125.07, Wis. Stats.
    - r. Obstructing or Resisting an Officer, as defined in §946.41, Wis. Stats.
    - s. Inspection-related activities by the Fire Chief, Building Inspector or Health Officer, or their designees, where the Police Department also responds.
    - t. Public Nuisance violations, as defined in Sec. 48.02 of the Code, including, but not limited to, the storage of junk and the storage of abandoned vehicles.
    - u. Other law enforcement actions as determined by the Chief.

- (4) “**Owner**” shall mean the owner of the premises and his or her agents.
- (5) “**Premises**” shall mean an individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas.
- (b) **NOTICE.** Whenever the Chief determines that three or more nuisance activities resulting in enforcement action have occurred at a Premises during a 12-month period, the Chief will notify the Owner of the Premises in writing of such activities. In calculating the requisite nuisance activities, the Chief may count separate qualifying nuisance incidents resulting in enforcement action occurring on the same day (as long as they are distinct in time) or different days, but shall not count nuisance activities that were reported by the Owner of the Premises. The notice shall contain the street address or legal description sufficient to identify the Premises, a description of the nuisance activities that have occurred at the Premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the Premises, and a notice as to the appeal rights of the Owner. The notice shall be delivered to the Owner by Registered Mail with return receipt or by personal service upon the Owner.
- (c) **ABATEMENT PLAN.** Any Owner receiving notice pursuant to this Section shall meet with the Chief, or his/her designee, within five (5) days of receipt of such notice. The parties shall review the problems occurring at the Premises. Within ten (10) days of this meeting, the Owner shall submit to the Chief, or his/her designee, an abatement plan to end the nuisance activity on the Premises. The plan shall also specify a name, address, and telephone number of a person living within 60 miles of the Premises who can be contacted in the event of further police, fire, or inspection contact.
- (d) **ADDITIONAL NUISANCE ACTIVITY.** Whenever the Chief determines that additional nuisance activity has occurred at a Premises for which Notice has been issued pursuant to Section 48.06(b) of the Municipal Code, more than fifteen (15) days after the date of such Notice, and that reasonable efforts have not been made to abate the nuisance activity, the Chief may calculate the cost of police response and enforcement for this and any subsequent nuisance activities at the Premises and cause such charges and administrative costs to be assessed and collected as a special charge against the Premises pursuant to §66.0627, Wis. Stats.
- (e) **APPEAL.** Appeal of the determination of the Chief of Police pursuant to either Sections 48.06(c) or 48.06(d) of the Municipal Code, may be submitted to the Board of Appeals. Chapter 68, Wisconsin Statutes, shall not apply to such an appeal. **(Ord. #502-2011)**

#### **48.07 ABATEMENT OF PUBLIC NUISANCES**

- (a) **ENFORCEMENT.** The Chief of Police, the Chief of the Fire Department, the Building Inspector and Health Officer shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that the provisions of this Chapter 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) **ABATEMENT.** If the inspecting officer shall determine that a public nuisance exists within the Village, which nuisance does not pose a great and immediate danger to the public health, safety, peace, morals or decency, the abatement thereof shall be pursued and initiated under the provisions of Chapter 823 of the Wisconsin Statutes.
- (c) **SUMMARY ABATEMENT.** If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the President may direct the proper officer to cause the same to be immediately abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (d) **ABATEMENT AFTER NOTICE.** If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance to be removed as provided in sub(b).

#### **48.08 COST OF ABATEMENT**

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

## CHAPTER 50

### VILLAGE PLANNING

50.01	Comprehensive Plan
50.02	Official Street Map
50.03	Annexation Procedure

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#### **50.01 COMPREHENSIVE PLAN**

- (a) **PURPOSE.** The Village shall, through the Planning and Zoning Committee, investigate, prepare, adopt, maintain and adhere to a comprehensive plan for the systematic and orderly planning and development of the community to be known as the "**Village of Pulaski Comprehensive Plan**".
- (b) **CONTENTS.** The Village of Pulaski Comprehensive Plan shall describe the vision of the Planning and Zoning Committee and the Village Board for the future physical development of the community; and, shall include, among other things, without limitation because of enumeration, the general location, character and extent of present and proposed future streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures; the general location and extent of sewers, water conduits and other public utilities and facilities, whether privately or publicly owned; the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any public facility, public way, ground, place, space, building, property, utility, route or terminal; the general location, character and extent of community centers and neighborhood units; and, the comprehensive zoning plan for the community. The consideration and development of the Comprehensive Plan shall also incorporate and include areas outside of the physical and corporate boundaries of the Village, which, in the Planning and Zoning Committee's judgment, bear a reasonable relationship to the development of the Village. The Comprehensive Plan may further be accompanied by descriptive maps, plats, plans and specifications.
- (c) **AMENDMENTS.** The Comprehensive Plan may, from time to time, be amended by the affirmative vote of a majority of the members of the Planning and Zoning Committee. Any amendment to the Comprehensive Plan shall be subject to confirmation by majority vote of the Village Board. The adoption, amendment and implementation of the Comprehensive Plan shall be in accordance with the provisions of Sec. 5.02(c) of this Code.

## **50.02 OFFICIAL STREET MAP**

### **(a) OFFICIAL STREET MAP.**

- (1) To establish, promote and conserve the public health, safety, convenience and general welfare of the public, there is established an official street map, which map is incorporated herein and made a part hereof as though fully set forth, which map shall be known as the "**Official Street Map of Pulaski**".
- (2) The Official Street Map shall be final and conclusive with respect to the location of alleyways, streets, highways and boulevards and the location and extent of parks and playgrounds shown thereon.
- (3) The Official Street Map shall be kept in the Offices of the Village Clerk, Director of Public Works, and Building Inspector. No map shall be an Official Street Map unless the following certification appears on the face thereof:

**It is hereby certified that this map is a true and correct portrayal of the location and width of all alleyways, streets, highways and boulevards, and to the extent of parks and playgrounds shown thereon as of the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.**

**Signed: \_\_\_\_\_  
Village Clerk**

- (4) The Village Clerk shall file with the Register of Deeds for Brown County a certificate showing that the Village has established an Official Street Map.
- (b) **AMENDMENTS TO OFFICIAL STREET MAP.** The Village Board may change or add to the Official Street Map so as to establish the exterior lines of planned alleyways, streets, highways, boulevards, parks or playgrounds; or, to widen, narrow, extend or close existing alleyways, streets, highways, boulevards, parks or playgrounds. Amendments to the Official Street Maps shall be done in compliance with then applicable State law.
- (c) **STREET ACCEPTANCE.** The placement of any alleyway, street, highway, boulevard, park or playground line or lines upon the Official Street Map shall not constitute or be deemed to constitute the opening or establishment of any such alleyway, street, highway, boulevard, park or playground or the taking or acceptance of any land for such purposes. Additions to the Official Street Map shall not be official until the requirements of sub(b) have been complied with to the extent required by law.

## **50.03 ANNEXATION PROCEDURE**

- (a) **ANNEXATION PROCEDURE.** All proceedings commenced and undertaken to annex territory to the Village of Pulaski shall follow and adhere to the provisions of Section 66.021 of the Wisconsin Statutes and subsequent amendments thereto.
- (b) **COSTS OF PROCEEDINGS.** All Petitions for Annexation shall be accompanied by a non-refundable deposit of \$500.00, to be applied to the costs and expenses incurred by the Village in conducting the annexation proceedings, regardless of whether such proceedings result in the annexation of the proposed territory to the Village, which costs shall include, by way of example but not by way of limitation, publication and posting expenses, filing and recording fees, postage expense, survey and mapping costs, environmental analysis and investigation expenses, legal fees and referendum costs, if any. All petitions for annexation shall be accompanied by a written statement signed by all petitioners agreeing to be bound by the provisions of this Chapter.
- (c) **SPECIAL CONDITIONS.** The Village may, from time to time, determine and issue special conditions associated with the annexation of territory to the Village as conditioned precedent to the approval and acceptance of such territory to the Village.



## CHAPTER 51

### ZONING CODE

51.01	Purpose
51.02	Definitions
51.03	General Provisions
51.04	Establishment of Districts
51.05	A-1 Agricultural District
51.06	R-1 Single-Family Residential District
51.07	R-2 Single-Family Residential District
51.08	R-3 Single-Family Residential District
51.09	R-4 Two-Family Residential District
51.10	R-5 Multi-Family Residential District
51.11	Mobile Home Park Residential District (MHP)
51.12	B-1 Central Business District
51.13	B-2 Highway Business District
51.14	B-3 Professional Office Business District
51.15	Neighborhood Business District
51.16	I-1 Light Industrial District
51.17	I-2 Heavy Industrial District
51.18	INT-1 Institutional District
51.19	P-1 Park District
51.20	C-1 Conservancy Overlay District
51.21	PDO Planned Development Overlay District
51.22	Parking, and Traffic Visibility, Access
51.23	Fences and Hedges; Outdoor Storage
51.24	Junk Yards, Salvage Yards, Solid Waste Recycling, Storage or Transfer Facility
51.25	Quarries and Mines
51.26	Nonconforming Uses and Structures
51.27	Administration and Enforcement
51.28	Building and Zoning Permits
51.29	Site Plan Review and Approval and Architectural Control
51.30	Conditional Use Permits
51.31	(Reserved)
51.32	(Reserved)
51.33	(Reserved)
51.34	(Reserved)
51.35	Amendments
51.36	Violations, Penalties and Permit Fees

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#### **51.01 PURPOSE**

The Zoning Ordinance of the Village of Pulaski, Brown County, Wisconsin, is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect

the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the village; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to preserve prime agricultural land and to foster a more rational pattern of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.

## **51.02 DEFINITIONS**

- (a) **GENERAL DEFINITIONS.** For the purpose of this Chapter, words used in the present tense shall include the future; words used in the singular shall include the plural number, and the plural the singular.
- (1) The word "**shall**" is mandatory and not discretionary.
  - (2) The word "**may**" is permissive.
  - (3) The word "**lot**" shall include the words "piece", "parcel", and "plats"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
  - (4) All "**measured distances**" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the next "integral foot" below shall be taken.
- (b) **SPECIFIC TERMS.** For purposes of this Chapter, the following definitions shall apply:
- (1) "**Accessory Structure**" shall mean a detached structure or building subordinate to the main building and used for purposes incidental to the permitted use of the main building or use of the premises. The location and size of accessory structures shall be subject to the provisions of Sec. 51.03(g)(3)c and 51.03(g)(8) of the Code of Ordinances. **Ord. #424**
  - (2) "**Agricultural Operation**" shall include, but not be limited to, general farming and animal husbandry, pasturage, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, but not including commercial seed, fertilizer, grain mills, food processing, or canning operations.
  - (3) "**Alley**" shall mean a street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
  - (4) "**Automobile wrecking yard**" shall mean any premises on which more than three automotive vehicles, not in running or operating condition, are stored in the open, excluding antique cars.
  - (5) "**Basement**" shall mean that portion of any structure which is below grade, or which is partly below and partly above grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

- (6) **"Bed and Breakfast Establishments Residential"** shall mean any place of lodging that provides four or fewer rooms for rent to no more than a total of 10 tourists or transients; provides no meals other than breakfast and provides the breakfast only to renters of the place; is the owner's personal residence; is occupied by the owner at the time of rental; was originally built and occupied as a single-family residence, or prior to use as a place of lodging, was converted to use and occupied as a single-family residence and; has had completed as of April 27, 1990, any structural additions to the dimensions of the original structure, including renovation, except that a structural addition, including renovation to the structure may after April 27, 1990, be made within the dimensions of the original structure.
- (7) **"Bed and Breakfast Establishments Commercial"** shall mean any place of lodging that: provides eight or fewer rooms for rent to no more than a total of 20 tourists or transients; provides no meals other than breakfast and provides the breakfast only to renters of the place; is the owner's personal residence; is occupied by the owner at the time of rental; was originally built and occupied as a single-family residence, or prior to use as a place of lodging, was converted to use and occupied as a place of lodging; and, has had completed as of April 27, 1990, any structural additions to the dimensions of the original structure, including renovation, except that a structural addition, including renovation to the structure may after April 27, 1990, be made within the dimensions of the original structure.
- (8) **"Boarding House"** shall mean a building other than a hotel where meals, or lodging and meals, are furnished for compensation for 4 (four) or more persons, not members of a family.
- (9) **"Buildable Area"** shall mean the space remaining on a zoning lot after the minimum open space requirements (coverage, yards, setbacks) have been met.
- (10) **"Building"** shall mean any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals, or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (11) **"Building, Height of"** shall mean the vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (12) **"Campgrounds or Sites"** shall mean a tract of land with or without buildings or other equipment on which one or more cabins are located or where temporary accommodations are provided for two or more automobile trailers or house cars or tents open to the public, free or for a fee.
- (13) **"Community Living Arrangement"** shall mean any of the following

facilities licensed or operated or permitted under the authority of the State Department of Health and Social Services: child welfare agencies under §48.60, Wis. Stat., group homes for children under §48.02(7), and community-based residential facilities under §50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

- (14) **"Conditional Use"** shall mean a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.
- (15) **"Day Care Center, Group"** shall mean an establishment for the care and supervision of six (6) or more children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.
- (16) **"Day Care Home, Family"** shall mean an establishment for the care and supervision of one (1) to five (5) children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.
- (17) **"Dwelling"** shall mean a building, structure, or portion thereof, excluding a mobile home, designed or used exclusively for residential occupancy, including manufactured homes, modular homes, single-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels and motels.
- (18) **"Dwelling, One Family"** shall mean a detached building designed for or occupied exclusively by one family, which does not include tents or cabins. One-family dwellings includes a manufactured home.
- (19) **"Dwelling, Multiple"** shall mean a building or portion thereof designed for and occupied by more than two (2) families living independently of each other.
- (20) **"Dwelling, Two Family"** shall mean a detached or semi-detached building designed for or occupied exclusively by two (2) families living independently of each other.
- (21) **"Dwelling Unit"** shall mean one (1) or more rooms which are arranged, designed for use as living quarters for one family only. Individual bathrooms and complete kitchen facilities that are permanently installed, shall always be included for each dwelling unit.
- (22) **"Essential Services"** shall mean services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems, and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations,

and hydrants, but not including buildings.

- (23) **"Family"** shall mean two or more persons, each related to the other by blood, marriage, or legal adoption. A family may include, in addition, thereto, not more than two roomers, boarders or permanent guests, whether or not gratuitous.
- (24) **"Farm"** shall mean any parcel of land containing at least five (5) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.
- (25) **"Fence, Open"** shall mean a structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50 percent of their surface area open for free passage of light and air. Examples of such fences include chain link, picket, and rail fences.
- (26) **"Fence, Ornamental"** shall mean a fence whose only purpose is to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 50 percent of their surface area open for free passage of light and air. Ornamental fences are often of the picket, rail, or wrought iron type.
- (27) **"Fence, Screening"** shall mean a structure of bricks, planks, woven wire with screening inserts, or similar material erected as an enclosure, barrier, or boundary. A screening fence is erected for the purpose of preventing a view of equipment, materials, or products; may shield undesirable views; or may serve as a barrier to prohibit entry to a property at a given location. A screening fence may or may not form a complete enclosure.
- (28) **"Fence, Security"** shall mean a structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. A security fence is erected for the purpose of preventing entry to a property by unauthorized persons and protecting equipment, materials, or products contained within the enclosure. A security fence may also be erected to screen equipment, materials, or products from unauthorized view.
- (29) **"Fence, Solid"** shall mean a structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50 percent or less of their surface area open for free passage of light and air and designed to conceal the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and platten, basket weave, louvered fences, and chain link with screening inserts.
- (30) **"Floor Area"** (for determining off-street parking and loading requirements) shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional

offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

- (31) **"Forestation"** shall mean planting trees or shrubs on burned over-land, cut over land or land that was never covered by forest, consisting of five (5) or more acres.
- (32) **"Frontage"** shall mean all the property abutting one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
- (33) **"Frontage, Zoning Lot"** shall mean the length of all the property of such zoning lot fronting on a street, measured between side lot lines.
- (34) **"Garage, Private"** shall mean an accessory building or space for the storage of motor vehicles for the use of the occupants of a lot on which such building is located.
- (35) **"Garage, Public"** shall mean any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- (36) **"Garage, Storage"** shall mean any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two tons capacity shall be stored in any storage garage.
- (37) **"Holding Tank"** shall mean a tank for holding effluent per Village specifications.
- (38) **"Home Occupation"** shall mean a gainful occupation conducted by members of the family only, within their place of residence, provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, and that no stock in trade is kept or sold, that no sign other than one unlighted name plate no more than four foot square is installed and then only one person other than a member of the immediate family living on the premises is employed. A home occupation may not occupy more than 25 percent of the floor area of the residence. A home occupation may not occupy any accessory building except through the issuance of a conditional use permit. A permitted home occupation shall not be deemed to include animal hospitals or kennels.
- (39) **"Hotel"** shall mean a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms.

- (40) **"Junk (or Salvage) Yard"** shall mean an area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, used automobiles, used machinery, used building material and similar materials. A "junk" or "salvage" yard includes an auto wrecking yard.
- (41) **"Kennel"** shall mean any lot or premises wherein or whereon more than 3 dogs over 6 months of age are either permanently or temporarily kept, boarded, bred or sold.
- (42) **"Limited Forestation"** shall mean planting trees or shrubs on burned over or cut over land or land that was never covered by forest, consisting of five (5) or less acres.
- (43) **"Living Area"** shall mean the total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.
- (44) **"Lodging House"** shall mean a building other than a hotel or motel where lodging only is provided for compensation for more than two persons not members of the family.
- (45) **"Lot"** shall mean a parcel of land having a width and depth sufficient to provide the space necessary for one principal building and its accessory building, together with the open spaces required by this Chapter and abutting on a public street or officially approved place, and having the area, size and dimensions required in this Chapter for the particular zoning district.
- (46) **"Lot of Record"** shall mean a lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Brown County, Oconto County or Shawano County; or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds' Office of Brown County.
- (47) **"Lot, Corner"** shall mean a lot abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.
- (48) **"Lot, Depth of"** shall mean the mean horizontal distance between the front and rear lot line, measured within the lot boundaries.
- (49) **"Lot Area, Gross"** shall mean the area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.
- (50) **"Lot, Interior"** shall mean a lot other than a corner lot or reversed corner lot.
- (51) **"Lot Lines"** shall mean the lines bounding a lot as defined herein.
- (52) **"Lot Line, Front"** shall mean that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a public way.
- (53) **"Lot Line, Rear"** shall mean that boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

- (54) **"Lot Line, Side"** shall mean any boundary of a lot which is not a front lot line or a rear lot line.
- (55) **"Lot, Reversed Corner"** shall mean a corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (56) **"Lot Sub-Standard"** shall mean a lot that is smaller than the minimum required acreage that has been recorded with the Register of Deeds prior to the adoption of the original Zoning Ordinance.
- (57) **"Lot, Through"** shall mean a lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.
- (58) **"Lot Width"** shall mean the horizontal distance between the side lot lines of a lot, measured at the rear line of the required front yard.
- (59) **"Manufactured Home"** shall mean a structure certified and labeled as a manufactured home under 42 U.S.C. ss. 5401 to 5426, which, when placed on the site:
- a. Is set on an enclosed foundation in accordance with §70.043(1), Wis. Stats., and subchapters III, IV and Vi of Ch. ILHR 21, Wis. Admin. Code, or is set on a comparable enclosed foundation system approved by the Village Building Inspector. The Village Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
  - b. Is installed in accordance with the manufacturer's instructions.
  - c. Is properly connected to utilities.
  - d. Once placed on a site, no modular or manufactured home shall contain any axles, wheels, hitch or any other device facilitating its mobility.
- (60) **"Membrane Storage Structure"** shall mean a temporary accessory structure consisting of a frame that is covered with a plastic, fabric, canvass, metal or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles and other personal property; which term shall also apply to accessory structures commonly known as hoop houses, canopy covered carports, and garages; but shall not apply to greenhouses or temporary tents or canopies used for limited time special events such as weddings, festivals, graduations or farmers markets. (Ord. #477-08)
- (61) **"Mobile Home Sales Lot"** shall mean an area for display and inspection of Manufactured Homes not to be used for dwelling.
- (62) **"Mobile Home"** - See Sec. 51.11(a).
- (63) **"Modular Home"** shall mean manufactured buildings constructed in compliance with State of Wisconsin Uniform Dwelling Code - Wisconsin Administrative Code Chs. ILHR-20-25.
- (64) **"Motel"** shall mean a building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients or tourists.



- (65) **"Non-Conforming Use"** shall mean a building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments hereto, which use or occupancy does not conform to the regulations of this Chapter or any amendments thereto for the zoning district in which it is situated.
- (66) **"Parking Space, Off-Street"** shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriated to the circumstances of the case, and in accordance with all the ordinances and regulations of the Village.
- (67) **"Permitted Accessory Use or Structure"** shall mean a use or structure on the same lot with, and of a nature customarily incidental and subordinate to the permitted use of structure.
- (68) **"Permitted Use"** shall mean any use which may be lawfully established in a particular district provided it conforms with all requirements and regulations of such district.
- (69) **"Planning and Zoning Commission"** shall mean the Planning and Zoning Commission of the Village of Pulaski.
- (70) **"Prime Agricultural Land"** shall mean all lands which have capability unit I and II soils: farmlands of state wide importance having capability unit III soils and farmland of local significance have capability class and subclass IV, Vw, VIe, VIIe. Wetland type 3-8 found within these boundaries are not considered part of units I, II, or III.
- (71) **"Principal Use"** shall mean the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted", "conditional" or "non-conforming".
- (72) **"Professional Office"** shall mean the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than 25 percent of the floor area of any one story of a dwelling unit shall be occupied by such office and only one unlighted name plate not exceeding three square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.
- (73) **"Public Airport"** shall mean any airport which complies with the definition contained in §114.002(3), Wis. Stat., or any airport

which serves or offers to serve common carriers engaged in air transport.

- (74) **"Public Hunting & Fishing Grounds"** shall mean the land purchased or held in compliance with applicable state and federal government statutes and regulations for preservation or development of wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such statutes and regulations.
- (75) **"Right-of-Way"** shall mean:
- a. A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
  - b. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.
- (76) **"Roadside Stand"** shall mean a structure not permanently fixed to the ground and that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one lot.
- (77) **"Satellite Dish Antenna"** shall mean a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.
- (78) **"Seasonal Cottage"** shall mean a dwelling occupied less than 181 days per year.
- (79) **"Self-providing Fencing"** shall mean a fence mounted atop an above-ground swimming pool which has openings of no more than four (4) inches and a minimum height of 30 inches. The total height of an above-ground pool and the self-provided fencing shall be a minimum of seven (7) feet. **(Ord. #503-2011)**
- (80) **"Setback"** shall mean the minimum horizontal distance between the line of a building or structure and the front property line.
- (81) **"Setback Area"** shall mean the minimum horizontal area between the front, side and/or rear line of the building or use, including porches, and the lot lines, or street right-of-way lines.
- (82) **"Setback, Corner Side Yard"** shall mean the minimum horizontal distance between the side line of the building or use that runs

perpendicular to a fronting street, and the side right-of-way line perpendicular to the fronting street.

- (83) **"Setback, Front Yard"** shall mean the minimum horizontal distance between the front line of the building or use, and the street right-of-way line.
- (84) **"Setback Lines"** shall mean the lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.
- (85) **"Setback, Rear Yard"** shall mean the minimum horizontal distance between the back line of the building or use, and the rear lot line.
- (86) **"Setback, Side Yard"** shall mean the minimum horizontal distance between the side line of the building or use, and the side lot lines; unless the side line of the building or use is parallel to a street, whereas it shall be a corner side yard setback.
- (87) **"Sign"** shall mean any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, and model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.
- (88) **"Solid Waste Recycling Facility"** - As defined in §NR 500.03, Wis. Adm. Code.
- (89) **"Solid Waste Storage Facility"** - As defined in §NR 500.03, Wis. Adm. Code.
- (90) **"Solid Waste Transfer Facility"** - As defined in §NR 500.03, Wis. Adm. Code.
- (91) **"Solid Waste Disposal Site and Facilities"** shall mean commercial or municipal establishments such as sanitary land fills, dumps and incinerator sites, excluding however, auto junk yards and scrap metal salvage yards.
- (92) **"Stable"** shall mean an accessory building in which horses or domestic livestock are kept.
- (93) **"Shooting Preserve"** shall mean the land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations.
- (94) **"Story"** shall mean the portion of a building included between the surface of a floor and surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one half or more of its height above grade shall be deemed a story for purposes of height regulations.
- (95) **"Street"** shall mean all property dedicated or intended for public or private street purposes or subject to public easements therefore and 21 feet or more in width.

- (96) **"Structural Alterations"** shall mean any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.
- (97) **"Structure"** shall mean anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.
- (98) **"Survey and Plans"**, as referred to in this Chapter and as relating to the construction of highways, shall be considered as accepted by the Village Board if Village or County funds have been used in the improvement carried out according to such plans.
- (99) **"Swimming Pool"** shall mean any permanent depression in the ground or any semi-permanent to permanent above-ground contained in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. Temporary devices, such as children's wading pools, inflatable pools or similar devices, as determined by the Zoning Administrator, shall not be considered as swimming pools per this Ordinance. *(Ord. #503-2011)*
- (100) **"Village"** shall mean the Village of Pulaski.
- (101) **"Village Board"** shall mean the governing body of the Village of Pulaski.
- (102) **"Village Zoning Administrator"** shall mean the Administrator appointed by the Village Board to administer and enforce the provisions of the Zoning Ordinance.
- (103) **"Traffic Lane"** shall mean a strip of roadway intended to accommodate a single line of moving vehicles.
- (104) **"Urban Improvements"** shall mean all municipal infrastructure which is associated with metropolitan areas, including, but not limited to, sewage and water systems, curb and gutter, storm water systems, street lights and other public utilities. *(Ord. #501-2011)*
- (105) **"Variance"** shall mean a relaxation of the terms of this Chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Chapter would result in unnecessary and undue hardship. As used in this Chapter, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or uses in an adjoining district.
- (106) **"Vision Clearance"** shall mean an unoccupied triangular space at the intersection of two or more streets or highways which is bounded by the street lines or highway right-of-way lines and a setback line connecting points specified by measurement from the corner on each street or highway line.
- (107) **"Yard"** shall mean an open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward,

except for vegetation and except as otherwise provided herein. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.

- (108) **"Yard, Corner Side"** shall mean a side yard which adjoins a public street.
- (109) **"Yard, Front"** shall mean a yard extending along the full length of the front lot line between the side lot lines.
- (110) **"Yard, Interior Side"** shall mean a side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.
- (111) **"Yard, Rear"** shall mean a yard extending along the full length of the rear lot line between the side lot lines.
- (112) **"Yard, Transitional"** shall mean that yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.
- (113) **"Zoning Administrator"** shall mean the village of Pulaski Zoning Administrator.
- (114) **"Zoning District"** shall mean the divisions of the village, each area being accurately defined to boundaries and locations on the Official Zoning Map and in the Zoning Ordinance, for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

### **51.03 GENERAL PROVISIONS**

- (a) **JURISDICTION.** The jurisdiction of this Chapter shall include all lands and waters within the Village of Pulaski.
- (b) **COMPLIANCE.**
  - (1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in the conformity with all of the regulations herein specified for the district in which it is located and without the issuance of a building and zoning permit as required in Section 51.28.
  - (2) No building or other structure shall hereafter be erected or altered:
    - a. To exceed the height or bulk;
    - b. To accommodate or house a greater number of families;
    - c. To occupy a greater percentage of lot area;
    - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Chapter.
  - (3) Nothing herein contained shall require any change in the plans,

construction, size or designated use of any building or part thereof for which any permit has been issued before March 1, 1992 and the construction of which shall have been started within six months from the date of such permit.

(c) **SITE RESTRICTIONS.**

- (1) No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Village Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which are based the conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if so desired. Thereafter the Planning and Zoning Committee may affirm, modify, or withdraw the determination of unsuitability.
- (2) All lots shall abut upon a public street, and each lot shall have a minimum frontage of 30 feet.
- (3) All principal structures in single-family and two-family residential districts shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot. The Planning and Zoning Committee may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Planning and Zoning Committee may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.
- (4) No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (5) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.

(d) **USE RESTRICTIONS.** The following use restrictions and regulations shall apply:

- (1) Principal Uses: Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.

- (2) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Chapter. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's and watchman's quarters not for rent; private swimming pools; and private emergency shelters.
- (3) Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Board in accordance with Sec. 51.29.
- (4) No parcel zoned for residential use shall be used for the purpose of planting, cultivating, growing or harvesting row crops of any kind for commercial or other purposes, other than as incidental to residential gardening. (ord. #501-2011)

(e) **LOT REDUCTION OR JOINT USE.**

- (1) No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established in this Chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
- (2) If two or more lots or combinations of lots are portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Chapter, and if all of part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter.

(f) **HEIGHT REGULATIONS.** The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:

- (1) Architectural Projections, such as spires, belfries, parapet walls, Cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Chapter.
- (2) Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and

smoke stacks, are exempt from the height limitations of this Chapter.

- (3) Essential Services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Chapter.
- (4) Communication Structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- (5) Agricultural Structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
- (6) Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, and governmental offices and stations, may be erected to a height of 60 feet provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

(g) **FRONT, SIDE AND REAR YARD REGULATION.**

- (1) No part of the required front yard shall be used for permanent open storage of boats, vehicles or any other equipment except for vehicular parking on driveways. All open storage areas shall be properly landscaped.
- (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Chapter shall be included as a part of the yard or any other open space required for another building.
- (3) The yard requirements stipulated elsewhere in this Chapter may be modified as follows:
  - a. Uncovered stairs, landings, and fire escapes may project into any yard but shall not exceed six (6) feet nor be closer than three (3) feet to any lot line.
  - b. Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet.
  - c. Accessory uses, except those within the principal residence and accessory structures are permitted in the rear yard only unless a conditional use permit has first been granted by the Planning and Zoning Committee. **Ord. #424**
  - d. Off-street parking is permitted in all yards of the B-1 Business District.
  - e. Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.
  - f. Landscaping and vegetation are exempt from the yard requirements of this Chapter except as specifically



regulated.

g. A cement slab abutting a garage shall be permitted in the side yard in Residential Districts so long as the outside edge of the cement slab is no closer than two (2) feet from the adjacent side lot line.

(4) Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

(5) The required street yard, or setback, may be decreased in any residential district to the average of the existing street yards of the abutting structures on each side, but shall in no case be less than 15 feet.

(6) Corner lot structures shall provide a front yard setback as required

in this Chapter on the street that the structure faces. A second front yard setback shall be provided on the side of the structure abutting a public or private street.

(7) Every kennel shall be located at least 200 feet from the nearest dwelling on adjacent properties and at least 100 feet from any lot line.

(8) Accessory structures located in parcels zoned R-1, R-2, R-3, R-4,

R-

5 and R-6 shall be subject to the following requirements:

a. Accessory structures shall not exceed 1200 square feet in area, exceed 22 feet in height, be located closer than five (5) feet from the principal structure or any lot line, be located closer than five (5) feet from an alley right-of-way, or exceed 20% of total rear yard area.

b. There shall be no more than one (1) accessory structure in addition to one (1) private garage.

c. Any accessory structure proposed to exceed 200 square feet in area shall be subject to review by the Planning & Zoning Committee and to such conditions as may be imposed upon that structure by that Committee.

d. When an accessory structure is used to store a licensed or operable car, truck, motorcycle or recreational vehicle, and said car, truck, or recreational vehicle is moved a minimum of once per week from an accessory structure to a public roadway, a driveway consisting of paver blocks, paved asphalt or concrete shall be required. **(Ord. #484-09)**

e. The total maximum garage space for private garage structures for single-family and two-family residences in R-1, R-2, R-3 and R-4 Zoning Districts shall not exceed 1,200 square feet per lot without prior written approval of the Planning and Zoning Commission." **(Ord. #504-2011)**

## **51.04 ESTABLISHMENT OF DISTRICTS**

- (a) **ESTABLISHMENT OF DISTRICTS.** For the purpose of this Chapter, the Village of Pulaski, Brown County, Wisconsin, is hereby divided into the following zoning districts:

A-1 General Agriculture District  
R-1 Single-Family Residential  
R-2 Single-Family District  
R-3 Single-Family Residential District  
R-4 Two-Family Residential District  
R-5 Multi-Family Residential District  
R-6 Mobile Home Park District  
B-1 Central Business District  
B-2 Highway Business District  
B-3 Professional and Institutional District  
B-4 Neighborhood Business District  
I-1 Light Industrial District  
I-2 Heavy Industrial District  
INT Institutional District  
P-1 Park District  
C-1 Conservancy Overlay District  
PUD Planned Unit Development Overlay District

- (b) **ZONING MAP AND AMENDMENT.**

- (1) The location and boundaries of the districts established in this Chapter are set forth on the zoning map entitled "Zoning District Map for the Village of Pulaski, Brown County, Wisconsin, dated \_\_\_\_\_ 19\_\_" which are incorporated herein and hereby made a part of this Chapter. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Chapter as though fully set forth and described herein.
- (2) Amendments to the Zoning Map shall take effect upon adoption by the Village Board, and the filing of proof of posting or publication thereof in the office of the Village Clerk. It shall be the duty of the Village Clerk to enter all Zoning Map amendments upon the certified copy of the Zoning Map and certify the same.

- (c) **INTERPRETATION OF DISTRICT BOUNDARIES.** The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

- (1) District boundary lines are the center lines of highways, streets, alleys, and pavements; or right-of-way lines of railroads and expressways; or section, division of section, tract and lot lines; wetland mapping unit lines or such lines extended, unless otherwise indicated.
- (2) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or

highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street or highway, and length of frontage shall be in accordance with dimensions shown on the map of streets and highways, or railroad rights-of-way, unless otherwise indicated.

- (3) Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Village Board, after due hearing may extend the regulation for either portion of such lot.

## **51.05 A-1 AGRICULTURAL DISTRICT**

- (a) **GENERAL.** The A-1 General Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the village that are not yet committed to urban development. It is further the intent of this district to protect lands contained herein from urban development until their orderly transition into urban-oriented districts is required.
- (b) **PERMITTED USES.**
  - (1) General crop farming, including agriculture, floriculture, forestry, hay, orchards, truck farming, and viticulture (grape growing).
  - (2) Existing dwellings not accessory to any farm operation or dwelling remaining after consolidation of farms.
- (c) **PERMITTED ACCESSORY USES.**
  - (1) Customary accessory buildings, including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign, and other provisions of this Chapter.
  - (2) One (1) farm dwelling per operating farm.
  - (3) Attached or detached private garages and carports accessory to permitted uses, providing that such accessory uses shall not involve the conduct of a business.
  - (4) Home occupations and professional offices.
  - (5) Satellite dish antennas located on the roof of the principal structure of in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
  - (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load
- (d) **CONDITIONAL USES.**
  - (1) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
  - (2) Schools and churches
  - (3) Utilities
  - (4) Signs
  - (5) Campgrounds

- (e) **LOT AREA AND WIDTH.**
  - (1) Farm structures hereafter erected, moved, or structurally altered shall provide a contiguous area of not less than 20 acres, and no farm parcel shall be less than 500 feet in width.
  - (2) Accessory farm dwellings, existing residential structures, and farm dwellings remaining after the consolidation of existing farms shall provide a lot area of not less than 40,000 square feet and a lot width of not less than 120 feet.
- (f) **BUILDING HEIGHT AND AREA.** No building or parts of a building shall exceed 30 feet in height. No farm dwelling or other residential structure shall be less than 800 square feet in area.
- (g) **SETBACK AND YARDS.**
  - (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
  - (2) There shall be a side yard on each side of the principal structure not less than 15 feet in width.
  - (3) There shall be a rear yard of not less than 30 feet.

#### **51.06 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

- (a) **GENERAL.** The primary purpose of this district is to provide for a quiet, pleasant and relatively spacious living area for high quality, low density single-family residential development at densities not exceeding 2.7 dwelling units per net acre protected from traffic hazards and the intrusion of noncompatible land uses.
- (b) **PERMITTED USES.**
  - (1) Single-family dwellings with attached garages
  - (2) Agricultural row crops in areas without urban improvements (*Ord. #501-2011*)
- (c) **PERMITTED ACCESSORY USES.**
  - (1) Private Carports
  - (2) Detached Private Garages
  - (3) Satellite Dish Antennas located in the rear yard
  - (4) Roof mounted solar collectors
  - (5) Gardening, tool, and storage sheds incidental to the residential uses.
- (d) **CONDITIONAL USES.**
  - (1) Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
  - (2) Utilities
- (e) **LOT AREA AND WIDTH.** Lots shall have a lot area of not less than 16,000 square feet and a width of not less than 100 feet.
- (f) **BUILDING HEIGHT AND AREA.**
  - (1) No building or parts of a building shall exceed 35 feet in height. No accessory building shall exceed 15 feet in height.
  - (2) The total minimum living area of a dwelling shall be 1,400 square feet.

- (3) The minimum first floor area of a bi-level or two-story dwelling shall be 1,000 square feet.
- (4) A tri-level dwelling shall have a minimum living area of 500 square feet per level.
- (5) There shall be a minimum core area of 24 by 24 feet.
- (g) **SETBACK AND YARDS.**
  - (1) There shall be a minimum building setback of 25 feet from the street right-of-way.
  - (2) There shall be a side yard of not less than 10 feet on each side of the principal structure.
  - (3) There shall be a rear yard of not less than 30 feet. **(Ord. 508-2011)**
- (h) **ROOFS.** There must be a minimum overhang of twelve (12) inches for all roofs.
- (i) **PROHIBITED USES.**
  - (1) Agricultural row crops in areas with urban improvements. **(Ord. #501-2011)**
- (j) **GARAGES.** A two-stall, attached garage of no less than 20' x 20' in size, with a minimum of 16' of overhead door width on one side, is required. **(Ord. #416)**

#### **51.07 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT**

- (a) **GENERAL.** The primary purpose of this district is to provide for a quiet and pleasant living area for medium density single-family residential development at densities not to exceed 4.0 dwelling units per net acre protected from traffic hazards and the intrusion of noncompatible land uses.
- (b) **PERMITTED USES.**
  - (1) Single-family dwellings with attached garages
  - (2) Community living arrangement with a capacity for 8 or fewer persons served by the program
  - (3) Agricultural row crops in areas without urban improvements. **(Ord. #501-2011)**
- (c) **PERMITTED ACCESSORY USES.**
  - (1) Private Carports
  - (2) Detached Private Garages
  - (3) Home Occupations and Professional Home Offices
  - (4) Day Care Home, Family
  - (5) Satellite Dish Antennas located in the rear yard
  - (6) Roof Mounted Solar Collectors
- (d) **CONDITIONAL USES.**
  - (1) Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
  - (2) Utilities
  - (3) Community living arrangement with a capacity for 9 or more persons served by the program
  - (4) Day Care Center, Group

- (e) **LOT AREA AND WIDTH.** Lots shall have a lot area of not less than 11,000 square feet and a width of not less than 90 feet.
- (f) **BUILDING HEIGHT AND WIDTH.**
  - (1) No principal building or parts of a principal building shall exceed 35 feet in height and no accessory buildings shall exceed 15 feet in height.
  - (2) The total minimum living area of a dwelling shall be 1,200 square feet.
  - (3) The minimum first floor area of a bi-level or two-story dwelling shall be 600 square feet.
  - (4) A tri-level dwelling shall have a minimum living area of 400 square feet per level.
  - (5) There shall be a minimum core area of 24 by 24 feet.
- (g) **SETBACK AND YARDS.**
  - (1) There shall be a minimum building setback of 20 feet from the street right-of-way.
  - (2) There shall be a side yard of not less than 8 feet on each side of the principal structure.
  - (3) There shall be a rear yard of not less than 30 feet. **(Ord. 508-2011)**
- (h) **ROOFS.** There must be a minimum overhang of twelve (12) inches for all roofs.
- (i) **PROHIBITED USES.**
  - (1) Agricultural row crops in areas with urban improvements. **(Ord. #501-2011)**
- (j) **GARAGES.** A two-stall, attached garage of no less than 20' x 20' in size, with a minimum of 16' of overhead door width on one side, is required. **(Ord. #416)**

## **51.08 R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT**

- (a) **GENERAL.** The primary purpose of this district is to provide for a quiet and pleasant living area for single-family residential development at densities not exceeding 5.2 dwelling units per net acre protected from traffic hazards and the intrusion of non-compatible land uses.
- (b) **PERMITTED USES.**
  - (1) Single-family dwellings with attached garages
  - (2) Community living arrangement with a capacity for 8 or fewer persons served by the program
  - (3) Agricultural row crops in areas without urban improvements. **(Ord. #501-2011)**
- (c) **PERMITTED ACCESSORY USES.**
  - (1) Private Carports
  - (2) Detached Private Garages
  - (3) Home Occupations and Professional Home Offices
  - (4) Day Care Home, Family
  - (5) Satellite Dish Antennas Located in the Rear Yard
  - (6) Roof Mounted Solar Collectors
  - (7) Gardening, Tool and Storage Sheds Incidental to the Residential

- Use
- (d) **CONDITIONAL USES.**
    - (1) Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
    - (2) Utilities
    - (3) Community living arrangement with a capacity for 9 or more persons served by the program
  - (e) **LOT AREA AND WIDTH.** Lots shall have a lot area of not less than 8,400 square feet and a width of not less than 75 feet.
  - (f) **BUILDING HEIGHT AND AREA.**
    - (1) No principal building or parts of a principal building shall exceed 35 feet in height and no accessory building shall exceed 15 feet in height.
    - (2) The total minimum living area of a dwelling shall be 1,000 square feet.
    - (3) The minimum first floor are of a bi-level or two-story dwelling shall be 500 square feet.
    - (4) A tri-level dwelling shall have a minimum living area of 350 square feet per level.
    - (5) There shall be a minimum core area of 24 feet by 24 feet.
  - (g) **SETBACK AND YARDS.**
    - (1) There shall be a minimum building setback of 15 feet from the street right-of-way.
    - (2) There shall be a side yard of not less than 8 feet on each side of the principal structure.
    - (3) There shall be a rear yard of not less than 25 feet. **(Ord. 508-2011)**
  - (h) **ROOFS.** There must be a minimum overhang of twelve (12) inches for all roofs.
  - (i) **PROHIBITED USES.**
    - (1) Agricultural row crops in areas with urban improvements. **(Ord. 501-2011)**
  - (j) **GARAGES.** A single-stall, attached garage is required.

#### **51.09 R-4 TWO-FAMILY RESIDENTIAL DISTRICT**

- (a) **GENERAL.** The primary purpose of this district is to provide for a quite and pleasant living area for two-family residential development at densities not exceeding 10.4 dwelling units per net acre protected from traffic hazards and the intrusion of non-compatible land uses.
- (b) **PERMITTED USES.**
  - (1) Single-family dwellings with attached garages
  - (2) Community living arrangement with a capacity for 8 or fewer persons served by the program
  - (3) Two-family dwellings with attached garages
  - (4) Agricultural row crops in areas without urban improvements. **(Ord. #501-2011)**
- (c) **PERMITTED ACCESSORY USES.**

- (1) Private Carports
  - (2) Detached Private Garages
  - (3) Home Occupations and Professional Home Offices
  - (4) Day Care Home, Family
  - (5) Satellite Dish Antennas Located in the Rear Yard
  - (6) Roof Mounted Solar Collectors
  - (7) Gardening, Tool and Storage Sheds Incidental to the Residential Use
- (d) **CONDITIONAL USES.**
- (1) Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
  - (2) Utilities
  - (3) Community living arrangement with a capacity for 9 or more persons served by the program
  - (4) Day Care center, group
  - (5) Multi-family dwellings with four or fewer dwelling units
  - (6) Bed and Breakfast Establishments.
- (e) **LOT AREA AND WIDTH.** Lots shall have a minimum of 8,400 square feet in area, with not less than 4,200 square feet per dwelling unit. Lots shall be not less than 120 feet in width.
- (f) **BUILDING HEIGHT AND AREA.**
- (1) No principal building or parts of a principal building shall exceed 35 feet in height and no accessory building shall exceed 15 feet in height.
  - (2) The total minimum living area of a dwelling shall be 2,000 square feet.
  - (3) The minimum first floor area of a bi-level or two-story dwelling shall be 500 square feet for single-family dwellings and 1,000 square feet for a two-family building.
  - (4) A tri-level dwelling shall have a minimum living area of 350 square feet per level for a single-family dwelling and 700 square feet per level for a two-family building.
  - (5) There shall be a minimum core area of 24 feet by 24 feet for each side of a two-family dwelling.
- (g) **SETBACK AND YARDS.**
- (1) There shall be a minimum building setback of 10 feet from the street right-of-way.
  - (2) There shall be a side yard of not less than 8 feet on each side of the principal structure.
  - (3) There shall be a rear yard of not less than 25 feet. *(Ord. 508-2011)*
- (h) **ROOFS.** There must be a minimum overhang of twelve (12) inches for all roofs.
- (i) **PROHIBITED USES.**
- (1) Agricultural row crops in areas without urban improvements. *(Ord. 501-2011)*
- (j) **GARAGES.** A minimum of a one-stall attached garage must be supplied for each unit. If only one-stall is supplied per unit, then the garages shall be joined to each other.



## **51.10 R-5 MULTI-FAMILY RESIDENTIAL DISTRICT**

- (a) **GENERAL.** The R-5 Multi-family Residential District is intended to provide for multiple-family residential development.
- (b) **PERMITTED USES.**
- (1) Multi-family dwellings
  - (2) Two-family dwellings with attached or detached garages
  - (3) Community living arrangements
  - (4) Day Care Center, Group
  - (5) Day Care Home, Family
  - (6) Agricultural row crops in areas without urban improvements. (*Ord. 501-2011*)
- (c) **ACCESSORY USES.**
- (1) Private carports for multiple-family dwellings
  - (2) Private garages for multiple-family dwellings
  - (3) Home occupations and professional offices
  - (4) Satellite dish antennas located in the rear yard
  - (5) Roof mounted solar collectors
  - (6) Gardening, tool, and storage sheds incidental to the residential use
- (d) **CONDITIONAL USE.**
- (1) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums
  - (2) Single-family dwellings
  - (3) School and churches
  - (4) Utilities
  - (5) Bed and Breakfast Establishments
- (e) **LOT AREA AND WIDTH.**
- (1) A minimum permissible lot area for multi-family residential dwellings shall be based upon the following:
    - a. Except as provided in paragraph (e)(1)b, the minimum lot size shall be 3,630 square feet for each dwelling unit of a multi-family dwelling.
    - b. The minimum lot size may be 1,815 square feet for each dwelling unit within a multi-family dwelling upon the following conditions:
      1. A minimum of twenty-five (25%) percent of the lot area shall be green space. This green space shall be in addition to all required setback areas.
      2. A minimum of one (1) parking stall per dwelling unit within the multi-family dwelling shall be underground or in a bi-level or multi-level parking structure.
  - (2) No lot shall be less than 120 feet in width.
- (f) **BUILDING HEIGHT AND AREA.**
- (1) No building or parts of a building shall exceed 45 feet in height and no accessory building shall exceed 15 feet in height. The minimum first floor area of a principal structure shall be 1,000 square feet, and no dwelling unit shall have a livable floor area of

less than the following:

- a. Efficiency apartment--350 square feet per dwelling unit.
- b. One bedroom unit--500 square feet per dwelling unit.
- c. Two bedroom or more units--750 square feet per dwelling unit.

(g) **SETBACK AND YARDS.**

- (1) There shall be a minimum building setback of 30 feet from the street right-of-way.
- (2) There shall be a side yard on each side of all buildings of not less than 25 feet in width.
- (3) There shall be a rear yard of not less than 40 feet.

(h) **OFF-STREET PARKING.** All multi-family residential developments shall provide for a minimum of one and one-half (1-1/2) off-street parking spaces per dwelling unit within a multi-family residential dwelling. (Ord. #383)

(i) **PROHIBITED USES.**

- (1) Agricultural row crops in areas with urban improvements. (Ord. 501-2011)

#### **51.11 R-6 MOBILE HOME PARK RESIDENTIAL DISTRICT (MHP)**

(a) **DEFINITIONS.** As used herein, the following definitions shall have the terms ascribed to them:

- (1) **"Dependent Mobile Home"** shall mean a mobile home without inside toilets and bath are prohibited in a mobile home park as defined in this Chapter.
- (2) **"Issuing Authority"** shall mean the person, board or committee who has been authorized to issue respective permits.
- (3) **"Licensee"** shall mean any person licensed to operate and maintain a mobile home park under the provisions of this Chapter.
- (4) **"MHP"** shall mean a Mobile Home Park Residential District.
- (5) **"Mobile Home"** shall mean a manufactured transportable, single-family dwelling unit suitable for year-round occupancy and containing water supply, waste disposal and electrical services.
- (6) **"Mobile Home Lot or Site or Space"** shall mean a plot of ground within a mobile home park designed for the accommodation or placement of one (1) mobile home and the exclusive use of its occupants.
- (7) **"Mobile Home Owner"** shall mean the person in whose name the mobile home is titled by the State Department of Transportation.
- (8) **"Mobile Home Park"** shall mean any site, plot, parcel or tract of land used or intended to be used for the purpose of providing a location or accommodations for mobile homes and shall include all buildings used or intended to be used as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities. The term "mobile home park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the sole purpose

of inspection for the purposes of sale.

