

TITLE 1

General Provisions

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Title 1 ► Chapter 1

Use and Construction of Code of Ordinances

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Sec. 1-1-1 Title of Code; Citation.

These collected Ordinances shall be known and referred to as the "Code of Ordinances, City of Bloomer, Wisconsin." References to the Code of Ordinances, City of Bloomer, Wisconsin, shall be cited as follows (sample): "Section 2-1-1, Code of Ordinances, City of Bloomer, Wisconsin."

Sec. 1-1-2 Principles of Construction.

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- (a) **Acts by Agents.** 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.
- (b) **City.** The term "City" shall mean the City of Bloomer, Chippewa County, Wisconsin.
- (c) **Code and Code of Ordinances.** The words, "Codes," "Code of Ordinances" and "Municipal Code" when used in any section of this Code shall refer to this Code of Ordinances of the City of Bloomer unless the context of the section clearly indicates otherwise.
- (d) **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

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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.

- (e) **Fine.** The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- (f) **Gender.** Use has been made of masculine pronouns in these Ordinances solely for the sake of brevity. Unless specifically stated to the contrary, this Code of Ordinances is gender neutral and words in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- (g) **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.
- (h) **Joint Authority.** All words purporting to give a joint authority to three (3) or more City officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
- (i) **Officers.** The term "officers" shall refer solely to local offices created by state statute.
- (j) **Officials.** The term "officials" shall mean all City officers and employees.
- (k) **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.
- (l) **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.
- (m) **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 referring to a plural number shall also be construed to apply to one (1) person or thing.
- (n) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (o) **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 1997-98, as amended from time to time.
- (p) **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.

Sec. 1-1-3 Conflict of Provisions.

- (a) 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.

- (b) 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.

Sec. 1-1-4 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.

Sec. 1-1-5 Effective Date of Ordinances.

- (a) **Code.** The Code of Ordinances, City of Bloomer, Wisconsin shall take effect as provided by state law.
- (b) **Subsequent Ordinances.** All Ordinances passed by the Common Council 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.

Sec. 1-1-6 Repeal of General Ordinances.

- (a) **Ordinances Repealed.** All general Ordinances heretofore adopted by the Common Council are hereby repealed. This shall not include any Ordinances or parts of Ordinances or resolutions relating to the following subjects and not conflicting with the provisions of this Code, except that some of the following provisions may be amended by this Code of Ordinances:
- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
 - (2) Any ordinance or resolution promising or guaranteeing the payment of money for the City, or any contract or obligations assumed by the City;
 - (3) The administrative Ordinances or resolutions of the City not in conflict or inconsistent with the provisions of the Code;
 - (4) Any appropriation ordinance or resolution;
 - (5) Any right or franchise granted by the Common Council to any person, firm or corporation;
 - (6) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the City;

- (7) Any ordinance or resolution establishing or prescribing the street grades of any streets in the City;
 - (8) Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefor;
 - (9) Any ordinance or resolution dedicating or accepting any plat or subdivision in the City;
 - (10) Any ordinance annexing property to the City;
 - (11) Any ordinance or resolution regulating the erection, alteration, repair, maintenance, demolition, moving or removal of buildings or other structures;
 - (12) Zoning ordinances; dwelling building code; and other building code ordinances.
 - (13) Charter ordinances.
 - (14) The issuance of corporate bonds and notes of the City of whatever name or description.
 - (15) Water, electric and sewer rates, rules and regulations and sewer and water main construction.
- (b) **Effect of Repeals.** The repeal or amendment of any provision of this Code or of any other ordinance or resolution of the Common Council shall not:
- (1) Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which had accrued under the repealed or amended provision, unless the City has expressly reserved the right to revoke such right, privilege, obligation or liability.
 - (2) Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture which has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of Ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

Sec. 1-1-7 General Penalty.