- (9) **"Permittee"** shall mean any person to whom a special permit is issued to maintain or operate a mobile home park under the provisions of this Chapter.
- (10) **"Person"** shall mean an individual, partnership, firm, corporation, association, trust, affiliation or any other type of business association or combination, whether owner, lessee, licensee or their agent, heir or assign.
- (11) "Unit" shall mean any mobile home dwelling unit.

(b) **INTENT.**

- (1) It is the intent of this Chapter that mobile homes be parked or used only within mobile home park residential zoning districts as herein provided. It shall be unlawful for any person to park or use any mobile home on any street, alley, highway or road or other public place, or on any parcel of land or other space within the village on any property outside an approved licensed mobile home park as herein specified.
- (2) It shall be unlawful for any person to place, establish, operate or maintain a mobile home on property except that zoned for mobile home park residence districts.
- (3) Subject to the terms, conditions and limitations set forth herein, it shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property within the village, a mobile home park which is not in compliance with this Chapter and Chapter 34.
- (4) It is the intent of this section that Mobile Home Parks provide a quiet and pleasant living area that is harmonious with the surrounding area. Further, Mobile Home Parks are to be well landscaped and well planned, are to provide a well planned and designed internal street system, and to be well maintained. Mobile Home Parks are not to be located in areas unsuitable for residential use.

(c) **PERMITTED USES.**

- (1) Permitted Uses: None.
- (2) Conditional Uses: Mobile home parks.

(d) **MOBILE HOME PARK REQUIREMENTS:**

- (1) Mobile Home Park Area Requirements: Each mobile home park shall comply with the following standards:
  - a. A mobile home park shall have a minimum of ten (10) acres in area.
  - b. The minimum setback for a mobile home park building, structure or unit shall be 50 feet from the right-of-way line of a street or highway which abuts the development.
  - c. Except for public utility structures, no structure or pavement of any type shall be placed closer than 40 feet from the exterior property line.
- (2) Mobile Home Site Requirements: Each mobile home site shall have:

- a. A minimum of 6,000 square feet of land area for a single mobile home for the exclusive use of the residents of the mobile home located on the site with an average (minimum) width of 60 feet and a minimum depth of 100 feet.
  - b. A minimum of 6,500 square feet of land area for a double mobile home for the exclusive use of the residents of the mobile home located on the site with an average (minimum) width of 65 feet and a minimum depth of 100 feet.
  - c. A minimum frontage for cul-de-sac sites shall be 20 feet measured along the pavement edge.
  - d. Mobile home sites with their long axis parallel to the roadway ("parallel lots") shall be a minimum 100 feet wide and 60 feet deep for a single unit, and 100 feet wide and 65 feet deep for a double-wide unit.
  - e. Each space shall be numbered.
- (3) Yard Requirements: All mobile homes shall comply with the following yard requirements:
- a. No mobile home shall be parked closer than 15 feet to the front site line nor 10 feet to the rear site line. Cul-de-sac lots shall provide a minimum 15-foot setback from the roadway edge.
  - b. There shall be an open space of at least 20 feet between adjacent mobile homes and 20 feet between adjacent mobile homes on the rear of the site lines.
- (4) Parking: The following are minimum parking requirements for mobile home parks:
- a. Each mobile home site shall have hard-surfaced (paved) off-street parking space for 2 automobiles. The parking spaces shall total a minimum of 360 square feet in area.
  - b. Access drives off roads to all parking spaces and mobile home spaces shall be hard surfaced in bituminous concrete or portland cement concrete designed to accommodate normal traffic.
- (5) Utilities: The following minimum requirements for utilities shall be maintained:
- a. There shall be no permanent obstructions impeding the inspection of plumbing, electrical facilities, utilities or other related equipment.
  - b. Garbage, waste, and trash disposal plans must conform to all state and local health and population control regulations.
  - c. The owner of a mobile home park shall pay all required sewer and utility fees or assessments to the Village Treasurer or appropriate utility.
  - d. The owner of a mobile home park may elect to either have the mobile home park master metered or to have each mobile home individually metered for water service subject

to the following:

1. Should the owner elect to have the Village meter each mobile home individually, the water mains and laterals shall be installed in accordance with the Village specifications and located in accordance with the specifications acceptable to the Village Director of Public Works. Such mains and laterals, to the curb box, shall be conveyed to the Village by such document approved by the Village. The mains and laterals shall become part of the Village's utility distribution system.
  2. Should the owner elect to locate the water mains and laterals in locations that are not acceptable to the Director of Public Works, the ownership of such mains and laterals shall remain with the mobile home park owner. The mobile home park shall, however, be metered at a strategic location approved by the Director of Public Works. The meter pit or manhole shall be installed in accordance with the specifications of the Village. The maintenance of the mains and laterals shall be the sole responsibility of the mobile home park owner. The mobile home park owner may purchase, install and bill each tenant directly for the water used and such meters shall be owned, read and maintained by the mobile home park owner.
- e. Each mobile home site shall be provided with a sewer receptacle at least 4 inches in diameter which shall be connected to receive the waste from the shower, bath, tub, flush toilet, lavatory, and kitchen sink of the mobile home harbored on such site having any or all of such facilities. The sewer in each site shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances. Each unit shall be subject to the license agreement with the Village Board.
- f. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home sites within the park, to meet the requirements of the park.
- (6) Internal Streets: All internal streets shall meet the following minimum requirements:
- a. Streets shall be hard-surfaced with bituminous concrete or portland cement concrete to accommodate the structural requirements in the Village streets as approved by the Planning and Zoning Committee.
  - b. All streets shall be developed with a paved street surface of not less than 24 feet wide. On-street parking is not permitted.

- c. Streets shall be designed to provide suitable drainage without on-street ponding of stormwater. The Village Planning and Zoning Committee or the Village Engineer may require curb, gutter, and/or storm sewers based on the natural characteristics of the site and the public health, safety and welfare.
- (7) Sidewalks: A 36-inch wide portland cement concrete sidewalk shall be built and maintained by the owner or operator providing access from roadways to all recreational areas, common use buildings, and common storage areas.
- (8) Lighting: Artificial lights shall be maintained during all hours of darkness in all buildings provided for common facilities for occupant's use. The mobile home park, streets, and pedestrian areas shall be lighted from sunset to sunrise. Entrance roads intersecting with adjacent streets shall be lighted with either public street lights or private entrance lights or a combination of both as required by the Planning and Zoning Committee.
- (9) Recreational Areas: All mobile home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and shall, where the topography permits, be centrally located. The size of such recreational areas shall be based on a ratio of providing a minimum of one and one-half (1-1/2) acres of recreational area for each one-hundred (100) mobile home sites. At least one-half of the recreational area shall be concentrated in one site, and the remaining balance may be distributed throughout the park in several smaller sites. All recreational equipment installed in such area shall be owned and maintained by the owner or operator of the mobile home park at his/her expense.
- (10) Landscaping: The following minimum landscaping requirements shall be maintained in all mobile home parks:
  - a. Each space shall be properly landscaped with at least two trees. All yards shall be sodded or planted in grass. Trees, grass and landscape materials shall be properly maintained and replaced as needed to conform to the initially approved landscaping.
  - b. All mobile home parks constructed under this Chapter shall have a greenbelt or buffer strip at least 20 feet wide along all boundaries. This area shall be landscaped with permanent plantings and/or beams to establish a screening effect. Where the adjoining property is also a mobile home park, such screening or buffer strip shall not be required on that side of the property.
  - c. All areas shall be landscaped and the landscaping shall be shown on a typical mobile home individual site plan, and also shall be shown in concept on the overall master plan.

- (11) Mobile Home Stands Required: All mobile homes shall be placed and leveled on stands consisting of either 8-inch by 16-inch by 4-inch block, or 16-inch by 16-inch by 4-inch square solid base, minimum, with a double tier of alternately crossed 8-inch block ascending; no I-beam or any portion of the mobile home frame shall rest directly on the concrete block. Wood shimming shall be used. No second or medium grade of concrete block may be used and all block must be installed with the hollow core in the vertical position.
- (12) Mobile Home Pad Required: Each mobile home site shall have a concrete pad equal to or greater than the outside dimensions of the mobile home. The concrete shall have a nominal thickness of 4 inches and shall be substantially level to facilitate the placement of the mobile home thereon, but shall have a crown or gradient for surface drainage of not less than 1/4 inch per foot.
- (13) Tie Downs and Anchors Required on All Mobile Homes: Straps and anchoring equipment shall be capable of resisting an allowable working load of not less than 3,150 pounds and capable of withstanding a 50 percent overload (4,750 pounds) without failure.
- (14) Skirting: All mobile home units shall have skirts around the entire mobile home made of plastic, fiberglass or other comparable materials and shall be of a permanent color, or painted to match the appropriate mobile home so as to enhance the general appearance thereof.
- (15) Accessory Storage Buildings or Garages: Any accessory storage building or garage in a mobile home park shall comply with other applicable Village codes. Accessory storage buildings shall be anchored.
- (16) Service Buildings:
  - a. Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statues regulating buildings, electrical installations and plumbing and sanitation systems.
  - b. The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof materials which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1 to May 1. The floors of the service buildings shall be of water impervious materials. Washing and drying machines may be installed according to needs of the park.
  - c. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
- (17) Fire Protection: Service buildings shall be equipped with fire extin-

guishers and the park with water hydrants of such type, size and number and so located within the park to comply with the Village Water Department rules and all of standard size and fitness of this department and the regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. All municipal codes regulating open fires shall be enforced.

- (18) Register of Owners: The manager of a mobile home park shall keep a registration list of mobile home owners available to the Village or its agents for inspection at reasonable times.
- (19) Inspection and Occupancy Permit: All mobile homes shall comply with State and Village fire, health, building, and plumbing regulations. Before a mobile home unit may be occupied, the mobile home owner or licensed selling agent must secure the inspection and approval of the Building Inspector regarding compliance with such regulations including the provisions of this Chapter. An occupancy permit must be issued by the village prior to occupancy of such mobile home unit.

(e) **DECLARATION OF RESTRICTIONS/RESTRICTIVE COVENANTS.**

- (1) The Village may accept a declaration of restrictions or restrictive covenants filed by the applicant petitioning for rezoning concerning the uses of the proposed parcel to be rezoned establishing lot sizes, setbacks, roadways, recreational areas, location of mobile homes, buildings, structures, and landscaping and other physical features as specified in this Chapter.
- (2) A declaration of restrictions or restrictive covenant shall run with the land and shall contain the following requirements:
  - a. A subscription clause.
  - b. The legal description of the property and master plan.
  - c. The names of the persons having an interest in the property who shall also execute the restrictive covenant or declaration of restrictions.
  - d. The names and addresses of all persons holding a security interest in the property who shall also execute the restrictive covenant or declaration of restrictions.
  - e. The declaration of restriction or restrictive covenant shall run with the land and be binding upon the property owners, grantees, successors, heirs or assigns of the property.
  - f. Contain the condition that as long as the property is zoned Mobile Home Park District that should buildings or the property be used for other than that specified in the declaration of restriction or restrictive covenant, that any building permit issued by the Village shall be null and void or that the occupancy of such building(s) or use of the property shall be considered to be in violation of the zoning ordinance of the Village.
  - g. Such declaration of restrictions or restrictive covenant run-



ning with the land shall be recorded in the Register of Deeds office for Brown County and shall be considered a restrictive covenant running with the land or declaration of restrictions running with the land and shall enure to the benefit of all abutting and contiguous properties to that of the subject property, as well as the residents of the Village of Pulaski.

(f) **MANAGEMENT.**

- (1) In every mobile home park, there shall be located the office of the person in charge of said mobile home park. In instances where the mobile home park is owned by the same persons owning other mobile home parks within the village, only one office shall be required.
- (2) The licensee or permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition.
- (3) It is the duty of the mobile home park owner or operator together with any attendants or persons in charge of a mobile home park to:
  - a. Keep a register of all principal occupants of mobile homes to be open at all times to inspection by federal, state and local officials.
  - b. Maintain the mobile home park in a clean, orderly and sanitary condition at all times.
  - c. At the time of entry into the mobile home park, obtain a signed application form, stating year in which mobile home was new, together with size and make, last prior address and current employer, plus number of and ages of children in family.

(g) **PERMITS AND LICENSES.** It shall be unlawful for any person to construct, alter, or extend any mobile home park within the limits of the village of Pulaski without a valid permit issued by the Village, under the provisions of Sec. 34.04, in the name of such person for the specific construction, alteration, or extension proposed. It shall further be unlawful for any person to operate or continue to operate a mobile home park without a valid operator's license issued by the Village in the name of the applicant.

(h) **LICENSE FEES.**

- (1) The annual license fee for each mobile home lot, site or park shall be One Hundred Dollars (\$100.00) for each fifty (50) mobile home spaces, lots or sites, or fraction thereof.
- (2) The fee for transfer of a license shall be \$10.00.

(i) **APPLICATION FOR RENEWAL OR TRANSFER OF LICENSE.**

- (1) Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, and upon review, the issuing authority shall issue a certificate renewing such license for another year.

- (2) Upon application in writing for transfer of a license and payment of the transfer fee, the issuing authority shall issue a transfer.

## **51.12 B-1 CENTRAL BUSINESS DISTRICT**

- (a) **GENERAL.** The primary purpose of the Central Business District is to serve the retail and service needs of nearby residential areas with a wide range of products and services for both daily and occasional shopping.

The following regulations shall apply in the B-1 Districts:

- |      |   |          |
|------|---|----------|
| (1)  | Accounting, auditing, bookkeeping services  | SIC 872  |
| (2)  | Advertising agency  | SIC 7311 |
| (3)  | Amusement parks   | SIC 7996 |
| (4)  | Animal Specialty Services/pet grooming,<br>kennels, animal shelters                       | SIC 0752 |
| (5)  | Apparel and accessory stores  | SIC 560  |
| (6)  | Art and school supply stores  | SIC 5999 |
| (7)  | Art Dealers   | SIC 5999 |
| (8)  | Art Galleries   | SIC 834  |
| (9)  | Auto and home supply stores   | SIC 553  |
| (10) | Automotive parking  | SIC 752  |
| (11) | Barber shops  | SIC 724  |
| (12) | Beauty shops  | SIC 723  |
| (13) | Boat Dealers  | SIC 555  |
| (14) | Book stores, except adult   | SIC 5942 |
| (15) | Bowling centers   | SIC 793  |
| (16) | Building Maintenance services   | SIC 7349 |
| (17) | Building Materials and Garden Supplies  | SIC 520  |
| (18) | Business Credit Institutions  | SIC 615  |
| (19) | Camera and photographic supply shops  | SIC 5946 |
| (20) | Camps and recreational vehicle parks  | SIC 703  |
| (21) | Child care services (Day Care services, Group Day<br>Care Center, Family Day Care Centers | SIC 835  |
| (22) | Computer and data processing services   | SIC 737  |
| (23) | Credit reporting and collection   | SIC 732  |
| (24) | Dance studios and schools   | SIC 791  |
| (25) | Department stores   | SIC 531  |
| (26) | Depository Institutions, Banks, Credit<br>Unions, etc.                                    | SIC 600  |
| (27) | Drug stores and proprietary stores  | SIC 591  |
| (28) | Eating and drinking places  | SIC 581  |
| (29) | Elementary and secondary schools  | SIC 821  |
| (30) | Employment and Help agencies  | SIC 736  |
| (31) | Engineering and Architectural Services  | SIC 871  |
| (32) | Equipment rental, small   | SIC 7359 |
| (33) | Farm machinery and Equipment sales  | SIC 5083 |
| (34) | Florists  | SIC 5992 |
| (35) | Food Stores   | SIC 540  |
| (36) | Funeral Service and crematories   | SIC 726  |

(37)	Furniture and home furnishing stores	SIC 571
(38)	Gasoline service stations	SIC 554
(39)	General Merchandise stores	SIC 530
(40)	Gift, novelty, and souvenir shops	SIC 5947
(41)	Hardware Stores	SIC 525
(42)	Hobby, toy and game shops	SIC 5945
(43)	Holding and other investment offices	SIC 670
(44)	Home Health Care Services	SIC 808
(45)	Hospitals	SIC 806
(46)	Hotels and motels	SIC 701
(47)	Household appliance stores	SIC 572
(48)	Insurance agents, brokers and services	SIC 640
(49)	Insurance Carriers	SIC 630
(50)	Landscaped Horticultural Services	SIC 078
(51)	Lawn and Garden Services	SIC 0782
(52)	Jewelry stores	SIC 5944
(53)	Laundry, cleaning and garment service	SIC 721
(54)	Legal Services	SIC 811
(55)	Libraries	SIC 823
(56)	Liquor stores	SIC 592
(57)	Luggage and leather goods stores	SIC 5948
(58)	Lumber and other building materials	SIC 521
(59)	Mailing, reproduction, stenographic services	SIC 733
(60)	Management and Public Relations Services	SIC 874
(61)	Medical and Dental laboratories	SIC 807
(62)	Medical Equipment Leasing	SIC 7352
(63)	Membership organizations	SIC 860
(64)	Mobile home dealers	SIC 527
(65)	Mortgage Bankers and brokers	SIC 616
(66)	Motion pictures theaters	SIC 783
(67)	Motorcycle dealers	SIC 557
(68)	Nursing and personal care facilities	SIC 805
(69)	Office and clinic of medical doctors	SIC 801
(70)	Office and clinic of osteopathic physicians	SIC 803
(71)	Office of other health practitioners	SIC 804
(72)	Office and clinic of dentists	SIC 802
(73)	Optical goods store	SIC 5995
(74)	Outdoor advertising services	SIC 7312
(75)	Paint, glass and wallpaper stores	SIC 523
(76)	Personal Credit Institutions	SIC 614
(77)	Pest Control	SIC 7342
(78)	Photographic studios, portrait	SIC 722
(79)	Physical fitness centers	SIC 7991
(80)	Public golf courses	SIC 7992
(81)	Real estate agents and managers	SIC 653
(82)	Real estate operators and lessors	SIC 651
(83)	Record and music stores	SIC 573
(84)	Repair shops, misc.	SIC 769
(85)	Research and Testing services	SIC 873

(86)	Residential care services	SIC 836
(87)	Retail Nurseries and garden stores	SIC 526
(88)	Re-upholstery and furniture repair shops	SIC 764
(89)	Security and commodity brokers	SIC 620
(90)	Security systems services	SIC 7382
(91)	Sewing, needlework, and piece goods stores	SIC 5949
(92)	Shoe repair	SIC 725
(93)	Sporting goods and bicycle shops	SIC 5941
(94)	Sports and recreation clubs, membership	SIC 7997
(95)	Stationery Stores	SIC 5943
(96)	Tax return preparation	SIC 729
(97)	Title abstract offices	SIC 654
(98)	Tobacco stores and newsstands	SIC 5994
(99)	Used Merchandise stores	SIC 593
(100)	Variety stores	SIC 533
(101)	Livestock services	SIC 751
(102)	Animal Specialty Services (pet grooming, kennels, animal shelters)	SIC 752
(103)	Video tape rental store	SIC 874
(104)	Vocational schools	SIC 824
(105)	Watch, clock and jewelry repair	SIC 763
(106)	Other uses as deemed appropriate by the Zoning Administrator	SIC

(b) **ACCESSORY USES.** The following accessory uses are permitted in B-1 Districts:

- (1) Parking lots
- (2) Accessory buildings or use incidental to principal use
- (3) Residential use, quarters for the owner or proprietor, located in the same building as the business.

(c) **CONDITIONAL USES.**

- (1) Amusement establishments - archery ranges, bowling alleys, shooting galleries, game rooms, swimming pools, skating rinks, and other similar amusement facilities
- (2) Auction rooms
- (3) Automotive repair shops (SIC 753)
- (4) Automotive rental and leasing (SIC 751)
- (5) Automotive services (SIC 754)
- (6) Car wash (SIC 754)
- (7) Dry cleaning establishments employing more than four (4) persons
- (8) Attached dwelling units for the owner or operator of the principal use
- (9) Eating and drinking establishments primarily engaged in drive-in and carry-out service
- (10) Greenhouses, commercial
- (11) Fuel Oil Dealers (SIC 598)
- (12) Mail order houses
- (13) Manufactured home sales (SIC 835)
- (14) Motor vehicle sales
- (15) Off-premise signs greater than three hundred (300) square feet in

- size and less than five hundred one (501) square feet in size
- (16) Parking garages or structures, other than accessory, for the storage of private passenger automobiles only
  - (17) Parking lots, open and other than accessory
  - (18) Recreational and utility trailer dealers (SIC 556)
  - (19) Used merchandise stores (SIC 593)
  - (20) Residential Use
  - (21) Other uses as deemed a similar nature by the Zoning Administrator (SIC )
- (e) **LOT AREA AND WIDTH.** Lots shall be a minimum of 3,000 square feet in area and shall not be less than 30 feet in width.
- (f) **BUILDING HEIGHT.** No principal building or parts of a principal building shall exceed 45 feet in height.
- (g) **SETBACK AND YARDS.**
- (1) No minimum setback shall be required.
  - (2) No minimum side yard shall be required, except as provided in Sec. 51.03(c) of this Chapter.
  - (3) There shall be a rear yard having a minimum depth of twenty (20) feet for a building two (2) two stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increase five (5) feet.
- (h) **CONDITIONAL USES.**
- (1) It is declared to be the purpose and intent of this subsection to protect the public health, safety, welfare, and morals of the community, to promote the stability of property values, and to impose restriction upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood and adversely affect the property values, increase crime and violence, and be repugnant to the morals of the community. In recognition of the protection afforded to the citizens under the 1st and 14th Amendments, it is not the intent to inhibit freedom of speech or the press, but rather to restrict the location of defined materials and activities consistent with the Village's interest in the present and future character of its community development.
  - (2) The following uses shall only be permitted as herein provided:
    - a. Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.
    - b. Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.
    - c. Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

- (3) Definitions.
- a. As used herein, "**nudity**" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.
  - b. As used herein, "sexual conduct" means acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.
- (4) The above conditional uses shall be subject to the following provisions:
- a. No permit shall be granted where the proposed establishment is within 500 feet of any hospital, church, school, funeral parlor, restaurant, library, museum, or playground, or any other public or private building or premises likely to be utilized by persons under the age of 18 years.
  - b. No permit shall be granted where the proposed establishment is within 1,000 feet of any area zoned residential or agricultural in the same or a contiguous town or municipality.
  - c. The applicant shall furnish the Village detailed information as to the nature of use and activity of the proposed establishment. If the application is for an establishment under subparagraph (2) (a) or (2) (b) of this subsection, the applicant shall furnish representative samples of the materials to be dealt in. If the application is for an establishment under subparagraph (2) (c) of this subsection, the applicant shall in detail specify the nature of the activity to be engaged in.
  - d. The applicant for the permit shall provide the names and addresses of the owners and occupants of all property within 300 feet of the proposed establishment.
  - e. Advertisements, displays, pictures, or other promotional materials shall not be shown or exhibited on the premises in a manner which makes them visible to the public from pedestrian ways or other public or semipublic areas.
  - f. All points of access into such establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior from any public or semipublic area.
  - g. In case of a protest signed by 20 percent or more of the persons of the area within 300 feet of the proposed establishment, the grant of such permit shall require a two-thirds vote of the Village Board.

h. The Village Board in determining whether to grant a permit hereunder shall, in addition to considerations otherwise taken into account when acting on Conditional Use Permits, consider the protection of property values in the affected area; the preservation of neighborhoods, the tendency of such use to attract an undesirable quantity or quality of transients; the tendency of such use to cause increases in crime, especially prostitution and sex-related crimes and the need for policing; the tendency of such use to cause increases in noise, traffic, and other factors interfering with the quiet and peaceful enjoyment of the neighborhood; the tendency of such use to encourage residents and businesses to move elsewhere; the protection of minors from such materials and activities; and any other factor created by the type of use being considered, along with the health, safety and general welfare of the community.

(i) **RESTRICTIONS FOR RESIDENTIAL USE.**

- (1) Off-Street Parking. The minimum parking must be one-and-one-half (1-1/2) spaces per unit within the apartment complex. These parking spaces must be provided as off-street parking. If no off-street parking is available, then the property owner must lease off-street parking within 500 feet of the property site. The lease must run at least one-year terms, which must be renewed. The Village Board must approve the lease annually. On-street parking shall not be considered in determining the parking provision for the apartment building. The parking stalls provided shall be served by a minimum eighteen (18') foot drive or aisle and each stall shall measure a minimum nine (9') feet in width and eighteen (18') feet in depth at ninety (90) degrees to the eighteen-foot aisle. The off-street parking for the apartment complex shall be in the rear of the building. The aisle may include the right of way of a public alley but shall not be less than eighteen feet. The purpose of these dimensions is to allow vehicles entering and exiting the parking lot to do so in a forward motion, assuring the safest access possible to the apartment complex.
- (2) Delivery Areas. All delivery areas shall be located within the interior of the building, including newspaper delivery boxes.
- (3) Storefront Window Remodeling. Large full-glass storefronts should be remodeled with small windows, yet the commercial appearance of the building front must be retained. This is an aesthetic requirement to protect the commercial nature of the Central Business District. An elevation view of the building front as it exists prior to conversion and a proposed elevation are required. These plans must be submitted at the time of initial application for the conditional use approval. Conformance to this requirement is on a case-by-case basis at the discretion of the Village Board.
- (4) Additional Sound Insulation. Insulation must be sound-proof rated for at least five (5) decibels outdoor to indoor noise level

reduction over the industry standard for such a structure. These plans must be submitted at the time of initial application for the conditional use approval for site plan approval.

- (5) Outside Storage. No outside storage of accessory residential items, such as barbecue grills, bicycles, planters, lawn or deck chairs, etc shall be allowed. A copy of the rental agreement to be used by the landlord for tenants must be provided with the initial application for conditional use approval that includes a statement information the tenant that such storage is not allowed.
- (6) Outdoor Laundry Facilities. All outdoor laundry facilities, such as clotheslines, are prohibited. The rental agreement must address the prohibition of all outdoor laundry facilities.
- (7) Garbage Facilities. Garbage facilities must be consolidated to one facility for the entire complex (no individual garbage cans) by use of a single dumpster or enclosed storage area. Garbage removal must be restricted to the rear of the building. The rental agreement must address the prohibition of individual garbage cans.
- (8) Compliance with State and Local Laws. All state and local laws must be followed.
- (9) Site Plan Requirements. A site plan is required with the application for conditional use approval. The site plan must show the property boundaries, exterior dimensions of the existing building and proposed additions, building setbacks, proposed and existing off-street parking, location of garbage facilities, driveways, etc. Interior building plans must also be submitted with the application that show the layout of the building and function of all rooms. The building elevations and rental agreements previously mentioned are required as part of the conditional use approval application.

### **51.13 B-2 HIGHWAY BUSINESS DISTRICT**

(a) **GENERAL.** The B-2 Business District is intended to provide for the orderly and

attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

(b) **PERMITTED USES.**

- |     |  |         |
|-----|--|---------|
| (1) | Auto and home supply stores            | SIC 553 |
| (2) | Barber shops                           | SIC 724 |
| (3) | Beauty shops                           | SIC 723 |
| (4) | Boat dealers                           | SIC 555 |
| (5) | Bowling centers                        | SIC 793 |
| (6) | Building materials and garden supplies | SIC 520 |
| (7) | Business Credit Institutions           | SIC 615 |
| (8) | Car dealers, new and used              | SIC 551 |



(9)	Computer and data processing services	SIC 737
(10)	Department Stores	SIC 531
(11)	Depository Institutions, Banks, Credit Unions, etc.	SIC 600
(12)	Eating and drinking places	SIC 581
(13)	Engineering and Architectural Services	SIC 871
(14)	Equipment rental, small	SIC 7359
(15)	Farm machinery and Equipment sales	SIC 5083
(16)	Food Stores	SIC 540
(17)	Furniture and home furnishings stores	SIC 571
(18)	Gasoline service stations	SIC 554
(19)	General Merchandise stores	SIC 530
(20)	Gift, novelty and souvenir shops	SIC 5947
(21)	Hardware stores	SIC 525
(22)	Hospitals	SIC 806
(23)	Hotels and motels	SIC 701
(24)	Household appliance stores	SIC 572
(25)	Insurance agents, brokers and services	SIC 640
(26)	Insurance Carriers	SIC 630
(27)	Landscape and Horticultural Services	SIC 078
(28)	Lawn and Garden Services	SIC 702
(29)	Legal Services	SIC 811
(30)	Lumber and other building materials	SIC 521
(31)	Medical and Dental laboratories	SIC 807
(32)	Membership organizations	SIC 860
(33)	Motorcycle dealers	SIC 557
(34)	Mortgage bankers and brokers	SIC 616
(35)	Motion picture theaters	SIC 783
(36)	Office and clinic of medical doctors	SIC 801
(37)	Office and clinic of osteopathic physicians	SIC 803
(38)	Office of other health practitioners	SIC 804
(39)	Office and clinic of dentists	SIC 802
(40)	Real estate agents and managers	SIC 653
(41)	Real estate operators and lessors	SIC 651
(42)	Recreational vehicle dealers	SIC 556
(43)	Retail Nurseries and garden stores	SIC 526
(44)	Dance Studio ( <b>Ord. No. 522-13</b> )	
(45)	Other uses as deemed appropriate by the Zoning Administrator	SIC

(c) **PERMITTED ACCESSORY USES.**

- (1) Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-

mounted, a registered engineer shall certify that the structure is adequate to support the load.

- (5) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

(d) **CONDITIONAL USES.**

- (1) Attached dwelling unit or residential quarters for the owner, proprietor, commercial tenant, employee, or care taker located in the same building as the business.
- (2) Appliance store
- (3) Car wash
- (4) Manufactured home sales
- (5) Public Utilities
- (6) Shopping centers
- (7) child daycare, group daycare and family daycare service centers.
- (8) Wholesale Distribution (*Ord. #530-14*)
- (9) Other uses as deemed a similar nature by the Zoning Administrator (SIC )

- (e) **LOT AREA AND WIDTH.** Lots shall have a minimum area of 20,000 square feet and shall be not less than 100 feet in width.

- (f) **BUILDING HEIGHT.** No principal building or parts of a principal building shall exceed 35 feet in height.

(g) **SETBACK AND YARDS.**

- (1) There shall be a minimum building setback of 40 feet from the right-of-way of all streets.
- (2) There shall be a side yard on each side of all buildings not less than 15 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.

**51.14 B-3 PROFESSIONAL OFFICE BUSINESS DISTRICT**

- (a) **GENERAL.** This district is intended to provide a spacious, well landscaped and

aesthetic environment for professional offices and institutional uses that can be operated without creating objectionable noise, odor, dust, smoke, and gas.

(b) **PERMITTED USES.**

- (1) Accounting, auditing, bookkeeping services SIC 872
- (2) Advertising agencies SIC 7311
- (3) Computer and data processing services SIC 737
- (4) Credit reporting and collection SIC 732
- (5) Depository institutions, banks and credit unions SIC 60
- (6) Engineering and architectural services SIC 877
- (7) Funeral service and crematories SIC 726
- (8) Hospitals SIC 806
- (9) Insurance agents, brokers and services SIC 64
- (10) Insurance carriers SIC 63
- (11) Legal services SIC 811

(12)Libraries	SIC 823
(13)Medical and dental laboratories	SIC 807
(14)Mortgage bankers and brokers	SIC 616
(15)Nursing and personal care facilities	SIC 805
(16)Office and clinic of medical doctors	SIC 801
(17)Office and clinic of osteopathic physicians	SIC 803
(18)Office of other health practitioners	SIC 804
(19)Office and clinic of dentists	SIC 802
(20)Security and commodity brokers	SIC 62
(21)Veterinary services	SIC 074
(22) Other uses as deemed appropriate by the Zoning Administrator	

(c) **PERMITTED ACCESSORY USES.** Accessory uses permitted in the B-1 District except for residential uses.

(d) **CONDITIONAL USES.**

- (1) Elementary Schools SIC 821
- (2) Churches
- (3) Other uses as deemed a similar nature by the  
Zoning Administrator

(e) **LOT AREA AND WIDTH.** Lots shall be a minimum of 10,000 square feet in area

and shall not be less than 100 feet in width.

(f) **BUILDING HEIGHT AND AREA.** No principal building or parts of a principal building shall exceed 35 feet in height.

(g) **SETBACK AND YARDS.**

- (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure of not less than 20 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.

(h) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO PLANNING AND ZONING COMMITTEE.** To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Planning and Zoning Committee. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

### **51.15 B-4 NEIGHBORHOOD BUSINESS DISTRICT**

(a) **GENERAL.** The B-4 Business District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area.

(b) **PERMITTED USES.**

- (1) Accounting, auditing, bookkeeping services SIC 872
- (2) Advertising agency SIC 7311

(3)	Art Galleries	SIC 834
(4)	Barber shops	SIC 724
(5)	Beauty shops	SIC 723
(6)	Book stores, except adult	SIC 5942
(7)	Camera and photographic supply shops	SIC 5946
(8)	Child care services (Day Care services, Group) Day Care Center, Family Day Care Center)	SIC 835
(9)	Computer and data processing services	SIC 737
(10)	Credit reporting and collection	SIC 732
(11)	Dance studios and schools	SIC 791
(12)	Depository Institutions, Banks, Credit Unions, etc.	SIC 600
(13)	Drug stores and proprietary stores	SIC 591
(14)	Engineering and Architectural Services	SIC 871
(15)	Florists	SIC 5992
(16)	Food Stores	SIC 540
(17)	Gift, novelty, and souvenir shops	SIC 5947
(18)	Hobby, toy and game shops	SIC 5945
(19)	Insurance agents, brokers and services	SIC 640
(20)	Insurance Carriers	SIC 630
(21)	Jewelry stores	SIC 5944
(22)	Laundry, cleaning and garment service	SIC 721
(23)	Legal Services	SIC 811
(24)	Liquor stores	SIC 592
(25)	Medical and Dental laboratories	SIC 807
(26)	Membership organizations	SIC 860
(27)	Mortgage Bankers and brokers	SIC 616
(28)	Office and clinic of medical doctors	SIC 801
(29)	Office and clinic of osteopathic physicians	SIC 803
(30)	Office of other health practitioners	SIC 804
(31)	Office and clinic of dentists	SIC 802
(32)	Optical goods store	SIC 5995
(33)	Photographic studios, portrait	SIC 722
(34)	Real estate agents and managers	SIC 653
(35)	Real estate operators and lessors	SIC 651
(36)	Record and music stores	SIC 573
(37)	Repair shops, misc.	SIC 769
(38)	Sewing, needlework, and piece goods stores	SIC 5949
(39)	Shoe repair	SIC 725
(40)	Sporting goods and bicycle shops	SIC 5941
(41)	Sports and recreation clubs, membership	SIC 7997
(42)	Video tape rental store	SIC 874
(43)	Watch, clock and jewelry repair	SIC 763
(44)	Eating and Drinking Establishments	
(45)	Other uses deemed appropriate by the Zoning Administrator	SC

(c) **ACCESSORY USES.**

- (1) Garages for storage of vehicles used in conjunction with the operation of business.

- (2) Off-street parking and loading areas.
  - (3) Residential quarters for the owner or proprietor, located in the same building as the business.
  - (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
  - (5) Roof-mounted, solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- (d) **CONDITIONAL USES.**
- (1) Animal specialty services/pet grooming, kennels, animal shelters SIC 0752
  - (2) Eating and drinking places SIC 581
  - (3) Funeral service and crematories SIC 726
  - (4) Gasoline service stations SIC 554
  - (5) Other uses as deemed a similar nature by the Zoning Administrator.
- (e) **LOT AREA AND WIDTH.** Lots shall be a minimum of 6,000 square feet in area and shall not be less than 30 feet in width.
- (f) **BUILDING HEIGHT.** No principal building or parts of a principal building shall exceed 30 feet in height.
- (g) **BUILDING SETBACK.**
- (1) There shall be a minimum building setback of 30 feet from the street right-of-way.
  - (2) There shall be a side yard on each side of the principal structure. For buildings not over 1-1/2 stories high, the sum of the widths of the required side yards shall not be less than twenty-five (25) feet, and no single side yard shall be less than ten (10) feet in width.
  - (3) For structures from 1-1/2 stories to 2-1/2 stories high, the sum of the widths of the required side yards shall be not less than thirty (30) feet, and no single side yard shall be less than twelve (12) feet in width.
  - (4) There shall be a rear yard of not less than 25 feet.

**51.16 I-1 LIGHT INDUSTRIAL DISTRICT**

- (a) **GENERAL.** The I-1 Industrial District is intended to provide for the orderly development of light manufacturing or light industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as well reasonably ensure compatibility with the surrounding area in this respect.
- (b) **PERMITTED USES.**
- (1) Agricultural services SIC 07
  - (2) Apparel manufacture SIC 23

(3)	Appliance repair	SIC 7699
(4)	Automotive services	SIC 754
(5)	Automotive truck, trailer leasing	SIC 751
(6)	Blacksmith shops	SIC 7699
(7)	Building cleaning and maintenance services	SIC 734
(8)	Bus charter service	SIC 414
(9)	Communications equipment manufacture	SIC 366
(10)	Computer and office equipment manufacture	SIC 357
(11)	Contractors: carpentry and floor work	SIC 175
(12)	Contractors: concrete work	SIC 177
(13)	Contractors: electrical	SIC 173
(14)	Contractors: masonry, stonework, tile, plastering	SIC 174
(15)	Contractors: painting and paper hanging	SIC 172
(16)	Contractors: plumbing, heating and air conditioning	SIC 171
(17)	Contractors: roofing, siding, and sheet metal work	SIC 176
(18)	Electronic components and accessories manufacture	SIC 367
(19)	Equipment rental and leasing	SIC 735
(20)	Farm machinery and equipment, sales	SIC 5083
(21)	Farm machinery repair	SIC 7699
(22)	Farm supplies wholesale	SIC 5191
(23)	Food manufacturing facilities, except slaughtering	SIC 20
(24)	Footwear manufacture	SIC 314
(25)	Furniture and fixture manufacture	SIC 25
(26)	General building contractors, except heavy construction	SIC 15
(27)	Gloves and mitten manufacture	SIC 3125
(28)	Handbags and other personal leather goods	SIC 317
(29)	Household audio and video equipment	SIC 365
(30)	Laundry, cleaning, and garment services	SIC 721
(31)	Locksmith shops	SIC 7699
(32)	Luggage manufacture	SIC 316
(33)	Lumber and other building supplies and sales	SIC 521
(34)	Mailing, reproduction, commercial art supplies	SIC 733
(35)	Miscellaneous fabricated textile product manufacture	SIC 239
(36)	Motorcycle repair shops, including sales	SIC 7699
(37)	Pest control services	SIC 734
(38)	Photographic equipment manufacture	SIC 386
(39)	Photography and stenographic services	SIC 733
(40)	Printing and publishing	SIC 27
(41)	Printing service industries, typesetting	SIC 279
(42)	Professional and scientific instrument manufacture	SIC 38

(43)	Retail nurseries, lawn and garden supply stores	SIC 526
(44)	Re-upholstery and furniture repair	SIC 764
(45)	School bus establishment	SIC 415
(46)	Surgical, medical and dental supplies and manufacture	SIC 384
(47)	Taxidermists	SIC 7699
(48)	Textile mill products	SIC 22
(49)	Warehousing and storage	SIC 422
(50)	Watches and clocks manufacture	SIC 387
(51)	Wholesale trade-nondurable goods, except chemicals	SIC 051
(52)	Wholesale trade-durable goods	SIC 050
(53)	Wood kitchen cabinets manufacture	SIC 2434
(54)	Other uses as deemed appropriate by the Zoning Administrator	SIC

(c) **PERMITTED ACCESSORY USES.**

- (1) Garages for storage of vehicles used in conjunction with the operation of an industry.
- (2) Off-street parking and loading areas.
- (3) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
- (4) Residential quarters for the owner or caretaker.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

(d) **CONDITIONAL USES.**

(1)	Business services, miscellaneous	SIC 738
(2)	Contractors: well drilling	SIC 178
(3)	Farm machinery repair	SIC 7699
(4)	Miscellaneous wood manufacture	SIC 2499
(5)	Miscellaneous light manufacturing	SIC 39
(6)	Repair services, miscellaneous	SIC 76
(7)	Sawmills and planing mills	SIC 242
(8)	Septic tank cleaning services	SIC 7699
(9)	Sewer cleaning	SIC 7699
(10)	Special trade contractors, except excavation and demolition	SIC 17
(11)	Welding shops	SIC 7692
(12)	Other uses deemed a similar nature by the Zoning Administrator.	SIC

(e) **CERTAIN INCOMPATIBLE USES PROHIBITED.**

- (1) Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, proxline, and radium.

- (2) Processing ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, pyroxyline, and radioactive materials.
- (3) Storage of explosives, gasoline in excess of 50,000 gallons, grease and radioactive materials.
- (4) Garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.
- (f) **LOT AREA AND WIDTH.** Lots shall have a minimum of 15,000 square feet in area and shall be not less than 100 feet in width.
- (g) **BUILDING HEIGHT AND AREA.**
  - (1) No building or parts of a building shall exceed 60 feet in height.
  - (2) No building or buildings shall occupy more than 50 percent of the lot area.
- (h) **SETBACK AND YARDS.**
  - (1) There shall be a minimum building setback of 25 feet from the street right-of-way.
  - (2) There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for a building up to 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
  - (3) There shall be a rear yard of not less than 25 feet.
- (i) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO PLANNING AND ZONING COMMITTEE.** To encourage an industrial use environment that is compatible with the character of the village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Planning and Zoning Committee. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, location and landscape plans.

**51.17 I-2 HEAVY INDUSTRIAL DISTRICT**

- (a) The I-2 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operation characteristics, would not be detrimental to the surrounding area or to the town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts
- (b) **PERMITTED USES.**
  - (1) Aircraft and parts manufacture SIC 372
  - (2) Apparel manufacture SIC 23



(3)	Computer and office equipment manufacture	SIC 357
(4)	Converted paper and paper board products and manufacture	SIC 267
(5)	Electronic and electrical equipment manufacture	SIC 36
(6)	Fabricated metal products manufacture	SIC 34
(7)	Food manufacturing facilities	SIC 20
(8)	Furniture and fixture manufacture	SIC 25
(9)	General building contractors	SIC 15
(10)	Heavy construction contractors	SIC 16
(11)	Industrial and commercial machinery manufacture	SIC 35
(12)	Leather and leather products manufacturer	SIC 31
(13)	Lumber and wood products manufacture	SIC 24
(14)	Millwork, veneer, plywood and structural wood manufacturer	SIC 243
(15)	Motor freight transportation and warehousing	SIC 42
(16)	Motor freight terminal and maintenance terminals	SIC 423
(17)	Motor vehicles and motor vehicle equipment manufacture	SIC 371
(18)	Motorcycles, bicycles and parts manufacture	SIC 375
(19)	Pallets and skid manufacture	SIC 2441
(20)	Paper and allied products manufacture	SIC 26
(21)	Paper mills	SIC 262
(22)	Paperboard containers and box manufacture	SIC 265
(23)	Printing, publishing and allied industries	SIC 27
(24)	Professional and scientific instrument manufacture	SIC 38
(25)	Public warehousing and storage	SIC 422
(26)	Pulp mills	SIC 261
(27)	Railroad equipment	SIC 374
(28)	Railroad transportation	SIC 40
(29)	Rubber and plastics manufacture	SIC 30
(30)	Sawmills and planing mills	SIC 242
(31)	Ship and boat building and repair establishments	SIC 373
(32)	Special trade contractors	SIC 17
(33)	Stone, clay, glass, and concrete products manufacturer	SIC 32
(34)	Textile mill products	SIC 22
(35)	Transportation equipment and manufacturers	SIC 37
(36)	Trucking and courier services	SIC 421
(37)	Wholesale trade-durable goods	SIC 50
(38)	Wholesale trade non-durable goods	SIC 51
(39)	Wood containers manufacturers	SIC 244
(40)	Other uses deemed appropriate by the Zoning Administrator	SIC

(c) **PERMITTED ACCESSORY USES.**

- (1) Garages for storage of vehicles used in conjunction with the operation of an industry.
- (2) Off-street parking and loading areas.

- (3) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
- (4) Residential quarters for the owner or caretaker.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

(d) **CONDITIONAL USES.**

- (1) Asphalt paving and roofing establishments SIC 2951
- (2) Chemicals and allied product manufacture SIC 28
- (3) Electrical power generation facilities SIC 491
- (4) Landfill sites SIC 4953
- (5) Mining and quarrying of nonmetallic minerals SIC 14
- (6) Miscellaneous heavy industry SIC 38
- (7) Motor vehicle parts used-retail and wholesale  
(salvage yards) SIC 5015
- (8) Petroleum refining SIC 2911
- (9) Primary metals industries, steel works, foundries,  
castings SIC 33
- (10) Sand and gravel extraction and preparation SIC 144
- (11) Scrap and waste material firms (junk yards,  
recycling centers) SIC 5093
- (12) Sewerage systems (wastewater treatment plants) SIC 4952
- (13) Sludge disposal sites
- (14) Other uses deemed similar in nature by the  
Zoning Administrator SIC

(e) **CERTAIN INCOMPATIBLE USES PROHIBITED.**

- (1) Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, proxline, and radium.
- (2) Processing ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, pyroxyline, and radioactive materials.
- (3) Storage of explosives, gasoline in excess of 50,000 gallons, grease and radioactive materials.
- (4) Garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

(f) **LOT AREA AND WIDTH.** Lots shall have a minimum of 15,000 square feet in area and shall be not less than 100 feet in width.

(g) **BUILDING HEIGHT AND AREA.**

- (1) No building or parts of a building shall exceed 60 feet in height.
- (2) No building or buildings shall occupy more than 50 percent of the lot area.

(h) **SETBACK AND YARDS.**

- (1) There shall be a minimum building setback of 25 feet from the

- street right-of-way.
- (2) There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for a building up to 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
  - (3) There shall be a rear yard of not less than 25 feet.
- (i) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO PLANNING AND ZONING COMMITTEE.** To encourage an industrial use environment that is compatible with the character of the village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Planning and Zoning Committee. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, location and landscape plans.

**51.18 INT-1 INSTITUTIONAL DISTRICT**

- (a) **GENERAL.** The INT-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.
- (b) **PERMITTED USES.**
  - (1) Public or private schools, colleges, and universities
  - (2) Churches
  - (3) Funeral homes
  - (4) Hospitals, sanatoriums, nursing homes, and clinics
  - (5) Libraries, community centers, museums, and public art galleries
  - (6) Public administrative offices, and public service buildings, including fire and police stations
  - (7) Public utility offices
  - (8) Other uses deemed appropriate by the Zoning Administrator.
- (c) **PERMITTED ACCESSORY USES.**
  - (1) Residential quarters for caretakers or clergy.
  - (2) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
  - (3) Service buildings and facilities normally accessory to the permitted use.
  - (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
  - (5) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- “(d) **CONDITIONAL USES.**
  - (1) Commercial uses associated with the permitted use.
  - (2) Mausoleum operations.

- (3) All single family residential uses permitted under R-1, R-2 and R-3 Zoning Districts.
  - (4) All multi-family residential uses permitted under R-4 and R-5 multi-family Zoning Districts.
  - (5) Other uses similar in nature as deemed by the Zoning Administrator."
- (e) **LOT AREA AND WIDTH.** Lots shall be a minimum area of 12,000 square feet in area and shall not be less than 80 feet in width.
- (f) **BUILDING HEIGHT AND AREA.**
- (1) No principal building or part of a principal building shall exceed 60 feet in height.
  - (2) Residential uses permitted in the INT-1 district shall comply with the building area requirements of the R-2 Single-Family Residential District.
- (g) **SETBACK AND YARDS.**
- (1) There shall be a minimum building setback of 30 feet from the right-of-way of all streets.
  - (2) There shall be a side yard on each side of all buildings not less than 10 feet in width.
  - (3) There shall be a rear yard of not less than 25 feet.
- (h) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO PLANNING AND ZONING COMMITTEE.** To encourage an institutional use environment that is compatible with the residential character of the Village, building permits for permitted uses in the Institutional District shall not be issued without review and approval of the Planning and Zoning Committee. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

#### **51.19 P-1 PARK DISTRICT**

- (a) **GENERAL.** The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Village of Pulaski can be met without undue disturbance of natural resources and adjacent uses.
- (b) **PERMITTED USES.**
- (1) Botanical gardens and arboretums
  - (2) Exhibition halls
  - (3) Fairgrounds
  - (4) Golf courses without county club facilities
  - (5) Historic monuments or sites
  - (6) Hiking, biking, and nature trails
  - (7) Neighborhood tot lots
  - (8) Outdoor skating rinks
  - (9) Park and playgrounds
  - (10) Picnicking areas
  - (11) Playfields or athletic fields
  - (12) Public art galleries
  - (13) Sledding, skiing or tobogganing

- (14) Swimming beaches
  - (15) Swimming pools
  - (16) Tennis courts
  - (17) Other uses as deemed appropriate by the Zoning Administrator
- (c) **PERMITTED ACCESSORY USES.**
- (1) Buildings accessory to the permitted use.
  - (2) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
  - (3) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- (d) **CONDITIONAL USES.** Such conditional uses as shall be deemed appropriate by the Zoning Administrator. (*Ord. 509-2011*)
- (e) **BUILDING HEIGHT.** No building or part of a building shall exceed 35 feet in height.
- (f) **YARDS.** No building or structure shall be erected, altered, or moved closer than 40 feet to a lot line.
- (g) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO PLANNING AND ZONING COMMITTEE.** To encourage a recreational use environment that is compatible with the residential character of the Village, building permits for permitted uses in the Park District shall not be issued without review and approval of the Planning and Zoning Committee. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans. Municipally owned facilities shall be exempt from site plan review.

## **51.20 C-1 CONSERVANCY OVERLAY DISTRICT**

- (a) **GENERAL.** The C-1 Conservancy Overlay District is intended to provide adequate natural areas for the drainage of surface and storm water, and to protect and promote the general health, safety and welfare of the community; and to protect natural resource areas containing wetlands, wildlife habitat, natural water or drainage courses, and areas of the community of scenic beauty and aesthetic value. Areas within the Conservancy Overlay District shall be maintained in a natural state as much as practical, as determined by the Village Zoning Administrator. The maintenance of conservancy areas in a natural state is to insure the uniformity of the ecosystem. Natural vegetation, shrubbery and trees shall be preserved wherever possible as required by the Village Zoning Administrator.
- (b) **PERMITTED USES.**
- (1) The establishment and development of:
    - a. Public parks and recreations areas
    - b. Private parks and recreation areas
    - c. Natural and Outdoor education areas
    - d. Historic and Scientific areas

- e. Wildlife refuges
  - f. Game preserves
  - g. Private wildlife habitat areas; provided that:
    - 1. Any private recreation or wildlife habitat areas must be exclusively used for that purpose;
    - 2. No filling is permitted; and,
    - 3. Ditching, excavating, dredging, dike and dam construction is allowed in wildlife refuges, game preserves and private wildlife habitat areas, only for the purpose of improving wildlife habitat or to otherwise enhance wetland value.
- (2) Urban Forestry
- (3) Silvicultural thinning and tree cutting, provided:
- a. No more than thirty (30%) percent gross of the trees existing on the entire property at the time of the establishment of the Conservancy District, shall be cut and the cutting of this 30% shall not create a clear cut opening greater than thirty (30) feet wide for every 100 feet in any direction.
  - b. A cutting plan consisting of a site plan and accompanying documentation shall be submitted to the Village Zoning Administrator prior to any tree cutting in the Conservancy Overlay District.
  - c. The cutting plan shall include a drawn to scale plan of the boundaries of the land owned by the applicant, including:
    - 1. All existing buildings and structures located on the subject property and adjacent to the property;
    - 2. Location of parking or paved areas;
    - 3. Topography of the land;
    - 4. Existing tree locations;
    - 5. Proposed cutting; and
    - 6. Proposed replanting.

NOTE: Any variation from the clear cut area restriction of 30 feet wide every 100 feet in any direction shall require Planning and Zoning Committee approval of the required cutting plan. The Committee may approve the plan if it finds that such special cutting will not cause undue erosion or destruction of scenic beauty and will not increase the impact of surface water runoff from dwellings, accessory buildings or structures and parking or paved areas.
  - d. The management of trees and approval of cutting plans within all conservancy areas of the Village of Pulaski shall be in accordance with any urban forestry plans adopted by the Village and in instances where the requirements of this Chapter and any adopted urban forestry plan conflict, the most restrictive requirement shall govern.
- (4) Arboreta, botanical and zoological gardens
- (5) Hiking, fishing, trapping
- (6) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice,

berries, tree fruits and tree seeds, in a manner that is not injurious to the natural functions of the wetland, drainageway or wildlife habitat

- (7) Leveling of piles of dirt as long as there is no filling
- (8) Other uses as deemed appropriate by the Zoning Administrator

(c) **CONDITIONAL USES.**

- (1) Storm Water Management and Maintenance of natural drainageways such as dredging, grading, channelization and water course obstruction removal; provided:

a. A site plan for the proposed activity is submitted to the Planning and Zoning Committee as part of the conditional use approval application, depicting the following:

- 1. The property lines of lands on which the activity will occur;
- 2. All existing conditions, including structures, paved areas, vegetated areas, shrubbery and trees;
- 3. The proposed limits of the work or management area;
- 4. A written description and graphic delineation of the activity proposed;
- 5. Proposed erosion control to mitigate impacts downstream and on water quality;
- 6. A written explanation and justification of the need for the activity in terms of storm water management and the impacts of the project on adjacent properties both upstream and downstream.

- (2) Hiking and biking trails (public or private) subject to approval of a site plan, submitted as part of the conditional use approval application, showing:

- a. The proposed route of the trail;
- b. Path or passage;
- c. Construction design; and
- d. Erosion control measures during and after construction.

NOTE: All trails, paths, etc., shall be constructed so as to be effective in controlling erosion and to preserve existing trees, shrubbery, vegetation and natural beauty of the area.

- (3) Golf courses
- (4) Public road construction
- (5) Public utilities

(d) **OTHER REQUIREMENTS.**

- (1) Noxious weeds must be removed per Village ordinance.
- (2) No fences are allowed.
- (3) Leveling of existing topsoil and base material is allowed provided there is no filling.
- (4) No compost piles are allowed.
- (5) No wild animals may be kept.

- (a) **GENERAL.** The PDO Planned Development Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PDO Overlay District under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining, insofar as possible, the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the town upon specific petition under this Section and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section have been met.
- (b) **PERMITTED USES.** Uses permitted in a Planned Development Overlay District shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.
- (c) **MINIMUM AREA REQUIREMENTS.** Areas designated as Planned Development Overlay Districts shall be under single or corporate ownership or control and shall contain a minimum development area of:

<u>Principal Uses</u>	<u>Minimum Area of PDO</u>
Residential PDO	5 acres
Commercial PDO	3 acres
Industrial PDO	20 acres

- (d) **PROCEDURAL REQUIREMENTS.**
- (1) Pre-petition Conference. Prior to the official submission of the petition for the approval of a Planned Development Overlay District, the owner or his agent making such petition shall meet with the Planning and Zoning Committee or its staff to discuss the scope and proposed nature of the contemplated development.
- (2) Petition and Fee. Following the pre-petition conference, the owner or his agent may file a petition with the Building Inspector for approval of a Planned Development Overlay District. Such



petition shall be accompanied by a review fee, as required by the Village Board and the following information:

- (3) A statement which sets forth the relationship of the proposed PDO to village's adopted master plan, if applicable, or any adopted component thereof, and the general character of and the uses to be included in the proposed PDO, including the following information:
  - a. Total area to be included in the PDO, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
  - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
  - c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
  - d. Any proposed departures from the standards of development as set forth in the village's zoning regulations, other village regulations or administrative rules, or other universal guidelines.
  - e. The expected date of commencement of physical development as set forth in the proposal.
- (4) A general development plan including:
  - a. A legal description of the boundaries of the subject property included in the proposed PDO and its relationship to surrounding properties.
  - b. The location of public and private roads, driveways, and parking facilities.
  - c. The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
  - d. The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
  - e. The type, size, and location of all structures.
  - f. General landscape treatment.
  - g. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
  - h. The existing and proposed location of public sanitary sewer and water supply facilities.
  - i. The existing and proposed location of all private utilities or other easements.
  - j. Characteristics of soils related to contemplated specific uses.
  - k. Existing topography on the site with contours at no greater



development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the town.

e. Public water and sewer facilities shall be provided.

f. The entire tract or parcel of land to be included in a Planned Development Overlay District shall be held under single ownership, or if there is more than one (1) owner, the petition for such Planned Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PDO as a single parcel, lot or tract and be so recorded with the Register of Deeds for Brown, Oconto or Shawano County.

(5) That in the case of a proposed residential Planned Development Overlay District:

a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.

b. The total net residential density within the Planned Development Overlay District will be compatible with the Village master plan or component thereof.

c. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.

d. Adequate, continuing fire and police protection is available.

e. The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.

f. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation or maintenance or by dedication to the public.

(6) That in the case of a proposed commercial Planned Development Overlay District:

a. The proposed development will be adequately served by off-street parking and truck service facilities.

b. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.

c. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.

d. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and

harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

- (7) That in the case of a proposed industrial Planned Development Overlay District:
- a. The operational character, physical plant arrangement and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood.
  - b. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
  - c. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately serviced by rail and/or highway facilities.
  - d. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (f) **DETERMINATION.** The Village Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Village Board.
- (g) **CHANGES AND ADDITIONS.** Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Planning and Zoning Committee, and if in the opinion of the Committee, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Committee shall be required and notice thereof be given pursuant to the provisions of this Chapter, and said proposed alterations shall be submitted to the Village Board for approval.
- (h) **SUBSEQUENT LAND DIVISION.** The division of any land or lands within a Planned Development Overlay District for the purpose of change of conveyance of ownership shall be accomplished pursuant to the land division regulations of the village and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PDO approval.

## **51.22 PARKING, AND TRAFFIC VISIBILITY, ACCESS**

- (a) **GENERAL PARKING REQUIREMENTS.**
- (1) Parking areas may be located in any yard space for commercial and industrial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line.

No parking space or area shall be permitted within five (5) feet of a property line in a side yard.

- (2) Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
- (3) Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
- (4) All off-street parking for more than four (4) vehicles shall be graded and surfaced with asphalt or concrete areas so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.
- (5) All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- (6) Where a building permit has been issued prior to the effective date of this Chapter, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Chapter.
- (7) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor units, floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
- (8) None of the off-street facilities as required in this Chapter shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this Chapter shall apply only to the enlarged portion of the building or use.
- (9) Driveway approaches shall be so constructed so as not to restrict the natural flow of water. Property owners shall be financially responsible for providing the proper size culvert necessary for driveways if needed as determined by the Village Zoning Administrator.

(b) **SPECIFIC PARKING REQUIREMENTS.** The following uses shall be subject to the following minimum parking requirements:

<u>Use</u>	<u>Minimum Parking Required</u>
(1) Single-family dwellings and	Two (2) spaces for each dwelling

	unit manufactured homes	
(2)	Multiple-family dwellings	One and a half (1.5) spaces for each dwelling unit
(3)	Motels, hotels, bed and room breakfast establishments	One (1) space for each guest plus one (1) space for each three (3) employees
(4)	Hospitals, clubs, lodges, beds dormitories, and lodging and boarding houses	One (1) space for each two (2) plus one (1) space for each three (3) employees
(5)	Sanitariums, institutions, nursing homes, community-based residential facilities	One (1) space for each five (5) beds rest and plus one (1) space for each three (3) employees
(6)	Medical and dental clinics	Five (5) spaces for each doctor
(7)	Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	One (1) space for each five (5) seats
(8)	Colleges, secondary and elementary schools	One (1) space for each two (2) employees plus one (1) space for each 10 students of 16 years of age or more
(9)	Restaurants, bars, places of entertainment, repair shops, and retail and service stores	One (1) space for each 150 square feet of floor area and one (1) space for each two (2) employees
(10)	Manufacturing and processing, plants, laboratories, and warehouses	One (1) space for each two (2) employees
(11)	Financial institutions, and business, government, and professional offices	One (1) space for each 300 square feet of floor area and one (1) space for each two (2) employees
(12)	Funeral homes	One (1) space for each four (4) seats
(13)	Bowling alleys	Five (5) spaces for each alley

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|------|--|--|
| (14) | Lodges and clubs                           | One (1) space for each five (5) members  |
| (15) | Automobile repair garages                  | One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area used for repair work |
| (16) | Gasoline filling stations similar facility | Three (3) spaces for each grease rack or one (1) space for each attendant  |
- (c) **TRAFFIC VISIBILITY.** No vision obstructions such as structures, parking or vegetation, including trees, hedges or crops, shall be permitted in any district at any highway, street or alleyway intersection, between the heights of two and one-half (2.5) feet and ten (10) feet above the plane of the vision clearance triangle described as being that triangular area two of whose sides are formed by the intersecting property lines that form the corner of the property which abuts the highway, street or alleyway intersection, the length of which sides are no less than 25 feet in length as measured from the corner formed by the intersecting property abutting the highway, street or alleyway intersection.
- (d) **LOADING REQUIREMENTS.** In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.
- (e) **DRIVEWAYS.** Driveways shall comply with Sec. 16.04 of the Municipal Code of Ordinances.

### **51.23 FENCES AND HEDGES; OUTDOOR STORAGE**

- (a) **PERMIT REQUIRED.** No person shall erect or construct on any property in the village of Pulaski without first having obtained a permit for such fence construction from the Zoning Administrator and having paid a fee established by the Village Board to the Village Clerk.
- (b) **DEFINITION.** For the purposes of this Chapter a fence is herein defined as an enclosing barrier consisting of vegetation, wood, stone, metal, brick, cement or other material. The term "fence" shall be construed to include planting, such as hedges.
- (c) **LOCATION.** Fences and hedges may be located at the lot line but may not extend over or across the lot line. No fence or other structure consisting in whole or in part of barbed wire, rods or bands or other material dangerous to life or limb, shall be erected along or within four (4) feet of any public right-of-way streets, sidewalks or alleys. No fence shall be located in any public right-of-way. **(Ord. #370)**
- (d) **CONSTRUCTION AND MAINTENANCE.**
- (1) Fences shall be constructed in a workman-like manner and of substantial material reasonably suited for its intended purpose. Every fence shall be maintained on both sides in a condition of

good repair and shall not be allowed to become or remain in a condition of disrepair or danger, or constitute a nuisance, public or private.

- (2) Any fence which is, or has become dangerous to public health or welfare is hereby declared a public nuisance and may be subject to proceedings by the Village for the abatement thereof. **(Ord. #370)**
  - (3) Electric fences shall not be permitted except for agricultural purposes. Barbed wire fences shall only be permitted for agricultural uses and by conditional use for industrial or commercial security uses. No fence shall have sharp or pointed pickets dangerous to life or limb. Hedges and other plantings shall be continuously trimmed and all parts thereof confined to the property on which planted.
- (e) **RESIDENTIAL FENCES AND HEDGES.** Residential fences or hedges may be located to the lot line but may not extend over or across the lot line. No residential fence or hedge exceeding two and one-half (2-1/2) feet in height shall be allowed within the building setback limits adjacent to a street right-of-way; except, in the rear setback area where there is no access to a street right-of-way where the maximum height of a fence shall not exceed six (6) feet in height and hedges may be permitted to grow to their natural height. No barbed wire or electrical fence of any kind shall be permitted in a residential district. The most attractive side of a fence shall face outward toward the adjoining property. **(Ord. #370)**
- (f) **COMMERCIAL, AGRICULTURAL, INDUSTRIAL FENCES.** Fences used for industrial, commercial, agricultural purposes, and not otherwise subject to the provisions of Sec. 51.23(h), shall have a maximum height of eight (8) feet, except within the required front or corner setback areas wherein such height shall be limited to two and one-half (2-1/2) feet. Arms or extensions which project from the fence must project into the lot proper. Where a fence abuts a residential district or residential use, the fence must be set back from the lot line a distance of 30 inches.
- (g) **FENCES REQUIRED FOR CERTAIN SWIMMING POOLS.** All permanent in-ground or permanent above-ground private swimming pools not enclosed with a building shall be completely enclosed by a fence of a sufficient strength to prevent access to the pool and be the kind and nature described herein (a "Pool Fence") and consisting of the following:
- (1) A Pool Fence shall be constructed of wood or metal with the individual members of the fence vertically placed with no more than four (4) inches of space between each such vertical member.
  - (2) There shall be no more than four (4) inches of open space between the bottom of a Pool Fence and the grade level of the ground surrounding the pool.
  - (3) A Pool Fence shall be not less than four (4) feet in height nor more than six (6) feet in height from grade level."
  - (4) A Pool Fence shall be located no closer than five (5) feet from any edge of the pool.



- (5) All gates in the Pool Fence shall be self-closing and constructed as to be capable of being locked, and shall be closed and locked as to prevent unlatching when the pool is not in actual use and all hardware or equipment for opening the gate shall be located on the inside of the gate.
- (6) All Pool Fences constructed prior to July 1, 2000 shall be subject to rules set forth in Ordinance No. 370. All pools constructed after May 1, 2011 shall be in conformance with the standards set forth herein.
- (7) The wall of a house or building facing a swimming pool may be incorporated as a portion of the required fence.
- (8) Above-ground swimming pools, with self-provided fencing to prevent unguarded entry, shall be permitted without additional fencing if such self-provided fencing is at least six (6) feet in height and temporary ladders are removed and access is prevented at all times when the pool is not in use. Above-ground swimming pools, having permanent or stationary ladders, stairs, ramps, or decks for access, shall be safeguarded by the same fencing and gates required herein.
- (9) Portable pools over one foot in depth, spas, hot tubs, whirlpools and similar equipment shall be fenced as specified within regulations set forth in this section or shall be drained or covered after each day's use in such a manner as to provide for the safety of the public.
- (10) All pool permits shall be approved by the Zoning Administrator and be accompanied by plans showing:
  - (a) The proposed location of the swimming pool on the lot and the proposed distances to the lot lines and existing structures.
  - (b) The location of sewer lines or water lines.
  - (c) Pool dimensions and proposed depths.
  - (d) Type, height and location of proposed fences.
  - (e) Location of electrical utilities and power lines relative to the location of the swimming pools. **(Ord. #503-2011)**

#### **51.24 JUNK YARDS, SALVAGE YARDS, SOLID WASTE RECYCLING, STORAGE OR TRANSFER FACILITY**

- (a) **CONDITIONAL USE.** Junk or salvage yard, solid waste recycling, storage or transfer facility, shall be a conditional use and shall only be permitted in I-2 Districts.
- (b) **PROCEDURE.** Except as otherwise provided by this section, the procedure for securing, granting, and revoking a conditional use permit under this section shall be as set forth in Sec. 15.30.
- (c) **FEES.** Each application shall be accompanied by a fee as established by the Village Board, and in addition thereto the applicant shall pay the reasonable cost of a review of the operational and restoration plans by the Village.

- (d) **OPERATIONAL PLAN.** The application shall be accompanied by a detailed description of the proposed method of operation; the manner in which materials will be stored; the equipment proposed to be used; the method of disposition of end products; the manner in which adjoining property owners will be protected; the hours of operation; the village highways proposed to be used; the gross weight of equipment to be used in hauling in and hauling out of any of the product; and other similar information as the Planning and Zoning Committee may require.
- (e) **RESTORATION PLAN.** The application for the operation of a conditional use under this Section shall be accompanied by a proposed restoration plan and illustrative drawing showing the manner in which the site will be restored.
- (f) **STATE LICENSES.** Any permit issued under this Section shall be subject to revocation if all or any necessary state licenses or permits have been withdrawn or revoked.
- (g) **BOND.** No permit shall be issued until the applicant furnishes a performance bond in such amount and on such conditions as shall be fixed by the Village Board.
- (h) **TERM OF PERMIT.** The permit shall be in effect for one year, subject to termination by the Village Board after notice and hearing for violations of the Operational Plan or Restoration Plan, and may be renewed by the Village Board if the operations are in reasonable compliance with the terms of the existing permit.
- (i) **INSPECTION.** The Village Zoning Administrator shall inspect the operations at least semi-annually to insure compliance, and the reasonable fees of such inspection, as fixed by the Village Board at the time of granting the permit, shall be paid by the applicant.
- (j) **FENCING.**
  - (1) Junk or salvage materials shall be enclosed by a fence so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or planting screen shall be a minimum of eight (8) feet in height and shall be kept in good repair.
  - (2) Junk or salvage materials shall not be piled higher than the height of the fence.
  - (3) For fire protection, an unobstructed fire break shall be maintained, one rod in width and completely surrounding the salvage or junk yard.

## **51.25 QUARRIES AND MINES**

- (a) **APPLICABILITY.** The following operations or activities for the extraction from the earth of mineral aggregates such as stone, sand and gravel; nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc; and other natural material; and to related operations or activities such as excavation, grading or dredging; and related processes such as crushing, screening, scalping, dewatering and blending are prohibited

in the Village of Pulaski, Wisconsin.

- (b) **EXEMPT ACTIVITIES.** This prohibition does not apply to the following activities:
- (1) Excavations or grading by a person solely for domestic use at his or her residence.
  - (2) Excavations or grading conducted for utility and public works construction, maintenance or repair purposes within the Village.
  - (3) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
  - (4) Excavations for building construction purposes.

## **51.26 NONCONFORMING USES AND STRUCTURES**

- (a) **PURPOSE AND INTENT.** The purpose and intent of this section is to provide for the regulation of non-conforming buildings, structures, land and other uses and to specify those circumstances and conditions under which such non-conforming buildings, structures, land and uses shall be permitted to continue. Any non-conforming building, structure, land or other use which existed lawfully at the time of the adoption of this Ordinance is subject to the regulation which follows.
- (b) **BUILDINGS UNDER CONSTRUCTION.** Buildings or structures on which construction was started or for which a construction contract was entered into before the effective date of this Ordinance may be constructed notwithstanding this Ordinance, provided that the construction was legal and had received any necessary permits under the ordinances in effect on the date the construction project commenced.
- (c) **EXISTING STRUCTURES: DIMENSIONAL NONCONFORMANCE.** Buildings which were constructed prior to the effective date of this Ordinance, which are conforming to the Ordinance as to use, but do not conform as to dimensional rules (setbacks, height, yard spaces, separations, etc.) are subject to the following requirements:
- (1) Repairs and improvements of a maintenance nature are allowed.
  - (2) Alterations, additions and expansions which change the exterior dimensions of the structure or building and which conform to the dimensional rules of this Chapter are allowed.
  - (3) Alterations, additions and expansions which change the exterior dimensions of the structure or building, and which do not conform to this Chapter, but which do not increase the dimensional nonconformity beyond that which existed before the work commenced are allowed provided that in totality they do not exceed 50 percent of current full market value of the structure or building.
  - (4) No alterations, additions or expansions may occur which will increase the dimensional nonconformity.
  - (5) No building or structure shall be moved in whole or in part to any other location on the same lot, or any other lot in the zone district, unless every portion of such building or structure which is moved

- shall conform to the zone district requirements.
- (d) **EXISTING USES AND STRUCTURES: USE NONCONFORMANCE.** Land uses or uses of structures which were established prior to the effective date of this Ordinance which are nonconforming as to use may be continued provided that:
    - (1) If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of that use or structure shall conform to this Chapter.
    - (2) A nonconforming use may be changed to another nonconforming use only as a special exception. A nonconforming use which is changed to a conforming use shall not revert back to a nonconforming use or structure.
  - (e) **EXISTING STRUCTURES AND USES: OTHER STANDARDS AND REQUIREMENTS.** When a nonconforming use or structure is damaged by fire, explosion, act of God or public enemy to the extent of more than 50 percent of its current full market value, it shall not be restored except so as to comply with the use requirements of this Chapter.

#### **51.27 ADMINISTRATION AND ENFORCEMENT**

- (a) **PURPOSE.** This section of Chapter 51 shall set forth the requirements to adequately provide for the proper administration and enforcement of this Chapter.
- (b) **VILLAGE ZONING ADMINISTRATOR.** It will be the primary responsibility of the Village Zoning Administrator and Building Inspector to administer and enforce the provisions of this Chapter. The Village of Pulaski Zoning Administrator shall have the following responsibilities and duties:
  - (1) Cause the issuance of all building and zoning permits and make and maintain records thereof.
  - (2) Issue all rezoning certificates and make and maintain records thereof.
  - (3) Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Chapter.
  - (4) Forward to the Village of Pulaski Planning and Zoning Committee all applications for conditional uses and for amendments to this Chapter that are initially filed with the Zoning Administrator.
  - (5) Forward to the Board of Appeals applications of appeals, variances, or other matters on which the Board of Appeals is required to pass under this Chapter.
  - (6) Maintain permanent and current records of this Chapter including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
  - (7) Initiate, direct and review from time to time, a study of the provisions of this Chapter and to make reports of its recommendations to the Village Planning and Zoning Committee.
  - (8) If the Village Zoning Administrator shall find that any of the provisions of this Chapter are being violated, he/she shall notify in writing, the person responsible for such violation and ordering the

action necessary to correct it.

- (c) **VILLAGE PLANNING AND ZONING COMMITTEE.** The Village Planning and Zoning Committee shall perform the duties of the Village Plan Commission as set forth in §62.23 of the Wisconsin Statutes. The Committee shall have the power to carry out the following duties under this Chapter:
- (1) To review and recommend all conditional use permits and report said findings to the Village Board.
  - (2) To review all zoning changes and amendment requests to this Chapter and report said findings and recommendations to the Village Board.
  - (3) To receive from the Village Zoning Administrator recommendations as related to the effectiveness of this Chapter and report his/her conclusions and recommendations to the Pulaski Village Board.
  - (4) To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Planning and Zoning Committee and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
  - (5) To hear and decide matters upon which it is required to pass under this Chapter.

## **51.28 BUILDING AND ZONING PERMITS**

- (a) **BUILDING AND ZONING PERMIT REQUIRED.** No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building and zoning permit from the Village Zoning Administrator, unless otherwise exempted pursuant to sub(b) of this Section. Applications for building and zoning permit shall be made in duplicate to the Village Zoning Administrator on forms furnished by the Village Zoning Administrator and shall include the following where applicable:
- (1) Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
  - (2) Description of the Subject Site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - (3) Plat of Survey is required for all non-residential construction. The Plat of Survey must be prepared by a registered land surveyor at a minimum scale of one (1) inch to 100 feet showing the location, boundaries, dimensions, elevations, uses and sizes of the following: subject site; existing and proposed structures; existing and

proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed front, side and rear yards. In addition, the Plat of Survey shall show the location, elevation and use of any abutting lands and their structures within forty (40) feet of the subject site. A Plat of Survey is also required for residential building permits unless a plot plan is provided with clearly written measurements showing the following: (1) exact footages from the property line for all structures on the subject property; (2) exact footages between each structure on the subject property; and (3) exact footages of all structures of any abutting lands and their structures within forty (40) feet of the subject site.

- (4) Additional Information as may be required by the Village Plan Commission, and Village Zoning Administrator.
- (5) A Building and Zoning Permit shall be granted or denied in writing by the Village Zoning Administrator within 30 days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Chapter shall be null and void.
- (6) Plat of Survey Exception. No Plat of Survey for residential building permits shall be required if the applicant provides a plot plan of the property with clearly written measurements showing the following:
  - a. Exact footages from all property lines for all structures on the subject property.
  - b. Exact footages for all structures from each other structure on the subject property.
  - c. Exact footages of all structures on neighboring properties from the subject property line.

(b) **OCCUPANCY PERMIT REQUIRED.**

- (1) No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create change in use; and no non-conforming use shall be maintained, renewed, changed, or extended until an occupancy permit shall have been issued by the Village Zoning Administrator. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this Chapter. Such permit shall be applied for at the time of occupancy of any land and/or building.
- (2) No building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new occupancy permit by the Village Zoning Administrator. Such occupancy permit for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for an occupancy permit shall be made in the same manner as for a building permit pursuant to sub(a).

- (c) **PERMIT FEE REQUIRED.** Applications for building and zoning permits and occupancy permits shall be accompanied by a fee as established by the Village Board.
- (d) **PLAT OF SURVEY EXEMPTION.** No Plat of Survey, as specified in Sec. 51.28(a)(1) above shall be required for residential building permits if a Plot Plan is provided with clearly written measurements showing the following:
  - (1) Exact footages from all property lines for all structures on the subject property.
  - (2) Exact footages for all structures from each other structure on the subject property, and,
  - (3) Exact footages for all structures on neighboring properties from the property line of the subject property.

### **51.29 SITE PLAN REVIEW AND APPROVAL AND ARCHITECTURAL CONTROL**

- (a) **PURPOSE AND INTENT.** For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall be issued a permit for new construction or additions without first obtaining the approval of the Planning and Zoning Committee of a site plan as set forth in this section. The Committee shall insure that such construction is in accord with the official map, subdivision ordinance and comprehensive plan of the Village of Pulaski and other applicable codes and ordinances of the Village of Pulaski. The Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.
- (b) **EXCEPTIONS.** Residential development having four or fewer dwelling units on a lot of record and signs are exempt from the site plan review.
- (c) **FEE.** All site plans submitted to the village of Pulaski for review and approval shall be accompanied by a review fee as established from time to time by the Village Board.
- (d) **PRINCIPLES.** To implement and define criteria for the purposes of this Section, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.
  - (1) No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
  - (2) No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
  - (3) No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is

aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

- (4) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
  - (5) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the village.
  - (6) Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- (e) **SITE PLAN MATERIALS.** Four copies of the site plan shall be submitted to the Zoning Administrator who shall transit all applications and their accompanying plan to the Planning and Zoning Committee for their review. Plan data to be submitted with all review applications shall include the following as appropriate:
- (1) Site plan drawn to a recognized engineering scale not less than one (1) inch equals 50 feet.
  - (2) Name of project noted.
  - (3) Owner's and/or developer's name and address noted.
  - (4) Architect and/or engineer's name and address noted.
  - (5) Date of plan submittal.
  - (6) Scale of drawing noted on plan.
  - (7) North arrow shown.
  - (8) Existing and proposed topography shown at a contour interval not less than two (2) feet.
  - (9) The characteristics of soils related to contemplated specific uses.
  - (10) Total number of parking spaces noted including location and dimension.
  - (11) Dimensions of lot.
  - (12) The type, size, and location of all structures with all building dimensions shown including setbacks.
  - (13) Indicate height of building(s).
  - (14) Existing and proposed street names indicated.
  - (15) Indicate existing and proposed rights-of-way and widths.
  - (16) Locate existing and general location of proposed sanitary disposal systems.
  - (17) Locate any proposed storm water management facilities, including detention/retention areas.
  - (18) Locate existing trees and wetlands.
  - (19) Note location, extent, and type of proposed plantings.
  - (20) Note location of pedestrian sidewalks and walkways.
  - (21) A graphic outline of any development staging which is planned is required to be shown on the site plan.



- (22) Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
- (23) A certified survey may be required by the Planning and Zoning Committee.
- (f) **REVIEW AND FINDINGS.** The Planning and Zoning Committee shall review the referred plans at the first regular Committee meeting following their submittal. The Committee shall render a decision no later than the following regular Committee meeting. The Committee shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Chapter. The Committee will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.
- (g) **SURETIES.** The Planning and Zoning Committee may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Committee shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation, and the Zoning Administrator shall initiate the appropriate action to correct the violation pursuant to the enforcement provisions of this Chapter.

### **51.30 CONDITIONAL USE PERMITS**

- (a) **PURPOSE.** The purpose of conditional uses is to place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.
- (b) **DEFINITIONS.** For purposes of this Section, the following definitions shall apply:
  - (1) "Conditional Use" shall mean a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.
  - (2) "Substantial Evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- (c) **INITIATION.** Any person having a freehold interest in land, or a possessory interest entitles to exclusive possession or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Chapter in the zoning district in which the land is located.
- (d) **APPLICATION.** The application for a conditional use shall be filed with

the Village of Pulaski Planning and Zoning Committee on a form so prescribed by the Village of Pulaski and shall include the site plan information specified in Sec. 51.29(e). The application shall be accompanied by such plans and/or data prescribed by the Village Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Committee and a written recommendation submitted thereon to the Village Board. In order to secure evidence upon which to base its recommendation, the Committee may require, in addition to the information required for a Conditional Use Permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of the Chapter.

- (e) **HEARING ON APPLICATION.** Upon receipt in proper form of the written recommendation referred to in sub(c), the Application shall be forwarded to the Planning and Zoning Committee who shall hold at least one (1) public hearing on the proposed conditional use. Notice of such public hearing specifying the time, place and matters to come before the Commission shall be given as a Class II notice as referred to in Chapter 985 of the Wisconsin Statutes. Due notice of the hearing shall also be given to parties of interest as well as to the owners of all property within 200 feet of the proposed conditional use. Anyone testifying at the public hearing must present Substantial Evidence supporting any proposed condition.
- (f) **AUTHORIZATION.** For each application for a conditional use, the Planning and Zoning Committee shall report to the Village Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.
- (g) **STANDARDS APPLICABLE TO ALL CONDITIONAL USES.** In passing upon a Conditional Use Permit application, the Planning and Zoning Committee and Village Board shall consider the following factors:
  - (1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
  - (2) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - (3) The location, nature, and size of the proposed use.
  - (4) The size of the site in relation to the proposed use.
  - (5) The location of the site with respect to existing or future roads giving access to the site.
  - (6) The site's compatibility with existing uses on land adjacent

thereto.

- (7) Existing topography, drainage, soil types, and vegetative cover.
- (8) Its relationship to the public interest, the purpose and intent of

this

Chapter and substantial justice to all parties concerned.

(h) **CONDITIONS ATTACHED TO CONDITIONAL USE PERMIT.**

- (1) Upon consideration of the factors listed above, and upon recommendation of the Planning and Zoning Committee, the Village Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary. The conditions may include landscaping, architectural design, type of construction, construction commencement and completion date, lighting fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions may be recommended by the Committee and may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter. Any condition imposed must be related to the purpose of the ordinance and must be based on Substantial Evidence.

- (2) In all cases in which conditional uses are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- (i) **PERMIT FEE.** Conditional Use Applications shall be accompanied by a fee as established by the Village Board.

**51.31 (Reserved)**

**51.32 (Reserved)**

**51.33 (Reserved)**

**51.34 (Reserved)**

**51.35 AMENDMENTS**

- (a) **AUTHORITY.** Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board of Pulaski may,

by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Chapter or amendments thereto.

- (b) **INITIATION.** A change or amendment may be initiated by the Village Board, Village Planning and Zoning Committee or by a petition of one or more of the owners or lessees of property within the area affected by the change.
- (c) **PETITION.** Petition for any change to the district boundaries or amendments to the regulation shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
  - (1) Petitioners name, address, phone number, and interest in property (owner, broker, etc.).
  - (2) Existing and proposed zoning district.
  - (3) Proposed use (a statement of the type, extent, area, etc., of any development project).
  - (4) Owners' names and addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
  - (5) Compatibility with adjacent lands (a statement of land uses and impact of zoning change).
  - (6) Legal description of property to be rezoned.
  - (7) Plot plan or survey plat drawn to scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimension, the location and classification of adjacent zoning districts, and the location and existing uses and buildings of all properties within two hundred (200) feet of the area proposed to be rezoned.
  - (8) Additional information as may be requested by the Planning and Zoning Committee.
  - (9) Fee receipt in the amount established by the Village Board.
- (d) **RECOMMENDATION.** The Planning and Zoning Committee shall review all proposed changes and amendments within the limits of the Village and shall recommend to the Village Board in writing that the petition be granted as requested, modified, or denied. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning and Zoning Committee shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
  - (1) Existing uses or property within the general area of the property in question.
  - (2) Zoning classification of property within the general area of the property in question.
  - (3) Suitability of the property in question to the uses permitted under the existing zoning classification.
  - (4) Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
  - (5) The Committee may recommend the adoption of an

amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

- (6) The Committee shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.
- (e) **HEARINGS.** The Village Board shall, after publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, hold a public hearing upon each proposed amendment. The notice shall list the time, place, and the changes or amendments proposed. The Village Clerk shall also give at least ten (10) days prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment and to all property owners within one hundred (100) feet of the areas of land included within the proposed amendment.
- (f) **VILLAGE BOARD'S ACTION.** Following such hearing and after careful consideration of the Planning and Zoning Committee's written report and recommendations, the Village Board shall vote on the passage of the proposed changes or amendments. The Committee's recommendations may be only overruled by a unanimous vote of the full Village Board membership.
- (g) **PROTEST.** In the event of a protest against such change or amendment, duly signed and acknowledged by the owners of twenty (20) percent or more either of the areas of the land included in such proposed change or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Village Board membership.
- (h) **EFFECTIVE DATE.** The amending ordinance shall become effective immediately after adoption by the Village Board, and publication or posting as provided by law.

### **51.36 VIOLATIONS, PENALTIES, AND PERMIT FEES**

- (a) **VIOLATION.** It shall be unlawful to construct, erect, reconstruct, alter, convert, or maintain any building or structure, or to develop or use, any land, water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Village Zoning Administrator, the Planning and Zoning Committee, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter.
- (b) **COMPLAINTS REGARDING VIOLATIONS.** Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis

thereof shall be filed with the Village Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this Chapter.

(c) **PENALTIES FOR VIOLATIONS.**

- (1) Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute the basis for a civil forfeiture action on behalf of the Village of Pulaski. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than \$10.00 and not more than \$500.00 or in lieu of payment thereof be imprisoned for not more than thirty (30) days and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- (2) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (3) Nothing herein contained shall prevent the Village of Pulaski from taking such other lawful action as is necessary to prevent or remedy any violation.

(d) **ABATEMENT OF VIOLATIONS.** Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Chapter shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this Chapter. Such removal may be performed by a Village agency or by contract arrangements with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes.

(e) **PERMIT FEES.** All persons, firms, or corporations performing work which by this Chapter requires the issuance of a permit shall pay a fee for such permit to the Village Clerk to help defray the cost of administration, investigation, advertising, and processing of permits, licenses and variances. The permits for which a fee is required are the Building Permit, Occupancy Permit, Conditional Use Permit, Sign Permit, Quarry and Mine, Junk Yard and Salvage Yard Permit. A fee is required for a manufactured home park. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Village Board from time to time as deemed appropriate, except where specifically listed in this Chapter.

## CHAPTER 52

### FLOODPLAIN, SHORELAND AND WETLAND ZONING

#### Subchapter I

#### Floodplain Regulations

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#### Subchapter II

#### Shoreland-Wetland Regulations

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#### **52.01 DEFINITIONS**

- (a) **DEFINITIONS.** Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have at common law and to give this Chapter its most reasonable application:
- (1) **"A Zones"** shall mean those areas shown on the "Official Floodplain Zoning Map" (see below) which would be inundated by the "regional flood" as defined below. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
  - (2) **"Accessory Structure or Use"** shall mean a detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as that of the principal structure or use.

- (3) **"Alteration"** shall mean an enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilation, air conditioning and other systems within a structure.
- (4) **"Area of Shallow Flooding"** shall mean a designated AO, AH, AR/AO, AR/AH or VO zone on the Village's FIRM map with a one (1%) percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident, such flooding being characterized by ponding or sheet flow.
- (5) **"Base Flood"** shall mean the flood having a one (1%) percent chance of being equal or exceeded in any given year as published by FEMA as part of a FIS and depicted on the FIRM.
- (6) **"Basement"** shall mean any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.
- (7) **"Building"** see "Structure".
- (8) **"Bulkhead Line"** shall mean a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to §30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- (9) **"Campground"** shall mean any parcel of land which is designated and used for the purpose of providing sites for non-permanent overnight use by 4 or more camping units.
- (10) **"Camping Unit"** shall mean any portable device, no more than 400 square feet in area, used as a temporary shelter, including, but not limited to, a camping trailer, motor home, bus, van that is licensed, if required and ready for highway use.
- (11) **"Certificate of Compliance"** shall mean a certification by the Zoning Administrator stating that the construction and use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- (12) **"Channel"** shall mean a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (13) **"Conditional Use"** shall mean a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals.
- (14) **"Crawlways or Crawl Space"** shall mean an enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.



- (15) **"Department"** shall mean the Wisconsin Department of Natural Resources.
- (16) **"Development"** shall mean any artificial change to improved or unimproved real estate, including but not limited to construction of buildings, structures, or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.
- (17) **"District"** shall mean a floodplain, shoreland or wetland district created under this Chapter.
- (19) **"Drainage System"** shall mean one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (20) **"Dryland Access"** shall mean a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (21) **"Encroachment"** shall mean any fill, structure, building, use or development in the floodway.
- (22) **"Environmental Control Facility"** shall mean any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (23) **"Existing Manufactured or Mobile Home Park or Subdivision"** shall mean a parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of this ordinance.
- (24) **"Expansion to Existing Mobile/Manufactured Home Park"** shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads, or construction of streets.
- (25) **"Federal Emergency Management Agency (FEMA)"** shall mean the federal agency that administers the National Flood Insurance program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD).

- (26) **"Flood or Flooding"** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas caused by:
- a. The overflow or rise of inland waters;
  - b. The rapid accumulation or runoff of surface waters from any source;
  - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and
  - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (27) **"Flood Frequency"** shall mean the probability of a flood occurrence which is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (28) **"Floodfringe"** shall mean that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and generally associated with standing water rather than rapidly flowing water.
- (29) **"Flood Hazard Boundary Map"** shall mean a map prepared by the FEMA, designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.
- (30) **"Flood Insurance Study"** shall mean a technical engineering examination, evaluation and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (31) **"Floodplain"** shall mean the land which has been or may be here- after covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.
- (32) **"Floodplain Island"** shall mean a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

- (33) **"Floodplain Management"** shall mean the full range of public policy and action for insuring wise use of floodplains, which includes, but is not limited to, the collection and dissemination of flood data, to the acquisition of floodplain lands, and the enactment and administration of codes, ordinances and statutes for land in the floodplain.
- (34) **"Flood Profile"** shall mean a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations along a stream or river.
- (35) **"Floodproofing"** shall involve any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (36) **"Flood Protection Elevation"** shall mean an elevation two (2) feet of freeboard above the water surface profile elevation designated for the regional flood (Also see: "Freeboard")
- (37) **"Flood Storage"** shall mean those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (38) **"Floodway"** shall mean the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (39) **"Freeboard"** shall mean a flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (40) **"Habitable Buildings"** shall mean any building, or portion thereof, used or designated for human habitation.
- (41) **"Hearing Notice"** shall be the publication or posting meeting the requirements of Ch. 985, Stats. Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing.
- (42) **"High Flood Damage Potential"** shall mean the damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

- (43) **"Highest Adjacent Grade"** shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (44) **"Historic Structure"** shall mean any structure that is:
- a. Listed individually in the national Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or, directly by the Secretary of the Interior in states without approved programs.
- (45) **"Increase in Regional Flood Height"** shall mean a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting by a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (46) **"Land Use"** shall mean any nonstructural use made of unimproved or improved real estate. (Also see "Development")
- (47) **"Lowest Adjacent Grade"** shall mean the elevation of the lowest ground surface that touches any of the exterior walls of a structure.
- (48) **"Lowest Floor"** shall mean the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure, usable solely for vehicle parking, building access or storage in an area other than a basement area is not considered a buildings lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
- (49) **"Maintenance"** shall mean the act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

- (50) **"Mobile Home or Manufactured Home"** shall mean a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. For the purpose of this ordinance, it does not include recreational vehicles or travel trailers which remain licensed and ready for highway use and remain on-site less than 180 days.
- (51) **"Mobile or Manufactured Home Park or Subdivision"** shall mean a parcel or contiguous parcels of land divided into two or more lots or units for mobile or manufactured home rent or sale.
- (52) **"Mobile Recreational Vehicle"** shall mean a vehicle that is built on a single chassis, 400 square feet or less in area when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if licensure is required and is designed primarily not for use as a permanent dwelling
- (53) **"NAVD or North American Vertical Datum"** shall mean elevations referenced to mean sea level datum 1958 adjusted.
- (54) **"Navigable Waters"** shall mean Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under §144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under §61.351 or §62.221, Wis. Stats., and Chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if: a. Such lands are not adjacent to a natural navigable stream or river; b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and c. Such lands are maintained in non-structural agricultural use.
- (55) **"NGVD or National Geodetic Vertical Datum"** shall mean elevations referenced to mean sea level datum, 1929 adjustment.
- (56) **"New Construction"** shall, for purposes of this Chapter, mean structures for which the start of construction commenced on or after the effective date of this Chapter and any subsequent improvements to such structures. For purposes of determining flood insurance rates "new construction" includes any structure for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

- (57) **"Non-conforming Structure"** shall mean an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is non-conforming.)
- (58) **"Non-conforming Use"** shall mean an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies.
- (59) **"Obstruction to Flow"** shall mean any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.
- (60) **"Official Floodplain Zoning Map"** shall mean that map, adopted and made a part of this Code, as described in Sec. 52.04(b), which has been approved by the Department and FEMA.
- (61) **"Open Space Use"** shall mean those uses having a relatively low flood damage potential and not involving structures.
- (62) **"Ordinary Highwater Mark"** shall mean the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (63) **"Person"** shall mean an individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (64) **"Private Sewage System"** shall mean a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Industry, Labor and Human Relations, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- (65) **"Public Utilities"** shall mean those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (66) **"Reasonably Safe From Flooding"** shall mean Base Flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the Base Flood will not damage existing or proposed structures.

- (67) **"Regional Flood"** shall mean a flood determined to be representative of large floods known to have occurred in Wisconsin or which may be expected to occur on a particular lake, river or stream once in every 100 years.
- (68) **"Shorelands"** shall mean lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (69) **"Shoreland-Wetland District"** shall mean the zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Code.
- (70) **"Start of Construction"** shall mean the date on which the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, or other improvement occurred within 180 days of the permit date. For an alteration, the actual start of construction shall mean the date of the first alteration of any part of the existing structure, whether or not such alteration affects the external dimensions of the structure.
- (71) **"Structure"** shall mean any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (72) **"Substantial Damage"** shall mean damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damage condition would equal fifty (50%) of the equalized assessed value of the structure before the damage occurred.

- (73) **"Substantial Improvement"** shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. "Substantial improvement" begins when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include the following: a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which existed before the improvement began, was identified by the Building Inspector and are necessary to assure safe living conditions; b. Any alteration of a designated historical structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as an historical structure; c. Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.
- (74) **"Unnecessary Hardship"** shall mean special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- (75) **"Variance"** shall mean an authorization by the Board of Adjustment or Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards, not uses, contained in the floodplain zoning ordinance.
- (76) **"Watershed"** shall mean the entire region or area contributing runoff or surface water to a particular watercourse or body of water.
- (77) **"Water Surface Profile"** shall mean a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (78) **"Well"** shall mean an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.
- (79) **"Wetlands"** shall mean those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.



- (80) **"Wetland Alteration"** shall mean any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

## **52.02 PURPOSE**

- (a) **STATUTORY AUTHORIZATIONS.** This zoning ordinance is adopted pursuant to the authorization in §61.35 and §62.23, Wis. Stats., and the requirements in Sec. 87.30, Wis. Stats.
- (b) **FINDINGS OF FACT.** Uncontrolled development and use of floodplains, rivers or streams of the Village of Pulaski would adversely affect the public health, safety, convenience, general welfare, and impair the tax base of the Village.
- (c) **STATEMENT OF PURPOSE.** To regulate development flood hazard areas to protect life, health and property, this Chapter has been established to protect life, health and property; minimize expenditures of public monies for costly flood control projects; minimize rescue and relief efforts, generally undertaken at the expense of the tax paying public; minimize business interruptions and other economic disruptions which may result in the loss of local incomes; minimize damage to public facilities in floodplains such as water mains, sewer lines, streets and bridges; minimize the occurrence of future flood blight areas in floodplains; discourage the victimization of unwary land and home buyers; prevent increases in flood heights that could increase flood damage and result in conflicts or litigation between property owners; and, discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
- (d) **TITLE.** This Chapter shall be known as the Floodplain, Shoreland and Wetland Zoning Ordinance of the Village of Pulaski, Wisconsin.

## **52.03 GENERAL PROVISIONS**

- (a) **AREAS REGULATED.** Areas regulated by this Chapter include all areas within the corporate limits of the Village of Pulaski that would be covered by the regional flood and include flood islands as may be designated on the Official Map where emergency rescue and relief routes would be inundated by the regional flood.