- (a) **General Penalty.** Except where a penalty is provided elsewhere in this Code of Ordinances, 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 Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00), 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 shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$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 City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) **Other Remedies.** The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
- (d) **Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.**
- (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Sec. 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes and this Section.
- (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Sections 938.343 or 938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in Sec. 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
- (3) This Section is enacted under the authority of Sec. 938.17(2)(cm), Wis. Stats.
- (e) **Juvenile Disposition Alternatives for Alcohol/Drug Offenses.**
- (1) a. If a juvenile is found to have engaged in underage drinking of alcohol, drinking of alcohol on school premises or at a school sponsored activity, falsifying proof of age, possessing drug paraphernalia, delivery of drug paraphernalia to a minor in violation of City ordinances, the Court may order any of the following:
1. A forfeiture;
 2. Suspension or revocation of the juvenile's driver's license;
 3. Participation in a supervised work program;
- b. After ordering any of the above penalties, the Court may, with the juvenile's agreement, enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed and may require the juvenile to do any of the following:
1. Submit to an Alcohol or Other Drug Abuse (AODA) assessment;
 2. Participate in an outpatient AODA treatment program if an AODA assessment recommends treatment;
 3. Participate in an AODA education program.
- (2) In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:

- a. The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
 - b. The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
 - c. The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.
- (3) If the Court finds that a juvenile's parent or guardian is unable to provide or refuses to provide a court-ordered AODA services for juvenile through his or her health insurance or other third (3rd) party payments, the Court may order the parent or health insurer to pay.
 - (4) If payment is not attainable as described in Subsection (e)(3) above, the Court may order the municipality to pay for any AODA services so ordered.
- (f) **Dispositional Alternatives for Other Ordinance Violations.** The Court may impose one (1) or more of the following dispositional alternatives against a juvenile found to have violated a municipal ordinance, for which no penalty is otherwise provided, as follows:
- (1) Counseling for the juvenile and/or the parent or guardian;
 - (2) A forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing the same violation.
 - (3) If the forfeiture is for a violation that is only applicable to a juvenile, the maximum forfeiture amount is Fifty Dollars (\$50.00) plus costs;
 - (4) Suspend a fishing, hunting or driving license from ninety (90) to five (5) years for failure to pay the forfeiture;
 - (5) Order the juvenile to participate in a supervised work program or other community service work;
 - (6) Order participation in an AODA assessment, an outpatient AODA treatment or an AODA education program;
 - (7) Order participation in a pupil assistance program provided by the juvenile's school provided the juvenile's school agrees;
 - (8) In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:
 - a. The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
 - b. The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;

- c. The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.
- (g) **Violation of Juvenile Dispositional Orders.** The Court may impose the following sanctions on a juvenile who has violated a City ordinance and who has violated a condition of his or her dispositional order:
 - (1) Suspend the juvenile's operating privilege for a period not more than ninety (90) days;
 - (2) Detain the juvenile in his or her home or current residence for not more than thirty (30) days without electronic monitoring;
 - (3) Order not more than twenty-five (25) hours of community service work in a supervised work program.

Sec. 1-1-8 City Clerk-Treasurer 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 City Clerk-Treasurer shall maintain in his/her office a copy of any such material as adopted and as amended from time to time. Materials on file at the City Clerk-Treasurer's office shall be considered public records open to reasonable examination by any person during the office hours of the City Clerk-Treasurer subject to such restrictions on examination as the Clerk-Treasurer imposes for the preservation of the material.

Title 1 ► Chapter 2

Enforcement of Ordinances; Issuance of Citations

1-2-1	Method of Enforcement
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Sec. 1-2-1 Method of Enforcement.

The City of Bloomer hereby elects to use the citation method of enforcement of ordinances. All City law enforcement officers and other City personnel charged with the responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.119(1)(a), Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

Sec. 1-2-2 Form of Citation.

Each citation shall contain the information required to State law and may contain additional information. The form of the citation is hereby prescribed as found in Sec. 66.119(1)(b), Wis. Stats., as amended, which is incorporated herein by reference.

Sec. 1-2-3 Schedule of Deposits.

- (a) The schedule of cash deposits for the various ordinances for which a citation may be issued are as established according to the penalty provisions of Section 1-1-7 on the deposit schedule established by the Chief of Police and approved by the Common Council a copy of which is on file with the City Clerk-Treasurer.
- (b) The State of Wisconsin Revised Uniform State Traffic Deposit Schedule, and Alcohol Beverages, Harassment and Safety Violations Deposit Schedule, and Uniform Misdemeanor Bail Schedule, and Trespass to Land Deposit Schedule, including future amendments,

revisions or modifications, is adopted for all violations of state statutes adopted by this Code, and statutory counterpart ordinances adopted by this Code.

- (c) Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court or to the City Police Department, who shall provide a receipt therefor.

Sec. 1-2-4 Issuance of Citation.

- (a) **Law Enforcement Officer.** Any law enforcement officer may issue citations authorized under this Chapter.
- (b) **City Officials.** The following City officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:
 - (1) Any law enforcement officer;
 - (2) Fire Chief or Fire Inspector;
 - (3) Zoning Administrator;
 - (4) Building Inspector; Plumbing Inspector; Electrical Inspector; HVAC Inspector.

Sec. 1-2-5 Procedure.

State laws which describe the procedures to be followed before, during, and after a citation is written and State laws which cities have the option of adopting with respect to procedures to be followed before, during, and after a citation is written, including provisions which relate to an alleged violator's options and procedure on default, are hereby adopted and incorporated herein by reference.

Sec. 1-2-6 Nonexclusivity.

- (a) **Other Ordinance.** Adoption of this Chapter does not preclude the Common Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- (b) **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

TITLE 2

Government and Administration

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Title 2 ► Chapter 1

City Government; Elections

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Sec. 2-1-1 City Government.

- (a) **Mayor-Council Government.** The City of Bloomer is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 62 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Bloomer operates under the Mayor-Council form of government under Chapter 62, Wis. Stats.
- (b) **Division of Responsibilities.**
- (1) **Legislative Branch.** The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall establish the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
 - (2) **Executive Branch.** The Mayor shall be the chief executive officer. The Mayor shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties. When present, he/she shall preside at the meetings of the Common Council. The Mayor shall from time to time give the Council such information and recommend such measures as he/she may deem advantageous to the City.

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

Sec. 2-1-2 Official Newspaper.

The *Bloomer Advance* is hereby designated as the official newspapers of the City of Bloomer, Wisconsin, and all ordinances, notices and proceedings of the said City required by law to be published shall be published in either or both at the pleasure of the Common Council.

State Law Reference: Sec. 985.06, Wis. Stats.

Sec. 2-1-3 Elections.

- (a) **Annual City Election.** The annual City election shall be held on the first Tuesday in April or at such other date as prescribed by state law.
- (b) **Hours.**
 - (1) **General Elections.** The polls at general elections in the City shall be opened at 9:00 a.m. and closed at 8:00 p.m.
 - (2) **Notice.** Notice of all elections, stating the prescribed polling hours, shall be given by publication in the official newspaper at least ten (10) days before the election.
- (c) **Central Polling Place.** The Bloomer Fire Hall shall be the central polling place for all wards of the City of Bloomer, unless otherwise designated by the Common Council, at least ten (10) days before the election at which another central polling place is to be used, pursuant to Sec. 5.25, Wis. Stats.

Sec. 2-1-4 Non-Partisan Primary for City Offices.

Whenever three (3) or more candidates file nomination papers, candidates for elective City offices may be nominated by a non-partisan primary conducted pursuant to Sec. 8.05(4), Wis. Stats. Such candidate shall file with his/her nomination papers a declaration that he/she will qualify for the office to which he/she may be elected.