- (b) **OFFICIAL MAP.** The boundary of the floodplain districts, including the floodway, floodfringe and other floodplain districts, are those designated on the floodplains or A-Zones on the floodway and firm Flood Insurance Rate Map (FIRM), based on the Flood Insurance Study (FIS), prepared by the Federal Emergency Management Agency (FEMA) and dated August 3, 1981, as the Official Floodplain Zoning Map of the Village of Pulaski and as subsequently approved by the Department of Federal Emergency Management Agency (FEMA), which map is on file in the office of the Village Clerk. The regional floodplain profiles shall govern boundary discrepancies according to Sec. 52.03(d) hereof. Amendments to the Official Floodplain Zoning Map of the Village of Pulaski approved by FEMA may be approved, adopted and incorporated herein by a resolution adopted by the Village Board as provided in Sec. 52.10(b)(2) hereof.
- (c) **ESTABLISHMENT OF DISTRICTS.** The regional floodplain areas are hereby divided into three districts as defined in Sec. 52.01 (a) and as follows:
- (1) The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood waters.
  - (2) The Floodfringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.
  - (3) The General Floodplain District (GFP) consists of all areas which have been or may be covered by flood water during the regional flood. It includes both the floodway and floodfringe districts.
- (d) **LOCATING FLOODPLAIN BOUNDARIES.** Discrepancies between boundaries on the official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in subsections (1) and (2) below. If a significant difference exists, the map shall be amended according to sec. 52.10 hereof. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to the provisions of 52.09(g)(2)(3) and the following criteria:
- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
  - (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.
  - (3) Where the flood profiles are based on established base

flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Sec. 52.10(6).

- (e) **REMOVAL OF LANDS FROM FLOODPLAIN.** Compliance with the provisions of this ordinance shall not be grounds for removing lands from the floodplain unless it is filled to two (2) feet above the regional or base flood elevation, the fill is contiguous to land lying outside the floodplain, and the map is amended pursuant to Sec. 52.10. This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).
- (f) **COMPLIANCE.** Any development, as defined in Sec. 52.01, or use within the areas regulated by this ordinance shall be in full compliance with the terms of this ordinance, and other applicable local, state and federal regulations.
- (g) **MUNICIPALITIES AND STATE AGENCIES REGULATED.** Unless specifically exempted by law, all towns and counties are required to comply with this Chapter and obtain all necessary permits required hereunder. State agencies are required to comply if §13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when §30.2022, Stats., applies.
- (h) **ABROGATION AND GREATER RESTRICTIONS.**
  - (1) The provisions of this Chapter supersede all the provisions of any zoning ordinance enacted under §§61.35, 62.23 or 87.30, Wis. Stats., which relate to floodplains except that where another municipal zoning ordinance is more restrictive than the provisions contained in this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
  - (2) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Chapter imposes greater restrictions, the provisions hereof shall prevail and apply.
- (i) **INTERPRETATION.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements liberally construed in favor of the governing body, and shall not be deemed a limitation on or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Ch. NR 116, Wis. Adm. Code, and where the provision is unclear, the provision shall be interpreted in light of the Ch. NR 116 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

- (j) **WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this ordinance does not imply that areas outside of the delineated floodplain, or permitted land uses within the floodplain, will be totally free from flooding and associated flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the Village or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.
- (k) **SEVERABILITY.** Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.
- (l) **ANNEXED AREAS.** Brown, Shawano and Oconto County floodplain zoning ordinances in effect on the date of annexation shall remain in effect and shall be enforced hereunder for all annexed areas until adoption of an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code. and the National Flood Insurance Program (NFIP). All annexed lands shall be described on the official zoning map. The Brown, Shawano and Oconto County Floodplain Zoning Ordinances are incorporated herein by reference for the purpose of administering this Section and are on file in the office of the Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.
- (m) **GENERAL DEVELOPMENT STANDARDS.** The Village shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and / or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals, including manufactured home parks, shall include regional flood elevation and floodway data for any development that meets the subdivisions definition in this Chapter.

## **52.04 GENERAL STANDARDS**

### **(a) HYDRAULIC AND HYDROLOGIC ANALYSES.**

- (1) No development, except as provided in Sec. 52.04(a)(2) below, shall be allowed in floodplain areas which will:
  - a. Cause an obstruction to flow, defined in Sec. 52.01(a), as any development which physically blocks the conveyance of floodwaters by itself or in conjunction with future similar development causing an increase in regional flood height; or
  - b. Cause an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot;
- (2) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, including floodway lines and water surface profiles, in accordance with Sec. 52.10. This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (3) The Zoning Administrator shall deny permits where it is determined by the Village Engineer that the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

(b) **WATERCOURSE ALTERATIONS.** Prior to any alteration or relocation of a watercourse, and prior to the issuance of any land use permit which may be required for the alteration or relocation of a watercourse, the Zoning Administrator shall notify, in writing, adjacent municipalities, the appropriate district office of the Department and the appropriate office of FEMA; and, shall require the applicant to secure all necessary state and federal permits. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained. As soon as practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

(c) **CHAPTER 30, 31, WIS. STATS., DEVELOPMENT.** Development which requires a permit from the Department under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids may be allowed provided the necessary local permits are obtained and necessary amendments to the official floodway lines, water surface profiles, floodplain zoning maps or floodplain zoning ordinance, are made according to Sec. 52.10.

- (d) **PUBLIC OR PRIVATE CAMPGROUNDS.** Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
- (1) The campground is approved by the Department of Health Services. **(Ord. #496-10)**
  - (2) A land use permit for the campground is issued by the zoning administrator.
  - (3) The character of the river system and the elevation of the campground are such that a 72-hour warning of an impending flood can be given to all campground occupants.
  - (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the Village Emergency Government Coordinator and the Chief of Police which specified the flood elevation at which evacuation shall occur, the personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and methods and personnel responsible for conducting the evacuation.
  - (5) The agreement referenced in subsection (4) above shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated by the officials identified in subsection (4) to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations. **(Ord. #496-10)**
  - (6) Only camping units are allowed.
  - (7) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
  - (8) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is to be kept on file at the campground office. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this Chapter.
  - (9) The Village shall monitor the limited authorizations issued by the campground operator under subsection (8) above to assure compliance with the terms of this Section.
  - (10) All camping units that remain in place for more than 180 consecutive days must meet the requirements of either Sec 52.05 or 52.06 for the floodplain district in which the structure is located.
  - (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuating when a flood warning is issued.
  - (12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks and sewage systems shall be properly anchored and placed at or

floodproofed to the flood protection elevation.

## **52.05 FLOODWAY DISTRICT (FW)**

- (a) **APPLICABILITY.** The provisions of this Section apply to all floodway areas on the floodplain zoning maps, and to those portions of the general floodplain district determined to be floodway according to the procedures in Sec. 52.07(d).
- (b) **PERMITTED USES.** The following open space uses are allowed in the floodway district and the floodway portion of the general floodplain district, provided that they are not prohibited by any other ordinance; they meet the standards of Sec. 52.05(c) and (d); and, all permits or certificates have been issued according to Sec. 52.09(a):
  - (1) Agricultural uses, such as general farming, pasturing, outdoor plan nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
  - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.
  - (3) Nonstructural private and public recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, swimming areas, parks, wildlife and nature preserves, fish hatcheries and hiking and horseback riding trails, subject to the fill limitations of Sec. 52.05(c)(4).
  - (4) Uses or structures accessory to open space uses, or those classified as historic structures, that are not in conflict with the provisions in Sec. 52.05(c) and (d).
  - (5) Extraction of sand, gravel or other materials according to Sec. 52.05(c)(4).
  - (6) Functionally water-dependent uses such as docks, piers or wharves, including those used as part of a marina, and other water-related uses such as dams, flowage areas, culverts, navigational aids and river crossing of transmission lines, and pipelines, according to chs. 30, 31, Wis. Stats.
  - (7) Public utilities, streets and bridges, according to Sec. 52.05(c)(3).
- (c) **STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS.**
  - (1) General.
    - a. Any development in floodway areas shall meet all of the provisions of Sec. 52.03 and have a low flood damage potential.
    - b. Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Sec. 52.04(a):
      - 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
      - 2. An analysis calculating the effects of this proposal on regional flood height.
    - c. The Zoning Administrator shall deny the permit application where it is determined that the project will increase flood elevations upstream or downstream by 0.01 foot or more,

- based on the data submitted under Sec. 52.05(c)(1)b.
- (2) Structures. In, or over floodway areas, only structures which are accessory to permanent open space uses, or those which are functionally dependent on a waterfront location, may be allowed by permit, provided that the structures meet all of the following criteria.
    - a. The structure is not designated for human habitation and does not have a high flood damage potential;
    - b. The structure is anchored to resist flotation, collapse, and lateral movement.
    - c. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
    - d. The structure must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the Regional Flood.
  - (3) Public Utilities, Streets and Bridges. Public utilities, streets and bridges may be allowed by permit, provided that:
    - a. Adequate floodproofing measures are provided to the flood protection elevation;
    - b. Construction meets the development standards of Sec. 52.04(a).
  - (4) Fills or Deposition of Materials. Fills or deposition of materials may be allowed by permit, provided that:
    - a. The requirements of Sec. 52.04(a) are met;
    - b. The fill or deposition of materials is not deposited in the navigable channel unless a permit has been granted by the Department pursuant to ch. 30, Stats., and a permit pursuant to §404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344, has been issued, if applicable, and the other requirements of this section are met;
    - c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading sufficient to prevent erosion; and provided that
    - d. Such fill is not classified as a solid waste or hazardous material.
- (d) **PROHIBITED USES**. All uses not listed as Permitted Uses in Sec. 52.05(c) are prohibited within the floodway district and in the floodway portion of the general floodplain district including the following uses which are always prohibited in the floodway.
- (1) Structures in or over floodway areas which are designated for human habitation, associated with high flood damage potential, or not associated with permanent open-space uses.
  - (2) The storage of any materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or other aquatic life.
  - (3) Any uses which are not in harmony with, or which may be detri-



- mental to, the uses permitted in the adjoining districts.
- (4) Any private or public sewage systems; except portable latrines that are removed prior to flooding, and systems associated with recreational areas and Department approved campgrounds, that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code.
  - (5) Any public or private wells which are used to obtain water for ultimate human consumption; except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
  - (6) Any solid and hazardous waste disposal sites, whether public or private.
  - (7) Any wastewater treatment ponds or facilities except those permitted under §NR 110.15(3)(b), Wis. Adm. Code.
  - (8) Any sanitary sewer or water supply lines except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

#### **52.06 FLOODFRINGE DISTRICT (FF)**

- (a) **APPLICABILITY.** The provisions of this Section apply to all areas within the floodfringe district, as shown on the official floodplain zoning maps, and to those portions of the general floodplain district that are determined to be in the floodfringe area pursuant to Sec. 52.06(d).
- (b) **PERMITTED USES.** Any structures, land use or development, including accessory structures and uses, are allowed within the floodfringe district and floodfringe portions of the general floodplain district, provided that the standards contained in Sec. 52.06(c) are met, that the use is not prohibited by this or any other ordinance or any other local, state or federal regulation and that all permits or certificates specified in Sec. 52.09(a) have been issued.
- (c) **STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS.**
  - (1) The provisions of Sec. 52.04(a) apply in addition to the following requirement according to the use requested.
  - (2) Residential Uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area shall meet or exceed the following standards:
    - a. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical.
    - b. The basement or crawlway floor may be placed at the

regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.

- c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subparagraph (d) hereof.
  - d. In developments where existing street or sewer line elevations make compliance with subparagraph (c) above impractical, the Village may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
    - (i) The Village has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event.
    - (ii) The Village has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
- (3) Accessory Structures or Uses: An accessory structure, as defined in Sec. 52.01(a), not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation. An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000.00 may be constructed with its lowest floor no more than two (2) feet below the regional flood elevation if it is subject to flood velocities of no more than two (2) feet per second and it meets all of the provisions of Sec. 52.05(c)(1) through (4) and 52.06(6) below.
- (4) Commercial Uses: Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the floodfringe area shall meet the requirements of Sec. 52.06(c)(2). Storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (5) Manufacturing and Industrial Uses: Any manufacturing or Industrial structure or building, which is to be erected, constructed, reconstructed, altered or moved into the floodfringe area, shall be protected to the flood protection elevation utilizing fill, levees, floodwalls, or other flood proofing measures in accordance with Sec. 52.09(e). Subject to the requirements of Sec. 52.06(6), storage yards, surface parking lots and other such uses may be placed at lower elevations in an adequate warning system exists to protect life and property.
- (6) Storage Materials: Materials that are buoyant, flammable, explosive, or which in times of flooding could be injurious to property, water quality or human, animal, plant, fish or aquatic life, shall be stored at or above the flood protection elevation or floodproofed in compliance with Sec. 52.09(e). Adequate measures shall be taken to assure that said materials will not enter

- the river or stream during flooding.
- (7) **Public Utilities, Streets and Bridges:** All utilities, streets and bridges shall be designed to be compatible with the local comprehensive floodplain development plans; and
    - a. When failure of public utilities, streets and bridges would result in danger to public health or safety or where such utilities are deemed essential construction of and substantial improvements to such facilities may only be permitted if they are floodproofed, in compliance with Sec. 52.09(e), to the flood protection elevation.
    - b. Minor roads or non-essential utilities may be constructed at lower elevations provided they withstand flood forces to the regional flood elevation.
  - (8) **Sewage Systems:** All on-site sewage disposal systems shall be floodproofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
  - (9) **Wells:** All public or private wells shall be floodproofed to the flood protection elevation, pursuant to Sec. 52.09(e), and shall meet the applicable provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
  - (10) **Solid Waste Disposal Sites:** All public or private solid or hazardous waste disposal sites are prohibited in floodfringe areas.
  - (11) **Deposition of Materials:** Any materials deposited for any purpose may only be allowed if all the provisions of this ordinance are met.
  - (12) **Mobile Homes and Manufactured Homes:**
    - a. Owners or operators of all mobile/manufactured home parks and subdivisions located in the regional floodplain shall provide for adequate surface drainage to minimize flood damage and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with the appropriate local emergency management authorities.
    - b. In existing mobile home parks, as defined in Sec. 52.01(a), all new homes with new pads, replacement units on existing pads, and substantially improved mobile/manufactured homes shall have the lowest floor elevated to the regional flood protection elevation and be anchored so they do not float, collapse or move laterally during a flood.
    - c. Outside of existing manufactured home parks, including new manufactured home parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Sec. 52.06(1).
  - (13) **Mobile Recreational Vehicles:** All mobile recreational vehicles that are on site for more than 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements of Sec. 52.06(c)(12)b

above. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanent attached additions.

## **52.07 GENERAL FLOODPLAIN DISTRICT (GFP)**

- (a) **APPLICABILITY.** The provisions for this district shall apply to all floodplains for which flood profiles are not available, or where flood profiles ~~data is~~ are available but floodways have not been delineated. Floodway and flood fringe districts shall be delineated when adequate data is available.
- (b) **PERMITTED USES.** Pursuant to Sec. 52.07(d), it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodways, under Sec. 52.05(b), and floodfringe areas, under Sec. 52.06(b), are allowed within the general floodplain district, according to the standards of Sec. 52.07(c) and provided that all permits or certificates required under Sec. 52.09(a) have been issued.
- (c) **STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT.** Once it is determined according to Sec. 52.07(d) that a proposed use is located within a floodway, the provisions of Sec. 52.05 shall apply. Once it is determined that the proposed use is located within the floodfringe, the provisions of Sec. 52.06 shall apply. All provisions of the remainder of this ordinance apply to either district.
- (d) **DETERMINING FLOODWAY AND FLOODFRINGE LIMITS.** Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:
  - (1) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph, or a plan shows the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.
  - (2) Require the applicant to furnish any of the following additional information as is deemed necessary by the Department for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and where applicable to determine the boundaries of the floodway:
    - a. A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development and all historic high water information.
    - b. Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of streets, water supply, and sanitary facilities; soil types and other pertinent information.

- c. Profile showing the slope of the bottom of the channel or flow line of the stream.
  - d. Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.
- (3) Transmit one (1) copy of the information described in Sec. 52.07(d)(1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Sec. 52.09(a)(2)c apply, the applicant shall provide all required information and computations, to delineate floodway boundaries and the effects of the project on flood elevations.

## **52.08 NONCONFORMING USES**

### **(a) GENERAL.**

- (1) Insofar as the standards in this section are not inconsistent with the provisions of §62.23(7)(h), Stats., they shall apply to all nonconforming uses and nonconforming structures. These regulations apply to the modification of, or addition to, any structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
- (2) The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
  - a. No modifications or additions to a nonconforming structure shall be permitted unless they are made in conformity with the provisions of this ordinance for the area of the floodplain occupied. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of a structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- b. If a non-conforming use or the use of a non-conforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance.
- c. As requests are received by the municipality for modifications or additions to non-conforming uses or non-conforming structures, a record shall be kept which lists the non-conforming uses and non-conforming structures, their present equalized assessed value, and the cost of those additions or modifications which have been permitted, and the percentage of the structure's total current value those modifications represent.
- d. No modification or addition to any non-conforming structure or any structure with a non-conforming use, which over the life of the structure would equal or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 52.06(c)(2). The costs of elevating a nonconforming building or building with a nonconforming use to the flood protection elevation are excluded from the 50% of the structure's present equalized assessed value.
- e. Except as provided in Sec. 52.08(2), if any non-conforming structure or any structure with a nonconforming use is destroyed or is substantially damaged it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current requirements of this ordinance. A structure is considered "substantially damaged" if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value. For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations or the regulations promulgated thereunder.
- f. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with the provisions hereof, flood resistant materials are used, and construction practices and floodproofing

methods that comply with Sec. 52.09(g) are used.

(b) **FLOODWAY AREAS.**

- (1) No modification or addition shall be allowed to any non-conforming use in a floodway area, unless such modification or addition:
  - a. Has been granted a permit or variance which meets the floodway requirements of this ordinance; and
  - b. Meets the requirements of Sec. 52.08(a) and
  - c. Will not increase the obstruction to flood flows or regional flood height, and
  - d. Any addition to the existing structure shall be floodproofed, pursuant to Sec. 52.09(e), by means other than the use of fill, to the flood protection elevation.
  - e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade.
    2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
    3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation.
    4. The use must be limited to parking or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all Village ordinances and ch. COMM 83, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain water for ultimate human consumption shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. NR 811 and NR 812, Wis. Adm. Code.

(c) **FLOODFRINGE AREAS.**

- (1) No modification or addition shall be allowed to any non-conforming structure or any structure with a non-conforming use unless such modification or addition has been placed on fill or floodproofed to the flood protection elevation in compliance

- with the standards for that particular use in Sec. 52.06(c), except where Sec. 52.08(c)(2) is applicable.
- (2) Where compliance with the provisions of Sec. 52.08(c)(1) would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in Sec. 52.09(c), may grant a variance from those provisions of Sec. 52.08(c)(1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted provided:
    - a. No floor is allowed below the regional flood elevation for residential or commercial structures; and
    - b. Human lives are not endangered;
    - c. Public facilities, such as water or sewer, will not be installed;
    - d. Flood depths will not exceed two feet;
    - e. Flood velocities will not exceed two feet per second; and
    - f. The structure will not be used for storage materials described in Sec. 52.06(c)(6).
  - (3) If neither the provisions of Sec. 52.08(c)(1) nor (2) above can be met, an addition to an existing room in a non-conforming building or a building with a non-conforming use may be allowed in the floodfringe on a one-time basis only if the addition:
    - a. Meets all other regulations and will be granted by permit or variance;
    - b. Does not exceed 60 square feet in area; and
    - c. In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.
  - (4) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
  - (5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

## **52.09 ADMINISTRATION**

- (a) **ADMINISTRATION.** Where a zoning administrator or planning agency has already been appointed to administer a zoning ordinance under Sec. 62.23(7), Stats., these officials shall also administer this Chapter.
- (b) **ZONING ADMINISTRATOR.** The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
  - (1) Advise applicants of the provisions of this ordinance; assist them in preparing permit applications and appeals, and assure that the



- regional flood elevation for the proposed development is shown on all permit applications.
- (2) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
  - (3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structure has occurred.
  - (4) Keep records of all official actions such as:
    - a. All permits issued, inspections made, and work approved;
    - b. Documentation of certified lowest floor and regional flood elevations for floodplain development;
    - c. Records of water surface profiles, floodplain zoning maps and ordinances, non-conforming uses and structures including changes, appeals, variances and amendments.
    - d. All substantial damage assessment reports for floodplain structures.
  - (5) Submit copies of the following items to the Department Regional Office:
    - a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations and map or text amendments;
    - b. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
    - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
  - (6) Investigate, prepare reports and report violations of this ordinance to the appropriate Planning and Zoning Committee and the Village Attorney for prosecution. Copies of the violation reports shall also be sent to the Department Regional Office.
  - (7) Submit copies of text and map amendments and biennial reports to the regional office of FEMA.
- (c) **LAND USE PERMIT.** A land use permit shall be obtained from the Zoning Administrator before any new "development", as defined in Sec. 52.01(a), or any structural repair or change in the use of an existing building or structure, including sewage disposal systems and water supply facilities, may be initiated. Application shall be made to the Zoning Administrator upon furnished application forms and shall include the following data:
- (1) General Information.
    - a. Name and address of the applicant, property owner and contractor;
    - b. Legal description of the property, type of proposed use, and an indication as to whether new construction or a modification to an existing structure is involved.

- (2) Site Development Plan. The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
- a. Location, dimensions, area and elevation of the lot;
  - b. Location of the ordinary highwater mark of any abutting navigable waterways;
  - c. Location of any structures with distances measured from the hot lines and center line of all abutting streets or highways.
  - d. Location of any existing or proposed on-site sewage systems or private water supply systems;
  - e. Location and elevation of existing or future access roads;
  - f. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps;
  - g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
  - h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Sec. 52.05 or 52.06 are met;
  - i. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to Sec. 52.04(a). This may include any of the information noted in Sec. 52.05(c)(1).

- (3) Data Required to Analyze Developments. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in §236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:

- a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity.
- b. A map showing location and details of vehicular access to lands outside the floodplain.
- c. A surface drainage plan with adequate details showing how flood damage will be minimized.
- d. The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, utilities, and other pertinent items, but need not include land costs.

- (4) Expiration. All permits issued under the authority of this Chapter shall expire one (1) year from the date of issuance.

- (d) **CERTIFICATE OF COMPLIANCE.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified,

rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

- (1) The certificate of compliance shall show that the building or premises, or part thereof, and the proposed use, conform to the provisions of this Chapter.
  - (2) Application for such certificate shall be concurrent with the application for a permit.
  - (3) The certificate of compliance shall be issued within ten (10) days after written notification of completion of the work specified in the permit, provided the building or premises or proposed use conforms with all the provisions of this Chapter.
  - (4) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing adequacy meets the requirements of Sec. 52.09(e).
- (e) **OTHER PERMITS.** The applicant must secure all other necessary permits from all appropriate federal, state and local agencies, including those required by the U. S. Army Corps of Engineers under §404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.
- (f) **ZONING AGENCY.**
- (1) The Planning and Zoning Committee shall, in addition to all other powers and authorities conferred by ordinance:
    - a. Oversee the functions of the office of the Zoning Administrator; and
    - b. Review and make recommendations to the Village Board on all proposed amendments to this ordinance, maps and text.
  - (2) The Planning and Zoning Committee shall not:
    - a. Grant variances to the terms of the ordinance in place of action by the Board of Appeals; nor
    - b. Amend the text or zoning maps in place of official action by the Village Board.
- (g) **BOARD OF APPEALS.** The Board of Appeals shall, pursuant to the provisions of Sec. 5.04, hear and decide the following matters with respect to this Chapter:
- (1) Powers and Duties: With respect to the application of this Chapter, the Board of Appeals shall
    - a. Appeals: Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
    - b. Boundary Disputes: Hear and decide disputes concerning the district boundaries shown on the official floodplain

zoning maps.

- c. Variances: Hear and decide, upon appeal, variances from the dimensional standards of this Chapter

(2) Appeals to the Board:

- a. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the Village affected by a decision of the zoning administrator or other administrative officer. Such appeal shall be taken within thirty (30) days of the date of the decision being appealed unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
- b. Notice and Hearing for Appeals Including Variances:
  - 1. Notice: The Board shall:
    - i. Fix a reasonable time for the hearing.
    - ii. Publish adequate notice of the hearing pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing.
    - iii. Assure that notice shall be mailed to the parties in interest and the Department Regional Office at least ten (10) days in advance of the hearing.
  - 2. Hearing: Any party may appear in person or by agent. The Board shall:
    - i. Resolve boundary disputes according to Section 52.09(f)(3) hereof.
    - ii. Decide variance applications according to Section 52.09(f)(4) hereof.
    - iii. Decide appeals of permit denials according to Section 52.09(5) hereof.
  - 3. Decision: The final decision regarding the appeal or variance application shall:
    - i. Be made within a reasonable time.
    - ii. Be a written determination signed by the chair or secretary of the Board.
    - iii. State the specific facts which are the basis for the Board's decision.
    - iv. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application.
    - v. Include the reasons for granting the appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board

proceedings.

- vi. Send a copy of the decision to the Department Regional Office within ten (10) days of the decision.

(3) Boundary Disputes. The following procedures shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence shall be examined.
- b. In all cases, the person contesting the boundary location shall be given reasonable opportunity to present arguments and technical evidence to the Board.
- c. If the boundary is incorrectly mapped, the Board should inform the zoning committee or person contesting the boundary location to petition the Village Board for a map amendment according to the provisions of Section 52.09( ) hereof.

(4) Variances. The following procedures shall be used by the Board in hearing variance requests:

- a. The Board may, upon appeal, grant a variance from the standards of this Chapter if the applicant demonstrates by clear and convincing evidence:
  1. That literal enforcement of the provisions of this Chapter will cause an unnecessary hardship;
  2. That the hardship is due to the adoption of this Chapter and unique property conditions, not common to adjacent lots or premises. In such case the Chapter or the map must be amended;
  3. That the grant of the variance is not contrary to the public interest; and
  4. That the grant of the variance is consistent with the purpose of this Chapter.
- b. In addition to the criteria in subsection a above, to qualify for a variance under FEMA regulations, the following criteria must also be met:
  1. The variance may not cause any increase in the regional flood elevation.
  2. Variances can only be granted for lots that are less than one-half (1/2) acre in size and are contiguous to existing structures constructed below the Regional Flood Elevation.
  3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increase risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to

the purpose of this Chapter.

- c. A variance granted hereunder shall not:
    - 1. Grant, extend or increase any use prohibited in the zoning district.
    - 2. Be granted for a hardship based solely on an economic gain or loss.
    - 3. Be granted for a hardship which is self-created.
    - 4. Damage the rights or property values of other persons in the area.
    - 5. Allow actions without the amendments to this Chapter or maps required in Section 52.10 hereof.
    - 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
  - d. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.
- (5) Review Appeals of Permit Denials. In the administration of an appeal, the Board of Appeals shall follow the following procedures:
- a. The Board shall review all data related to the appeal, including, but not limited to the following:
    - 1. The Permit Application data listed in Sec. 52.09(c).
    - 2. Floodway / floodfringe determination data in Sec. 52.07(d).
    - 3. Data listed in Sec. 52.06(c) where the applicant has not submitted this information to the zoning administrator.
    - 4. Other data submitted with the application, or submitted to the Board with the appeal.
  - b. For appeals of all denied permits the Board shall:
    - 1. Follow the procedures set out in Sec. 52.09(g).
    - 2. Consider the zoning agency recommendations.
    - 3. Either uphold the denial or grant the appeal.
  - c. For appeals concerning increases in regional flood elevation the Board shall:
    - 1. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
    - 2. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons exist for the denial.

(h) **FLOODPROOFING.**

- (1) No permit or variance under this Chapter shall be considered or issued until the applicant first submits a plan certified by a registered professional engineer or architect which satisfactorily demonstrates to the Zoning Administrator or the Board of Appeals that the floodproofing measures required under Sec. 52.09(g)(2) and (3) are adequately planned and designed to protect the structure or development to the applicable flood protection elevation.
- (2) Floodproofing measures shall be designed to:
  - a. Withstand the flood pressures, depths, velocities, uplift and impact forces, and other regional flood;
  - b. Assure protection to the flood protection elevation;
  - c. Provide anchorage of structures to foundations to resist flotation and lateral movement;
  - d. Insure that the structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding, without human intervention.
- (3) Floodproofing measures shall also include:
  - a. Reinforcement of walls and floors to resist rupture or collapse caused by water pressure;
  - b. Addition of mass or weight to structures to prevent flotation;
  - c. Placement of essential utilities above the flood protection elevation;
  - d. Installing surface or subsurface drainage systems to relieve external foundation wall and basement floor pressures;
  - e. Construction of water supply wells, and waste treatment systems to prevent the entrance of flood waters into the systems;
  - f. Cutoff valves on sewer lines or elimination of gravity flow basement drains.

(i) **PUBLIC INFORMATION.**

- (1) Place marks on bridges or buildings or other markers to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be readily available and should be widely distributed.
- (3) All real estate transfers should show what floodplain zoning the property is located in.

## **52.10 AMENDMENTS**

- (a) **GENERAL PROVISIONS.** The Village Board may change or supplement the boundaries of the floodplain zoning districts and the regulations contained in this Chapter in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:
- (1) Any change to the official floodplain zoning map including the floodway line or boundary of any floodplain area;
  - (2) Correction of significant discrepancies between the water surface profiles and floodplain zoning maps;
  - (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection and is contiguous to land lying outside the floodplain;
  - (4) Any fill or encroachment into the floodplain that will obstruct flow causing an increase of 0.01 foot or more in regional flood height;
  - (5) Any upgrading of floodplain zoning ordinances text required by §NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village.
  - (6) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval of FEMA.
- (b) **PROCEDURES.** Amendments to this Chapter may be made upon petition of any interested party according to the provisions of §62.23, Stats. Such petitions shall include all necessary data required by Sec. 52.07(d) and Section 52.09(a).
- (1) Copies of any proposed amendment shall be referred to the Planning and Zoning Committee or a public hearing and a recommendation to the Village Board. Copies of the proposed amendment and notice of public hearing shall be submitted to the appropriate District Office of the Department for review prior to the hearing. The amendment procedure shall comply with the provisions of §62.23, Stats.
  - (2) No amendment to the maps or text of this ordinance shall become effective until reviewed and approved by the Department. Amendments to the Official Floodplain Zoning Map of the Village of Pulaski approved by FEMA may be approved, adopted and incorporated herein by a resolution adopted by the Village Board.
  - (3) All persons petitioning for a map amendment which involves an obstruction to flow causing an increase of 0.01 foot or more in the height of the regional flood shall obtain flooding easements, or other appropriate legal arrangements, from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
  - (4) When considering amendments to the official floodplain zoning map, in areas where no water surface profiles exist, the Planning and Zoning Committee or Board shall consider data submitted



by the Department, the Zoning Administrator's visual on-site inspections and other available information.

## **52.11 ENFORCEMENT AND PENALTIES**

Any violation of the provisions of this Chapter by any person shall be unlawful and shall be referred to the Municipal Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Village a penalty of not more than \$50.00, as provided in Sec. 87.30(2), Stats., together with all taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state or any citizen thereof, pursuant to §87.30, Stats. (**Ord. #496-10**)

## **52.12 AUTHORIZATION AND PURPOSE**

- (a) **STATUTORY AUTHORIZATION.** This ordinance is adopted pursuant to the authorization of §61.35 and §61.351, Stats., and §144.26, Stats.
- (b) **FINDINGS OF FACT.** Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience and general welfare, and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:
  - (1) Promote the public health, safety convenience and general welfare;
  - (2) Maintain the storm and flood water storage capacity of wetlands;
  - (3) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  - (4) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
  - (5) Prohibit certain uses detrimental to the shoreland-wetland area; and
  - (6) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

## **52.13 GENERAL PROVISIONS**

- (a) **COMPLIANCE.** The use of wetlands and the alteration of wetlands within the shoreland area of the Village shall be in full compliance with the terms of this Chapter and all other applicable local, state or federal regulations. All permitted development shall require the issuance of a zoning permit hereunder unless otherwise expressly excluded by a provision hereof.
- (b) **ABROGATION AND GREATER RESTRICTIONS.**
  - (1) This ordinance supersedes any and all provisions of any zoning ordinance enacted under §61.35, Stats., which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance shall be more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
  - (2) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (c) **INTERPRETATION.** In the interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this Chapter is required by a standard in ch. NR 117, Wis. Adm. Code and where the Chapter provision is unclear, the provision shall be interpreted in light of the ch. NR 117 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.
- (d) **SEVERABILITY.** Should any portion of this Chapter be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.
- (e) **ANNEXED AREAS.** The Brown County, Shawano County and Oconto County shoreland zoning ordinances in effect on the date of annexation to the Village of territory located in said counties shall remain in effect and be administered by the Village for all such areas annexed to the Village. All annexed territories shall be described on the official zoning map of the Village of Pulaski. The Brown County, Shawano County and Oconto County shoreland zoning ordinances are incorporated herein by reference for the purpose of the administration of this section; copies of which ordinances shall be maintained on file in the Office of the Village Clerk.

## **52.14 SHORELAND-WETLAND ZONING DISTRICT**

- (a) **SHORELAND-WETLAND ZONING MAPS: ADOPTION AND INCORPORATION.** The following maps are hereby adopted and made a part of this Chapter and are on file in the Office of the Village Clerk:
- (1) Wisconsin Wetland Inventory maps stamped "Final" on November 20, 1991.
  - (2) Floodplain zoning maps titled Floodway and FIRM and dated August 3, 1981.
  - (3) United States Geological Survey maps dated 1974.
- (b) **DISTRICT BOUNDARIES.**
- (1) The Shoreland-Wetland Zoning District created hereunder shall include all wetlands located within the Village which are:
    - a. Five (5) acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this Chapter.
    - b. Within one thousand (1,000) feet of the ordinary highwater mark of navigable lakes, ponds or flowages. For the purposes hereof, all lakes, ponds and flowages located within the Village shall be presumed to be navigable if they are shown on the United States Geological Survey Quadrangle maps or other zoning based maps which have been incorporated by reference and made a part of this Chapter.
    - c. Within three hundred (300) feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever district is greater. For the purposes hereof, all rivers and streams located within the Village shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey Quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter. Floodplain zoning maps adopted in Sec. 52.14 (a)(2) shall be used to determine the extent of floodplain areas.
  - (2) Determinations of navigability and ordinary highwater mark location shall be initially made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the District Office of the Department for a final determination of navigability or ordinary highwater mark.
  - (3) If an apparent discrepancy arises between the shoreland-wetland district boundary, as shown on the official zoning maps, and the actual field conditions at the time such maps were adopted, the Zoning Administrator shall contact the District Office of the Department to determine if the shoreland-wetland district boundary, as mapped, is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in

accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in Sec. 52.14(c) and (d), the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

- (c) **FILLED WETLANDS.** Wetlands which are filled prior to November 1, 1992, the date on which the municipality received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this ordinance.
- (d) **WETLANDS LANDWARD OF A BULKHEAD LINE.** Wetlands located between the original ordinary highwater mark and a bulkhead line established prior to May 7, 1982 under §30.11, Stats., are not subject to this ordinance.
- (e) **PERMITTED USES.** The following uses are permitted within the District subject to the provisions of chs. 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:
  - (1) The following activities and uses permitted within the District, which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
    - a. Hiking, fishing, trapping, swimming, snowmobiling and boating;
    - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
    - c. The practice of silviculture, including the planning, thinning and harvesting of timber;
    - d. The cultivation of agricultural crops; and
    - e. The construction and maintenance of duck blinds.
  - (2) The following activities and uses within the District require the issuance of a zoning permit and may involve wetland alterations only to the extent specifically provided below:
    - a. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
    - b. The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
    - c. The construction and maintenance of fences, including limited excavating and filling necessary for such construction or maintenance;
    - d. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings,

- including limited excavating and filling necessary for such construction or maintenance;
  - e. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in Sec. 52.17(a) of this Ordinance; and
  - f. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (3) The following activities and uses are allowed within the District upon the issuance of a Conditional Use Permit which may include wetland alterations only to the extent specifically provided below:
- a. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provisions of essential utility and emergency services or to provide access to uses permitted under this section, provided that:
    - 1. The road cannot, as a practical matter, be located outside the wetland;
    - 2. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in Sec. 52.17(a) of this ordinance.
    - 3. The road is designed and constructed with the minimum cross-sectional area practical to service the intended use;
    - 4. Road construction activities are carried out in the immediate area of the roadbed only; and
    - 5. Any wetland alteration must be necessary for the construction or maintenance of the road.
  - b. The construction and maintenance of non-residential buildings provided that:
    - 1. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
    - 2. The building cannot, as a practical matter, be located outside the wetland;
    - 3. The building does not exceed 500 square feet in floor area; and
    - 4. Only limited filling and excavating necessary to provide structural support for the building is allowed.
  - c. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects,

wildlife preserves and public boat launching ramps, provided that:

1. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
  2. Only permitted filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
  3. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Sec. 52.14(e)(3)a of this Ordinance; and
  4. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- d. The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection and distribution lines and related facilities and the construction and maintenance of railroad lines, provided that:
1. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
  2. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
  3. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in Sec. 52.17(a) of this Chapter.
- (f) **PROHIBITED USES.** Any use not listed in Sec. 52.14(e) of this Chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Ordinance in accordance with Sec. 52.17 of this Chapter.

## **52.15 NONCONFORMING STRUCTURES AND USES**

- (a) **GENERAL APPLICATION.** The lawful use of a building, structure or property which existed at the time this Chapter, or an applicable amendment to this Chapter, took effect and which is not in conformity with the provisions of this Chapter, including the routine maintenance of such a building or structure, may be continued, subject to the provisions of this Chapter.
- (b) **MODIFICATION OF NONCONFORMING STRUCTURES.** The shoreland-

wetland provisions of this Chapter, authorized by §61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a non-conforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to non-conforming structures are subject to §62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50% of current fair market value.

- (c) **DISCONTINUANCE.** If a non-conforming use or the use of a non-conforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Chapter.
- (d) **NON-CONFORMING USES.** Any legal non-conforming use of property, which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under §61.351 or §62.231, Wis. Stats., may be continued although such use does not conform with the provisions of the Chapter. However, such non-conforming use may not be extended. Uses which are nuisances under common law shall not be permitted to continue as non-conforming uses.

## **52.16 ADMINISTRATIVE PROVISIONS**

- (a) **ZONING ADMINISTRATOR.**
  - (1) Appointment. The Village President shall appoint, subject to confirmation by the Village Board, a Zoning Administrator for the purposes of administering and enforcing this Chapter.
  - (2) Powers and Duties. The Zoning Administrator, or his designee, shall have the following powers and duties:
    - a. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
    - b. Issue permits and certificates of compliance and inspect properties for compliance with this Chapter.
    - c. Keep records of all permits issued, inspections made, work approved and other official actions.
    - d. Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
    - e. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the Department.
    - f. Investigate and report violations of this Chapter to the Planning and Zoning Committee, the Village Attorney or the applicable District Attorney or Corporation Counsel.

(b) **ZONING PERMITS.**

- (1) When Required. Unless another section of this Ordinance specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Sec. 52.01(11) of this Chapter, or any change in the use of an existing building or structure is initiated.
- (2) Permit Application. An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the Village and shall include, for purposes of proper enforcement of these regulations, the following information:
  - a. **General Information.**
    1. Name, address, telephone number of applicant, property owner and contractor, where applicable.
    2. Legal description of the property and a general description of the proposed use or development.
    3. Whether or not a private water supply or sewage disposal system is proposed to be installed.
  - b. **Site Development Plan.** The site development plan shall be submitted as apart of the permit application and shall contain the following information drawn to scale:
    1. Dimensions and area of the lot;
    2. Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
    3. Location of the ordinary highwater mark of any abutting navigable waterways;
    4. Boundaries of all wetlands;
    5. Existing and proposed topographic and drainage features and vegetative cover;
    6. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;
    7. Location of existing or future access roads; and
    8. Specifications and dimensions for areas of proposed wetland alteration.
    9. Description of any existing or proposed on-site sewage disposal systems or private water supply systems.
- (4) Expiration. All permits issued under the authority of this Chapter shall expire twelve (12) months from the date of issuance.

(c) **CERTIFICATES OF COMPLIANCE.**

- (1) Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a Certificate of Compliance is issued by the Zoning Administrator subject to the following provisions:
  - a. The Certificate of Compliance shall show that the building



or premises, or part thereof, and the proposed use thereof, conform to the provisions of this Chapter.

- b. Application for such Certificate shall be concurrent with the application for a zoning or conditional use permit.
  - c. The Certificate of Compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this Ordinance.
- (2) The Zoning Administrator may issue a Temporary Certificate of Compliance for a building, premises or part thereof pursuant to such rules and regulations as may, from time to time, be established by the Village Board.
  - (3) Upon written request of the owner, the Zoning Administrator shall issue a Certificate of Compliance for any building or premises existing at the time of the adoption of this Ordinance, certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.
- (d) **CONDITIONAL USE PERMITS.**
- (1) Application. Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a Conditional Use Permit has been granted by the Board of Appeals following the procedures set forth in Sec. 52.16(e) hereof.
  - (2) Conditions. Upon consideration of the permit application and the standards applicable to the conditional uses designed in Sec. 52.14(e)(3) hereof, the Board of Appeals shall attach such conditions to a Conditional Use Permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter as listed in Sec. 52.12(b). Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planning screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.
  - (3) Fees. The municipal governing body may, by resolution, adopt fees for the following:
    - a. Zoning permits.
    - b. Certificates of Compliance.
    - c. Public hearings.
    - d. Legal notice publication.
    - e. Conditional use permits.

- f. Rezoning petitions.
- (4) Recording. Where a zoning permit or conditional use permit is approved, an appropriate record shall be made and preserved by the Zoning Administrator of the land use and structures permitted.
- (5) Revocation. Where the conditions of a zoning permit or a conditional use permit are violated, the permit may be revoked by the Board of Appeals after a hearing thereon as provided.
- (e) **BOARD OF APPEALS**. The Board of Appeals shall, pursuant to the provisions of Chapter 5, hear and decide the following matters with respect to this Chapter:
  - (1) Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
  - (2) Applications for Conditional Use Permits.
  - (3) Disputes concerning the district boundaries shown on the official floodplain zoning maps.
  - (4) Upon appeal, variances from the dimensional standards of this Ordinance where an applicant demonstrates to the satisfaction of one Board of Appeals:
    - a. That literal enforcement of the terms of this Chapter will result in unnecessary hardship for the applicant.
    - b. That any hardship is due to special conditions unique to the property and are not self-created or based solely on economic gain or loss.
    - c. That such variance is not contrary to the public interest.
    - d. That such variance will not grant, permit, allow or increase any use of the property which is otherwise prohibited in the zoning district.

## **52.17 AMENDMENTS TO SHORELAND-WETLAND REGULATIONS**

- (a) **GENERAL PROVISIONS**. The Village Board may, from time to time, alter, supplement or change the district boundaries and the regulations contained in this Chapter in accordance with the requirements of §62.23(7)(d)(2), Stats., ch. NR 117, Wis. Adm. Code, and the procedures set forth herein. No rezoning of a wetland in a shoreland-wetland zoning district, or any portion thereof, may occur where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:
  - (1) Storm and flood water storage capacity;
  - (2) Maintenance and dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
  - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  - (4) Shoreline protection against erosion;

- (5) Fish spawning, breeding, nursery or feeding grounds;
- (6) Wildlife habitat; or
- (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

(b) **AMENDMENT PROCEDURES.** Amendments to the shoreland-wetland regulations may be made upon petition of any interested party, subject to the following:

- (1) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the Planning and Zoning Committee and a public hearing shall be held after proper publication of a Class II Notice as required by §66.23(7)(d)(2), Stats. The District Office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- (2) A copy of the proposed text or map amendment shall be submitted to the District Office of the Department within five (5) days of the submission of the proposed amendment to the Planning and Zoning Committee.
- (3) The District Office of the Department shall also be provided with the following:
  - a. A copy of the recommendation and report, if any, of the Planning and Zoning Committee, as to the proposed text or map amendment, within ten (10) days after the submission of those recommendations to the Village Board by the Planning and Zoning Committee.
  - b. Written notice of the action on the proposed text or map amendment taken by the Village Board within ten (10) days after such action.
- (4) Where the Department determines that a proposed rezoning may have a significant adverse impact on any of the criteria listed in Sec. 52.17(a), the Department shall so notify the Village of its determination either prior to or during the public hearing held on the proposed amendment.
- (5) If the Department notifies the Planning and Zoning Committee, in writing, that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Sec. 52.17(1), the proposed amendment, if subsequently approved by the Village Board, shall not become effective until thirty (30) days after the date of receipt by the Department of the notice required to be given by the Village to the Department under Sec. 52.17(b)(3)b. If, within the foregoing 30-day period, the Department notifies the Village that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the Village, as provided by §66.231(6) and §61.351(6), Stats., the proposed amendment adopted by the Village shall not become effective until the ordinance adoption procedure, under §62.231(6) or §61.351(6), Stats., is completed or otherwise terminated.

## **52.18 ENFORCEMENT AND PENALTIES**

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the Planning and Zoning Committee and the District Attorney, Corporation Counsel or Village Attorney who shall prosecute such violations. Any person, firm, association or corporation, who violates or refuses to comply with any of the provisions of this ordinance, shall be subject to a forfeiture of not less than \$25.00 nor more than \$200.00 per offense, together with the taxable costs of such action. Each day of continued violation is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the Village, the state, or any citizen thereof pursuant to §87.30(2), Stats.

**(Ord. 528-14)**

## CHAPTER 53

### SUBDIVISION AND PLATTING

53.01	Establishment
53.02	Definitions
53.03	General Provisions
53.04	Review Fees
53.05	Dedications and Reservations
53.06	Subdivision Improvements
53.07	Construction Procedure
53.08	Design Standards
53.09	Planned Unit Development
53.10	Variances
53.11	Impact Fees
53.12	Reserved
53.13	Enforcement, Penalties and Remedies

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#### **53.01 ESTABLISHMENT.**

- (a) **AUTHORITY.** This ordinance is adopted under the authority granted by Chapters 61 and 236 of the Wisconsin Statutes and amendments thereto.
- (b) **PURPOSE.** The purpose of this Chapter is to protect and provide for the public health, safety, and general welfare of the Village; to guide the future logical growth and development of the Village, in accordance with adopted Comprehensive Plan; to provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger; to protect the character and the social and economic stability of all parts of the Village and to encourage the orderly and beneficial development and redevelopment of the Village; to protect and conserve the value of land throughout the Village and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings; to guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public facilities; to provide for proper location and width of street and building lines, pedestrian, and bicycle facilities; to establish reasonable standards of design and procedures for land divisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land; to insure that public facilities are available and will have a sufficient capacity to serve the proposed land division; and, to prevent and control erosion, sedimentation, and other pollution of air, streams, and ponds; to insure the adequacy of stormwater management facilities; to safeguard potable water supplies; and to

encourage the wise use and management of natural resources throughout the Village.

### **53.02 DEFINITIONS**

- (a) **DEFINITIONS.** The following definitions shall apply to this Chapter:
- (1) **“Act or Action”** shall, in the context of the Village Board or Village Planning and Zoning Commission’s review of a preliminary or final subdivision or certified survey map, mean approval, conditional approval, denial, or a request for a modification, or for additional study, field inspections or documentation.
  - (2) **“Alley”** shall mean a public right-of-way that normally affords a secondary means of vehicular access to abutting property.
  - (3) **“Area Development Plan”** shall mean a map approved by the Village Board that shows future streets on properties in the vicinity of a proposed land division.
  - (4) **“Arterial Street”** shall mean a street that provides for the movement of relatively heavy traffic to, from, or within the Village. It has a secondary function of providing access to abutting land.
  - (5) **“Association”** shall mean all condominium unit owners acting as a group, either through a non-stock, non-profit corporation, or an unincorporated association in accordance with its by-laws and declaration.
  - (6) **“Block”** shall mean a parcel, lot, or group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.
  - (7) **“Buildable Area”** shall mean the area of a lot remaining after the building setback requirements have been met and excluding the unbuildable areas as determined by this ordinance and the Village Planning and Zoning Commission. The buildable area must be contiguous and not separated by environmental features, streets, or other similar features.
  - (8) **“Building Setback Line”** shall mean the distance from the boundaries of a lot within which structure(s) shall not be erected.
  - (9) **“Certified Survey Map”** shall mean a map of a division of land prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this ordinance. A certified survey map may be referred to as a CSM.
  - (10) **“Channel”** shall mean a natural or artificial watercourse of perceptible extent with definite bed and banks to conform and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of a defined channel.
  - (11) **“Collector Street”** shall mean a street that collects and

distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It generally provides access to abutting property.