State Law Reference: Secs. 8.05(4) and 8.11, Wis. Stats.

Sec. 2-1-5 Election Officials.

Pursuant to the Wisconsin Statutes, there is hereby established one (1) set of election officials to conduct all elections in the wards of the City which shall consist of seven (7) election inspectors. However, the City Clerk-Treasurer shall have the power to limit the number of election officials. The Clerk-Treasurer shall determine in advance of each election whether the

number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Clerk-Treasurer shall further redistribute duties among the remaining officials provided there are an odd-number of election officials.

Sec. 2-1-6 Aldermanic Districts.

- (a) Pursuant to Resolution 986, adopted by the Common Council on July 11, 2001, the City of Bloomer has, in accord with Sec. 5.15, Wis. Stats., formally adopted a ward plan which accommodates the Chippewa County plan for creation of county supervisory districts. In accord with said ward plan, the City of Bloomer is divided into four (4) wards, numbered one (1) through four (4) aldermanic districts, with an election district for each such aldermanic post.
- (b) Pursuant to Sec. 62.08(1), Wis. Stats., the Common Council of the City of Bloomer having readjusted its wards in accord with Sec. 5.15(1) and (2), Wis. Stats., this Section constitutes the City's method of redistricting the boundaries of its aldermanic districts pursuant to the intent of the Common Council of the City of Bloomer, aldermanic districts (1, 2, 3 and 4) to be the same as election wards (1, 2, 3 and 4). Furthermore, that Resolution 986, dividing the City into election wards, shall be and is hereby incorporated herein by reference as if fully set forth, as the basis upon which the four (4) aldermanic districts are being established.

Title 2 ► Chapter 2

Mayor; Common Council

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Sec. 2-2-1 Common Council.

The Alderspersons of the City of Bloomer shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

State Law Reference: Sec. 62.11, Wis. Stats.

Sec. 2-2-2 Alderspersons.

- (a) There shall be four (4) Alderspersons elected to the Common Council, two (2) members from each aldermanic district.

- (b) The Mayor, and Alderpersons shall be elected by the voters every two (2) years. The Mayor and the Alderpersons from the first (1st) and third (3rd) wards shall be elected in the same year. The Alderpersons from the second (2nd) and fourth (4th) wards shall be elected in the alternate years. Each will serve a two (2) year term of office.
- (c) The provisions of Wisconsin Statutes with reference to primaries and municipal elections are hereby incorporated herein by reference and shall apply.

State Law Reference: Sec. 62.09, Wis. Stats.

Sec. 2-2-3 Mayor.

- (a) **Election.** The Mayor shall be elected in even-numbered years for a term of two (2) years.
- (b) **Duties.**
 - (1) The Mayor shall be the Chief Executive officer of the City. The Mayor shall take care that City ordinances and the State Statutes are observed and enforced.
 - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he/she may deem advantageous to the City. When present, he/she shall preside at the meetings of the Council.
 - (3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
- (c) **Veto Power.** The Mayor shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to him/her by the City Clerk-Treasurer, and shall be enforced upon his/her approval, evidenced by his/her signature, or upon his/her failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Clerk-Treasurer. If the Mayor disapproves, he/she shall file his/her objection with the City Clerk-Treasurer, who shall present it to the Council at its next regular meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.
- (d) **Mayoral Appointments.**
 - (1) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the Mayor does not nominate a successor thereof for a period of sixty (60) days after the vacancy occurs, the Common Council may then nominate an appointee to such position, subject to the approval of the Mayor.
 - (2) In the event the Council, by parliamentary practice, tables an appointment by the Mayor, such tabling action shall be effective for that meeting, but at the next regular meeting of the Common Council, such appointment shall be on the meeting agenda for further consideration, and the particular appointment involved may not be tabled a second time.

State Law Reference: Sec. 62.09(8), Wis. Stats.

Sec. 2-2-4 President of the Council.