- (12) **“Commission”** shall mean the Planning and Zoning Commission created by the Village Board pursuant to Section 62.23 of the Wisconsin Statutes.
- (13) **“Comprehensive Plan”** shall mean the most recently adopted official guide for the physical, social, and economic growth of the Village properly enacted or adopted according to Section 66.1001 of the Wisconsin Statutes.
- (14) **“Conditional Approval”** shall mean approval of a plat by the Village Planning and Zoning Commission or Village Board subject to the plat meeting certain specified requirements as determined by the Village Planning and Zoning Commission or Village Board.
- (15) **“Condominium Development”** shall mean a property subject to a condominium declaration established under Chapter 703 Condominiums, Wisconsin State Statutes.
- (16) **“Crosswalk”** shall mean a public right-of-way traversing a block or street for the purpose of providing pedestrian access.
- (17) **“Contiguous”** shall mean next to, abutting, or touching and having a portion that is coterminous.
- (18) **“Cul-de-Sac”** shall mean a short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.
- (19) **“Day or Days”** shall mean calendar days.
- (20) **“Dead-End Street”** shall mean a street having only one outlet for vehicular traffic and no vehicular turnaround.
- (21) **“Detention Pond”** shall mean a permanent man-made pond or pool used for the temporary storage of stormwater runoff and which provides for the controlled release of such waters.
- (22) **“Developers Agreement”** shall mean an agreement by a subdivider with the Village of Pulaski that clearly establishes the subdivider’s responsibility regarding project financing and phasing, the provision of public and private facilities, subdivision improvements and any other mutually agreed to terms and requirements.
- (23) **“Development”** shall mean the act of constructing buildings or installing site improvements, such as grading, clearing, ditching installing utilities or any other activity necessary prior to construction.
- (24) **“Drainage Easement”** shall mean land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
- (25) **“Easement”** shall mean the quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public, utility, or some particular person, corporation, or part of the public for limited right of use.

- (26) “**Environmentally Sensitive Area (ESA)**” the lands identified on a final plat that are regulated by the most current iteration of the Brown County Subdivision and Platting regulations and/or the Brown County Sewage Plan.
- (27) “**Extraterritorial Plat Approval Jurisdiction**” shall mean the unincorporated area within one and one-half (1-1/2) miles of corporate municipal boundary of the Village or three (3) miles of the corporate municipal boundaries of the Village where it maintains approval authority over land divisions.
- (28) “**Final Plat**” shall mean the map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236, Wisconsin Statutes, the terms of this ordinance and any other applicable ordinances.
- (29) “**Frontage**” shall mean a length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
- (30) “**Frontage Street**”. A minor street auxiliary to and located on the side of an arterial street or other thoroughfare for control of access and for service to the abutting development.
- (31) “**Gradient**” shall mean the slope of land, road, street, or other public way specified in percent (%).
- (32) “**Grading Plan**” shall mean a drawing of a proposed area with plans and specifications for grading.
- (33) “**High Water Elevation**” shall mean the recorded average of all the high water elevations during the period of record for a flowage or other body of water.
- (34) “**Improvement, Public**” shall mean any sanitary sewer, storm sewer, drainage ditch, stormwater management facility, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
- (35) “**Irrevocable Letter of Credit**” shall mean a guarantee issued by a bank or other lending agency stating that a certain level of funds are available to the Village to pay for improvement costs specified in an approved developers agreement.
- (36) “**Land Division**” shall mean the act of creating two or more separately described parcels, at least one of which is forty (40) acres or less in size, from a single parcel of land by the owner thereof or his agent.
- (37) “**Land Division Document**” shall mean a preliminary, final, or recorded subdivision plat, and certified survey map.
- (38) “**Local Street**” shall mean a street designed for low speed travel and generally low traffic volumes which provides land access from neighborhoods and minor activities to the collector and arterial systems.
- (39) “**Local Unit**” shall mean the Village as well as the Counties, villages, and cities.
- (40) “**Lot**” shall mean a fractional part of a subdivision or certified



survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site.

- (41) **“Lot Area”** shall mean the area contained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of-way but including the area of any easement.
- (42) **“Lot, Corner (Corner Lot)”** shall mean a lot abutting intersecting streets at their intersection.
- (43) **“Lot Equivalent”** shall mean an area of land shown on a condominium plat document encompassing an individual condominium unit, or a building or part of a building, having two or more units, and also encompassing adjoining yard areas that will be associated with that unit, or set of units, in an occupancy and/or appearance sense in a manner equivalent to a lot for a comparable non-condominium development.
- (44) **“Lot, Reversed Corner (Reversed Corner Lot)”** shall mean a corner lot which is orientated so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
  
- (45) **“Lot, Through (Through Lot)”** shall mean a lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines. Also referred to as a double-frontage lot.
- (46) **“Lot Lines”** shall mean the peripheral boundaries of a lot as defined herein.
- (47) **“Lot Width”** shall mean the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.
- (48) **“Major Thoroughfare”** shall mean a street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (49) **“Mean Sea Level Datum”** shall mean a 1929 adjustment, as established by the U.S. Coast Guard and Geodetic Survey.
- (50) **“Minor Subdivision”** shall mean the division of land by the owner or owner’s agent resulting in the creation of not more than four (4) parcels.
- (51) **“Municipality”** shall mean all units with local self-government.
- (52) **“Official Map”** shall mean the official map of the Village or county by law showing thereon streets, highways, parkways, parks, schools, and other public facilities as provided by Sections 62.23 (6), Wisconsin Statutes.
- (53) **“Outlot”** shall mean a parcel of land other than a lot, which does not meet the requirements of a lot at the time of platting.
- (54) **“Owner or Owners”** shall mean a natural person, firm,

association, partnership, private corporation, public or quasi-public Corporation, or combination of these.

- (55) **"Parcel"** shall mean a continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately conveyed.
- (56) **"Pedestrian Pathway"** shall mean a public way, usually running at right angles to streets, which is intended for the convenience of pedestrians and bicyclists only; it may also provide public right-of-way for utilities.
- (57) **"Performance Bond"** shall mean a bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if said contract or obligation is unfulfilled by the subdivider.
- (58) **"Planned Unit Development"** shall mean a development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.
  
- (59) **"Planning and Zoning Commission"** shall mean the officially constituted Village of Pulaski body whose duties include administration of the Village subdivision regulations and may also be referred to as "planning commission" or "plan commission".
- (60) **"Plat"** shall mean a map of a subdivision.
- (61) **"Preliminary Plat"** shall mean a map showing the salient features of a proposed subdivision submitted to the Planning and Zoning Commission for purposes of preliminary consideration.
- (62) **"Pre-application"** shall mean a required meeting with Village staff to review a concept plan and provide input in to next steps or issues.
- (63) **"Public Utility"** shall mean any corporation, company, association, sanitary district, or municipality that may own, or operate any plant or equipment for the conveyance of telephone messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or any other service deemed to be in the public interest, shall be deemed a public utility.
- (64) **"Replat"** shall mean the changing of the boundaries of a recorded subdivision plat or part thereof.
- (65) **"Restrictive Covenant"** shall mean the written stipulations on the face of the plat regarding development that the landowner must abide by.
- (66) **"Retention Pond"** shall mean a permanent man-made pond or pool designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.
- (67) **"Reviewing Agency"** shall mean any agency, which is entitled

- to review and make recommendations concerning a subdivision prior to the Board action.
- (68) **“Right-of-way”** shall mean a strip of land occupied or intended to be occupied for a special use, dedicated to the public by the maker of the plat on which such right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.
- (69) **“Roadway”** shall mean a surfaced curb to curb or paved portion of a street available for vehicular traffic movement and parking.
- (70) **“Sidewalk”** shall mean that portion of a street or crosswalk, paved or otherwise surfaced, intended for pedestrian use only.
- (71) **“State Plat”** shall mean a map of a division of land prepared in accordance with Chapter 236 Wisconsin Statutes and the terms of this Ordinance where:
- a. The act of division creates five (5) or more lots each one and one half (1.5) acres or less in area; or;
  - b. Five (5) or more lots each one and one half (1.5) acres or less in area are created by successive divisions within a period of five (5) years.
- (72) **“Stormwater”** shall mean the flow of surface water that results from precipitation.
- (73) **“Stormwater Management Facilities”** shall mean any technique, apparatus, or facility that controls or manages the path, storage, or rate of release of stormwater runoff. Such facilities may include storm sewers, drainage easements, retention or detention ponds, drainage channels, ditches, drainage swales, inlet or outlet structures, or other similar facilities.
- (74) **“Street” shall mean** and include all access ways in common use, such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation; but shall not include those access ways, such as easements and rights-of-way intended for solely limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, or drainage and sanitary sewers.
- (75) **“Street, Half”** shall mean a street bordering one (1) or more property lines of a tract of land in which the subdividers allocated a part of the ultimate right-of-way width. Building permits shall not be issued for parcels with frontage only on half streets.
- (76) **“Structure”** shall mean anything constructed or erected on the ground (to include all types of buildings, attachments to buildings, parking lots, fences, and berms).
- (77) **“Subdivider”** shall mean any individual, firm, association, syndi-

cate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this chapter to create a subdivision of land hereunder for himself or for another or for others.

- (78) **“Subdivision”** shall mean any division of a lot by the owner thereof, or his/her agent, for the purpose of sale, lease, or building development where:
  - a. The act of division creates five (5) or more parcels or building sites of forty (40) acres or less in area; or
  - b. Five (5) or more parcels or building sites of forty (40) acres each or less in area are created by successive divisions within a period of five (5) years.
- (79) **“Surveyor”** shall mean a land surveyor duly registered in the State of Wisconsin.
- (80) **“Tax Parcel Number”** shall mean the identification number assigned to real estate in Brown, Oconto, and Shawano Counties for taxation purposes.
- (81) **“Thoroughfare”** shall mean a street with a high degree of continuity, including collectors, major arterials, limited access highways, and freeways.
- (82) **“Village”** shall mean the Village of Pulaski, Brown, Oconto, and Shawano Counties, Wisconsin
- (83) **“Village Board”** shall mean the governing body of the Village of Pulaski.
- (84) **“Unbuildable Area”** shall mean the area within a lot which is identified by the Planning and Zoning Commission as an area not able to be used for building purposes and not able to be calculated as a buildable area.
- (85) **“Undeveloped Land”** shall mean the land in parcels or tracts sufficiently large for future subdivision, which is presently in agriculture, woodland, or other non-intensive use.
- (86) **“Unit, Condominium”** shall mean a part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors in a building.
- (87) **“Utility Easement”** shall mean an easement to place, replace, maintain, or move utility facilities, such as telephone, water, sewer, gas, cable television, etc.
- (88) **“Urban Cross Section Street”** shall mean a street that provides access to lots served by public sewer and water and contains a curb and/or gutter.
- (89) **“Variance”** shall mean a departure from the terms of the subdivision ordinance as applied to a specific structure or parcel of land, which the Village Planning and Zoning Commission may provide a recommendation to the Village Board, pursuant to the requirements within this Ordinance.
- (90) **“Wetlands” shall mean a** wetland is an area where water is at, near, or above the land surface long enough to be capable of

supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. A wetland delineation is established by, or approved by the Wisconsin Department of Natural Resources and/or the U.S. Army Corps of Engineers.

### 53.03 GENERAL PROVISIONS

- (a) **SUBDIVISION IMPROVEMENTS.** The Subdivider, or his or her agent shall furnish and install the subdivision improvements set forth in Section 53.06. The required improvements are to be furnished and installed at the sole expense of the Subdivider, unless specified differently within this ordinance or in an approved Developer's Agreement between the Village and the Subdivider. The required improvements are to be installed in accordance with plans, standards, specifications, and scheduling approved by the Village.
- (b) **FINANCING.** As a condition of preliminary plat approval or CSM that contains a public dedication, the Subdivider shall submit along with the Development Agreement an irrevocable letter of credit, performance bond, or cash escrow agreement, in an amount to be equal to 125% of the bid package cost for the required improvements, naming the Village of Pulaski as beneficiary to assure the following:
  - (1) The Subdivider shall pay for the cost of all improvements required in the Subdivision. However, in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the Subdivider and the remaining portion of the cost by the Village. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the Subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.
  - (2) Assessments for improvements installed within the subdivision to benefit lands outside the existing Village boundaries shall be deferred until such time that said lands are annexed into the Village.
- (c) **VILLAGE COSTS.** In addition to the cost of the required subdivision improvements, the Subdivider shall also be responsible for the payment for all costs incurred by the Village for review and inspection including, but not limited to preparation and review of plans and specifications by the Village Engineer, Planner, and/or Attorney, as well as other contracted costs of a similar nature.
- (d) **NON-LIABILITY.** The Village does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation, and thereby asserts that there is no liability on the

part of the Village Board, its agencies or employees, for sanitation problems, structural damages, or any other losses that may occur as a result of reliance upon, and conformance with, this ordinance.

- (e) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this ordinance shall govern.
- (f) **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (g) **JURISDICTION.** Jurisdiction of these regulations shall include all land and waters within the Village of Pulaski, Wisconsin.
- (h) **LAND SUITABILITY.** No land shall be divided or subdivided for a use which is held unsuitable by the Village Board for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, drainage, inadequate water or sewage disposal capabilities, or any other condition likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision plat, certified survey map, or of the community. Except as provided herein, the Village Board shall determine such unsuitability at the time the preliminary subdivision plat or certified survey map is considered for approval.
  - (1) When a proposed subdivision plat or certified survey map is located in an area where flooding or potential flooding may be a hazard, the Village Board may require that the subdivider determine the floodway and floodplain boundaries for the proposed plat or map. Floodplain boundaries, as determined by a licensed surveyor or engineer shall be reviewed and approved by the Wisconsin Department of Natural Resources.
  - (2) The development shall be in accordance with the floodplain management standards of the Floodplain-Shoreland Management Section, Wisconsin Department of Natural Resources, and the Village of Pulaski Floodplain, Shoreland and Wetland Zoning Ordinance.
  - (3) The Village Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence and the means of overcoming such suitability, if he/she so desires, at a meeting of the Board. Thereafter, the Board may affirm, modify, or withdraw its determination of unsuitability.
  - (4) The subdivider may, as a part of the preliminary plat or certified survey map procedure, request a determination of land suitability by the Village Board, provided that the subdivider shall

- provide all necessary maps, data, and information for such a determination to be made.
- (5) Each proposed subdivision plat or certified survey map shall be in compliance with the Village of Pulaski Comprehensive Plan, Zoning Ordinance, Official Map, and all other local, county, state, and federal regulations.
- (i) **LAND DIVISIONS NOT COVERED BY THIS ORDINANCE.** The provisions of Chapter 236 Wis. Stats and. this Ordinance shall apply to all land divisions, except:
- (1) Transfers of interest in land by will or pursuant to court order.
  - (2) Leases for a term not to exceed 10 years, mortgages, or easements involving five (5) parcels or less.
  - (3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations or other applicable laws and ordinances.
  - (4) A division of land resulting in parcels more than 40 acres in area.
  - (5) Cemetery Plats pursuant to sec. 157.07, Stats., and Assessor's Plat pursuant to sec. 70.27 Stats.
  - (6) Conversion of the form of ownership of existing buildings into condominiums or cooperatives.
- (j) **RE-SUBDIVISION OF RECORDED LAND DIVISIONS.** Any re-subdivision of a recorded land division that ultimately results in the creation of five (5) or more lots, parcels, or building sites from the same original parcel shall be considered to be a subdivision and shall be accomplished by a subdivision plat and not additional certified survey maps.
- (k) **COMPLIANCE WITH ORDINANCES, STATUTES, REGULATIONS AND PLANS.** Any person dividing land which results in a subdivision shall prepare a plat of the subdivision, or which results in a minor land division shall prepare a certified survey map, in accordance with the requirements of this Ordinance and:
- (1) The provisions of Chapter 236.34, Wis. Stats.
  - (2) The provisions of Chapter 21, Brown County Code of Ordinances
  - (3) All other applicable Village, County, and State ordinances and regulations.
  - (4) The Village of Pulaski Comprehensive Plan.
  - (5) The Village of Pulaski Official Map.
- (l) **VIOLATIONS.** It shall be unlawful to divide, convey, record, or monument any land in violation of this Ordinance or the Wisconsin Statutes. The Village may institute appropriate action or proceedings to enjoin violations of this Ordinance as specified in Section 53.15 of this ordinance.

#### **53.04 REVIEW FEES**

- (a) **Preliminary Plat.** The subdivider shall submit to the Village all fees based upon the fee schedule from time to time adopted by the Village Board. Fees shall be submitted at the time of first application

to the Village to assist in defraying the costs of necessary inspections and review of the preliminary plat.

- (b) **Certified Survey Map.** The subdivider shall submit to the Village all fees based upon the fee schedule adopted by the Village Board. Fees shall be submitted at the time of first application to the Village to assist in defraying the costs of necessary inspections and review of the certified survey map.
- (c) **Planned Unit Development.** The subdivider shall submit to the Village all fees based upon the fee schedule adopted by the Village Board. Fees shall be submitted at the time of first application to the Village to assist in defraying the costs of necessary inspections and review of the planned unit development.
- (d) **Variance.** The subdivider shall submit to the Village all fees based upon the fee schedule adopted by the Village Board. Fees shall be submitted at the time of application to the Village for each variance request from the Village of Pulaski Subdivision Ordinance to assist in defraying the costs involved in such an application.

### **53.05 DEDICATIONS AND RESERVATIONS**

- (a) **STREETS AND PUBLIC WAYS.**
  - (1) Whenever a parcel of land to be divided under this ordinance contains all, or in part, a proposed street, highway, stormwater management facility, public access to navigable lakes or streams, or other public way, access, or easement which has been designated in a comprehensive plan as defined in this Ordinance, an official map adopted under Section 62.23, Wis. Stats., or as required in Section 236.16(3) Wis. Stats., such public way, access, or easement shall be made a part of the plat and dedicated or reserved by the subdivider in the location and dimensions indicated by the subdivider after proper determination of its necessity by the Village Board or its designee and/or the appropriate body or public agency involved in the acquisition and/or use of each site.
  - (2) Prior to acceptance of any streets or public ways by the Village, the Village Engineer shall certify to the Village that all of the following conditions are met with respect to each facility:
    - a. The street or public way is functioning properly in accordance with the plans and specifications of the Village.
    - b. Any necessary maintenance, including application of first lift of asphalt or other Village-approved surface material is completed.
- (b) **STORMWATER MANAGEMENT FACILITIES.**
  - (1) The dedication of any lands and/or facilities shown on a plat of a subdivision or certified survey map within the Village for stormwater management facilities as "Dedicated to the Public for Stormwater Management Purposes" shall not be accepted by the Village until at least 80 percent of the lots shown on the



subdivision plat or CSM have been sold, unless an earlier date is agreed to by the Village of Pulaski.

- (2) Prior to acceptance of any lands and/or stormwater management facilities by the Village, the Village Engineer shall certify to the Village that all of the following conditions are met with respect to each facility:
  - a. The stormwater management facility is functioning properly in accordance with the plans and specifications of the Village.
  - b. Any required plantings are adequate, well-established, and reasonably free of invasive species.
  - c. Any necessary maintenance, including removal of construction sediment, has been properly performed.
- (c) **RESERVATION OF LANDS FOR PARK, OPEN SPACE, SCHOOL OR PUBLIC SITES.** Whenever a parcel of land to be divided as a subdivision or a land division contains all, or in part, a site for a park or open space use, or a school or other public site, which has been designated in a comprehensive plan as defined in this Ordinance or an official map adopted under Section 62.23, Wis. Stats., such park, open space, school, or public site shall be made a part of the plat. The subdivider shall reserve such proposed public lands for a period not to exceed three (3) years, unless extended by mutual agreement for acquisition by the public agency having jurisdiction.
- (d) **ENVIRONMENTALLY SENSITIVE AREAS (ESAs).** Whenever a tract of land to be subdivided includes any part of identified Environmentally Sensitive Areas (ESA) as defined in the most recent iteration of the Brown County Sewage Plan, such areas shall be shown on the plat.
- (e) **LANDS BETWEEN MEANDER LINE AND WATER'S EDGE.** The lands lying between the meander line established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he or she holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.
- (f) **RESTRICTIONS FOR PUBLIC BENEFIT.**
  - (1) Any restrictions placed on platted land by covenant, grant of easement, or in any other manner, which were required by the Village, or public utility, or which name the Village as grantee, promisee, or beneficiary, vest in the Village the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in land subject to the restriction. Such restrictions shall include obligations to pay maintenance assessments for commonly held open space property, stormwater management, erosion control measures, and other improvements. The restriction may be released or waived in writing by the Village.

- (2) The Village Board reserves the right to require conservation easements for future public access across or through dedicated public lands for the purposes of sound engineering, planning, maintenance, or development purposes.

### **53.06 SUBDIVISION IMPROVEMENTS**

- (a) **REQUIRED IMPROVEMENTS.** The Subdivider, or his or her agent shall furnish and install the improvements specified in this Section at the sole expense of the Subdivider, unless specified differently within this ordinance or in an approved Developer's Agreement between the Village and the Subdivider. The required improvements are to be installed in accordance with plans, standards, specifications, and scheduling approved by the Village.
- (b) **SURVEY MONUMENTS.** The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15, Wis. Stats. (Pursuant to Section 236.15(l)(11), Wis. Stats., the Village which is required to approve the subdivision under Section 236.10, Wis. Stats., may waive the placing of monuments for a reasonable time on condition that the subdivider executes a performance bond to ensure that he or she will place the monuments within the time required.)
- (c) **MOTOR VEHICLE CIRCULATION.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Features such as curb extensions, roundabouts, short medians and other traffic calming techniques may be used to encourage slow traffic speeds.
  - (1) Street Hierarchy. Each street within a development shall be classified according to the following:
    - a. Freeways: Freeways are fully controlled access highways that have no at-grade intersections or driveway connections.
    - b. Arterials. Principal and minor arterials carry longer-distance traffic flows between activity centers. These facilities are the backbone of a highway system and are designed to provide a very high amount of mobility and very little access.
    - c. Collectors. Collectors link local streets with the arterial street system. These facilities collect traffic in local areas, serve as local through routes, and directly serve abutting land uses.
    - d. Locals. Local roads and streets are used for short trips. Their primary function is to provide access to abutting land uses, and traffic volumes and speeds are relatively low.
    - e. Alleys. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities.

Alleys may also provide delivery access or alternate parking access to commercial properties.

- (2) Street Layout. Well-connected street patterns that take into account the natural landscape should be developed to maximize connectivity and accessibility wherever feasible and shall include the following:
  - a. Alignment and visibility: Clear visibility, measured along the centerline, shall be provided for at least 400 feet on major streets, 350 feet on collector streets, and 250 feet on minor streets.
  - b. Minimum radii or curvature on the centerline: shall be 300 feet on arterial streets, 200 feet on collector streets, and 100 feet on local streets.
  - c. Local streets may terminate other than at other streets when geographic or environmental conditions necessitate the creation of a cul-de-sac. Cul-de-sacs should maintain a connection to the pedestrian and bicycle path network at the terminus in order to maintain an effective pedestrian and bicycle circulation network.

(d) **GRADING AND SURFACING**

- (1) The subdivider shall finish grade all shoulders and ditches, and install all necessary culverts and other storm and surface water drainage structures or systems to effect positive drainage away from buildings and service facilities and to prevent erosion and sedimentation.
- (2) The subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways and streets proposed to be dedicated with the first lift of asphalt or surface material approved by the Village before building permits may be issued.
- (3) The subdivider shall provide the final lift of asphalt or surface materials approved by the Village, or provide funds in escrow for the Village to provide the final lift, when 80 percent of the lots in the subdivision are improved or within three years of final plat approval, whichever comes first. The Village Board at its discretion may extend the timeline for an additional period not to exceed one year.

- (e) **PEDESTRIAN GUIDELINES.** Sidewalks shall be constructed with all new streets and shall meet the design standards of this Chapter.

- (f) **BICYCLE CIRCULATION.** Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non motorized users), shared on-street driving/bicycle lanes, and striped bicycle lanes on streets. Designated lane signs shall be placed beside the road where bicycle lanes are present, and “bike lane” shall be painted within the lanes to ensure that people understand the lanes are to be used only by bicyclists. The Village of Pulaski Comprehensive Plan, Village of Pulaski Park and Outdoor Recreation Plan, and County Bicycle and Pedestrian Plans shall be consulted for guidance.
- (g) **STREET LAMPS.** The subdivider shall provide, pay for, and provide for the installation of street, pedestrianway, and bikeway lighting systems, where appropriate, within the area being developed, upon consultation with the appropriate electric utility and as approved by the Village Engineer, prior to acceptance of the subdivision or submit a cash escrow with the Village in lieu thereof.
- (h) **STREET SIGNS.** The subdivider shall pay for the purchase and installation of all street name signs, temporary dead end barricades and signs, no parking signs, and traffic control signs as required by Village standards, prior to acceptance of the subdivision or submit cash escrow with the Village in lieu thereof.
- (i) **STREET TREES.** A minimum of two deciduous canopy trees (minimum 1½” dbh) from a list of Village-approved trees per lot shall be required. As determined by the Village, where lot dimensions or layout make two trees impractical, only one tree shall be required. Trees shall be planted immediately following home construction, but prior to issuance of occupancy permit unless otherwise dictated by weather conditions and/or planting season. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk. The subdivider shall pay for the purchase and installation of the street tree(s) or provide for their purchase and installation by the Village in a dedicated escrow account. Property owner is responsible for ongoing maintenance of street trees.

- (j) **SANITARY SEWAGE DISPOSAL FACILITIES.**
  - (1) The subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate public sanitary sewerage service available to each lot within the subdivision. Such construction may include, where necessary, sanitary pumping stations, sanitary pressure mains, and sanitary interceptor mains, the cost of which shall be prorated on the basis of percent of service area within the subdivision and the excess cost either borne by the Village or assessed against the total tributary drainage area.
  - (2) The size, type, and installation of all sanitary sewerage facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village. The Village may require the installation and capping of sewer laterals for future connection.
  - (3) Sewage laterals shall extend a minimum of one foot beyond the recorded utility easement with tracer wire to avoid disrupting other existing utility lines at the time of connection.
- (k) **PUBLIC WATER SUPPLY FACILITIES.**
  - (1) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If larger sized water mains are required to serve additional areas of the Village, the additional cost of such mains over and above the cost of those serving the proposed development shall be borne by the Village or assessed against the total area served. If municipal water service is not available, the subdivider shall make provisions for adequate private water systems as specified by applicable State and County regulations.
  - (2) The size, type, and installation of all public water supply facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village. The water system shall be looped wherever possible. The Village may require the installation and capping of water mains for future connection.
  - (3) Water laterals shall extend a minimum of one foot beyond the recorded utility easement with tracer wire to avoid disrupting other existing utility lines at the time of connection.
- (l) **STORM WATER MANAGEMENT AND EROSION CONTROL FACILITIES.** The subdivider shall construct stormwater management facilities and maintain erosion control facilities in such a manner consistent with the Village's adopted stormwater management plan and ordinance and as specified by applicable State and County regulations.

(m) **OTHER UTILITIES.**

(1) Underground Requirements

- a. All new electric distribution lines, all new telephone lines from which individual lots are served, community antenna television cables and services, fiber optic cables, and gas utility services shall be underground unless the Village shall find upon study that:
- b. The placing of such facilities underground would not be compatible with the development, or
- c. Location, topography, soil, wetland, solid rock, boulders, stand of trees, rows of trees, hedges or other physical conditions would make underground installation unreasonable or impractical.
- d. Associated equipment and facilities such as, but not limited to, pad mounted transformers, pad mounted sectionalizing switches and pedestal terminal boxes, may be located above ground, provided that they are located in an inconspicuous manner, screened from public view and fit into the development plans for the subdivision.
- e. The subdivider or his or her agent shall furnish proof to the Village that such arrangements as may be required under the applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to the approval of the final plat, development plan or certified survey map.
- f. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed.

(2) Easement Locations

- a. Perpetual, unobstructed easements in the front yard, or as otherwise determined by the respective utility, of subdivisions and land divisions shall be provided for utilities (private and municipal) where necessary. Such easements shall be at least twelve (12) feet wide and shall be designated as "*Utility Easements*" on the plat or certified survey map. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements along adjoining properties.

- b. Where topographical or other conditions are such to make impractical the inclusion of utilities within the front yard, where necessary, perpetual, unobstructed easements at least twelve (12) feet wide shall be provided along each adjoining rear lot lines and shall be designated as "*Utility Easements*" on the plat or certified survey map.
- (n) **CONSTRUCTION COMPLETION SCHEDULE.**
- (1) Construction shall begin within 6-months following Village of Pulaski approval of the final plat.
  - (2) The required subdivision improvements shall be completed within a 2-year period following Village approval of the final plat.
  - (3) If the required improvements are not completed within the 2-year period following Village approval of the final plat, all amounts held under the escrow agreement, irrevocable letter of credit, or performance bond shall be turned over and delivered to the Village and applied to the cost of the required improvements, and engineering, administrative, legal or other associated costs born by the Village. Any balance remaining after such expenses have been paid shall be returned to the subdivider. The Village Board at its discretion may extend the timeline for an additional period not to exceed 2 years.

### **53.07 CONSTRUCTION PROCEDURE**

- (a) **CONSTRUCTION PLANS AND SPECIFICATIONS.** Construction plans for the required improvements conforming in all respects with the standards of the Village Engineer or Village Board and the ordinances of the Village shall be prepared at the subdivider expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his/her seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for review and approval and to determine an estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Immediately following approval of the preliminary plat by the Village Board, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished to the Village for the following public improvements:
- (1) Street plans and profiles showing existing and proposed grades, elevations, names, and cross sections of required improvements.
  - (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
  - (3) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations, culvert sizes, retention ponds, and materials of required facilities.
  - (4) Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.

- (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
  - (6) Planting plans showing the locations, species, and time of planting of any required grasses and ground cover.
  - (7) Corner elevations for every proposed lot and outlot, prior to issuance of building permit.
  - (8) Additional special plans or information as required by Village Planning and Zoning Commission, Village Board, or Village staff.
- (b) **ACTION BY THE VILLAGE ENGINEER.** The Village Engineer shall review or cause to be reviewed the plans and specification for conformance with the requirements of this ordinance and other pertinent Village design standards. If the Village Engineer rejects the plans and specifications, the Village Engineer shall notify the owner or owner's agent, who shall modify the plans or specifications or both accordingly. If the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed.
- (c) **CONSTRUCTION AND INSPECTION.**
- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Ordinance and any other Village-approved standards.
  - (2) Construction and provision of all improvements shall begin and be complete in accordance with the timelines provided in Section 53.09.
  - (3) During the course of construction, the Village Engineer or designee shall make such inspections, as he/she deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.
  - (4) Contractors shall provide a warranty for improvements for a minimum of two (2) years from substantial completion.
- (d) **AS-BUILT PLANS.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all drain tiles, valves, manholes, hydrants, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. This map shall be on paper, shall bear the signature and seal of a professional engineer registered in Wisconsin. A digital scanned version of the map shall also be made available to the Village in a format of the Village's choosing. The presentation of the map and digital file shall be a condition of final acceptance of the improvements and release of letter of credit, performance bond, or remaining escrow, assuring their completion.



## **53.08 DESIGN STANDARDS**

- (a) **CONFORMITY WITH THE COMPREHENSIVE PLAN, MASTER DEVELOPMENT PLAN, PLAN FOR PARKS AND OPEN SPACE, TRANSPORTATION PLAN, UTILITY PLANS AND THE OFFICIAL MAP.** All proposed development shall conform to the Comprehensive Plan, Parks and Recreation Plan, Stormwater Management Plan, Transportation Plan, Utility Plans, the Official Map, and any other applicable plans or ordinances of the Village as they relate to utilities and transportation facilities. The classification and location of all streets shall conform to the Official Map and shall be considered in their relationship to existing and planned streets, to topographic conditions, to natural features, to public convenience and safety, and in their appropriate location to the proposed uses of the land to be served.
- (b) **RELATIONSHIP TO EXISTING AND FUTURE DEVELOPMENT.**
- (1) The arrangement of new streets shall make provision for the continuation of existing streets to adjoining areas.
  - (2) Where adjoining areas are not subdivided or developed and the Comprehensive Plan or Official Map indicate development is desired, the arrangement of streets in the proposed development shall provide for proper projection of streets to the boundary of the proposed development.
  - (3) All new developments shall provide for future street connections to adjoining parcels, as appropriate.
- (c) **ACCESS.**
- (1) Every lot or parcel created shall front on a public street, excluding alleys.
  - (2) Streets.
    - a. All streets shall meet the adopted minimum design standards for Village streets required by the Village of Pulaski. Additionally, all streets shall be developed in a manner consistent with Table 1.
    - b. Streets shall be designed by an engineer licensed in the State of Wisconsin to the standards required by the Village of Pulaski and shall follow the construction procedures for streets identified in Sections 53.09 and 53.10 of this Ordinance.

Table 1: Street Standards						
Street Type	Right-of-Way Width**	Pavement Width (Curb Face to Curb Face)	Driving Lane Width	Parking Area		
				On-Street Parking	Defined By Curbs?	Sidewalks
<b>Arterials</b>	70 feet	36 feet	12 – 14 foot travel lane	Limited	Yes	Both Sides
<b>Collectors</b>	60 feet	34 feet	11 - 12 foot travel lane	Both Sides	Yes	Both Sides
<b>Local Streets</b>						
Parking on both sides	60 feet	32 feet	10 - 12 foot travel lane	Both Sides	Yes	Both Sides
<b>Alleys</b>	16 feet	12 feet	---	---	---	---
<b>Cul-De-Sacs</b>	60 feet	28 feet	10 - 12 foot travel lane	Both Sides	Yes	Both Sides
Bulb	130 feet	50 foot radius	and 1,000 foot maximum length			

- (d) **TEMPORARY ROADWAY TERMINATION.** Where a street is terminated temporarily at the edge of a development and the street is longer than one hundred feet, a temporary turn-around shall be provided by one of the following methods:
- (1) If the subdivider owns the adjacent land, a temporary turn around can be provided through a restriction (temporary easement) on said land. Such a turn around shall be constructed to Village standards.
  - (2) The subdivider may provide the required turn around on the last lots fronting on the temporary dead end street through the use of a temporary easement running to the Village. Such a turn around shall be constructed to Village standards.

- (e) **RESERVE STRIPS.** There shall be no reserve strips controlling access to streets except where control of such strips is placed in the Village under conditions approved by the Village.
- (f) **HALF STREETS.** Where an existing dedicated or platted half street is adjacent to a parcel being subdivided, the other half of the street shall be dedicated by the subdivider. Building permits may not be issued for lots with primary frontage on a half street. Half streets may not be utilized in calculating required frontage.
- (g) **STREET JOGS.** Street jogs with centerline offsets of less than 200 feet shall not be allowed. Along collectors and arterials, offsets of less than 600 feet shall not be allowed.
- (h) **INTERSECTIONS.**
  - (1) Intersections shall be laid out so that the angle of the intersection is nearly as possible a right angle.
  - (2) No street shall intersect another at less than a 75-degree angle.
  - (3) Intersections along arterial streets shall be held to a minimum, and whenever feasible, the minimum distance between intersections on arterial streets shall be fifteen hundred (1500) feet.
- (i) **RESTRICTION OF ACCESS (PROTECTION OF ARTERIAL STREETS AND HIGHWAYS).** Whenever a proposed subdivision contains or is adjacent to an existing or officially mapped arterial street or highway, adequate protection of residential property, limitation of access and the separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a non-access reservation along the rear property line.
- (j) **SIDEWALKS.**
  - (1) Sidewalks shall be constructed on all streets that provide primary access to lots, including cul-de-sacs, in accordance with the widths listed in Table 2.
  - (2) Eighteen (18) foot easements with a sidewalk not less than ten (10) feet, shall be placed between subdivisions and between cul-de-sacs within the same subdivision for the purposes of constructing bicycle and pedestrian facilities to enable residents to conveniently walk and bike throughout their neighborhood, wherever practicable.

**Table 2: Minimum Sidewalk Widths**

Street Function	Minimum Sidewalk Width
Arterial or Collector	6'
Local	5'
Easements between subdivisions	10'
Easements between cul-de-sacs	10'

- (3) Sidewalks shall be installed along all street frontages prior to the issuance of any building permits.

- (4) Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
  - (5) Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. As appropriate, the Village may require well-lit and clearly marked crosswalks with contrasting paving materials at the edges or with striping.
  - (6) Easements. Easements not less than eighteen (18) feet in width, with a sidewalk not less than ten (10) feet shall be provided near the center and entirely across any block 900 feet or more in length or elsewhere deemed essential by the Village to provide convenient pedestrian circulation or access to parks, schools, shopping centers, churches, transportation facilities, and other public destinations.
  - (7) Terraces between the sidewalk and curb shall be of sufficient width to provide for safe and comfortable pedestrian activities and adequate snow removal storage areas.
  - (8) Exceptions. The Village will consider the construction of a sidewalk on only one side of the street where the right-of-way has very severe topographic or environmental constraints or where there is existing development or mature landscaping.
- (k) **LAND DIVISION ABUTTING RAILROAD, TRAIL CORRIDOR OR LIMITED ACCESS HIGHWAY.** Where a subdivision or certified survey map borders on or contains a railroad right-of-way, off-street trail corridor, or limited access highway right-of-way, the Village Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grade separations.
- (l) **STREET NAMES.**
- (1) A proposed street that is in alignment with or extends an existing named street shall bear the name of the existing street.
  - (2) In no case shall a proposed name of a street duplicate the name of an existing street within the county the street is located within.
  - (3) The use of the suffix "street", "avenue", "boulevard", "drive", "place" "court" or similar description shall not be distinction sufficient to constitute compliance with this subsection.

- (4) The Village Board reserves the right to approve or disapprove of any proposed new street names.
- (m) **ADDRESSES.** All new lots shall be numbered in accordance with the uniform house number system adopted by the Village Board. Street numbers shall be assigned prior to approval or as a condition of approval of the final plat by the Village Board.
- (n) **CUL-DE-SAC STREETS.**
- (1) The use of cul-de-sac streets shall be limited to portions of developments, which, due to unusual topographical, environmental, or other particular conditions, may better be served by cul-de-sacs than by continuous streets.
  - (2) Every attempt shall be made to provide for pedestrian connections at the terminus of a cul-de-sac.
  - (3) All cul-de-sac streets shall terminate in a circular turn around meeting dimension standards in Table 1.
  - (4) Cul-de-sacs shall not exceed 1,000 feet in length and shall be measured along the centerline from the center of turnaround to the edge of the right-of-way of the intersecting street that provides external access to the development.
- (o) **GRADES.** Pedestrianways shall have a maximum grade of 8%. Changes in street grades shall provide such sight distances as the Village Engineer determines are required. Street grades shall be established to avoid, wherever possible, excessive grading, removal of ground cover and trees and leveling of topography.
- (p) **DITCHES.**
- (1) Driveways shall contain a maximum 3:1 (3 foot horizontal : 1 foot vertical) slope as the driveway transitions to the culvert and ditch.
  - (2) All culverts running underneath driveways shall have endwalls to maintain the maximum 3:1 slope
  - (3) Ditches and culverts shall be sized to efficiently convey stormwater and contain a minimum one percent grade.
  - (4) Ditches and culverts shall contain a minimum one percent grade and culverts shall have a minimum diameter of eighteen (18) inches, contingent upon Village approval.
  - (5) All ditches shall be kept free of any grading activities and clear of any obstructions, including decorative stone, monuments, landscaping, etc, that may present a safety hazard to pedestrians, bicyclists, or motorists; or that may present an obstruction to the efficient flow of stormwater.
- (q) **DRIVEWAYS.**
- (1) Driveways shall be a minimum of fifty (50) feet from centerline of the intersection of any road rights-of-way, excluding alleys.
  - (2) Driveways with access to urban cross-section streets shall provide for the continuation of the sidewalk network within the concrete driveway apron.

(r) **PEDESTRIANWAYS AND BIKEWAYS.**

- (1) In the design of the plat, the subdivider shall make provisions for pedestrianways and bikeways for transport and recreation as required by the Village. Where it is deemed necessary by the Village, walks and paths away from streets in common areas shall be lighted for safety and to permit visual surveillance.
- (2) Access shall be made available to State Recreational Trails at distances not to exceed one per half mile. Existing street crossings shall be considered as existing access points and may be considered when determining additional access.

(s) **BLOCKS.**

- (1) The lengths, widths, and shapes of blocks shall be compatible with the comprehensive plan, zoning requirements, need for convenient pedestrian, bike and vehicle access, control and safety of street traffic, bicyclists and pedestrians, and the limitations and opportunities of topography. Blocks in residential areas shall not be less than two hundred (200) feet wide between street lines nor greater than one thousand five hundred (1,500) feet in length unless dictated by exceptional topography or other limiting factors of good design.
- (2) Block layout shall promote the development of a well-connected street network, however they may vary in size and shape to allow for topographical or environmental constraints.
- (3) Blocks shall be of sufficient width to provide for two (2) tiers of lots of appropriate depth, except where required to separate residential development from through traffic.
- (4) Easements not less than eighteen (18) feet in width, with a sidewalk not less than 10 feet in width, shall be established near the center and entirely across any block nine hundred (900) feet or more in length, or elsewhere deemed essential, in the opinion of the Village Board, to provide convenient pedestrian and bicycle circulation.

(t) **LOTS.**

- (1) Lot dimensions shall conform to the requirements and amendments to the Village of Pulaski Zoning Ordinance.
- (2) Side lot lines shall be right angles to straight lines or radial to curved street lines on which the lots face whenever possible.
- (3) Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform to the Zoning Code.

- (4) Every lot shall front or abut on a public street, not including alleys, freeways, or half-streets.
- (5) Lot lines shall not cross municipal or county boundary lines.
- (6) Double frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (7) Residential lots fronting or backing on arterial streets shall be platted with extra depth.

(u) **BUILDING SETBACK LINES.**

- (1) Setback lines shall conform to the requirements and amendments to the Village of Pulaski Zoning Ordinance.
- (2) Where lots abut navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, marinas, boathouses, and similar uses shall not be less than one hundred (100) feet from the ordinary high water line as measured on a horizontal plane.
- (3) Where lots abut non-navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, boathouses, and similar uses shall not be less than twenty-five (25) feet from the ordinary high water line as measured on a horizontal plane.
- (4) The Brown County Sewer Service Area Environmentally Sensitive Area setbacks shall be complied with.

(v) **TREATMENT OF RAILROAD OR STATE RECREATIONAL TRAIL RIGHTS-OF-WAY.** Whenever the proposed subdivision contains or is adjacent to a railroad or State Recreational Trail right of way, the subdivider shall proceed as follows:

- (1) In residential districts a buffer strip at least thirty (30) feet in depth, in addition to the normal lot depth required, shall be provided adjacent to the right of way. This strip shall be a part of the platted lots, but the following restriction shall be written on the plat:  
"This strip reserved for the planting of trees or shrubs by the owner. The building of structures hereon is prohibited, and this strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."
- (2) The Village may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land.

### **53.09 SURVEY AND DATA SUBMISSION REQUIREMENTS.**

- (a) **PRE-SUBMITTAL MEETING.** Prior to the submittal of a preliminary plat, the developer shall contact the Village Clerk to meet with the appropriate village staff to discuss the proposed plat. The meeting is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the village. A pre-submittal meeting to review a land division other than a plat is available, but is not required.
- (b) **CONCEPTUAL PLAN AND MEETING.** A conceptual plan of the proposed plat shall be submitted to the Village Clerk, who shall then distribute the conceptual plan to the pertinent Village staff. The Village will contact the developer to set up a meeting to review the conceptual plan. There shall be no fee for the Village's review of a conceptual plan. The conceptual plan shall identify:
  - (1) Property boundaries,
  - (2) Proposed roads, lots, and any proposed dedications;
  - (3) Slopes at or exceeding 12%;
  - (4) General soil conditions;
  - (5) Site characteristics, including: wetlands, floodplains, erosion hazard areas, drainageways, rock outcroppings, and vegetation;
  - (6) All contiguous property owned or controlled by the subdivider;
  - (7) Existing buildings and easements;
  - (8) Current and proposed zoning;
  - (9) Proposed uses of the property.
- (c) **VILLAGE REVIEW LETTER.** Following the conceptual plan review meeting, Village staff shall provide a response in writing to the developer regarding issues discussed at the review meeting and the next steps in the process.
- (d) **PRELIMINARY PLAT.** A preliminary plat shall be prepared for all subdivisions and shall be based upon a survey by a land surveyor registered in this State. The plat shall be submitted at a scale of not more than 100 feet to 1 inch, shall conform to any standards and specifications set forth in Chapter 236, Wis. Stats., shall utilize the appropriate County Coordinate Monumentation System and shall show correctly on its face the following information:
  - (1) Title of the proposed subdivision.
  - (2) Location of the proposed subdivision by government lot, quarter section, section, township, range, and county.
  - (3) Date, graphic scale, and north arrow.
  - (4) Name and address of the owner, subdivider, authorized agent, and land surveyor preparing the plat.
  - (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider, even if only a portion of said area is proposed for immediate development. The Village may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.



- (6) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the County Coordinate Monumentation System within which the plat is located, and the total acreage encompassed.
- (7) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- (8) Location, right-of-way width, and names of any existing or proposed streets, alleys, or other public ways, easements, railroad and utility rights-of-way, and all section or quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (9) Location of existing property lines, structures, streams and watercourses, lakes, wetlands, slopes 12 percent or greater, Environmentally Sensitive Areas as defined by the Brown County Sewage Plan and other similar significant features within the parcel being subdivided.
- (10) Water elevations of adjoining lakes, ponds, streams, and flow-ages at the date of the survey, and approximate high and low water elevations.
- (11) Type, width, and elevation of any existing street pavements with-in the exterior boundaries of the plat or immediately adjacent thereto with any legally established centerline elevations.
- (12) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical intervals of not more than 2 feet.
- (13) Location and approximate dimensions of any sites to be dedicated or reserved for parks, open space, public access, drainageways, schools, or other public uses.
- (14) Approximate dimensions of all lots, and proposed lot and block numbers.
- (15) Floodplains, wetlands, and any proposed lake and stream access.
- (16) Proposed preliminary locations for stormwater management facilities, if any.
- (17) Where the Village finds that the proposed development should provide for future street connections to nearby properties, the Village may require an Area Development Plan be created by the subdivider and approved by the Village of Pulaski.
- (18) Signature and seal of surveyor
- (19) Where the Village finds that it requires additional information relative to a particular problem presented by a proposed development to review the preliminary plat, it shall have the authority to request such information from the subdivider.

- (e) **PRELIMINARY PLAT SUBMITTAL PROCEDURE.**
- (1) Subdivider Submittals: Prior to submitting a final plat for approval, the subdivider shall submit to the Village and to those agencies having the authority to object to plats under Chapter 236 Wis. Stats., a preliminary plat and a letter of application for Village approval. The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall submit twelve (12) copies of the plat and all other fees, plans and specifications required in this Ordinance, to the Village Clerk a minimum of two weeks prior to the Planning and Zoning Commission meeting at which it is to be considered. Any proposed restrictive covenants for the land involved shall also be submitted.
  - (2) Within 90 days of the date of filing the preliminary plat, the Village Board, shall take action to approve, approve conditionally, or reject the preliminary plat, unless the time is extended by written agreement with the subdivider, based on its determination of conformance with the provisions of this Ordinance and the Village of Pulaski Comprehensive Plan. A letter shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, stating forth the conditions of approval or the reasons for rejection. If approved, a condition of approval shall be that the subdivider enters into a developers agreement as identified in Section 1.12(5) of this ordinance.
  - (3) Failure of the Village Board to act within 90 days of the date of filing, or agreed extension thereof, constitutes an approval of the preliminary plat.
  - (4) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 6 months of the preliminary plat approval and conforms substantially to the preliminary plat as approved, including any conditions of that approval and to any local plans and ordinances adopted as authorized by law, as indicated in Section 236.11(l)(b), Wis. Stats., the final plat is entitled to approval.
- (f) **ADDRESSING.** In order to ensure timely emergency response, addresses shall be assigned as part of the final subdivision plat. Land divisions that create new streets shall also have addresses assigned whenever possible. The subdivider shall contact the agency responsible for assigning addresses in the Village to determine the addresses for each proposed lot.

- (g) **DEVELOPER'S AGREEMENT.** As a condition of approval of a final plat, the subdivider shall enter into a developer's agreement with the Village including, but not limited to, the subdivider's responsibility for street construction, utility construction, landscaping, erosion control, surface and stormwater facilities, flood control, pollution or contamination of the environment, street appurtenances such as signage, fire protection, and easements, consistent with Village policies. This agreement shall provide for time limits and security for performance and penalties for non-compliance.
- (h) **FINAL PLAT.** A final plat prepared by a land surveyor registered in this State is required for all subdivisions. It shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20, Wis. Stats., and that section is hereby adopted by reference. Where the Village finds that it requires additional information or plat data relative to a particular problem presented by a proposed development to review the final plat, it shall have the authority to request such information from the subdivider.
- (i) **FINAL PLAT SUBMITTAL PROCEDURE.**
- (1) The subdivider shall prepare a final plat in accordance with this Ordinance and applicable state statutes and administrative codes, for transmittal to the Village and appropriate state and county agencies, within 6 months of preliminary plat approval, unless the Village Board waives this requirement in writing. The final plat shall be accompanied by detailed construction plans of all improvements and the developers agreement as required by Section 1.12(5) of this Ordinance. No construction related to the subdivision shall be commenced until the developers agreement is signed and the Village has approved the final plat.
  - (2) If the final plat is not submitted within 6 months of the Village of Pulaski approval of the preliminary plat, the Village may refuse to approve the final plat or may require resubmission as a preliminary plat.
  - (3) The final plat may constitute only that portion of the approved preliminary plat, which the subdivider proposes to record at that time.
  - (4) Twelve (12) copies of the final plat, along with any required fees, plans, and specifications as required by the Village shall be presented to the Village Clerk a minimum of two weeks prior to the Planning and Zoning Commission meeting at which it is to be considered and shall be accepted or rejected by the Planning and Zoning Commission and the Village Board within 60 days of its submission, unless the time is extended by an agreement with the subdivider. If the plat is rejected, the reasons shall be submitted in written form to the agencies having objecting authority and the subdivider.

- (5) Failure of the Village Board to approve, approve conditionally, or reject the final plat within 60 days of submittal to the Village Clerk, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the authority which has failed to act.
- (6) Approved final plats shall be recorded with the County Register of Deeds in which it is located in accordance with requirements of Section 236.25, Wis. Stats., before lots may be sold. No building permits may be issued by the Village until all improvements specified in the developers agreement have been completed or otherwise agreed to.

(j) **CERTIFIED SURVEY MAP.**

- (1) A certified survey map prepared by a land surveyor registered in Wisconsin is required for all land divisions that do not meet the definition of a subdivision, less than forty (40) acres in size.
- (2) The certified survey map shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20(3)(a), (b), (d), (e); 236.20(4)(a), (b), (c); 236.21(1), and 236.34, Wis. Stats., and that section is hereby adopted by reference.
- (3) The certified survey map shall comply with the design standards set forth in Section 53.11 and the land suitability Section 53.07 of this ordinance. All lot, parcel, or building site calculations are to exclude any dedications, right-of-way easements, or reservations.

(k) **CERTIFIED SURVEY MAP SUBMITTAL PROCEDURES.**

- (1) The certified survey map, with twelve (12) copies, along with any required fees, plans, and specifications as required by the Village, shall be submitted by the subdivider or his/her agent to the Pulaski Village Clerk a minimum of two weeks prior to the regularly scheduled Planning and Zoning Commission meeting at which it is to be considered. It shall include on its face in addition to the information required by Section 236.34, Wis. Stats., the following:
  - a. Name of the owner.
  - b. Date of survey.
  - c. Graphic scale and north arrow
  - d. All existing buildings, and other developed features on the parcel.
  - e. Locations, widths of rights-of-way and easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, subdivisions.
  - f. Any applicable use or access restrictions and covenants.
  - g. All floodplains, wetlands, navigable ponds, streams, lakes, flowages, wetlands, Environmentally Sensitive Areas or erosion hazard boundaries.
  - h. Distances and bearings referenced to a line and a corner of the appropriate County Coordinate System.

- i. Owner's and mortgagee's certification of dedication of streets and other public areas prepared in accordance with Sections 236.21(2) and 236.34(1)(e), Wis. Stats.
  - j. Where the Village finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request such information from the subdivider.
- (2) The subdivider shall indicate to the Village the current and proposed zoning of the proposed new lots.
  - (3) The Village Board shall, within 90 calendar days from the date of filing of the map (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this Ordinance, the Village of Pulaski Comprehensive Plan, and any other applicable local, county or state codes and statutes. If the map is rejected, the reasons shall be stated in written form and submitted to the subdivider or his agent. If the map is approved, the Village shall so certify on the face of the original map and return the map to the subdivider or his agent.

### **53.09 PLANNED UNIT DEVELOPMENT**

- (a) **PURPOSE AND INTENT.** The purposes of this Section are to encourage and promote flexibility, ingenuity, and efficiency in the land development process, to allow maximum utilization of land, and to provide for variety and compatibility among housing types, non-residential uses and the natural environment. Projects proposed under this Section are to be planned and designed as a unit, be compatible with the local environment and neighboring properties and uses, and shall not conflict with other laws or the overall public interest. Developments included under this Section include, but are not limited to conservation by design developments, condominium developments, and traditional neighborhood design or mixed-use developments. A planned unit development shall be considered a subdivision of land, and the submittal, conceptual plan requirements, and approval shall follow the process identified in Section 53.12 of this Ordinance. Objectives include:
  - (1) To encourage subdividers to use creative and imaginative approaches in the design and overall land development process;
  - (2) To promote a land development process that enhances energy efficiency and is sensitive to the demands and economics of the local real estate market;
  - (3) To encourage the integration of compatible residential and non-residential uses rather than their segregation;

- (4) To encourage the provision of recreational facilities, open space, and buffer yards in conjunction with residential and non-residential development;
- 5) To provide an enjoyable living environment by preserving existing topography, stands of trees, surface waters, floodplains, wetlands, and similar natural assets and landforms;
- (6) To encourage a variety of living environments and a pleasing blend of housing types;
- (7) To encourage a uniqueness in architectural design;
- (8) To promote greater efficiency in providing public and utility services, and;
- (9) Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, in interpreting and applying the provisions of this Section, it shall take precedence and be controlling when there is conflict between it and any other sections of this Ordinance.

(b) **SUBMITTAL REQUIREMENTS.** Planned Unit Developments shall be considered subdivisions of land and submittal and conceptual plan requirements shall follow the same approval procedures as required for conventional subdivisions (Section 53.12), and the following information shall be provided:

- (1) A written statement of intent containing the major planning assumptions and objectives of the proposed development and its concept and the benefits that will accrue from it to the community at large, as well as to its residents;
- (2) All contemplated land uses within the tract on the sketch or preliminary plan;
- (3) Gross densities of each use;
- (4) Proposed location of all principal and anticipated accessory structures and associated parking areas;
- (5) Proposed circulation systems (pedestrian, bicycle, auto) by type, and how systems correlate with existing networks outside of site,
- (6) Identification of ownership, maintenance, and liability responsibilities for open space areas, stormwater management facilities, public dedications, outlots; and,
- (7) Any other plans and supporting information deemed necessary by the Village.

(c) **DESIGN.**

- (1) The subdivider, in the design of a planned unit development, shall give consideration to the reservation of suitable sites of adequate area for future school, park/playground, and other public uses. If such areas are designated on the Village of Pulaski Comprehensive Plan, Park Plan, or official map prepared under Section 62.23, Wis. Stats., they shall be made part of the development.

- (2) Environmentally sensitive areas, or land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, floodways, or steep slopes shall not be developed unless the development provides for adequate safeguards which are approved by the Village.
- (3) The site shall be planned to provide for adequate landscaping, pedestrian movement between dwelling units, common open space, and parking areas. Prior to approval of the final plat or development plan, a written agreement must be executed between the subdivider and the Village which sets forth exactly what improvements are going to be installed. The subdivider shall present plans and specifications for improvements to the Village. In addition, the financial guarantees as set forth in Section 53.09(1) of this Ordinance shall apply hereunder.

### **53.10 VARIANCES.**

- (a) **VARIANCES.** Where the Planning and Zoning Commission finds that unreasonable hardships or particular difficulties based upon the physical characteristics of the property may result from strict compliance with these regulations, it may recommend to the Village Board variances to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this chapter. The Planning and Zoning Commission shall not recommend variances to the regulations of this chapter to the Village Board unless it makes findings based upon the evidence presented to it in each specific case based upon the following conditions:
  - (1) The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
  - (2) The conditions upon which the request for a variance is based are unique to the property for which the variation is sought and are not applicable, generally to other property.
  - (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an unreasonable hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
  - (4) The variance will not in any manner vary the provisions of the other Village ordinances, or the Official Map.
- (b) **FINDINGS.** The Village Board shall not approve variances to the regulations of this chapter unless it makes findings based upon the evidence presented to it in each specific case based upon conditions identified in Section 53.14(1).

- (c) **BASIS FOR VARIANCE.** Any variance granted hereunder shall be entered in the minutes of the Village Board, setting forth the reasons which, in the opinion of the Village Board, justify the variance.
- (d) **CONDITIONS.** In approving variances, the Village Board may require such conditions, as will in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (e) A petition for any such variance shall be submitted in writing to the Village Zoning Administrator, by the subdivider, at the time when the preliminary plat or certified survey map is filed for consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and the facts relied upon by the petitioner.
- (f) When a subdivision is created in violation of this Ordinance, the Village may order an assessor's plat to be made under Section 70.27 Wisconsin Statutes, at the expense of the subdivider or his/her agent.

### **53.11 IMPACT FEES**

- (a) **DEFINITIONS.** The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  - (1) **"Building Permit"** shall mean any permit required for new construction and additions of residential dwelling units or of any commercial business establishments, parking lots or other nonresidential uses. The term "building permit," as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure, or rebuilding a damaged or destroyed structure, provided no increase in floor area or number of dwelling units results therefrom
  - (2) **"Building"** see "Structure".
  - (3) **"Comprehensive Plan"** shall mean the adopted Village of Pulaski Comprehensive Plan or Master Plan, including any subsequent changes or amendments thereto
  - (4) **"Cost"** shall mean the capital cost to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the City can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. "Costs" do not include other non-capital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.
  - (5) **"Developer"** shall mean a person or other entity that constructs or creates development within the Village.
  - (6) **"Development"** shall mean the construction or modification of improvements to improved or unimproved real property that



creates additional residential dwelling units or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Village.

- (7) **"Development Impact Fee Zones"** shall mean geographically defined areas of the Village that have been designated by the Village Board as areas in which development has created or may create the need for capital improvements be funded in whole or in part by impact fees. The areas may be referenced in the Comprehensive Plan and shall be shown on a Development Impact Fee Zones Map.
- (8) **"Floor Area"** shall mean the total floor area of buildings allowed on a given lot, based upon approved land division or subdivision
- (9) **"Impact Fee"** shall mean a fee established under the provisions of this Section on the basis and for the purposes set forth herein to be collected at the time a building permit is issued and calculated based upon the costs of facilities in proportion to development creating the need for such facilities.
- (10) **"Mixed Use Development"** shall mean use of land involving both residential and nonresidential development.
- (11) **"Needs Assessment"** shall mean the assessment of needs required by Sec. 66.0617(4), Wis. Stats.
- (12) **"Net Developed Area"** shall mean the total area of a parcel, Subdivision Plat or certified survey map that remains privately owned after public lands, such as street rights-of-way, parks, greenways and detention basins, have been dedicated at the time of Development or Redevelopment
- (13) **"Non-residential Development"** shall mean any use of land for primarily industrial or commercial purposes, or which does not fall within the definition of residential development.
- (14) **"Parks Committee"** shall mean the Village of Pulaski Parks Committee.
- (15) **"Plat"** See Subdivision Plat
- (16) **"Public Facilities"** shall mean any or all of the following capital improvements:
  - (a) Parks, playgrounds and land for athletic fields;
  - (b) Highways and other transportation facilities and traffic control devices, including such ancillary facilities as sidewalks, street lighting, curbs, gutters, intersection improvements, traffic signalization, signage, street trees and landscaping;
  - (c) Sanitary sewers and sewage collection facilities;
  - (d) Water pumping, storage, distribution and supply facilities;
  - (e) Storm sewers, drains, and drainage retention facilities
  - (f) Police and law enforcement facilities;
  - (g) Fire protection and emergency medical facilities;
  - (h) Libraries;

- (i) Other necessary governmental services which require public facilities in the Village as a whole or in designated development impact fee zones. The costs of such public facilities shall include acquisition of land, construction, improvements, capital equipment, and installing of same and all other work auxiliary thereto, including administrative, engineering, architectural, and legal work performed in connection with a public facilities project.
- (17) **"Public Facilities Project"** shall mean a project involving the construction or remodeling of a Public Facility.
- (18) **"Residential Development"** shall mean use of land for the creation of new residential dwelling units for the primary purpose of housing accommodations.
- (19) **"Site"** shall mean a parcel, lot, or contiguous group of lots in a single ownership or under single control, considered a unit for purposes of development.
- (20) **"Structure"** shall mean any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (21) **"Subdivision"** shall have the meaning given in Sec. 236.02(12), Wis. Stats.
- (22) **"Subdivision Plat"** shall mean a preliminary or final plat of a subdivision showing the salient features of a proposed subdivision and which is submitted to an approving authority for purposes of preliminary or final plat consideration. As sometimes used herein, it shall also include an approved land division or certified survey map.

(b) **PURPOSE AND AUTHORITY**

- (1) Purpose. The purpose of Section. 53.11 is to create a mechanism for the provision of capital costs for the construction, expansion and improvement of public facilities necessary to serve land development, including the cost of land, legal, engineering and design costs. Accordingly, there are hereby imposed the impact fees in this division in compliance with the requirements of Wis. Stats. § 66.0617. Section 53.11 is intended to facilitate adequate provision for specified public facilities and to coordinate land dedication and financing of those public facilities imposed on developers as outlined in other chapters of this Code and the adopted comprehensive plan and official map of the village.

- (2) Authority. The authority for this Section is provided by Sec. 66.0617, Wis. Stats. The provisions of this Section shall not be construed to limit the power of the Village to adopt any ordinance pursuant to any other source of local authority or to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in lieu of or in conjunction with this Section.
- (c) **APPLICABILITY OF IMPACT FEE.** This Section shall be uniformly applicable to development which occurs, after the effective date of this Ordinance or any amendment thereto, within the Village. Pursuant to Section 66.0617(5), different impact fees may be imposed on different types of land development and may impose impact fees on development in a particular zone or subarea that differ from impact fees imposed on similar development in other zones or subareas within the Village.
- (d) **IMPACT FEES.**
- (1) Policy. In response to new and future development and population generating demands for new Village parks and park infrastructure, there is hereby established a Village-wide Park Impact Fee as the mechanism to equitably require all developments to pay for the parks related costs that are necessary to accommodate that development.
  - (2) Needs Assessment. For the purposes of the Impact Fees imposed under this subsection, a Needs Assessment has been prepared on a village-wide basis to establish the rationale and basis for the impact fees created under this Subsection also taking into consideration the effect of such fees on low income housing. The Sec. 66.0617, Stats., Needs Assessment is available for inspection at the Office of the Village Clerk.
  - (3) Establishment. Any developer creating or constructing additional residential dwelling units within the Village shall pay a fee to the Village based on an Impact Fee Schedule adopted from time to time by resolution of the Village Board, which fee shall provide for the capital costs necessary to accommodate the development with regard to public facilities.
  - (4) Exemptions. The Impact Fee Schedule established hereunder may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing, except that no amount of an impact fee for which an exemption or reduction is provided under this subsection may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the municipality.
  - (5) Payment of Impact Fees. All impact fees hereunder shall be paid to the Village, in full, before the issuance of any building permit for the development.
  - (6) Publication. The Impact Fee Schedule established under

subsection (3) shall be published and made available to the public.

(e) **IMPACT FEE ADMINISTRATION.**

- (1) Segregated Account. All impact fees collected by the Village shall be placed and held in a separate, segregated interest-bearing account and shall be accounted for separately from other funds of the Village.
- (2) Project List. The Village Board shall establish and annually review and update a list of projects for which the impact fees collected hereunder are eligible taking into consideration the criteria and project requirements established under Sec. 66.0617, Stats.
- (3) Expenditure of Fees. The impact fees collected under these provisions shall be expended by the Village for park related improvements within eight (8) years after the date were collected hereunder.
- (4) Fee Refund. Except as provided in this subsection, impact fees that are not used within eight (8) years after they are collected to pay the capital costs for which they were imposed shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated thereon. Under extenuating circumstances, the Village may extend the impact fee expenditure period to 10 years upon adoption of a resolution specifying the extenuating circumstance that led to the need for expanding the impact fee use period.
- (5) Annual Report. The village treasurer shall provide an annual report to the Village Board detailing all deposits, withdrawals and fund balances in the Impact Fee Segregated Account. The purpose of the annual report is to provide the Village Board with information necessary to determine that all funds collected are spent within a reasonable amount of time for the purposes intended and that the amount of the fees being imposed continues to represent an equitable and reasonable apportionment of the cost of public facilities for land development.

(f) **REFUNDS.**

- (1) Claim for Refund. The current owner of a property on which an impact fee has been paid may apply for a refund of such fee if
  - (a) The Village has failed to provide a public facility serving such property within eight (8) years from the date of payment of the impact fee, as prescribed in Wis. Stat. § 66.0617(9), or
  - (b) The building permit for which the impact fee has been paid has lapsed for non-commencement of construction; or
  - (c) The project for which a building permit has been issued has

been altered in a manner which has resulted in a decrease in the amount of the impact fee due; or

- (2) Notice of Claim for Refund. A written Notice of Claim for Refund must be filed with the Village Clerk within one (1) year of the event giving rise to the claim. Failure to do so as provided herein shall be considered a waiver of the right to claim a refund under this chapter.
- (3) Village Board Review. Within ten (10) business days of the filing date of a claim for refund, the Village Treasure shall forward a copy of the claim for refund to the Village Board for review. The Village Board shall have ninety (90) days to review the claim and determine if a refund is warranted. The Village Board shall adopt a written decision denying, approving, or approving in part the claim for refund. In the event the Village Board fails to act on the claim for refund within ninety (90) days, the claim for refund shall be deemed to have been approved.
- (4) Payment of Approved Refund. Any refund approved hereunder shall be paid to the claimant within sixty (60) days after such claim has been approved or deemed to have been approved.
- (5) Review by Circuit Court. If the claimant wishes to appeal the decision of the Village Board, the claimant must commence an action by certiorari in the Brown County Circuit Court seeking review of the Village Board's decision within thirty (30) days after the date on which the Village Board adopted the decision with respect to the claim for refund.

(g) **APPEALS.**

- (1) Notice of Appeal. Any developer upon whom an impact fee has been imposed may contest the amount, collection or use of the impact fee by filing a Notice of Appeal to the Office of the Village Clerk. The Notice of Appeal shall be filed with the Executive Secretary of the Board of Public Works within thirty (30) days of the date of the determination therein appealed. The Notice of Appeal shall state in detail the relief sought by the developer and any legal or factual basis for the relief requested; and shall include all supporting documentation upon which the developer relies in making the appeal.
- (2) Payment of Assessed Fee. As a condition of the appeal, the developer shall deposit with the Village the assessed impact fee being appealed.
- (3) Issuance of Building Permits Pending Appeal. If the Notice of Appeal is accompanied by the payment of the impact fee being appealed, and all other requirements have been satisfied, the building permit may be issued or the final plat may be approved. The filing of an appeal shall not stay the collection of the impact fee due.
- (4) Appeal to Be Heard by Board of Appeals. Within Seven (7)

business days of the date of filing of the Notice of Appeal and the payment of the Impact Fee being appealed, the Village Clerk shall forward a copy of the Notice of Appeal to the members of the Board of Appeals. A hearing on the Notice of Appeal shall be scheduled within thirty (30) business days of receipt of the Notice of Appeal by the Board of Appeals.

- (5) Hearing Procedure. The developer shall present the basis and reason for its appeal. The Village shall thereafter present its response. Upon the conclusion of testimony and the presentation of evidence, the Board of Appeals shall deliberate and present its findings and decision.
- (6) Review by Circuit Court. If the developer wishes to appeal the decision of the Board of Appeals, the developer must commence an action by certiorari in the Brown County Circuit Court seeking review of the Board's decision within thirty (30) days after the date on which the Board adopted the decision.

### **53.12 (Reserved)**

### **53.13 ENFORCEMENT, PENALTIES AND REMEDIES**

- (a) **ZONING ADMINISTRATOR AUTHORITY.** The Village of Pulaski Zoning Administrator or such designee as authorized by the Village Board shall have primary responsibility for enforcing the chapter. No building permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded, or a certified survey map is recorded and all conditions of approval are met.
- (b) **PENALTIES.** Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Sec. 236.30, 236.31, 236.32, and 236.335, Wis. Stats., shall be available to the Village.
- (c) **REMEDIES.** When a subdivision is created in violation of this Ordinance, the Village may order an assessor's plat to be made under Section 70.27 Wisconsin Statutes, at the expense of the subdivider or his/her agent. (Ord. #476-08)

## CHAPTER 54

### BUILDING REGULATIONS

54.01	Permits Required
54.02	Building Code
54.03	Construction Standards
54.04	Dwelling Code for New One- and Two-Family Dwellings
54.05	New Methods and Materials
54.06	Unsafe Buildings
54.07	Electrical Code
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54.09	Numbering of Houses and Buildings
54.10	Permit Fees
54.11	Flammable Liquids
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54.13	Enforcement

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#### **54.01 PERMITS REQUIRED**

- (a) **GENERAL PERMIT REQUIREMENT.** No building, plumbing or electrical work shall be performed in the Village of Pulaski unless a permit therefore is obtained as required in the provisions of this Chapter. Building shall include the moving of an entire structure.
- (b) **PAYMENT OF FEES.** All fees shall be paid to the Village Treasurer and his receipt showing that the fees prescribed by ordinance have been paid presented to the Building Inspector before the Inspector shall issue to the owner, or his agent, a building, electrical or plumbing permit.
- (c) **PERMIT LAPSES.** A building, electrical or plumbing permit shall lapse and be void unless operations under the permit are commenced within six (6) months from the date of issuance thereof.
- (d) **REVOCAION.** If the Building Inspector shall find, at any time, that the above-mentioned ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refuses to conform, after a written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit, by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, excepting such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit, or as he may require for the preservation of human life and safety or property.
- (e) **REPORT OF VIOLATIONS.** It shall be the duty of all police officers to report at once to the Building Inspector any building, electrical or plumbing work which is being carried on without a permit as required by this ordinance.

- (f) **RECORDS.** The Building Inspector shall keep a record of all permits, fees and inspections and shall make an annual report thereon to the Village Board.

#### **54.02 BUILDING CODE**

- (a) **PERMIT REQUIRED.** No building or any part thereof shall hereafter be erected within the Village of Pulaski or ground broken for the same, except as hereinafter provided, until a permit therefore shall first have been obtained from the Building Inspector by the owner, or his authorized agent. The term "building," as used in this section, shall include any building or structure and any enlargement, alteration, heating or ventilating installation, moving or demolishing, or anything affecting the fire hazards or safety of any building or structure.
- (b) **APPLICATION.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also of the owner of the building, if different, the legal description of the land upon which the building is to be located and shall contain such other information as the Building Inspector may require for effective enforcement of this Section.
- (c) **PLANS.** With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the Industrial Commission. Such plans and specification shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided; the other set shall remain on file in the office of the Clerk. All plans and specifications shall be signed by the designer.
- (d) **HEIGHT OF FOUNDATIONS AND DRAINAGE.** Included in the plans and specifications submitted to the Building Inspector as required in Subsection (c) shall be the height of the foundation in relation to the grade of the street and in relation to the height of the ground surfaces of all adjoining properties. Such height shall be set high enough to allow for the proper grading and land contouring and drainage of water to the sewers so as to prevent any drainage onto adjoining properties.
- (e) **WAIVER OF PLANS.** If the Building Inspector 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 such work does not exceed \$2,000.



- (f) **FLOOD CONTROL.**
- (1) The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding as determined by Chapter 52. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:
    - a. Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
    - b. Use construction materials and utility equipment that are resistant to flood damage; and
    - c. Use construction methods and practices that will minimize flood damage, all in accordance with provisions of Chapter 52.
  - (2) The Building Inspector shall review subdivision proposals and other proposed new developments to assure that:
    - a. All such proposals are consistent with the need to minimize flood damage;
    - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and
    - c. Adequate drainage is provided so as to reduce exposure to flood hazards.
  - (3) The Building Inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.
- (g) **APPROVAL OF PLANS.** If the Building Inspector determines that the proposed building will comply, in every respect, with all ordinances of the Village, and all applicable laws and orders of the State of Wisconsin, he shall officially approve and permit therefore which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specification shall not be altered in any respect which involves the safety of the building, or occupants, except with the written consent of the Building Inspector.
- (h) **MINOR REPAIRS.** The Building Inspector may authorize minor repairs or alterations, valued at less than \$500.00, which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building without issuing a building permit.
- (i) **INSPECTION OF WORK.** The builder shall notify the Building Inspector, when ready, and the Building Inspector shall inspect all buildings upon completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster or before paneling is applied. After completion, he shall make a final inspection of all new buildings and alterations.

### **54.03 CONSTRUCTION STANDARDS**

- (a) **FHA STANDARDS ADOPTED.** The following sections of the Federal Housing Administration, "Minimum Property Requirements for Properties of One or Two Living Units Located in the States of Indiana, Michigan and Wisconsin," Form 2243, Revised April, 1953, as revised by MPR Revisions thereto, are hereby adopted by reference, as part of this ordinance, with respect to all dwellings or parts thereof, hereafter constructed in the Village of Pulaski: 301-A through 301-L (Light and Ventilation); 302-A through 302-C (Space Requirements); 303-A through 303-C (Habitable Basement Rooms); 305-B (Minimum Ceiling Heights); 306-A and 306-B (Doors); 307-A through 307-C (Stairways); 400 through 419-B (Minimum Construction Requirements); 500 through 503-C (Heating Requirements). Wherever such sections contain the words "the Chief Underwriter," the words, "the Building Inspector," shall be substituted therefore, but his authority shall be limited to a factual determination of whether a proposed material, or method, meets the performance requirements of this Code.
- (b) **PORTIONS OF STATE CODE ADOPTED.** Chapter Ind. 51 through Ind. 57 Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Section with respect to those classes of buildings to which this code specifically applies. Sections Ind. 52.10 through 52.19 (Fire Protection) of said Code are hereby adopted and made a part of this section with respect to all dwellings hereafter erected within the Village of Pulaski.
- (c) **CONFLICTS.** If, in the opinion of the Building Inspector, the provisions of the State Building Code, adopted by sub(b) of this Section, shall conflict with the provisions of the Federal Housing Administration standards, adopted sub(a) of this Section in their application to any proposed building or structure, the inspector shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this section.

### **54.04 DWELLING CODE FOR NEW ONE- AND TWO-FAMILY DWELLINGS**

- (a) **ADOPTION OF WISCONSIN UNIFORM DWELLING CODE.** Chapter Ind. 22, Wisconsin Administrative Code, Energy Conservation Standards of the One- and Two-Family Dwelling Code, as adopted and effective December 1, 1978, and Chapters Ind. 20, 21, 23, 24, and 25, adopted and effective December 3, 1979, and all amendments thereto, are adopted and incorporated in this Code by reference.
  - (1) The Building Inspector, as certified by the Department of Industry, Labor and Human Relations, is hereby authorized and directed to administer and enforce all of the provisions of the Wisconsin Uniform Dwelling Code.
  - (2) Any existing ordinances pertaining to the construction of new dwellings that conflict with the Uniform Dwelling Code are hereby repealed.

- (b) **BUILDING PERMIT REQUIRED.** No person shall build or cause to be built any one- or two-family dwelling without first obtaining a state uniform building permit for such dwelling. Such building permit shall be furnished by the Village of Pulaski. A copy of such permit issued shall be filed with the Village of Pulaski Building Department.
- (c) **BUILDING PERMIT FEE.** The building permit fee shall be determined by the Village Board.
- (d) **DWELLINGS.** The term "dwelling," as used in this Section, includes every building occupied exclusively as a residence by not more than two (2) families.
- (e) **ROOFS.**
  - (1) In R-1 Single-Family Residential Districts, there shall be a minimum roof pitch of at least 5 to 12. For all other single-family and two-family dwellings in an R-2, R-3 or R-4 district, there shall be a minimum roof pitch of at least 4 to 12.
  - (2) Single- and two-family dwellings in an R-1, R-2, R-3 or R-4 zoning district are required to have roof materials consisting of shingles, shakes or tiles, of wood, ceramic, concrete, synthetic or composite materials, unless otherwise approved by the Planning and Zoning Committee. *(Ord. 524-13)*
- (f) **BASEMENTS.** All single- and two-family dwellings in an R-1, R-2, R-3 or R-4 zoning district are required to have a basement being at least seven and one-half feet in height from floor to joist.
- (g) **SIDING.** All single- and two-family dwellings in an R-1, R-2, R-3 or R-4 zoning district are required to use the following guidelines regarding siding:
  - (1) Siding shall consist of materials commonly used on site-built homes, including the following or its equivalent:
    - a. Wood, vinyl or metal vertically or horizontally grooved siding, lap siding, clapboards, rim clapboards, shingles or shakes.
    - b. Stucco, brick, stone or other masonry.
  - (2) The following and similar materials shall be prohibited as siding: smooth, ribbed or corrugated sheets of metal, fiberglass, plastic and any materials having a highly reflective or high-gloss finish.
  - (3) Siding shall completely cover all vertical surfaces from the eaves/ roof down to ground level or down to the top of the foundation.

#### **54.05 NEW METHODS AND MATERIALS**

All materials, methods or construction and devices designed for use in buildings or structures covered by this ordinance, and not specifically mentioned in, or permitted by, this ordinance, shall not be so used until approved in writing by the Wisconsin Department of Industry, Labor, and Human Relations (DILHR) for use in buildings or structures covered by the Wisconsin State Building Code. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by DILHR. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device, shall be determined by DILHR.

#### **54.06 UNSAFE BUILDINGS**

Whenever the Building Inspector finds any building, or part thereof, within the Village to be, in his judgment, so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove such building, or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceedings shall be as provided in §66.05(5) of the Wisconsin Statutes.

#### **54.07 ELECTRICAL CODE**

- (a) **STATE CODE APPLIES.** All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code, Volumes 1 & 2, adopted on May 1, 1972 as set out in the Wisconsin Administrative Code, and amendments and revisions adopted to date, which is hereby made by reference a part of this Section.
- (b) **PERMIT.** No electrical wiring, or other equipment, shall be installed or altered without first securing a permit therefore from the Village Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used, and all later deviations from such plan must be submitted to, and approved by, the Building Inspector.

- (c) **INSPECTION OF WORK.** After roughing in the wiring of any building, and before any such work is covered up or, upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to notify the Building Inspector who shall at once inspect, or cause to be inspected, the finished work. If he finds that the work conforms to the State Electrical Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. It shall be unlawful to use any such electrical equipment until such certificate has been issued.

#### **54.08 PLUMBING CODE**

- (a) **STATE CODE APPLIES.** The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the Wis. Adm. Code, Chapter H 62 (State Plumbing Code) adopted by the State Board of Health, which is hereby adopted by reference as a part of this ordinance.
- (b) **PERMIT.** No plumbing, heating or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made, without first securing a permit therefore from the Building Inspector. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan must be submitted to and approved by the Building Inspector.
- (c) **LICENSED PLUMBER REQUIRED.** All plumbing work shall be done only by a plumber licensed by the State Board of Health, except that a property owner may make repairs or installations in a single-family building owned and occupied by him as his home, provided that a permit is issued and the work is done in compliance with the provisions of this ordinance.
- (d) **INSPECTION OF WORK.** Upon completion of the plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up, and the Building Inspector shall at once inspect, or cause to be inspected, the work. If he finds that the work conforms to the State Plumbing Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. No person shall use, or permit to be used, any plumbing or drainage until it has been inspected and approved by the Building Inspector.

#### **54.09 NUMBERING OF HOUSES AND BUILDINGS**

- (a) **UNIFORM SYSTEM.** There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues and public ways in the Village of Pulaski, and all houses and buildings shall be numbered in accordance with the provisions of this Section.
- (b) **BASE LINE.** Pulaski Street shall constitute the base line for numbering along all streets running North and South, and St. Augustine Street shall constitute the base line for numbering along all streets running East and West.
  - (1) All buildings and lots North of Pulaski Street shall be known as located at number \_\_\_\_\_ North \_\_\_\_\_ Street.
  - (2) All buildings and lots South of Pulaski Street shall be known as located at number \_\_\_\_\_ South \_\_\_\_\_ Street.
  - (3) All buildings and lots East of St. Augustine Street shall be known as located at number \_\_\_\_\_ East \_\_\_\_\_ Street.
  - (4) All buildings and lots West of St. Augustine Street shall be known as located at number \_\_\_\_\_ West \_\_\_\_\_ Street.
- (c) **NUMBERING WITH REFERENCE TO BASE LINE.**
  - (1) The numbering for each street shall begin at the base line. The numbers within the first block shall be from 100 to 199 and the numbers in each succeeding block shall increase from the base line in units of 100, namely, the first block shall be 100 to 199, the second block shall be 200 to 299, the third block shall be 300 to 399, etc. There shall be assigned 100 numbers to each block or square or space that would be one block or square, if streets each way were so extended as to intersect each other and one number shall be assigned to each twenty (20) feet of frontage. In blocks or equivalent space longer than 1,000 feet which is not intersected by a street, if extended the total length of space divided by fifty (50) shall be used to determine the feet of frontage assigned to each number.
  - (2) Where blocks of different lengths occur on opposite sides of a street, the numbers on both sides shall be assigned on the basis of the shorter blocks, unless the Building Inspector otherwise determines.
- (d) **ESTABLISHMENT.** All lots and houses on the North and West side of all streets shall be numbered with odd numbers each commencing with the hundred assigned to that block, and shall increase from the base line one number for each twenty (20) feet of frontage or fraction thereof, except as provided in sub(c). Where any building has more than one door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant, providing the building is twenty (20) feet or more in width. If the building is not twenty (20) feet or more in width and the entrances are not that far apart, the next consecutive number shall be marked fractional. Buildings fronting on two (2) or more streets shall have a number assigned only to the main entrance, unless other entrances serve different occupants.

- (e) **OTHER STREETS.** All streets not extending through to the base line shall be assigned the same relative numbers as if the said street had extended to the said base line.
- (f) **IMPLEMENTATION.**
- (1) The Village Board shall cause the necessary survey to be made and there shall be assigned to each house and building located on any street, avenue, alley or highway in said Village, its respective number under the uniform system provided for in this Section. When the said survey shall have been completed and each house and building has been assigned its respective number or numbers, the owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform system provided for in this ordinance.
  - (2) Such number or numbers shall be placed within thirty (30) days after the assigning of the proper number. The cost of the number or numbers shall be paid for by the property owner and shall be procured from the Building Inspector at the unit price for the same, such price to be the cost of such units to the Village. Replacements of numbers shall be procured and paid for by the owner. The numbers used shall be not less than 2-1/2 inches in height.
  - (3) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street. Whenever any building is situated more than fifty (50) feet from the street line, the number of such building shall be conspicuously displayed at the street line, near the walk, driveway or common entrance to such building and upon the gate post, fence, tree, post of other appropriate place so as to be easily discernible from the sidewalk.
- (g) **OTHER REGULATIONS.**
- (1) Where only one number can be assigned to any house or building, the owner, occupant or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any such house or building, or for any part of such house or building, fronting on any street, such owner, occupant or agent shall use the suffix "A," "B," "C," etc., as may be required.
  - (2) For the purpose of facilitating correct numbering, a copy of the map which accompanies this ordinance, showing the proper number of all lots or houses fronting upon all streets, avenues, or highways shall be kept on file in the office of the Building Inspector. This map shall be opened to inspection by all persons during the office hours of the Building Inspector.
  - (3) It shall be the duty of the Building Inspector to inform any party applying therefore, of the number or numbers belonging or embraced within the limits of said lot or property as provided in this ordinance. In the case of 'doubt' as to the proper number to be assigned to any lot or building, the Building Inspector shall determine the number of such lot or building.
  - (4) Whenever any house, building or structure shall be erected or

located in the Village of Pulaski after the entire work of establishing a uniform system of house numbering has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, it shall be the duty of the owner to procure the correct numbers or number as designated from the Building Inspector for the said property.

- (5) It shall be the duty of all police officers of the Village of Pulaski to report violation of any provision of this Section.
- (6) If the owner or occupant of any building required to be numbered by this ordinance shall neglect for the period of twenty (20) days to duly attach and maintain the proper number on such building, the street superintendent shall serve upon him a notice requiring such owner or occupant to properly number the same, and if he neglects to do so for ten (10) days after the service of such notice, he shall be deemed to have violated this ordinance. Upon conviction thereof, he shall forfeit not less than \$1.00 nor more than \$10.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

#### **54.10 PERMIT FEES**

- (a) **BUILDING PERMIT.** All replacement or new construction of or additions to existing residential, commercial, industrial or other structures shall require the following fees:
  - (1) Building Permit Fee:
    - a. Residential:
      1. Definition: Single and multi-family residential structures and apartment complexes, including garage structures associated therewith but excluding hotels, motels or institutional buildings such as nursing homes and community based residential facilities. The building permit fee hereunder shall be based upon area of the structure. The area calculation of a residential structure shall include all floor levels including basements, garages and other spaces enclosed under a roof. The building permit fees hereunder shall include electrical, HVAC and plumbing permits.
      2. Fees:
        - (i) Less than 1,999 square feet: \$450.00
        - (ii) 2,000 to 3,999 square feet: \$550.00.
        - (iii) Over 4,000 square feet: \$650.00
      3. Reserved. (Ord. #452-06)



4. Additions:
    - (i) Less than 600 square feet: \$75.00 plus \$25.00 zoning fee.
    - (ii) Over 600 square feet: \$0.10 per square foot plus \$25.00 zoning fee.
  - b. Commercial:
    1. Fees: \$0.10 per square foot.
      - (i) Additions: \$75.00 minimum for the first 600 square feet; \$0.10 per square foot for each square foot over 600 square feet.
      - (ii) Park Impact Fee: Each commercial structure building permit fee shall be further subject to a park impact fee of \$250.00 for park, playground and other recreational facilities purposes under the provisions of Sec. 66.0617, Wis. Stats.
    2. Occupancy & Change of Use Permit: \$50.00
      - (i) Temporary Occupancy Permit: \$50.00.
      - (ii) Erosion Control:
        - a. New Structure: \$150.00 for first acre and \$75.00 for each acre or fraction of acre thereafter.
        - b. Additions: \$100.00 for first acre and \$75.00 for each acre or fraction of acre thereafter.
    3. Zoning:
      - (i) New Structure: \$150.00
      - (ii) Additions: \$85.00
    4. Other: \$25.00
  - c. Institutional and Industrial:
    1. Definition: Offices, churches, schools, industrial and manufacturing plants and facilities, and warehousing.
    2. Plan Review: New facility and addition, \$50
    3. Fee: \$250 minimum fee for new construction
      - Under 25,000 sq. ft., \$0.60/sq. ft.
      - 25,001 to 100,000 sq. ft., \$0.040/sq. ft.
      - Over 100,000 sq. ft., \$0.025/sq. ft.
  - d. Unique Structures:
    1. Fee: The Village reserves the right to negotiate the fees for unique structures. (**Ord. #387**)
- (b) **REMODELING PERMIT.** All remodeling permits shall require the following fees:
- (1) Residential: \$40.00 plus \$5.00 per \$1,000.00 of the cost of the remodeling.
  - (2) Commercial, Industrial and Other Structures: \$75.00 plus \$5.00 per \$1000.00 of the cost of the remodeling
- (c) **ACCESSORY STRUCTURE PERMIT.** All accessory structures, including, but not limited to, attached and detached garages, satellite dishes, decks, sheds and patios shall require an area-based fee based upon the

following:

- (1) Less than 150 square feet: \$30.00
- (2) 150 to 625 square feet: \$40.00 plus a \$25.00 zoning fee.
- (3) Over 625 square feet: \$0.10 per square foot plus a \$25.00 zoning fee.

(d) **MISCELLANEOUS PERMITS.** The following permits shall require the following specified fees:

- (1) Temporary Occupancy Permit: \$50.00
- (2) Fence Construction Permit: \$30.00
- (3) Swimming Pool Construction Permit: All swimming pools shall require a permit fee based upon the following:
  - a. Above ground pool: \$30.00
  - b. In-ground pool: \$40.00
- (4) Tank Installation Permit: All above-ground or underground storage tanks, whether inside or outside of structures, for water, oil, gasoline or other liquid permitted in the Village, regardless of size, shall require a permit fee of \$50.00.
- (5) Mobile home connection and disconnection permits:
  - a. Utility connection fee: \$30.00
  - b. Utility disconnection fee: \$30.00
  - c. All utility connection and disconnection fees required hereunder must be paid by the mobile home owner or the mobile park owner before any mobile home shall be connected to electrical, water or sewer service.
- (6) Building Wrecking Permit: \$25.00 plus \$200.00 escrow deposit to be refunded if clean-up is determined to be satisfactory by Building Inspector.
- (7) Elevator Installation Permit: \$50.00
- (8) Structure Moving Permit: \$25.00 plus \$200.00 escrow deposit and a police escort expense, if necessary, in an amount to be determined by the Pulaski Police Department.
- (9) Driveway Access Permit: \$10.00
- (10) Sanitary sewer, storm sewer and water permits:
  - a. Connection Permits:
    1. From street to property line: \$7.00
    2. From property line to building: \$5.00
  - b. Inspection Permits:
    1. Sanitary Sewer: \$25.00
    2. Storm Sewer: \$25.00
  - c. Other:
    1. Water Lateral Installation:
      - (a)  $\frac{3}{4}$ " or 1" Copper: \$450.00
      - (b) Larger Size: Actual Cost.
- (11) Construction Permit Deposit: There shall be a construction permit deposit fee for residential, commercial and industrial building of \$200.00 per unit not to exceed a total of \$2,000,000 per project.
- (12) Antenna Construction Permit: \$250.00.
- (13) Water Features:
  - a. Lake (2000 square feet or larger): \$75.00 per acre
  - b. Pond (new or enlarging to less than 2000 square feet):

- \$50.00
- c. Pond, Decorative: \$25.00
- (14) Siding: \$30.00
- (15) Roofing: \$30.00
- (16) Erosion Control: \$65.00
- (17) State Seal: \$30.00
- (18) Zoning: \$50.00
- (19) Miscellaneous: \$25.00
- (e) **MISCELLANEOUS PROVISIONS.**
  - (1) The provision of Sec. 37.08 shall apply to all permits issued hereunder.
  - (2) All fees required hereunder shall be paid pursuant to Sec. 54.01(b) before issuance of the applicable permit by the Building Inspector to the applicant.
  - (3) As used herein, the term "cost" shall apply to all costs associated with the building, construction or installation of the building, construction or installation of the building, structure, mechanism or system of which a permit is applied.
  - (4) Re-inspection Fee: A fee of \$50.00 plus the expenses of the Building Inspector shall be charged for any and all re-inspections.
  - (5) Penalty Provisions:
    - a. The failure to obtain a permit or pay the applicable permit fee prior to the commencement of work on a project requiring a permit hereunder shall result in the imposition of a fee in an amount equal to twice the original fee required hereunder.
    - b. Failure to call for inspection: \$50.00.
    - c. Occupancy without permission or before final inspection: \$100.00 per day.
    - d. Early start permit (footings & foundation): \$50.00.
  - (6) Reservation of Rights: The Village reserves the right to consider and negotiate a modified building permit fee structure for unique or extraordinary structures or in unusual circumstances or situations. (Ord. #\_\_\_)
  - (7) Impact Fees. Funds derived from the collection of impact fees hereunder shall be held in a segregated, interest-bearing account and shall be accounted for separately. Such funds shall be used only for authorized park projects. Any impact fees not used within ten (10) years from the date of collection shall be refunded to the property owner from whom collected. Any developer, from whom such impact fee is collected, may contest the amount, collection or use of the impact fee by appeal to the Village Board. The Village Board shall provide the developer with notice and an opportunity to be heard. (Ord. #427)

#### **54.11 FLAMMABLE LIQUIDS**

- (a) **CODE ADOPTED.** The Wisconsin Administrative Code Chapter Ind. 8 (Flammable Liquids Code) issued by the Industrial Commission of

Wisconsin is hereby adopted by reference as a part of this Chapter and it is the duty of the Building Inspector to enforce the provisions thereof.

- (b) **STORAGE OF GASOLINE.** The construction, installation, and maintenance of any storage tank or container for gasoline located below or above the ground or floor is prohibited in any residential area. Only five gallons of gasoline may be stored in the usual red containers clearly marked "gasoline" on any one premises in the garage, outside shed, or area outside the home walls.
- (c) **PERMIT REQUIRED.** No above ground or below ground storage tank, capable of holding a flammable liquid, as defined herein, shall be installed on or removed from any property located in the Village without compliance with Sec. 12.13(c) of this Code of Ordinances. **(Ord. #367)**

#### **54.12 FIRE DISTRICT REGULATIONS**

- (a) **FIRE DISTRICT.** The fire district limits in the Village of Pulaski shall be that area within the district limits as shown on an official map, entitled and marked "Official Map of the Fire District Limits of the Village of Pulaski." Said map, the original copy of which is filed in the office of the Clerk, is hereby adopted as the official map of the fire district of the Village of Pulaski.
- (b) **DEFINITIONS.** The terms "fire-resistive construction," "mill construction," "ordinary construction," "frame construction" and "fire-retardant roof covering" shall have the meaning as defined in the Wis. Adm. Code, Sections Ind. 51.001, 51.01, 51.02, 51.03 and 51.07 of the Wisconsin State Building Code.
- (c) **REQUIREMENTS.** Every building hereafter erected, enlarged or moved within, or into, the fire district shall be of fire-resistive, mill or ordinary construction, except as otherwise provided by this ordinance. Enclosing walls, division walls and party walls shall be of four-hour, fire-resistive walls of a construction, as provided in Section Ind 51.05, Wis. Adm. Code, which is hereby, by reference, made a part of this ordinance with respect to all buildings and structures within the fire district.
- (d) **EXCEPTIONS.** No building of frame construction shall be constructed within, or moved within or into, the fire district except the following:
  - (1) Buildings occupied as a private garage, not more than one-story in height nor more than 750 square feet in area, located on the same lot with a dwelling; provided that any such building shall be placed at least three (3) feet from the lot lines of adjoining property.
  - (2) Buildings of frame construction, except when used for a high-hazard occupancy, not exceeding 2,500 square feet in area, when used for a business occupancy, or 1,000 square feet in area, when used for other occupancies, nor more than one story in height and having a horizontal separation of not less than ten (10) feet on all sides. Walls having a horizontal separation of less than ten (10) feet shall have a fire-resistance rating of not less than one hour.

- (3) Greenhouses not more than fifteen (15) feet in height.
  - (4) Sheds open on the long side, not more than fifteen (15) feet in height nor more than 500 square feet in area, located at least five (5) feet from buildings and from adjoining lot lines.
  - (5) Builders' shanties for use only in connection with a duly authorized building operation.
- (e) **BULK OIL TANKS PROHIBITED.** The storage of Class I and Class II flammable liquids, as defined in Ind 8.01, Wis. Adm. Code, in above-ground tanks outside of buildings, is prohibited within the fire district.
- (f) **RAZING OLD OR DAMAGED BUILDINGS.** Any existing building of frame construction within the fire limits, which may hereafter be damaged by fire, or which has deteriorated to an amount greater than 1/2 of its value, exclusive of the foundation, as determined by the Village Assessor, shall not be repaired or rebuilt, but shall be ordered removed by the Building Inspector under the provisions of §66.05 of the Wisconsin Statutes.
- (g) **FIRE-RETARDANT ROOFING.** Every roof hereafter constructed within the fire district, including buildings listed in Sec. 54.12(d), shall be covered with a roofing having a fire-resistive rating equivalent to Class "B" or better of the Underwriters' Laboratories, Inc. classification in their "List of Inspected Materials," which is hereby adopted by reference and incorporated in this section as if fully set forth herein. No roofing on an existing roof shall be renewed or repaired to a greater extent than 1/10 of the roof surface, except in conformity with the requirements of sub(a) of this Section.

### **54.13 ENFORCEMENT**

The Building Inspector (or Fire Chief or other designated person) is hereby authorized, and it shall be his duty, to enforce the provisions of this Chapter.

## CHAPTER 55

### HOUSING CODE

- 55.01 Purpose
  - 55.02 Definitions
  - 55.03 Inspection of Dwellings, Dwelling Units, Rooming Units,  
Nursing Units and Premises
  - 55.04 Enforcement; Service of Notice; Hearings
  - 55.05 Adoption of Rules and Regulations by the Board of Health
  - 55.06 Minimum Standards for Basic Equipment and Facilities
  - 55.07 Minimum Standards for Light, Heating and Ventilation
  - 55.08 Responsibility of Owners Relating to the Maintenance of  
Dwellings, Dwelling Units, Rooming Units and Nursing Units
  - 55.09 Minimum Space, Use, and Location Requirements
  - 55.10 Responsibility of Occupants Relating to the Maintenance  
of Dwelling and Dwelling Units
  - 55.11 Rooming Houses and Nursing Homes
  - 55.12 Hearing When Rooming House or Nursing Home Permit is Denied
  - 55.13 Suspension of Permit
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Suspended; Revocation of Permit
  - 55.15 Additional Requirements for Nursing Homes
  - 55.16 Responsibilities of Owners Relating to the Maintenance  
of Non-Dwelling Structures
  - 55.17 Condemnation of Dwellings and Dwelling Units as  
Unfit for Human Habitation
  - 55.18 Enforcement
  - 55.19 Compliance With Other Codes
  - 55.20 Penalty
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## **55.01 PURPOSE OF CHAPTER**

It is hereby found and declared that buildings or other structures, either occupied or unoccupied, which because of faulty design, or construction, or failure to keep them in a proper state of repair, or lack of proper sanitary facilities, or lack of adequate lighting or ventilation, or inability to properly heat, or improper management, or any combination of these factors, have become or are becoming, dilapidated, neglected, overcrowded with occupants, or unsanitary so that they do jeopardize, and are detrimental to the health, safety, morals or welfare of the people of the Village of Pulaski. It is further found and declared that the elimination of such buildings or structures, or the prevention of the occurrence of such conditions in the future is in the best interests of the citizens of this Village, and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this Chapter.

## **55.02 DEFINITIONS**

- (a) **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Chapter:
- (1) **"Approved"** means approved by or in accordance with regulations established by the Health Commissioner.
  - (2) **"Basement"** means that portion of a building between floor and ceiling which is more than 3-1/2 feet below the average contact ground level of the exterior walls of the building.
  - (3) **"Bath"** means a bathtub or shower stall.
  - (4) **"Bedroom"** means a habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.
  - (5) **"Dwelling"** means any building or structure, which is wholly or partly used or intended to be used for living or sleeping by human occupants.
  - (6) **"Dwelling Unit"** means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.
  - (7) **"Extermination"** means the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or any other approved pest elimination methods.

- (8) **"Family"** means one adult occupant plus one or more persons who are legally related to said occupant as husband or wife, son or daughter, mother or father, brother or sister, mother-in-law or father-in-law.
- (9) **"Habitable Room"** means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces, and stairways, and room used for play or recreational purposes.
- (10) **"Health Officer"** means the Health Officer of the Village of Pulaski or his authorized representatives, including the Building Inspector.
- (11) **"Infestation"** means the presence of any insects, rodents, or other pests within a dwelling or on the dwelling premises.
- (12) **"Kitchen"** means a habitable room used or intended to be used for cooking or the preparation of meals.
- (13) **"Living Room"** means a habitable room within a dwelling unit which is used, or intended to be used primarily for general living purposes.
- (14) **"Nursing Home"** means a dwelling or part thereof within which shelter, meals and nursing care are supplied as defined in Wis. Adm. Code H32.01 and H32.02.
- (15) **"Nursing Unit"** means any room or group of rooms forming a single habitable unit used or intended to be used for sleeping by patients or the provision of bedside nursing care to patients within a nursing home.
- (16) **"Occupant"** means any person including an owner or operator, living, sleeping, or cooking in, or having actual possession of a dwelling unit, rooming unit, or nursing unit.
- (17) **"Operator"** means any person who has charge, care, or control of a building or part thereof, in which dwelling units, rooming units or nursing units are let.
- (18) **"Owner"** means any person who alone or jointly or severally with others shall have legal title or equitable title to any dwelling, dwelling unit, rooming unit, or nursing unit; or shall have charge, care or control of any dwelling, dwelling unit, rooming unit or nursing unit as executor, administrator, trustee, or guardian of the estate of the owner.
- (19) **"Patient"** means a person suffering from infirmities of old age or illness, or physical disability.



- (20) **"Plumbing"** means all of the following facilities and equipment: water pipes, garbage disposal units, waste pipes, vent pipes, toilets, sinks, installed dishwashers, lavatories, baths, installed clothes washing machines, catch basins, drains, vents, domestic hot water heaters, and any other similar fixtures, together with all connections to water, sewer, or gas lines.
- (21) **"Premises"** means a platted lot or part thereof, or unplatted lot or parcel of land, or plot of land, either occupied or unoccupied by any dwelling or structure.
- (22) **"Roomer"** means an occupant of a rooming house who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.
- (23) **"Rooming House"** means any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three (3) or more roomers, except hotels and tourist rooming houses licensed by the Hotel and Restaurant Division of the Wisconsin State Board of Health.
- (24) **"Rooming Unit"** means any room or group of rooms forming a single habitable unit in a rooming house used or intended to be used for living and sleeping, but not for cooking or eating of meals.
- (25) **"Administrator"** means a person, either the operator of a nursing home, or one assigned by the operator of the nursing home, who is directly responsible for the daily operation of, the supervision of employees in, and the care of patients in a nursing home.
- (26) **"Supplied"** means paid for, furnished, provided by, or under the control of the owner or operator.
- (27) **"Village Building Code"** shall mean Sec. 54.01, 54.02 and 54.04 of this Code.
- (28) **"Village Plumbing Code"** shall mean Sec. 54.01, 54.04 and 54.08 of this Code.
- (29) **"Village Electrical Code"** shall mean Sec. 54.01, 54.04 and 54.07 of this Code.
- (30) **"Village Fire Prevention Code"** shall mean Sec. 54.11 through 54.13 of this Code.
- (31) **"State Building Code"** shall mean Wisconsin Administrative Code, Chapters Ind. 20 through 25, Chapters Ind. 50 through 59, and Chapters Ind. 60 through 64.
- (32) **"State Heating, Ventilating and Air-Conditioning Code"** shall mean Wisconsin Administrative Code, Chapters Ind. 23 and Ind. 59.
- (33) **"State Plumbing Code"** shall mean Wisconsin Administrative Code, Chapters H. 61, H. 62, H. 64, H.65, and Ind. 25.

- (34) **"Meaning of Certain Words"**. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "nursing home," "nursing unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words, "or any part thereof."

**55.03 INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS, NURSING UNITS AND PREMISES**

- (a) **INSPECTIONS.** The Health Officer shall make inspections to determine the conditions of dwelling units, rooming and nursing units, and premises located within the Village of Pulaski. He may enter any building during reasonable hours in the discharge of his duties, and any person who shall interfere with the Health Officer in the discharge of his duties shall be guilty of an offense against this Chapter. The Health Officer shall have proper identification and shall show same when making such inspections. The Health Officer may also seek the assistance of other Village officers or agents, including the Building Inspector and Village Attorney.
- (b) **ACCESS OF OWNER OR OPERATOR.** Every occupant of a dwelling, dwelling unit, rooming unit or nursing unit shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling, dwelling unit, rooming, or nursing unit, or its premises, at all reasonable times for the purpose of effecting such maintenance, making such repairs, or making such alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful rule or regulation adopted, or any lawful notice or order issued pursuant to the provisions of this Chapter.

#### **55.04 ENFORCEMENT; SERVICE OF NOTICE; HEARINGS**

- (a) **SERVICE OF NOTICES AND HEARINGS.** Whenever the Health Officer or the Building Inspector determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any of the provisions of this Chapter or of any rule or regulation adopted pursuant thereof, he shall give notice of such violation or alleged violation to the person or persons responsible therefore as provided in §66.435(4)(a), Wis. Stats. The provisions of §66.435(4)(a) and (b) pertaining to the service of notices, petition for hearing and review by Circuit Court are adopted by reference and hereby made a part of this Chapter as if set out in full. In carrying out the provisions of §66.435(4)(a), Wis. Stats., the Zoning and Planning Board of Appeals is hereby designated as the Board established to hear original appeals under this Section.
- (b) **EMERGENCY ORDERS.** Whenever the Health Officer or the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, he may, without notice of hearing, and in accordance with the provisions of §66.435(4)(a), Wis. Stats., issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Such order shall be effective immediately. Notwithstanding the other provisions of this Chapter, every notice served by the Health Officer in accordance with the provisions of Secs. 55.06(a)(7), 55.06(a)(11), 55.10(b) and (c), and 55.11(s) shall be regarded as an order.

#### **55.05 ADOPTION OF RULES AND REGULATIONS BY THE BOARD OF HEALTH**

The Board of Health may make and adopt written rules and regulations necessary for the proper enforcement of the provisions of this Chapter in accordance with this Code of Ordinances. Such rules and regulations shall have the same force and effect as the provisions of this Chapter and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this Chapter.

## **55.06 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES**

- (a) **MINIMUM REQUIREMENTS.** No person shall occupy as owner-occupant or let to another for occupancy any dwelling, or dwelling unit, for the purpose of living, sleeping, cooking or eating of meals therein, which does not comply with the following requirements:
- (1) Kitchen Sink and Lavatory. Every dwelling unit shall contain an approved kitchen sink. Every dwelling unit shall contain a lavatory or wash basin in or adjacent to the toilet room.
  - (2) Toilet. Every dwelling unit created after September 1, 1967, shall contain a toilet which shall be placed in a separate room enclosed with partitions which shall extend to the ceiling. Every dwelling unit created prior to September 1, 1967, shall:
    - a. Contain a toilet, or
    - b. Shall contain not more than three (3) habitable rooms and share a toilet with one other dwelling unit of not more than three (3) habitable rooms.
  - (3) Bath. Every dwelling unit created after September 1, 1967, shall contain a bath. Every dwelling unit created prior to September 1, 1967, shall:
    - a. Contain a bath, or
    - b. Shall have a bath which is shared by not more than eight (8) occupants of not more than two (2) dwelling units. Every bath shall be contained within a toilet room, or within a separate room which affords privacy to a person using this facility. Every bath required under Sec. 55.06(3)b, shall be located accessible to the occupants of each dwelling unit sharing such facilities without going through a dwelling unit of another occupant and without going outside of the dwelling, and said room shall be located on the same floor of the dwelling unit, or on the floor immediately above or immediately below.
  - (4) Hot and Cold Water Supply to Bath and Sinks. Every bath, kitchen sink and lavatory required under this chapter shall be properly connected with both hot and cold water lines.

- (5) Water Heating Facilities. Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in reasonably good working condition, are properly connected with the hot water lines required under sub(6), and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every bath at a temperature of not less than 100 degrees F. Such supplied water heating facilities shall be capable of meeting these requirements when the dwelling or dwelling unit heating facilities are not in operation.
- (6) Connection to Water and Sewer System. Every kitchen sink, toilet, lavatory basin, and bath shall be in good working condition and properly connected to an approved water and sewer system.
- (7) Plumbing. All plumbing, plumbing equipment, plumbing fixtures and the installation thereof shall comply with the Plumbing Codes of the Village of Pulaski and the State of Wisconsin.
- (8) Garbage and Rubbish. Every dwelling and every dwelling unit shall be provided with adequate facilities for the storing of rubbish and garbage. Every dwelling unit located on premises with two (2) or more additional dwelling units shall have such facilities supplied.
- (9) Exits. Every dwelling unit shall have exits which shall conform to the exit requirements of the Village Building Code or the State Building Code when applicable. Every exit and passageway shall also comply with the following requirements:
  - a. It shall be kept in good state of repair.
  - b. It shall be unobstructed at all times.

#### **55.07 MINIMUM STANDARDS FOR LIGHT, HEATING AND VENTILATION**

- (a) **WINDOW AREA**. Every habitable room, toilet room and bathroom shall have at least one window facing directly to the outdoors. The minimum total window area shall be at least ten (10%) percent of the floor area of the room, but not less than twelve (12) square feet. The top of at least one such window shall be not less than six and one-half (6-1/2) feet above the floor. At least one-half of the window in any sleeping room shall be made so as to open full width, unless other means of adequately ventilating such rooms are installed and operating. The outside window in every toilet or bathroom shall have a total area of at least ten (10%) percent of the floor area, but not less than four (4) square feet, except that no window or skylight is required in adequately ventilated bathrooms or toilet rooms equipped with a ventilation system which is kept in continuous operation.

- (b) **ELECTRIC OUTLETS.** Where there is suitable electric service available from supply lines which are not more than three hundred (300) feet away from a dwelling, every kitchen, living room, rooming unit, and nursing unit within such dwelling shall contain at least two (2) separate and remote floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling or wall-type electric light fixture; and every bedroom, dining room, toilet room, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling-type or wall-type electric light fixture; provided that in lieu of one supplied ceiling type or wall-type electric fixture a bedroom and dining room may each contain at least two (2) separate and remote floor or wall-type electric convenience outlets. Every such outlet and fixture shall be properly installed, shall be maintained in good working condition, and shall be connected to the source of electric power in a proper manner, and in accordance with the Village Electrical Code.
- (c) **HEATING FACILITIES.** Whenever a dwelling unit has supplied heating facilities, said facilities shall be properly installed, be maintained in good working condition, and be capable of adequately heating all habitable rooms, bathrooms and toilet rooms contained therein, or intended for use by the occupants thereof, to a temperature of at least 70 degrees F., at a distance three (3) feet above floor level when the outside temperature is at or above 15 degrees below zero F. Whenever a dwelling unit does not have supplied heating facilities, it shall contain a sufficient number of chimney outlets to permit the occupant, through the use of space heaters furnished by said occupant or owner, to adequately heat all habitable rooms, bathrooms, and toilet rooms contained therein to a temperature of at least 70 degrees F. at a distance of three (3) feet above floor level, when the outdoor temperature is at or above 15 degrees below zero F. This provision shall not permit the use of space heaters where such use is prohibited by either the Village Building Code, or the State Building and Heating, Ventilating and Air-Conditioning Codes when applicable. Every supplied central heating system shall comply with the Village Building Code and with the State Building and Heating, Ventilation and Air-Conditioning Codes when applicable. It shall also comply with the following requirements:
- (1) The central heating unit shall be in good operating condition.
  - (2) Every heat duct, steam pipe, and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.

- (3) a. Every seal between the sections of a warm air furnace shall be tight so noxious gases will not escape into heat ducts.
- b. Every space heater shall comply with the Village Building Code and the State Building and Heating, Ventilating and Air-Conditioning Codes when applicable, and all of the following requirements:
  - (4) No space heater burning solid, liquid, or gaseous fuels shall be a portable type.
  - (5) Every space heater burning solid, liquid, or gaseous fuels shall be properly vented.
  - (6) Every coal-burning or oil-burning space heater shall have a fire-resistant panel beneath it.
  - (7) The location of space heaters, the insulation of walls and ceilings close to such heaters, the construction, installation and guarding of smoke pipes and walls or ceilings which they go through shall be in accordance with the Heating Code of the State of Wisconsin.
- (d) **LIGHTING OF PUBLIC HALLS AND STAIRWAYS.** Every public hall and public stairway in every dwelling containing four (4) or more dwelling units, or accommodating more than twenty (20) persons, shall be adequately lighted at all times. This lighting shall include lights at all intersections of passageways, at all exits, and at the head and foot every stairway. Every public hall and public stairway in dwellings containing less than four (4) dwelling units or rooming house accommodating more than three (3) roomers but less than twenty (20) persons shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- (e) **SCREENS.** At least one window in each habitable room, toilet room and bathroom where windows are required, shall be supplied with a screen covering at least one-third of the window area, except where other means of adequately ventilating such rooms are available and operating. Screens shall have a wire mesh of not less than No. 16.

**55.08 RESPONSIBILITY OF OWNERS RELATING TO THE MAINTENANCE OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND NURSING UNITS**

- (a) **MINIMUM MAINTENANCE REQUIREMENTS.** No person shall occupy as owner-occupant, or let to another for occupancy any dwelling unit, rooming unit or nursing unit, for the purpose of living therein which does not comply with the following requirements:
- (1) Maintenance of Foundations, Exterior Walls, Roofs. Every foundation, exterior wall, and roof shall be weathertight, watertight, and insect proof. They shall be rodent proof. They shall be kept in good state of maintenance and repair.
  - (2) Maintenance of Interior Walls, Floors, Ceilings. Every interior partition, wall, floor and ceiling shall be capable of affording privacy, kept in good state of repair and maintained so as to permit them to be kept in a clean and sanitary condition.
  - (3) Rain Water Drain. All rain water shall be so drained and conveyed from every roof so as not to cause dampness in walls, ceiling, or floors of any room.
  - (4) Windows, Doors, Hatchways. Every window, exterior door, and basement hatchway shall be weathertight and shall be kept in a good working condition and state of maintenance and repair.
  - (5) Protection of Exterior Wood Surfaces. All exterior wood surfaces shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike fashion.
  - (6) Stairways and Porches. Every inside and outside stairway, every porch, and every appurtenance thereto shall be constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and in a good state of maintenance and repair.
  - (7) Supplied Plumbing Fixtures. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition and in accordance with the Plumbing Codes of the Village of Pulaski and State of Wisconsin.
  - (8) Chimney and Supplied Smoke Pipes. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, and maintained in a good state of repair and in accordance with the Village Building Codes of the Village of Pulaski and the State Building and Heating, Ventilating and Air-Conditioning Codes when applicable.
  - (9) Bathroom and Toilet Room Floors. Every bathroom and toilet room floor surface shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be kept in a clean and sanitary condition.



- (10) Supplied Facilities. Every supplied facility, piece of equipment, or utility which is required under this Chapter shall be so constructed or installed that it will function properly and shall be maintained in good working condition.
- (11) Discontinuance of Required Services, facilities, Equipment or Utilities. No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this Section to be removed from, or shut off from, or discontinued from any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs, replacement or alterations are in process of being made.
- (12) Pest Extermination. Whenever infestation exists in two (2) or more dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, or whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or insect-proof condition, extermination thereof shall be the responsibility of the owner.
- (13) Cleanliness of Public Areas of Dwellings. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition all communal, shared, or public areas of the dwelling and premises thereof which are used or shared by the occupants of two (2) or more dwelling units.
- (14) Vacant Dwelling Units to be Clean and Sanitary Before Being Let for Occupancy. No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant dwelling unit unless it is clean, sanitary, free of infestation, and complies with all provisions of this Chapter and all rules and regulations adopted pursuant thereto.

#### **55.09 MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS**

- (a) **MINIMUM REQUIREMENTS**. No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein which does not comply with the following requirements:
  - (1) Dwelling Unit to be Occupied By One Family. No dwelling unit shall be occupied by more than one (1) family plus two (2) occupants who are not members of the family.

- (2) Minimum Floor Area For Dwelling Unit. Every dwelling unit consisting of only one (1) habitable room shall contain at least one hundred (100) square feet of habitable room floor area. No dwelling unit containing less than one hundred seventy (170) square feet of habitable room floor area shall be occupied by more than one (1) occupant. No dwelling unit consisting of only one (1) habitable room shall be occupied by more than two (2) occupants.
- (3) Minimum Floor Area For Sleeping Purposes. Every room occupied for sleeping purposes, by one person, shall contain at least seventy (70) square feet of floor space and four hundred ninety (490) cubic feet of air space, and every room occupied for sleeping purposes for more than one person shall contain at least sixty (60) square feet of floor space, and four hundred (400) cubic feet of air space for each occupant thereof, except that these requirements shall be reduced by one-half for children under twelve (12) years of age.
- (4) Arrangement of Sleeping, Bath and Toilet Rooms. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet room intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet room.
- (5) Basement Space May Be Habitable. No basement space shall be used as a sleeping room, or dwelling unit unless such sleeping room or dwelling unit is in conformity with existing Village or State Building Codes and complies with the following requirements:
  - a. The total of window area in each room is equal to at least the minimum window area sizes as required in Sec. 55.07(a).
  - b. Such required minimum window area is located entirely above the grade of the adjoining ground.
  - c. The total of openable window area in each room is equal to at least the minimum required under Sec. 55.07(a) unless there is supplied some other approved ventilating device.
- (6) Occupants to Have Access to Sanitary Facilities. Every occupant of every dwelling shall have unrestricted access to a toilet and bath and to a kitchen sink or lavatory located within that dwelling.

**55.10 RESPONSIBILITY OF OCCUPANTS RELATING TO THE MAINTENANCE OF DWELLING AND DWELLING UNITS**

- (a) **CLEANLINESS.** Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies or controls.
- (b) **DISPOSAL OF RUBBISH.** Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in rubbish containers required by this Code.
- (c) **DISPOSAL OF GARBAGE.** Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers as required by this Code.
- (d) **HANGING SCREENS.** Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under the provisions of this section or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service. Screens shall be hung at all times that flies or other insects are present.
- (e) **EXTERMINATION OF PESTS.** Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only one infested, except that whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or insect-proof condition, extermination shall be the responsibility of the owner.
- (f) **USE AND OPERATION OF SUPPLIED PLUMBING FIXTURES.** Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (g) **DESTRUCTION, MUTILATION AND DEFACING OF PROPERTY.** Every occupant of a dwelling unit, rooming unit or nursing unit shall be responsible for the repair or replacement of any part of required residential real estate, required supplied fixtures and equipment, required supplied furnishings, and any other required property of an owner, when such has been willfully or wantonly damaged, mutilated or defaced by such occupant.

## **55.11 ROOMING HOUSE AND NURSING HOMES**

- (a) **OPERATION.** No person shall operate a rooming house or nursing home or shall occupy or let to another for occupancy any rooming unit in any rooming house or nursing unit in any nursing home, except in compliance with the following requirements:
- (b) **PERMIT REQUIRED.** No person shall operate a rooming house or nursing home unless he holds a valid rooming house or nursing home permit issued by the Health Officer in the name of the operator and for the specific dwelling or dwelling unit within which the rooming house or nursing home is contained.
- (c) **APPLICATION FOR PERMIT.** The operator shall file an application for a rooming house or nursing home permit in the office of the Health Officer on forms prepared by the Health Officer. The operator shall file with the permit application, an occupancy permit issued by the Building Inspection Department for the operation of a rooming house or nursing home in the dwelling designated in the application. The occupancy permit issued by the Building Inspection Department shall state the number of rooming units or nursing units permitted in the dwelling designated in the application in conformity with the Zoning Code.
- (d) **ISSUANCE OF PERMIT AND FEES.** When all applicable provisions of this Section and of any rules and regulations adopted pursuant thereto, have been complied with by the operator, the Health Officer shall issue a rooming house or nursing home permit upon the payment of a fee of \$2.00. All rooming house and nursing home permits so issued shall expire on July 1 following the date of issuance, unless sooner suspended or revoked as hereinafter provided. The permit shall list the maximum number of persons that may reside in the total of all rooming units or nursing units located in the dwelling or portions thereof for which the rooming house or nursing home permit is issued.
- (e) **POSTING OF PERMIT.** Every rooming house permit or nursing home permit issued by the Health Officer shall be conspicuously posted by the operator at the main entrance to the rooming house or nursing home for which it is issued, and shall remain so posted at all times unless removed by order of the Health Officer.
- (f) **OPERATOR TO CONTROL OCCUPANCY.** No operator shall at any time allow a larger number of persons to occupy the total of all rooming units or nursing home units located within a rooming house or nursing home than the maximum number of persons listed on the rooming house permit. No operator shall at any time allow a larger number of persons to occupy any individual rooming or nursing unit than is permitted by this Section.

- (g) **NO TRANSFER ABILITY OF PERMIT.** No rooming house or nursing home permit issued under this Chapter shall be transferable, as to person or place, and every operator shall notify the Health Officer, in writing, within twenty-four (24) hours after having relinquished the operation of a rooming house or nursing home and shall file, in writing, with the Health Officer the name and address of the operator to whom the rooming house or nursing home was transferred.
- (h) **RELATIONSHIP OF PERMIT TO BUILDING CODE AND ENFORCEMENT OF BUILDING CODE.** The issuance of a rooming house or nursing home permit shall not relieve the owner or operator of the responsibility for compliance with Building or Zoning Codes and any other applicable ordinances of the Village of Pulaski and the applicable rules of the Wisconsin State Board of Health and the Department of Industry, Labor and Human Relations.
- (i) **APPLICABILITY OF OTHER PARTS OF THIS SECTION.** No person shall operate a rooming house or nursing home unless all of the requirements of Sec. 55.07 and all of the requirements of Sec. 55.08, except sub(12) and sub(13), and the requirements of Secs. 55.09(5) and (6) are complied with; provided for the purpose of interpreting the requirements of the designated sections applicable to the enforcement of this subsection, the words "multiple dwelling" or "dwelling" shall be interpreted to mean rooming house or nursing home, and the words "dwelling unit" and "dwelling units" shall be interpreted to mean rooming unit or nursing unit, or rooming units or nursing units. Every dwelling unit located within a rooming house or nursing home shall comply with all of the requirements for dwelling units as established in accordance with this Chapter.
- (j) **TOILETS AND LAVATORY BASINS.** At least one toilet and one lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each ten (10) persons or fraction thereof, residing wherever they share the use of said facilities.
- (k) **BATHS.** At least one bath, properly connected to an approved water and sewer system and in good working condition shall be supplied for each eight (8) persons, or fraction thereof, residing within a rooming house or nursing home, including members of the operator's family wherever they share the use of said facilities.
- (l) **LOCATION OF SANITARY FACILITIES.** Every toilet, lavatory basin and bath shall be located within a room or rooms, which afford privacy to a person within such room or rooms. All such facilities shall be located within the rooming house or nursing home as to be accessible to the occupants of each rooming unit sharing such facilities, without going outside of the dwelling and without going through another dwelling unit, or through a rooming unit of another occupant.
- (m) **MINIMUM FLOOR AREA FOR SLEEPING PURPOSES.** Every room occupied

for sleeping purposes, by one person, shall contain at least seventy (70) square feet of floor space and four hundred ninety (490) cubic feet of air space, and every room occupied for sleeping purposes by more than one person shall contain at least sixty (60) square feet of floor space and four hundred (400) cubic feet of air space for each occupant thereof, except that these requirements shall be reduced by one-half for children under twelve (12) years of age.

- (n) **NUMBERING OF ROOMING UNITS.** Every rooming unit in every rooming house or nursing home shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such rooming unit. Number two doors shall bear the same number. No number on any door of any rooming unit shall be changed to any other number without first securing the written approval of the Health Officer.
- (o) **PREPARATION OR EATING OF MEALS IN ROOMING UNITS PROHIBITED.** No occupant of a rooming house or nursing home shall prepare or eat meals in a rooming house or nursing home unless such meals are prepared or eaten in a dwelling unit contained therein. The operator shall post in every rooming unit a sign on which shall be written or printed, in letters not less than 3/8 of one inch in height the following words, "No cooking permitted in this room," and such sign shall remain so posted at all times.
- (p) **BED LINENS AND TOWELS.** The operator of every rooming house or nursing home shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a reasonably clean and sanitary manner.
- (q) **SHADES AND DRAPES.** Every window of every room used for sleeping shall be supplied with shades, draw drapes, or other devices or materials, which when properly used will afford privacy to the occupant of the room.
- (r) **SANITARY MAINTENANCE.** The operator of every rooming house or nursing home shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of rooming house or nursing home, and he shall be further responsible for the sanitary maintenance of the entire premises, where the structure or building within which the rooming house or nursing home is contained, is leased or occupied by the operator.
- (s) **STORAGE AND DISPOSAL OF RUBBISH AND GARBAGE.** Adequate garbage and rubbish storage containers shall be supplied by the rooming house or nursing home operator. The operator shall be responsible for the disposal of all rubbish and garbage in a clean and sanitary manner, by placing it in the required containers.

- (t) **HANGING SCREENS, STORM DOORS AND STORM WINDOWS.** The operator of a rooming house or nursing home shall be responsible for hanging all screens and double storm doors and windows whenever the same are required under this Chapter, or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service. Screens shall be hung not later than June 1 in each year.
- (u) **EXTERMINATION OF PESTS.** The operator of a rooming house or nursing home shall be responsible for the extermination of any insects, rodents, or other pests therein, and he shall be further responsible for such extermination on the entire premises, where the entire structure or building within which the rooming house or nursing home is contained, is leased or occupied by the operator. Notwithstanding the foregoing provisions of this subsection, whenever infestation of a rooming house or nursing home is caused by a failure of the owner to maintain the dwelling, within which the rooming house or nursing home is contained, in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.
- (v) **EXITS.** Every rooming unit in every rooming house or nursing home shall have exits which conform to the exit requirements of the Village Building Code and the State Building Code when applicable. In addition, every exit and passageway shall comply with the following requirements:
- (1) It shall be easily accessible from every rooming unit and dwelling unit by passageway, without passing through any part of any other rooming unit or dwelling unit.
  - (2) It shall be kept in a reasonably good state of repair.
  - (3) It shall be unobstructed at all times.
- (w) **REPORTING OF COMMUNICABLE DISEASE BY OPERATOR.** It shall be the duty of the operator of a rooming house and nursing home to report to the Health Officer within twenty-four (24) hours, the name of any person living in the rooming house, who is suffering from any communicable disease, and such report shall be made whenever there is reason to believe or suspect that any person, in such rooming house or nursing home, may be afflicted with any communicable disease.

- (x) **KEEPING OF REGISTER.** Every person to whom a rooming house or nursing home permit has been issued shall at all times keep a standard register, within the rooming house or nursing home, in which shall be inscribed the names of all occupants, renting or occupying rooming units in such rooming house or nursing home. The register shall be signed by the person renting a rooming unit. After the names or name of persons renting or occupying any rooming unit, the operator or his agent shall write the number of the room or rooms, which each person is to occupy, together with the date and hour when such room or rooms are rented. All of which shall be done before such person is permitted to occupy such room or rooms. The register shall be at all times open to inspection by the Health Officer and any peace officer or the Chief of the Fire Department or his authorized representative in the Village of Pulaski. No person shall write, or cause to be written in any rooming house or nursing home register, any other or different names than the true name of such person, or the name which such person is generally known.

#### **55.12 HEARING WHEN ROOMING HOUSE OR NURSING HOME PERMIT IS DENIED**

Any person, whose application for a permit to operate a rooming house or nursing home has been denied, may request and shall be granted a hearing on the matter before the Health Officer, under the procedure provided by Sec. 55.04.

#### **55.13 SUSPENSION OF PERMIT**

Whenever upon inspection of a rooming house or nursing home, the Health Officer finds that conditions or practices exist which are in violation of any provision of this Chapter, or of any rule and regulation adopted pursuant thereto, the Health Officer shall give notice, in writing, to the operator of such rooming house or nursing home that unless such conditions or practices are corrected within a reasonable period, to be determined by the Health Officer, the operator's rooming house or nursing home permit will be suspended. At the end of such period, the Health Officer shall reinspect such rooming house or nursing home and if he finds that such conditions or practices have not been corrected, he shall suspend the permit and give notice, in writing, to the operator that the latter's permit has been suspended.



#### **55.14 HEARING WHEN ROOMING HOUSE OR NURSING HOME HAS BEEN SUSPENDED; REVOCATION OF PERMIT**

Any person whose permit to operate a rooming house or nursing home has been suspended, or who has received notice from the Health Officer that his permit is to be suspended, unless the existing condition or practices are corrected, may request and shall be granted a hearing on the matter before the Health Officer under the procedure provided by Sec. 55.04. If no petition for such hearing is filed within twenty (20) days following the day on which such permit was suspended, the permit shall be automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease operation of such rooming house or nursing home, and after the lapse of a reasonable period of time to be determined by the Health Officer, no person shall occupy for sleeping or living purposes any dwelling unit or rooming unit therein.

#### **55.15 ADDITIONAL REQUIREMENTS FOR NURSING HOMES**

- (a) **FITNESS OF OPERATOR AND ADMINISTRATOR.** The operator and the administrator shall furnish to the Health Officer such information relating to education, experience, qualifications, character, financial status and any other information he may require to determine the fitness of the operator and the supervisor to properly operate and supervise a nursing home. The Health Officer may deny a permit to operate a nursing home, if he believes the operator or the administrator is unfit to properly operate and supervise such a home.
- (b) **NURSING UNIT IN CELLAR OR BASEMENT PROHIBITED.** No nursing unit shall be located in any cellar or basement space.
- (c) **COMPLIANCE WITH STATE AND VILLAGE STANDARDS.** Every nursing home shall comply with Wisconsin Administrative Code H32, "Rules for the Construction, Maintenance and Operation of Nursing Homes and Homes for the Aged" and these regulations are adopted by reference and are hereby incorporated and made a part of this Section as though set out in full.

**55.16 RESPONSIBILITIES OF OWNERS RELATING TO THE MAINTENANCE OF NON-DWELLING STRUCTURES, FENCES AND PREMISES**

- (a) **MAINTENANCE OF NON-DWELLING STRUCTURES.** Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entrance way of every non-dwelling structure shall be so maintained as to prevent the structure from becoming a harborage for rats and shall be kept in a reasonably good state of maintenance and repair.
- (b) **PROTECTION OF EXTERIOR WOOD SURFACES.** All exterior wood surfaces of all non-dwelling structures shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner.
- (c) **MAINTENANCE OF FENCES.** Every fence shall be kept in a reasonably good state of maintenance and repair, or shall be removed.
- (d) **GRADING AND DRAINAGE OF PREMISES.** Every premises shall be graded and maintained so that no stagnant water will accumulate or stand on the premises or within any building or structure, located on the premises.

**55.17 CONDEMNATION OF DWELLINGS AND DWELLING UNITS AS UNFIT FOR HUMAN HABITATION**

- (a) **CONDEMNATION.** Any dwelling or dwelling unit which the Health Officer shall find to have any of the following defects, shall be condemned as unfit for human habitation, occupancy or use:
  - (1) One which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe, or vermin infested, that it creates a hazard to the health or welfare of the occupants or of the occupants or of the public; or
  - (2) One which lacks illumination, ventilation, or sanitary facilities, adequate to protect the health or welfare of the occupants, or of the general public; or
  - (3) One which because of its general condition or location is unsanitary or otherwise dangerous to the health or welfare of the occupants or of the general public. Any dwelling or dwelling unit may be condemned as unfit for human habitation by the Health Officer if the owner or occupant failed to comply with any order based on the provisions of this Section, or any rule or regulations adopted pursuant thereto, provided that such dwelling or dwelling unit is, in the opinion of the Health Officer, unfit for human habitation by reason of such failure to comply.

- (b) **PROCEDURE FOR CONDEMNATION.** The condemnation of dwellings and dwelling units as unfit for human habitation, occupancy or use shall be carried out in accordance with §66.05, Wis. Stats., and the Health Officer shall be, and is hereby, designated as an "other designated officer" under the provisions of §66.05, Wis. Stats.

#### **55.18 ENFORCEMENTS**

The Health Officer is charged with the responsibility for the enforcement of this Chapter. However, it is hereby declared that the intent of this Chapter can be most effectively carried out by the cooperation of all Village departments concerned, and all such departments shall cooperate with Health Officer in the enforcement of this Chapter.

#### **55.19 COMPLIANCE WITH OTHER CODES**

The provisions of this Chapter shall not abrogate the responsibility of any person to comply with any of the provisions of the Wisconsin State Building Code, and the Building and Zoning, Plumbing and Electrical Codes of the Village of Pulaski.

#### **55.20 PENALTY**

Any person who shall violate any provision of this Chapter shall, upon conviction, be subject to the general penalty provisions of Sec. 1.06, with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this Chapter.

## CHAPTER 56

### FAIR HOUSING CODE

56.01	Fair and Open Housing
56.02	Prohibitions
56.03	Penalty

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#### **56.01 FAIR AND OPEN HOUSING**

- (a) **STATE STATUTES ADOPTED.** The Village Board of the Village of Pulaski hereby adopts by reference §101.22, Wis. Stats., and all subsequent amendments thereto.
- (b) **DISCRIMINATION PROHIBITED.** The officials and employees of the Village of Pulaski shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Pulaski by implementing the authority and enforcement procedures set forth in §101.22, Wis. Stats.
- (c) **FORMS.** The Village Clerk shall maintain forms for complaints to be filed under §101.22, Wis. Stats., and shall assist any person alleging a violation thereof in the Village of Pulaski to file a complaint thereunder with the Wisconsin Department of Industry, Labor and Human Relations for enforcement of §101.22, Wis. Stats.

#### **56.02 PROHIBITIONS**

- (a) **PROHIBITIONS.** No person shall:
  - (1) Engage in any type of act or refusal to act which is based upon a consideration of race, color, religion, ancestry, national origin, gender, handicap, age, lawful source of income, or marital status of person maintaining a household.
  - (2) Print, publish, circulate, issue, display, post, mail, or communicate in any other way an announcement, statement, advertisement, publication or sign the import of which indicates to any substantial degree a decision or purpose to impair in any way the access of any person, on the basis of his/her race, color, religion, ancestry, national origin, gender, handicap, age, lawful source of income, or marital status of person maintaining a household to any transferable interest in any housing.

- (3) Refuse to sell, rent, or in any other manner deny, withhold, or impair the transfer of title, leasehold or any other interest in any part of any housing when such refusal is based on race, color, religion, ancestry, national origin, gender, handicap, age, lawful source of income, or marital status of person maintaining a household.
- (4) Refuse to lend money or security, guarantee any loan, accept any mortgage or in any other manner make available any other funds or resources for the construction, acquisition, purchase, rehabilitation, repair or maintenance of any housing when such refusal is based on race, color, religion, ancestry, national origin, gender, handicap, age, lawful source of income, or marital status of person maintaining a household.
- (5) Refuse to furnish any facilities or services for any housing when ordinarily provided pursuant to legal duty or local custom, when such refusal is based on race, color, religion, ancestry, national origin, gender, handicap, age, lawful source of income, or marital status of person maintaining a household.
- (6) Refuse to list for sale or rent any housing to any person when such refusal is based on race, color, religion, ancestry, national origin, gender, handicap, age, lawful source of income, or marital status of person maintaining a household.
- (7) To differentiate in the price of rental or in the terms of conditions of sale or rent of any housing between persons when such differential is based on race, color, religion, ancestry, national origin, gender, handicap, age, lawful source of income, or marital status of person maintaining a household.
- (8) Induce or attempt to induce any person to sell or rent any dwelling by representations regarding the prospective or present entry into the neighborhood of a person or persons of a particular race, color, religion, ancestry, national origin, gender, handicap, age, lawful source of income, or marital status of person maintaining a household, or by representations to the effect that such present or prospective entry will or may result in:
  - a. The lowering of real estate values in the area concerned;
  - b. A deterioration in the character of the area concerned;
  - c. An increase in criminal or antisocial behavior in the area concerned; or
  - d. A decline in the quality of the schools or other public facility service in the area.

### **56.03 PENALTY**

The violation of any provision of this Chapter shall be subject to the general penalty provisions of Sec. 1.06.

## CHAPTER 57

### SIGNS

57.01	Purpose of Sign Regulations
57.02	Scope of Regulations
57.03	Substitution Clause
57.04	Definitions
57.05	General Requirements
57.06	Specific Zoning District Requirements
57.07	Computation of Area and Height
57.08	Design, Construction, and Erection Specifications
57.09	Billboards and Off-Premise Signs
57.10	Alteration and Relocation
57.11	Non-Conforming Signs
57.12	Removal and Disposition of Signs
57.13	General Administration and Enforcement
57.14	Appeals and Variances
57.15	Penalty

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#### **57.01 PURPOSE OF SIGN REGULATIONS**

- (a) **STATEMENT OF PURPOSE.** This chapter creates the legal framework for sign regulations that are intended to facilitate agreeable communication between people. It recognizes the need for well maintained and attractive appearances and protection of health, safety, and general welfare within the community, balanced with the need for business identification, advertising and communication. This section intends to encourage the design, construction, installation and maintenance of signs that are safe and compatible with their surroundings.
- (b) **SHORT TITLE.** This chapter shall be known as the "Sign Ordinance" of the Village of Pulaski, Wisconsin.
- (c) **AUTHORITY.** Except as provided in this ordinance, it shall be unlawful for any person to erect, repair, structurally alter, or relocate any sign without first obtaining a sign permit as defined in this ordinance.
- (1) Unless stated by site-specific restrictive covenants, all signage shall be determined by the guidelines of this ordinance.
  - (2) No sign under this section shall be erected or altered unless it has received a building permit from the Village of Pulaski except those signs deemed temporary by s. 57.05 (g) of this ordinance.
- (d) **FEES.** Administrative fees for sign permits shall be charged as determined by the Village Board.

## 57.02 SCOPE OF REGULATIONS

- (a) **SCOPE.** Except as otherwise noted, the regulations of this chapter shall govern all outdoor signs, advertising structures, or devices with respect to location, safety, size, construction standards, erection, attachment, support, lighting, anchorage, maintenance, appearance, and aesthetics within the Village of Pulaski, Wisconsin.

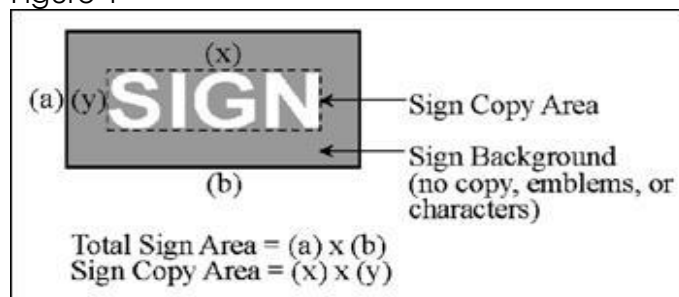
## 57.03 SUBSTITUTION CLAUSE

- (a) **SUBSTITUTION.** Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

## 57.04 DEFINITIONS

- (a) **DEFINITIONS.** The following definitions shall apply to this Chapter:
- (1) **"Abandoned Sign"** shall mean any sign which contains information which is no longer correct, fails to advertise an actively operating or bona fide business, lessor, lessee, owner, product, service or activity, conduct, or product available or when a rental, sale or compensation is no longer provided.
  - (2) **"Animated Signs"** shall mean a sign with action or motion, flashing, color changes requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements, such as flags, banners, or specialty items. This definition does not include public service signs, such as time and temperature, electronic scrolling, signs, or changeable message signs.
  - (3) **"Area of Copy"** shall mean the entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message, announcement, or decoration of a sign.

Figure 1



- (4) **"Awning"** shall mean a retractable, roof-like cover of canvas or other material, temporary in nature, which projects from the wall of a building and is intended to provide shade and shelter from the weather. Awnings may be retracted, folded, or collapsed against the face of a supporting structure. For the purposes of this ordinance, an awning is an "awning sign."
- (5) **"Background Area of Sign"** shall mean the entire background area of a sign upon which copy could be placed. In computing area of sign background, only that face or faces which can be seen from any one direction at one time shall be counted. See Figure 1.
- (6) **"Billboard"** shall mean a structure for the display of off-premises advertising.
- (7) **"Building Facade"** shall mean that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
- (8) **"Building Façade Sign"** shall mean a sign painted directly onto a building façade.
- (9) **"Building Sign"** shall mean any sign attached to any part of a building as contrasted to a free standing sign.
- (10) **"Bulletin Board"** shall mean any sign erected by a charitable, educational, or religious institution, or a public body, upon the same property as said institution, for purposes of announcing events which are held on the premises.
- (11) **"Canopy Sign"** shall mean any sign attached to or constructed in, on, or under a canopy or marquee. Such signs shall be a structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- (12) **"Changeable Copy Sign"** shall mean a sign or portion thereof, with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times a day or more than once an hour shall be considered an animated sign and not a changeable copy sign for the purpose of this ordinance.
- (13) **"Commercial Sign"** shall mean any sign wording, logo, or other representation that, directly or indirectly names, advertises, or calls attention to a business, product, service, sale or sales event, or other commercial activity. This definition includes signs possessing all the characteristics of commercial advertising erected by nonprofit or charitable groups or institutions
- (14) **"Construction Sign"** shall mean a sign identifying individuals or companies involved in the design, construction, wrecking, financing, or development of a building/lot on which the sign sits and/or identifying the future use of the building/lot upon which the sign sits. Such signs shall be limited to home and building construction or home and building remodeling and repairs.



- (15) **"Directory Sign"** shall mean a sign which has a purpose limited to providing a group listing and identification of offices or business establishments within a single building, industrial or commercial park or otherwise singularly planned development.
- (16) **"Double Faced Sign"** shall mean a sign with copy on two (2) parallel faces that are back to back, facing in opposite directions.
- (17) **"Electronic Sign"** shall mean a sign, display, or device that changes copy on the sign by the means of light emitting diodes (LED), fiber optics, light bulbs, liquid crystal display, or other illumination device within the display area.
- (18) **"Erect"** shall mean to build, construct, attach, hang, place, suspend, or affix anything, including painting of a wall sign.
- (19) **"Façade"** shall mean the side of the building.
- (20) **"Flashing Sign"** shall mean any directly or indirectly illuminated sign on which artificial light is not constant in intensity and color at all times when such sign is in use. An automatic changing sign such as public service time, temperature, and date signs or electronically controlled message centers are classed as "Changing Signs."
- (21) **"Free Standing Signs"** shall mean a sign which is supported by two or more columns, uprights or braces, in or upon the ground, and that are independent from any building or structure.
- (22) **"Gas Station Canopy Signs"** shall mean a type of wall sign mounted on the vertical fascia of a canopy serving as a fuel dispensing facility for a gas station or convenience store with fuel pumps.
- (23) **"Government Sign"** shall mean any sign erected by the Village of Pulaski or any other governmental entity in the exercise of official governmental business and authority.
- (24) **"Grade"** shall mean the average elevation of the ground immediately surrounding a sign or proposed sign.
- (25) **"Ground Sign"** shall mean a sign on which the bottom edge of the sign is even with the grade of the lot.
- (26) **"Height of Sign"** shall mean the vertical distance measured from the grade to the highest point of such sign.
- (27) **"Illumination, External"** shall mean the illumination of a sign with an exterior light source. Such source must be directed at the face of the sign.
- (28) **"Illumination, Internal"** shall mean the illumination of a sign in which the source of light is contained within the sign itself.
- (29) **"Lot"** shall mean a fractional part of a subdivision or Certified Survey Map having an assigned number through which it may be identified.
- (30) **"Marquee"** shall mean a permanent roofed structure attached to and supported by the building and projecting over public property.
- (31) **"Memorial Sign"** a sign which serves as a remembrance of a person, event, or place.

- (32) **"Nameplate"** shall mean a non-electrical sign identifying only the name, address, and occupation or profession of the occupant of the premises on which the sign is located. If the premises includes more than one occupant, nameplate refers to all names and occupations or professions, as well as the name of the building and directional information.
- (33) **"Neon Sign"** shall mean a sign illuminated by a light source consisting of neon or other gas tube that forms letters, symbols, lines, or other shapes.
- (34) **"Nonconforming Sign, Legal"** shall mean any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the review of this section, and any amendments hereto, and which fails to conform to the applicable regulations and restrictions of this section or a non-conforming sign for which a special permit has been issued.
- (35) **"Off-Premise Sign"** shall mean a sign which advertises, calls attention to, or identifies an occupant, business, or property situated on a different lot than the lot on which the sign is located.
- (36) **"On-Premise Sign"** shall mean any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed and maintained.
- (37) **"Parapet Wall"** shall mean a low wall above the roof used as a rated fire wall.
- (38) **"Parcel"** shall mean a continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately surveyed.
- (39) **"Pole Sign"** – shall mean a sign that is attached to, erected on, or supported by some structure such as a pole, mast, frame, or other structure that itself is not an integral part of or attached to a building or other structure whose principal function is something to support the sign.
- (40) **"Political Sign"** shall mean any temporary sign which supports the candidacy of any candidate for political office, or urges action on any other matter on a public ballot or primary, general or special election.
- (41) **"Portable Sign"** shall mean any sign not permanently attached to the ground or building.
- (42) **"Principal Structure"** shall mean the structure in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal structures, but storage buildings, garages, and other clearly accessory uses shall not be considered principal structures.
- (43) **"Projecting Sign"** shall mean a sign, normally double faced, which is attached to and projects more than 18 inches from a structure or building fascia.
- (44) **"Real Estate Property for Sale, Rent, or Lease Sign"** shall mean any sign pertaining to the sale, lease or rental of land or buildings.

- (45) **"Reflective Sign"** shall mean a sign furnished or finished with a material designed to reflect light directed to it for the purpose of visibility by self-illumination at night.
- (46) **"Roof Sign"** shall mean a sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.
- (47) **"Sandwich Board Sign"** shall mean an advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto, and which is usually two-sided. All such signs may be displayed only during hours of operation.
- (48) **"Setback"** shall mean the minimum horizontal distance between the line of a building or structure and the property line.
- (49) **"Shopping Center"** shall mean a collection of two or more retail stores and/or service establishments sharing customer parking regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership.
- (50) **"Sign"** shall mean any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.
- (51) **"Sign Area, Total"** shall mean the area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. See Figure 1 and Section 57.07.
- (52) **"Sign Face"** shall mean the surface of the sign upon, against, or through which the message of the sign is exhibited.
- (53) **"Sign Structure"** shall mean any structure which supports or is capable of supporting any sign, as defined in this code. A sign structure may be a single pole or may or may not be an integral part of the building.
- (54) **"Street Frontage"** shall mean a length of the property line of the lot, lots, or tracts of lands abutting a public right-of-way or alley.
- (55) **"Structure"** shall mean anything constructed or erected on the ground to include, but not limited to, all types of buildings, attachments to buildings, parking lots, fences, and berms.
- (56) **"Subdivision Sign"** shall mean a permanent sign directing attention to a subdivision located at the principal access point of that subdivision.
- (57) **"Temporary Sign"** shall mean a banner, pennant, poster, or advertising display that is not permanently attached to a building or the ground, and which is intended to be displayed for a limited period of time not to exceed 45 days.
- (58) **"Vision Corner"** shall mean an established line of sight that does not obstruct or impair the line of sight for motorized or non-motorized vehicles traveling in a right-of-way.

- (59) **"Wall Sign"** shall mean a sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall and which is confined within the limits of such wall or a sign which is painted on any exterior wall.
- (60) **"Window Sign"** shall mean a sign installed on a window for purposes of viewing from outside the premises.

**57.05 GENERAL REQUIREMENTS**

(a) **LOCATION STANDARDS**

- (1) No signage may cause a reduction in required or previously existing off-street parking spaces or in any manner interfere with the use of such off-street parking spaces.
- (2) Unless stated specifically elsewhere in this ordinance, all signs and sign support structures shall be set back at least 10 feet from any abutting lot line or driveway.
- (3) Unless stated specifically elsewhere in this ordinance, all signs and sign supports shall be set back at least 10 feet from the right-of-way and out of the vision corners at intersections. Unless otherwise stated on a subdivision plat or Certified Survey Map, vision corners shall be 25 feet for all intersections. Nonresidential signs shall not be located closer than 25 feet to an abutting residential zone.
- (4) Placement of all signs may be subject to more stringent setback requirements where required to preserve traffic sight lines.
- (5) All signs shall be located wholly on one parcel.

(b) **PROHIBITED SIGNS.**

- (1) Signs not expressly listed as permitted.
- (2) Abandoned and or dilapidated signs as deemed such by the Zoning Administrator.
- (3) Off-premise electronic signs.
- (4) Roof signs.
- (5) Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity.
- (6) Signs that are affixed to trees or other living vegetation.
- (7) Signs that are affixed to street signs, utility poles, utility boxes, or other similarly owned public infrastructure.
- (8) Signs that contain reflective elements which sparkle or twinkle in the sunlight.
- (9) Signs attached to, erected, or maintained on any standpipe, exterior stairway, fire escape, tower, or balcony so as to interfere with the use thereof.
- (10) Signs erected within the vision corner of any intersection or at any location where, by reason of the position, shape, or color, they may obstruct the view or be confused with any authorized traffic sign, signal, or device.

- (11) Signs which make use of the words "STOP," "LOOK," "DANGER," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
- (12) Signs erected, constructed, or maintained so as to obstruct any exit, any window opening necessary for required light or ventilation, or which prevents free passage from one part of a roof to another.
- (13) Signs entirely supported by a parapet wall.
- (14) Signs located on public grounds, unless approved by the Village Board.

(c) **TEMPORARY COMMERCIAL SIGNS.**

- (1) Temporary signs are commercial signs displayed for more than 5 days but not more than 45 days for which a temporary sign permit was obtained.
- (2) No person, firm, or corporation shall erect or display a temporary sign without first obtaining a permit from the Zoning Administrator.
- (3) The term of a temporary sign permit shall not exceed 45 consecutive days from the date of issuance and must be wholly within any one calendar year, at the end of which term such permit shall expire and any sign or advertising device allowed by said permit shall be removed.
- (4) Each face of a temporary sign shall not exceed 32 square feet in area. The maximum height of a temporary freestanding sign is restricted to six feet.
- (5) Any such sign or device shall not contain more than two faces, each of which shall be on a different side of the sign or device.
- (6) Each temporary sign shall be appropriately secured and constructed consistent with public safety.

(d) **SIGNS NOT REQUIRING A PERMIT.**

- (1) Balloons or inflatables for a period of no longer than 5 days.
- (2) Memorials, grave markers, statuary or other remembrances of persons or events, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other non-reflective, unobtrusive, and non-combustible materials.
- (3) Flags, including official government flags, emblems, or temporary displays of a patriotic, religious, charitable, or other civic character, may be displayed provided that such signs are not placed in the public right-of-way.
- (4) Government signs.
- (5) Signs in A-1 district on parcels of land containing at least 10 acres. No more than one sign not to exceed 15 square feet in area may qualify for this exemption per parcel.

- (6) Garage sale signs provided that no person shall attach posters, notices, or advertisements to utility poles, meter posts, or trees in or along any street right-of-way within the village and that no person shall put up any notice upon any building, wall, fence, or other property of another person without having first obtained the consent of the owner of such property. The maximum time limit for all garage sale signs is three consecutive days and nine cumulative days in a one-year period. Such signs shall not exceed 2 square feet in area per side.
- (7) Temporary non-illuminated window signs where at least 50 percent of the total window area remains free of signage. The specific percentage allowed shall be dependent of the zoning district.
  - a. Such signs shall not be placed so as to interfere with public safety and ingress or egress from the building.
  - b. Only the inside surfaces of windows shall be used for the attachment of such signs.
- (8) Real estate signs.
  - a. Number. There shall not be more than one real estate sign for each lot except that where a lot abuts two or more streets, one real estate sign may be allowed for each abutting street frontage.
  - b. Area.
    - 1. In all residential districts, each temporary "for sale" or "for rent" real estate signs shall not exceed 12 square feet in total surface area.
    - 2. In B-1, B-2, B-3, B-4, INT-1, I-1, I-2, and Planned Development Overlay Districts, each temporary "for sale" real estate signs shall not exceed 25 square feet in total surface area per side.
    - 3. "Sold" signs or stickers may be added so long as they do not exceed 25 percent of the original sign area.
  - c. Location. Real estate signs shall be setback a minimum of 10 feet from any abutting side or rear property line or driveway. Additionally, real estate signs shall be located outside of the right-of-way and outside of the vision corners of intersections.
  - d. Removal. Real estate signs shall be removed within 14 days of the sale or lease of the premises upon which the sign is located.
  - e. Height. Real estate signs shall not project higher than six feet as measured from the grade at the base of the sign in non-residential zoning districts. Real estate signs shall not project higher than four feet in residential zoning districts. This includes any "sold" sign which is affixed to the real estate sign.

- (9) Construction signs.
- a. Number. There shall not be more than one construction sign for each project or development except where a project or development abuts two or more streets. In such case, one sign may be allowed for each abutting street frontage.
  - b. Area.
    - 1. Residential zoning districts. In all residential zoning districts, construction signs shall not exceed eight square feet on one side or 16 square feet in gross surface area using two sides.
    - 2. Nonresidential zoning districts. In all nonresidential zoning districts, construction signs shall not exceed 32 square feet on one side or 64 square feet in gross surface area using two side.
  - c. Location. Construction signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs shall be set back a minimum of 10 feet from any abutting property line, road right-of-way, or driveway. Such signs shall be located outside of the vision corners of intersections.
  - d. Height. Construction signs shall not project higher than five feet, as measured from grade at the base of the sign.
  - e. Other conditions.
    - 1. Temporary construction signs shall be permitted only as accessory to an approved building permit and the names of the proposed development, contractors, engineers, architects, and financial institutions involved in the project development.
    - 2. Construction signs may be erected and maintained for a period not to exceed 10 days prior to the commencement of construction and shall be removed within 10 days of the termination of construction of the project or development.
    - 3. No sign shall be placed on any tree or rock.
    - 4. All such signs shall be non-illuminated, freestanding ground signs.
- (10) Political signs.
- a. Area. Election and campaign signs shall be no larger than 16 square feet, per side.
  - b. Location.
    - 1. Election and campaign signs may be no closer than 10 feet to the public right-of-way and must be located outside of the vision corner.
    - 2. Election and campaign signs may be no closer than 10 feet to other election and campaign signs.

- c. Placement and removal.
  - 1. The candidate for public office or a position on a referendum or other matter on an election ballot wishing to place a political sign under this permit exemption with their name or position on it within the Village limits must in fact be, or have their position or matter eligible to be, on the ballot in the Village of Pulaski.
  - 2. The first day to place election or campaign yard signs within the Village limits is the first day that candidates are eligible to circulate nomination papers.
  - 3. All political yard signs must be removed within three days following the election.
- (11) Personal messages.
  - a. A sign announcing births, anniversaries, birthdays, retirement, graduations, and other similar events of personal significance is allowed for a period not exceeding seven consecutive days.
  - b. Such signs cannot exceed a total of 40 square feet in area or 20 square feet per side.
- (12) Government Signs. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty.
- (13) House Numbers and Name Plates. House numbers and name plates for each residential, commercial or industrial building not exceeding 2 square feet per building. All such signs shall be numerical in nature.
- (14) No Trespassing, No Hunting, or No Dumping Signs. No trespassing, no hunting and no dumping signs are not to exceed one and one-half (1-1/2) square feet in area per sign.
- (15) On-Premise Symbols or Insignia. Religious symbols, commemorative signs or plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.
- (16) On-Premise Temporary Signs. Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations provided such signs are posted not more than fourteen (14) days before said event and removed within ten (10) days after the event.
- (e) **ANIMATED SIGNS.**
  - (1) No animated signs shall be erected or maintained in any residential zoning district. No animated signs shall be erected or maintained closer than two hundred (200) feet from any residential zoning district.
  - (2) No animated sign may rotate more than ten revolutions per minute



- (f) **AWNING SIGNS.**
- (1) Support. Awnings shall be securely attached to and supported by the buildings.
  - (2) Awnings shall be free of supports in all rights-of-way and sidewalks.
  - (3) Text and identifiable logos shall be limited to 40 percent of the awning surface.
  - (4) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall not be lower than 8 feet above the public sidewalk or public thoroughfare.
  - (5) No entrance awning shall extend more than four feet from which the building to which it is fixed.
  - (6) Decorative awnings without lettering or imagery are not considered signs.
- (g) **BUILDING FACADE SIGNS.** Copy area of building façade signs shall not exceed 40 percent of the background facing to which it is applied.
- (h) **CANOPY SIGNS.** Copy area is limited to 40 percent of the canopy sign.
- (i) **DIRECTORY SIGNS.**
- (1) Directory signs shall be limited to one common sign of up to 500 square feet in total sign area.
  - (2) Only tenants within the complex shall be listed on the sign.
  - (3) Each tenant may have a wall sign of up to 40 percent of the area of the store's frontage in addition to the multiple tenant sign.
- (j) **ELECTRONIC SIGNS.** All electronic signs must meet the following minimum conditions:
- (1) All electronic messages or images shall have a minimum duration of 15 seconds and shall be static display.
  - (2) Transition time must be no longer than two (2) seconds.
  - (3) All animated displays must be approved within the limitations of this ordinance.
  - (4) Each sign must have a lighting sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
  - (5) Signs shall contain a default design that will freeze the design in one position if a malfunction occurs.
  - (6) Electronic signs may not be located off-premises.
- (k) **GROUND SIGNS.**
- (1) Only one ground sign is allowed per lot or per street frontage.
  - (2) Ground signs shall be limited to 120 square feet of total sign area.
  - (3) Lighting. Ground signs may be either internally or externally illuminated. All externally illuminated signs shall be projected solely at the sign with no straying of light.
  - (4) Landscaping is required at the base of ground signs.
  - (5) Such signs shall be setback from the property line a distance equal to, and not less than, the height of the sign. The minimum setback shall be 10 feet in residential districts; 5 feet in B-1 and B-2 Districts; 10 feet in the B-3, B-4, I-1, and I-2 Districts.

- (6) Height. Height of ground signs shall be limited to 6 feet in Business districts and 15 feet in Industrial districts.
- (l) **HOME OCCUPATION SIGNS.**
  - (1) There shall be only one sign allowed per lot.
  - (2) Signs advertising a home occupation shall not exceed 6 square feet in size and shall not be illuminated.
  - (3) Home occupation signs shall be limited to either a ground sign or a freestanding sign not exceeding four feet in height from grade.
  - (4) Landscaping shall be required at the base of the sign.
- (m) **MARQUEE SIGNS.**
  - (1) Marquee signs may be placed on, attached to, or constructed in a marquee.
  - (2) Marquee signs shall be limited to the size of the marquee and shall not exceed 40 percent of the building façade.
- (n) **NEON SIGNS.** Neon signs are only permitted in the B-1 and B-2 zoning districts.
- (o) **POLE SIGNS.**
  - (1) Pole signs shall be limited to B-2 zoned lots which front along STH 32. One pole sign is allowed per lot and shall be used for advertising purposes only.
  - (2) Pole signs shall be limited to a height of 30 feet.
  - (3) The lowest level of the sign atop a pole sign shall not be less than 15 feet above the grade of the lot.
  - (4) Pole signs shall not exceed 100 square feet on a side for any one premise.
  - (5) No portion of a pole sign, including sign face, may extend into the front yard building setback.
  - (6) Pole signs shall not be less than 10 feet from side and rear yard lines.
  - (7) Pole signs shall have support poles which do not exceed eight inches in diameter.
- (p) **PROJECTING SIGNS.**
  - (1) Projecting signs are limited to the B-1 and PDO Districts. Only one sign per parcel of property shall be permitted per street façade.
  - (2) Projecting signs shall not exceed 18 square feet in sign face area.
  - (3) Projecting signs must clear sidewalks by at least eight feet and may project no more than four feet from the building.
  - (4) The height of a projecting sign attached to the face or wall of a building not exceed the height of the building, except for fastenings which shall not exceed 18" above the building cornice.
  - (5) Projecting signs are not allowed at the intersection of streets except at right angles to a building front.
- (q) **WALL SIGNS.** Wall signs affixed to the sides of buildings must adhere to the following conditions:
  - (1) Background area of wall signs shall not exceed 40 percent of the building façade on which it is located.
  - (2) Except for multi-tenant buildings, there shall be no more than one wall sign per building façade.

- (3) Multi-tenant buildings shall be allowed to have one wall sign per unit. Copy face of said signs shall be limited to 40 percent of the individual units.
  - (4) A wall sign may be located on the outermost wall of any principal building shall not project more than 18 inches from the wall.
  - (5) A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
  - (6) The total height of a wall sign from the top of the sign to the bottom of the sign shall not exceed eight feet in height.
- (r) **WINDOW SIGNS.**
- (1) Window signs shall be limited to 50 percent of the window area.
  - (2) Window signs shall be limited to one location on the primary display window or door.
  - (3) All professionally painted or vinyl applied decals shall be affixed to the interior of the window to avoid weathering. Grease paint is strictly prohibited.
  - (4) Window signs are permissible in the transom.
  - (5) Window signs which display the address, hours of operation, or other similar information shall not count towards the overall sign area.
- (s) **GAS STATION CANOPY SIGNS.** Canopy signs shall be permitted for all gas stations and convenience stores with fuel pumps as follows:
- (1) All words, logos, and related messages are limited to 25 square feet in total for all sides of the canopy.
  - (2) One canopy sign may be placed on each side of the canopy which faces a street frontage.
  - (3) Illumination of canopy signage is limited to internally lit signage. External lighting shall not be used to illuminate the canopy.
  - (4) Canopy fascia signage shall project no more than 18 inches from the canopy face.
- (t) **OTHER SIGNS.**
- (1) Unless exempted, all other types of signs shall require a permit from the Village.
  - (2) All persons applying for signs which are not clearly defined within the categories identified by this chapter or which come within two or more categories identified by this Chapter may request a determination from the Zoning Administrator as to which requirements the proposed sign shall be subject.
    - a. Should the applicant wish to appeal the Zoning Administrator's decision, the applicant may apply to the Village of Pulaski Board of Appeals for a determination.

## **57.06 SPECIFIC ZONING DISTRICT REQUIREMENTS**

- (a) **AGRICULTURAL DISTRICT.** If the subject parcel is 10 acres or greater in size, signs are subject to Section 57.05 (f). If the subject parcel is less than 10 acres in size, the following conditions apply:
- (1) Area. The gross area in square feet of all signs on a zoning lot shall not exceed 40 square feet.
  - (2) Height. No ground sign shall exceed a height of eight (8) feet.
  - (3) Number of Ground Signs. Two (2) ground signs shall be allowed per zoning parcel.
  - (4) Setbacks. Signs shall meet all yard requirements of the zoning district except as set forth in this ordinance.
- (b) **RESIDENTIAL DISTRICTS.** In residential zoning districts, certain signs are permitted subject to the following conditions:
- (1) Only freestanding and ground signs are permitted. Other forms of permanent signs are prohibited.
  - (2) One sign per subdivision, neighborhood, or multi-family development is permitted.
  - (3) Height: No sign shall exceed 6 feet.
  - (4) Setbacks: Signs shall meet all yard requirements of the applicable zoning district
  - (5) Signs shall be non-flashing and non-illuminated.
  - (6) Area. Subdivision, neighborhood, and multi-family residential complex signs shall not exceed 36 square feet in total sign area.
  - (7) Landscaping. Landscaping around the base of these signs shall be required.
- (c) **BUSINESS DISTRICTS.** In the Business Districts, signs are permitted, subjected to the following conditions:
- (1) Area. *The total sign area in square feet of all signs on a parcel shall be as follows:*
    - a. *Three hundred (300) square feet in the B-1 Central Business and B-3 Professional Office Business Districts.*
    - b. *Five hundred (500) square feet in the B-2 Highway Business District.*
    - c. *One hundred (100) square feet in the B-4 Neighborhood Business District. (Ord. #397)*
  - (2) Height. In the B-1, B-3, and B-4 districts, signs shall not exceed 12 feet in height. In the B-2 district signs shall not exceed a height of 30 feet.
- (d) **INDUSTRIAL DISTRICTS.** In the Industrial Districts, signs are permitted subject to the following conditions:
- (1) Area. The gross area in square feet of all signs on a zoning lot shall not exceed six hundred (600) square feet.
  - (2) Height. No sign shall exceed a height of thirty (30) feet.
- (e) **INSTITUTIONAL DISTRICT.** In the Institutional District, signs are permitted subject to the following conditions:
- (1) Area. The gross area in square feet of all signs on a zoning lot shall not exceed one hundred (100) square feet.

- (2) Height. No sign shall exceed a height of twelve (12) feet.
- (3) Setbacks. Sign shall meet yard requirements of the zoning district.
- (f) **PLANNED DEVELOPMENT OVERLAY DISTRICT.** The type, number, total sign area, location, and height of signage in any Planned Development Overlay District shall be established according to an approved signage plan reviewed in conjunction with the approval of the PDO District. Said signage plan shall not constitute part of the applicable zoning, but shall be enforced as a part of this ordinance. Amendment to the signage plan shall require review by the Planning and Zoning Committee with approval by the Village Board upon written request submitted to the Village Clerk including a detailed description of the requested amendments and payment of the fees prescribed by the Village of Pulaski.
- (g) **CONSERVANCY DISTRICT.** All signage is expressly prohibited in all Conservancy districts.

**57.07 COMPUTATION OF AREA AND HEIGHT**

- (a) **AREA COMPUTATION OF A SIGN.** Sign area shall be calculated according to the following:
  - (1) Sign area shall be the area within the smallest regular polygon that will encompass all elements of the actual sign face including any writing, representation, emblems, or any figure or similar character together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed.
  - (2) For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording, accompanying design, or symbols together with any background of a different color than the natural color or finish material of the building.
  - (3) The main supporting sign structure (i.e., brackets, posts, foundation, etc.) shall not be included in the area measurement if such framework is incidental to the display.
  - (4) Unless otherwise specified, when a sign has two or more identical faces which are placed back to back and located less than 36 inches apart so that both faces cannot be viewed from any point at the same time, the sign area shall be computed by the measurement of the area of a single sign face.
  - (5) The maximum area of signs allowable shall be the accumulation of the area of all signs located on a parcel of record. The maximum area of signs may differ according to the zoning classification of a lot.
- (b) **HEIGHT DETERMINATION OF A SIGN.** The following general rules shall apply in the determination of the height of signs:
  - (1) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average surrounding grade at the base of its supports, or the base of any sign attached to the ground.

- (2) The height of signs placed on berms, mounds, or similar landscaped features, shall be measured from the finished or established grade around such features.
- (3) No sign within the Village of Pulaski may exceed 30 feet in height measured from grade.

#### **57.08 DESIGN, CONSTRUCTION, AND ERECTION SPECIFICATIONS**

- (a) **INSTALLATION OF SIGNS.** The design, construction, and erection of all sign shall be by a competent professional in the sign design and construction industry.
- (b) **MAINTENANCE OF SIGNS.** All signs and sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.
- (c) **COMPLIANCE WITH BUILDING CODE.** All signs shall comply with the applicable provisions of the Village of Pulaski Building Code and applicable state and national codes. Where there is a conflict, the more restrictive code shall apply.
- (d) **CONSTRUCTION OF SIGNS, AUXILIARY SPECIFICATIONS.** Each sign shall be maintained on the lot on which the sign is located according to the following specifications:
  - (1) The base, support frame, materials, and fixtures of the sign shall be constructed with permanent building materials that are complementary in color to the building
  - (2) The color scheme of the sign and frame shall be complementary to the building and surrounding area.
  - (3) Architectural features (e.g., sills, piers, reveals, capstone, medallions, etc. that are part of the architectural style of the principal building shall be incorporated into the sign.
  - (4) All signs in business and industrial districts on lots adjacent to residential areas shall complement the existing residential development.
- (e) **GAS STATIONS, CONVENIENCE STORES, AND RELATED STRUCTURES.** All such structures and uses within the Village of Pulaski are subject to the following requirements.
  - (1) Only wall signs attached either to the principal structure or canopy fascia or a ground sign are allowable.
  - (2) Lighting on all gas station canopies shall be fully recessed, flush with the canopy, and directed downward.

- (f) **ILLUMINATION STANDARDS.**
- (1) All externally illuminated signs shall be illuminated only by steady, stationary shielded light sources.
  - (2) The use of unshielded lighting including glaring undiffused lights or bulbs, bare bulbs or flames, or exposed light bulbs hung or strung on poles, wires, or any other type of support intended to illuminate a sign or other advertising device is expressly prohibited.
  - (3) All sign lighting shall be so designed, located, and shielded to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties, or into the sky. Downward directional lighting shall be employed to the greatest extent possible.
- (g) **LANDSCAPING STANDARDS.**
- (1) In the case of any ground sign or freestanding sign for which a permit is required, a landscape area shall extend a minimum of five feet from the base of the sign to shield all required lighting fixtures.
  - (2) Landscaping shall also be required for all other applicable sign types.
  - (3) Where any sign is proposed to be externally illuminated using ground-mounted fixtures (i.e., floodlight), landscape plantings shall be installed in such a manner as will entirely shield the light source from the surrounding view. Landscaping plantings shall be of a type as will ensure effective year-long screening.
- (h) **SAFETY STANDARDS.** All outdoor advertising structures, post signs, accessory signs, or advertising statuary which are declared to be a traffic hazard by the Village Zoning Administrator, shall be relocated or rearranged in accordance with safety standards.
- (i) **SIGN MATERIAL.** All free-standing sign structures or poles shall be self-supporting, and permanently attached to sufficient foundations; and, in addition to meeting the requirements of the Building Code, shall comply with the following:
- (1) When glass is used for sign letters or transparent panels, safety or tempered glass shall be used.
  - (2) Supports or braces may be of any material adequate to meet wind loading, unless otherwise required by the Building Inspector to be non-combustible in accordance with the Fire Code. All braces and supports shall be an integral design of the sign. Angle irons, chains, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
- (j) **WIND LOADS.** All signs, except those attached flat against the wall of a building shall be constructed to withstand wind loads as follows:
- (1) All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the appropriate building codes. No sign shall be suspended such that it shall swing unrestricted due to wind action to such extent that it may cause the sign support to be in danger.

## **57.09 BILLBOARDS AND OFF-PREMISE SIGNS**

- (a) **PERMIT REQUIRED.** No billboard or off-premise sign may be erected in the Village of Pulaski regardless of the nature, size and location unless a permit is first obtained from the Village of Pulaski Zoning Administrator. No permit shall be issued unless a complete application is filed at the time of the application for the permit.
- (b) **PERMIT APPLICATION.** The application for a permit for the erection and maintenance of a billboard or off-premises sign shall contain the information required by this ordinance and be submitted to the Planning and Zoning Committee for review and recommendation to the Pulaski Village Board.
- (c) **REQUIREMENTS.** In reviewing applications for permits for billboards and off-premise signs in the Village of Pulaski, the Planning and Zoning Committee shall, in addition to all other requirements of this Chapter, require the following:
  - (1) Lights from any illumination shall be shaded, shielded, or directed so that the light intensity or brightness will not impact surrounding lots. Such illumination shall be direct and the source of light shall not be exposed. There shall be no direct illumination upon a roadway, or no glare or source of light shall be visible.
  - (2) There shall be no off-premise signs of any nature in the village located within seventy-five (75) feet of a residential district.
  - (3) There shall be no off-premise signs in the village which are more than thirty (30) feet in height above the adjacent street level.
  - (4) On all off-premise signs and billboards in the village, there shall be a minimum spacing of five hundred (500) feet between any signs three hundred (300) square feet or less, and at least one thousand (1,000) feet between any signs of three hundred one (301) square feet or more.
  - (5) No off-premise sign permitted by this ordinance, or any other ordinance of the village, shall in any manner project over the right-of-way of any highway or roadway in the village.
  - (6) No more than one off-premise sign per parcel of land, subject to spacing requirements may be permitted.
  - (7) Billboards or off-premise signs shall not be allowed to be placed on the roof of a building.
  - (8) Billboards and off-premise signs shall not be permitted unless written authorization for construction is provided by the owner of the parcel said sign is to be constructed. Said permission shall be provided to the Zoning Administrator prior to Planning & Zoning Commission review.
  - (9) The specific type, size, location, and all other aspects of any billboard or off-premise sign for advertising purposes in the village shall be subject to the final approval authority of the Pulaski Village Board.



## **57.10 ALTERATION AND RELOCATION**

No sign in the Village of Pulaski shall hereafter be structurally altered, rebuilt, enlarged, extended, or relocated, except in conformity with the provisions of this Ordinance. The changing of movable parts of signs that are designed to be changed or the change of face copy in conformity with this ordinance shall not be deemed to be alterations within the meaning of this ordinance.

## **57.11 NON-CONFORMING SIGNS**

- (a) **NON-CONFORMING SIGNS.** Any sign located within the village limits on the date of the adoption of this Section or located in an area annexed to the village thereafter, which does not conform with these provisions, is eligible for characterization as a "legal, non-conforming" sign and shall be permitted to remain provided it was, in all respects, in compliance with applicable law on the date of construction or installation.
- (b) **CONTINUATION OF NON-CONFORMING STATUS.** A legal, non-conforming sign shall maintain its legal, non-conforming designation provided:
  - (1) No structural modification of non-conforming sign shall be permitted unless such resultant modification will conform to sections of this ordinance. Changes of copy with no modification to the sign structure are permitted
  - (2) That the sign is not replaced unless such resultant replacement will conform to sections of this ordinance.
  - (3) Normal maintenance shall be permitted and shall include, but is not limited to, painting of chipped and faded signs, replacement of faded and damaged surface panels, and repair or replacement of wiring or electrical devices.
- (c) **LOSS OF NON-CONFORMING STATUS.** Any changes except for those provide herein above, shall result in the loss of legal, non-conforming status. Upon loss of legal, non-conforming status, the Building Inspector may require the removal of the sign.

## **57.12 REMOVAL AND DISPOSITION OF SIGNS**

- (a) **MAINTENANCE AND REPAIR.**
  - (1) Requirements. All signs, including, but not limited to, those signs for which no permit or permit fee is required, shall, at all times, be maintained in a safe, presentable and sound structural and material condition.
  - (2) Notice. Should the Building Inspector determine that a sign is not being properly maintained so as to present a possible safety hazard; the Building Inspector may so notify the sign owner or the owner of the lot on which the sign is located in writing.
- (b) **DANGEROUS, DEFECTIVE, OR ILLEGAL NON-CONFORMING SIGNS.**

- (1) Correction or Removal by Owner. If the Building Inspector determines a sign to be materially, electrically, or structurally defective so as to be a danger to public safety, or an illegal non-conforming sign, the Building Inspector shall so notify the sign owner or the owner of the lot on which the sign is located, pursuant to the notice provisions hereof, of such condition and direct the correction or removal of such sign.
  - (2) Notice. A notice under this provision shall identify the sign, specify the violation or defective condition, and state that in the event the condition of the sign is not corrected or removed within a minimum of 24 hours or up to thirty (30) calendar days, the sign may be removed by the village.
  - (3) Removal by Village. If the dangerous, defective, or illegal non-conforming sign is not corrected or removed within the time specified by the Building Inspector, the Building Inspector may cause such sign to be removed by the village. All costs of such removal shall be assessed against the sign owner. If the sign owner cannot be determined, the owner of the lot on which the sign is located shall be assessed.
- (c) **IMMINENTLY DANGEROUS SIGN.**
- (1) Correction or Removal without Notice. When it is determined by the Building Inspector that a sign would cause or present an imminent danger to public safety, and contact or notice cannot be made with the sign owner or the owner of the lot on which the property is located, the village may correct the dangerous condition of the sign or remove the sign.
  - (2) Costs of Correction or Removal. All costs of correction or removal of the sign posing an imminent danger to public safety which was corrected or removed without prior written notice shall be assessed against the sign owner, or if the sign owner cannot be determined, the owner of the lot the sign is located.
  - (3) Post-correction or Removal Notice. If a sign posing an imminent danger to the public safety is corrected or removed by the village without prior written notice of such action by the village, the Building Inspector shall provide written notice of the actions taken by the village to the sign owner and the owner of the lot on which the sign was located pursuant to the notice provision hereof. Such notice shall specify the condition deemed to pose an imminent danger to the public, the action taken by the village, the costs of such action taken by the village, and that the costs of the same shall be charged or assessed to the sign owner or if the sign owner cannot be determined, the owner of the lot on which the sign was located.

- (d) **ABANDONED SIGNS.** All signs or sign messages shall be removed by the owner or lessee of the premises upon which such sign is located when the business which it advertises is no longer conducted; or, in the event of an off-premises sign, when rental or compensation is no longer provided. If the owner or lessee fails to remove such sign, the Building Inspector shall give the sign owner and the owner of the lot on which the sign is located sixty (60) days written notice pursuant to the notice provisions hereof to remove such sign. Upon the failure to comply with a notice under this provision, the Building Inspector may have the sign removed at the cost of the sign owner or the owner of the lot on which the sign is located.
- (e) **APPEAL.** Any person having an interest in a sign or the property on which a sign is located, which interest is affected by an order of the building Inspector for removal of such sign or compliance with the provisions of this code, may appeal such determination by filing a written notice of appeal to the Pulaski Zoning Board of Appeals within thirty (30) days after the date of receipt or service of such notice.
- (f) **CHARGES AND FEES.**
- (1) **Recovery.** If it shall be necessary for the village to correct or remove a dangerous or defective sign pursuant to the provisions hereof, the Building Inspector shall, when such work is completed, certify to the Clerk the legal description of the property upon which the work was done, together with the name of the sign owner or the owner of the property upon which such work was done, together with a statement of the work performed, the date of performance and the costs of such work. Upon receipt of such statement from the Building Inspector, the Clerk shall mail a Notice to the sign owner or the owner of the lot on which said sign is located, pursuant to the notice provisions hereof, notifying such owners that the work has been performed pursuant to this section, stating the date of performance of the work, the nature of the work performed, the costs of the work performed, and demanding payment of those costs. Such notice shall state that if said amount is not paid within thirty (30) days of the date of mailing such notice, such costs shall be assessed against and a lien placed upon the lot on which the sign is or was located, together with a 10 percent penalty for the collection thereof.
  - (2) **Assessment.** In the event of any fees, sign correction, or removal costs, costs of collection or other costs recoverable under this section remain unpaid by October 15 in any year, the following process shall be used:
    - a. Notice thereof shall be given by the Clerk to the owner of the lot upon which the sign or signs giving rise to such fees or costs is or was located.
    - b. The Building Inspector or the Clerk shall furnish the Treasurer with a list of all such lots, and the notice shall be given by the Treasurer.

1. Such notice shall be given in writing and shall state the amount owed, including any penalty assessed. Unless the amount owed is paid by November 1, a penalty of 10 percent of the amount owed will be added. If the amount owed plus the penalty is not paid by November 15, the total shall be levied as a tax against the parcel of real estate on which such sign is or was located.
  2. Such notice may be served by delivery to either the owner or occupant of the lot personally, or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate. On November 16, the Treasurer shall certify and file with the Clerk a list of all parcels of real estate that have paid the amount owed plus the penalty and those that have not paid the amount owed plus the penalty and are delinquent.
  3. Each such delinquent amount, including the amount owed plus applicable penalty shall then become a lien on parcel of real estate upon which the sign is or was located, and the Clerk shall insert the same as a tax against such lot or parcel. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said tax if the same is not paid within the time required by law for payment of taxes upon real estate.
- (g) **DISPOSAL OF SIGN.** Any sign removed by the Building Inspector and not claimed by the sign owner within thirty (30) days after the date of removal shall become the property of the village and may be disposed of in any manner deemed appropriate by the village.

### **57.13 GENERAL ADMINISTRATION AND ENFORCEMENT**

- (a) **ORDINANCE ADMINISTRATION AND ENFORCEMENT.** The administrator of this section shall be the Zoning Administrator and/or Building Inspector. The Zoning Administrator and Building Inspector shall have such power as may be necessary to enforce and carry the provisions of this section and shall be empowered to call upon other officers, departments, agents, or agencies of the village for assistance in that regard.
- (b) **SIGN PERMITS REQUIRED.** No person shall erect, construct, enlarge, move, or structurally modify any sign in the village, or cause the same to be done, without first obtaining a sign permit for such sign from the Building Inspector as required by this section. Permits shall not be required for a change of copy on any sign, nor the repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has been previously issued, nor for signs which currently have permits and which conform with the requirements of this section.

- (c) **APPLICATION FOR SIGN PERMIT.** All applications for sign permits shall be made upon forms provided by the Building Inspector, and shall contain the following information:
- (1) Name, address, and telephone number of the applicant. When the applicant is not the owner of the property on which the sign is to be placed, the sign owner shall also give the name and address of the property owner and written documentation from the owner stating the owner approves of the request.
  - (2) A site plan showing the location of the building, structure, or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings, structures and property lines.
  - (3) A scale drawing of the plan showing design of the sign, materials to be used, method of construction, lighting, and means of attachment to the building or the ground.
  - (4) List of all signs on the same property which are not exempted by this section, including conforming and nonconforming signs.
  - (5) Documentation demonstrating that the structure as designed meets the requirements of this section for dead load and wind pressure.
  - (6) Calculation demonstrating the proposed sign meets the applicable dimensional requirements.
  - (7) Name and address of the person, firm, corporation or association erecting the structure.
  - (8) Any electrical permit which may be required and issued for the sign if applicable.
  - (9) Insurance policy and bond, if applicable.
  - (10) Such other information as the Building Inspector may require demonstrating full and complete compliance with this and all other applicable regulations.
  - (11) Signature of applicant.
- (d) **ISSUANCE OF A PERMIT.**
- (1) Upon the filing of a complete application for a sign permit, the Zoning Administrator shall examine the application to determine whether the proposed sign is in compliance with the requirements of this ordinance and any other applicable regulations of the Village of Pulaski.
  - (2) Within 40 days of filing the application the following shall apply unless the applicant consents to a longer period of review:
    - a. If the proposed sign is not in compliance with the structural and dimensional requirements of this ordinance or other applicable regulations, the Zoning Administrator shall deny such permit and provide written notice to the applicant stating with specificity the reasons with citations to applicable regulations and an explanation of the appeal process set forth under s. 57.14 of this ordinance.

- b. If the proposed sign is a temporary sign and the Zoning Administrator determines that the sign complies with this ordinance and other applicable regulations, the Zoning Administrator shall issue or conditionally issue the permit. If the application is conditionally approved, written notice shall be provided to the applicant of the conditions of approval.
  - c. If the proposed sign complies with all structural and dimensional requirements of this ordinance and other applicable regulations, the Zoning Administrator shall issue the permit. If the application is conditionally approved, written notice shall be provided to the applicant of the conditions of approval. The permit shall expire one year from the date of issuance if construction of the sign is not substantially complete.
- (e) **SIGN PERMIT APPLICATION FEES.** All applications for sign permits shall be filed with the Building Inspector, together with a permit fee for each sign in accordance with the Village of Pulaski's established fee schedule.
- (f) **INSPECTION.** The permit applicant shall notify the Building Inspector upon completion of the work for which permits were issued.
  - (1) Before installation, all free-standing and pole signs may be subject to a foundation inspection and a final electrical inspection by the Building Inspector.
  - (2) If work authorized by such permit is suspended or abandoned for one (1) year any time after work is commenced, a new permit shall be required before continuation of such work.
- (g) **ENFORCEMENT.** The remedies in this section, for violations of, or failure to comply with the provisions of this code, whether civil, criminal or for sign removal, shall be cumulative, and shall be in addition to any other remedy provided by law. Any sign or similar advertising structure erected, structurally altered, moved, or maintained in violation of the provisions of this chapter is hereby declared to be a nuisance by the Village Board, and the Village may apply to any court of competent jurisdiction to restrain or abate such nuisances.
- (h) **REMEDIES.** Violation or failure to comply with the provisions of this section shall be subject to the following remedies.
  - (1) Declared Removal. Any sign erected without a permit, advertising a defunct business, appearing dilapidated or in a state of disrepair, or any sign found to be in violation of the provisions of this section shall be removed at the owner's expense, or brought into compliance at the owner's expense within 10 days after written notification from the Zoning Administrator or Building Inspector. In the event that the owner does not remove or bring the sign into compliance, the Building Inspector may order removal or compliance within this section. The Zoning Administrator may cause any sign or other advertising structure which is determined to be an immediate peril to be removed summarily and without notice.

- (2) Other Legal Remedies. This section shall not preclude the village from maintaining any other appropriate action to prevent or remove a violation of this section pursuant to s. 66.0703 Wis. Stats.
- (3) Revocation of Permits. The Zoning Administrator may in writing suspend or revoke a permit issued under provisions of this ordinance whenever the permit is issued on the basis of a misstatement of fact or fraud. The written revocation shall describe the appeals process set forth under s. 57.14 of this ordinance. Such revocation letter shall be sent by certified mail, return receipt requested, to the sign owner.

#### **57.14 APPEALS AND VARIANCES**

(a) **APPEALS.**

- (1) The Village of Pulaski Board of Zoning Appeals shall hear all appeals by any person aggrieved by any actions or decisions of the Zoning Administrator or other Village officer or employee charged with implementing the provisions of this ordinance where it is alleged an error has been made in any factual determination or application of any provision of this ordinance or any applicable state or federal law. For purposes of this section, an aggrieved person is an applicant for a sign permit, a holder of a sign permit, or any person who is alleged to have violated any provision of this ordinance.
- (2) A written request for an appeal including the name and address of the appellant and a brief statement of the nature of the appeal shall be filed with the Village Clerk within 10 days of the final decision of the Zoning Administrator or Building Inspector. The Board of Appeals shall hold a hearing on said appeal within 60 days of filing the appeal, and written notice of the hearing shall be mailed to the address given by the appellant.
- (3) The Board of Appeals shall issue and mail to the appellant a written decision within 10 working days of the hearing. Appeals of the Board of Appeals shall be by certiorari review to the Brown County Circuit Court or as otherwise provided by law.
- (4) Appeals under this section shall not relieve any person facing enforcement action under s. 57.13 of this ordinance from complying with any procedural requirements of the court exercising jurisdiction over said action.

- (b) **VARIANCES.** The Board of Appeals may, in its judgment, authorize such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

**57.15 PENALTY**

In addition to any sanctions, charges and assessments provided herein, any violation of the provisions of this Chapter shall be subject to the general penalty provisions of Sec. 1.06 of the Pulaski Code of Ordinances. Each day of violation shall be considered a separate violation.



## CHAPTER 58

### CONSTRUCTION SITE EROSION CONTROL

58.01	Authority
58.02	Findings and Purpose
58.03	Applicability of Ordinance
58.04	Definitions
58.05	Design Criteria, Standards and Specifications for Control Measures
58.06	Maintenance of Control Measures
58.07	Control of Erosion and Pollutants During Land Disturbance and Development
58.08	Permit Application, Control Plan, and Permit Issuance
58.09	Inspection
58.10	Enforcement
58.11	Appeals

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#### **58.01 AUTHORITY**

This ordinance is adopted under the authority granted by §61.354 of the Wisconsin Statutes.

#### **58.02 FINDINGS AND PURPOSE**

- (a) **FINDINGS.** The Village finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and this Village.
- (b) **PURPOSE.** It is the purpose of this ordinance to preserve the natural resources; to protect the quality of the waters of the State and the Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams and wetlands.

### **58.03 APPLICABILITY OF ORDINANCE**

This ordinance applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Village. All State funded or conducted construction is exempt from this ordinance.

### **58.04 DEFINITIONS**

- (a) **DEFINITIONS.** For the purposes of this Chapter, the following definitions shall apply:
- (1) **"Agricultural Land Use"** shall mean use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption.
  - (2) **"Commercial Land Use"** shall mean use of land for the retail or wholesale sale of goods or services.
  - (3) **"Construction Site Control Measure"** shall mean a control measure used to meet the requirements of Sec. 58.07.
  - (4) **"Control Measure"** shall mean a practice or combination of practices to control erosion and attendant pollution.
  - (5) **"Control Plan"** shall mean a written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this ordinance submitted by the applicant for review and approval by Building Inspector.
  - (6) **"Erosion"** shall mean the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
  - (7) **"Land Developing Activity"** shall mean the construction of buildings, roads, parking lots, paved storage areas and similar facilities.
  - (8) **"Land Disturbing Construction Activity"** shall mean any manmade change of the land surface, including removing vegetative cover, excavating, filling and grading; but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
  - (9) **"Landowner"** shall mean any person holding title to or having an interest in land.
  - (10) **"Land User"** shall mean any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
  - (11) **"Runoff"** shall mean the rainfall, snowmelt, or irrigation water flowing over the ground surface.

- (12) **"Set of One-Year Design Storm"** shall mean the following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately once per year, with the following being considered for the purposes hereof as typical characteristics of one-year storms for most of this area:

<u>Storm Duration (hours)</u>	<u>Average Rain Intensity (inches/hour)</u>	<u>Total Rain (inches)</u>
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

- (13) **"Site"** shall mean the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.
- (14) **"Sheeflow Runoff"** shall mean runoff which is not flowing through a channel but flowing generally across the surface of the land.

**58.05 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES**

All control measures required to comply with this ordinance shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector.

**58.06 MAINTENANCE OF CONTROL MEASURES**

All sedimentation basins and other control measures necessary to meet the requirements of this ordinance shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

**58.07 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT**

- (a) **APPLICABILITY.** This section applies to the following sites of land development or land disturbing activities:
- (1) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats.
  - (2) Those requiring a certified survey approval or the construction of house or commercial, industrial or institutional buildings on lots of approved certified surveys.
  - (3) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4000 square feet or more.
  - (4) Those involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material.
  - (5) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
  - (6) Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.
- (b) **EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.** The following requirements shall be met on all sites described in sub(a).
- (1) Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than 100 microns during dewatering operations, then no control is needed before discharge, except as determined by Building Inspector. Water may not be discharged in a manner that causes erosion of the site or receiving channels.
  - (2) Waste and Material Disposal. All waste and unused building materials including, by way of example but not limited to, garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials, shall be properly disposed and not allowed to be carried by off-site runoff into a receiving channel or storm sewer system.
  - (3) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning, sweeping or shoveling, and not by flushing,

before the end of each workday.

- (4) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
- (5) Site Erosion Control. The following criteria shall apply only to land development or land disturbing activities that result in runoff leaving the site:
  - a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical; otherwise, the channel shall be protected as described in sub(b)(5)c.3. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5 ft/sec. across the undisturbed areas for the set of one year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
  - b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
  - c. Runoff from the entire disturbed area on the site shall be controlled by compliance with any of the following means:
    1. All disturbed ground left inactive for 7 or more days shall be stabilized by seeding or sodding if done before September 15, or by mulching or covering, or other equivalent control measure.
    2. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at least 3 feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of 3 feet. The basin shall be designed to trap sediment greater than 15 microns in size, based on the set of one-year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
    3. For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and

downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

- d. Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. If remaining for more than 7 days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than 7 days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than 7 days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

#### **58.08 PERMIT APPLICATION, CONTROL PLAN AND PERMIT ISSUANCE**

- (a) **APPLICATION REQUIRED.** No landowner or land user may commence a land disturbance or land development activity subject to this ordinance without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this ordinance shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector or other municipal officials to enter the site to obtain information required for the review of the control plan.
- (b) **CONTENT OF THE CONTROL PLAN FOR LAND DISTURBING ACTIVITIES COVERING MORE THAN ONE ACRE.**
  - (1) Existing Site Map. A map of existing site conditions on a scale of at least 1 inch equals 100 feet showing the site and immediately adjacent areas:
    - a. Site boundaries and adjacent lands which accurately identify site location;
    - b. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site;
    - c. 100 year floodplains, flood fringes and floodways;
    - d. Location of the predominant soil types;

- e. Vegetative cover;
  - f. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
  - g. Locations and dimensions of utilities, structures, roads, highways, and paving; and
  - h. Site topography at a contour interval not to exceed five feet.
- (2) Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.
- (3) Site Construction Plan. A site construction plan including:
- a. Locations and dimensions of all proposed land disturbing activities;
  - b. Locations and dimensions of all temporary soil or dirt stockpiles;
  - c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this ordinance;
  - d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this ordinance; and
  - e. Provisions for maintenance of the construction site control measures during construction.
- (c) **CONTENT OF CONTROL PLAN STATEMENT FOR LAND DISTURBING ACTIVITIES COVERING LESS THAN ONE ACRE, BUT MEETING THE APPLICABILITY REQUIREMENTS STATED IN SEC. 57.07(a)**. An erosion control plan statement (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule) that will be used to meet the requirements of the ordinance.
- (d) **REVIEW OF CONTROL PLAN**. Within a reasonable time after receipt of the application control plan, or control plan statement, and fee, the Building Inspector shall review the application and control plan to determine if the requirements of this ordinance are met. The Building Inspector may request comments from other departments or agencies. If the requirements of this ordinance are met, the Building Inspector shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Building Inspector shall inform the applicant in writing and may either require needed information or disapprove the plan. Within a reasonable time after receipt of the needed information, the Building Inspector shall again determine if the plan meets the

requirements of this ordinance. If the plan is disapproved, the Building Inspector shall inform the applicant in writing of the reasons for the disapproval.

(e) **PERMITS.**

- (1) Duration. Permits shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to an additional 180 days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (2) Surety Bond. As a condition of approval and issuance of the permit, the Building Inspector may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.
- (3) Permit Conditions. All permits shall require the permittee to:
  - a. Notify the Building Inspector within 48 hours of commencing any land disturbing activity;
  - b. Notify the Building Inspector of completion any control measures within 14 days after their installation;
  - c. Obtain permission in writing from the Building Inspector prior to modifying the control plan;
  - d. Install all control measures as identified in the approved control plan;
  - e. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan;
  - f. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;
  - g. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs;
  - h. Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan; and
  - i. Keep a copy of the control plan on the site.



## **58.09 INSPECTION**

The Building Inspector shall inspect construction sites at least once a month during the period starting March 1 and ending October 31 and at least 2 times during the period starting November 1 and ending February 28 to ensure compliance with the control plan. If land disturbing or land development activities are being carried out without a permit, the Building Inspector shall enter the land pursuant to the provisions of §66.122 and §66.123, Wis. Stats., and shall initiate enforcement proceedings under Sec. 58.10.

## **58.10 ENFORCEMENT**

- (a) The Building Inspector may post a stop-work order if:
  - (1) Any land disturbing or land developing activity regulated under this ordinance is being undertaken without a permit;
  - (2) The control plan is not being implemented in a good faith manner; or
  - (3) The conditions of the permit are not being met.
- (b) If the permittee does not cease the activity or comply with the control plan or permit conditions within 10 days, the Building Inspector may revoke the permit.
- (c) If the landowner or land user, where no permit has been issued, does not cease the activity within 10 days, the Building Inspector may request the Village Attorney to obtain a cease and desist order with injunctive relief.
- (d) The Building Inspector or the Board of Appeals, after a hearing as provided in Sec. 58.11, may retract the stop-work order or the revocation.
- (e) Ten days after posting a stop-work order, the Building Inspector may issue a notice of intent to the permittee or landowner or land user of the Building Inspector's intent to perform work necessary to comply with this ordinance. The Building Inspector may go on the land and commence the work after 14 days from issuing the notice of intent. The costs of the work performed by the Building Inspector, plus interest at the rate authorized by the Village, shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Clerk shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to §66.60(16), Wis. Stats.
- (f) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 per day, plus the costs of prosecution for each violation. Each day a violation

- exists shall constitute a separate offense.
- (g) Compliance with the provisions of this ordinance may also be enforced by injunction.

### **58.11 APPEALS**

An appeal to the Board of Appeals may be taken by any aggrieved person or by any officer, department or board of the Village affected by any decision of the Building Inspector concerning this Chapter. Such appeal to the Board of Appeals shall be made in the time and manner, and all proceedings before the Board of Appeals shall be conducted, as prescribed by Sec. 5.04.I