The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a President who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that he/she shall not have power to approve an act of the Council which the Mayor has disapproved by filing objections with the City Clerk-Treasurer. He/she shall, when so officiating, be styled "Acting Mayor." The President of the Council shall be elected for a one (1) year term of office.

State Law Reference: Sec. 62.08(9)(e), Wis. Stats.

Sec. 2-2-5 Standing Committees; Action on Committee Reports.

- (a) **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, if Council committees are to be utilized, the Mayor would appoint three (3) Alderpersons to each of the following committees, subject to Council confirmation, which shall have such duties and responsibilities as prescribed by the Mayor and this Code of Ordinances, and to make whatever recommendations to the Council as they deem appropriate or as may be directed by the Council:
- (b) **Committee Appointments.**
 - (1) Committee appointments shall be made pursuant to Section 2-2-3(d). The chairperson of each committee shall be designated by the Mayor. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Alderpersons shall serve on at least one (1) standing committee. The Mayor shall be an ex officio member of each standing committee.
 - (2) The Mayor may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairman of the same.
 - (3) The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- (c) **Reference and Reports.**
 - (1) The Mayor shall refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
 - (2) The committee to which any matter is referred shall report its recommendation thereon in writing, at the first regular meeting after such reference, unless there is no objection by the Council to further time being taken. Action on the report of a committee shall be deferred until the next regular meeting by the request of three (3)

Alderspersons present. Members dissenting from a report of a committee shall be so reported when they request it.

- (3) The chairman of the committee shall report verbally to the Council at the meeting at which the report of the committee is to be made. Adoption of the committee report shall comprise final Council action on any ordinance, resolution or other matter recommended for adoption by the committee report.
 - (4) Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk-Treasurer in written form by noon of the Friday prior to the meeting at which action is requested.
- (d) **Cooperation of City Officers.** All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

Sec. 2-2-6 General Powers of the Common Council.

- (a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City 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 City, 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 Common Council may acquire property, real or personal, within or without the City, 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 City, 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 City-owned property, except dedicated, platted parks.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, 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 Sec. 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.

- (d) **City Finances.** The Common Council 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 City finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to cities 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 Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.
- (f) **Vacancies.** Pursuant to Section 62.09(5), Wis. Stats., if any officer be incapacitated or absent for any cause, the Common Council may appoint some person to discharge his duties until he returns or such disability has ended.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09(7) and 62.11, Wis. Stats.

Sec. 2-2-7 Cooperation With Other Municipalities.

The Common Council, on behalf of the City, may join with other villages, towns, or cities or other governmental entities 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 and joint purchasing programs.

State Law Reference: Sec. 66.30, Wis. Stats.

Sec. 2-2-8 Internal Powers of the Council.

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

State Law Reference: Sec. 62.11, Wis. Stats.

Sec. 2-2-9 Salaries.

- (a) The Mayor and Alderpersons who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that an annual salary or per diem compensation be paid the Mayor and Alderpersons.
- (b) Salaries shall be paid to the Mayor and Alderpersons and salaries heretofore established shall so remain until changed by ordinance. Such salaries as heretofore established are:
 - (1) The Mayor shall have a salary of Two Hundred Fifty Dollars (~~\$250.00~~^{\$570.80}) per month and also Fifty Dollars (\$50.00) for each Council meeting by him or her attended.
 - (2) Alderpersons shall have a per diem salary of Fifty (\$50.00) for each meeting by them attended, effective with the commencement of the term of office for each aldermanic position and for the Mayor taking effect after the first election for each such office held after February, 2000.
 - (3) Common Council members who attend special meetings of committees to which they are assigned (non-regular meetings) shall receive per diem compensation of Thirty Dollars (\$30.00) for special meetings three (3) hours or more in duration or Sixty Dollars (\$60.00) for special meetings six (6) hours or more in duration.
 - (4) Salaries of other City officers and employees shall be such as shall from time to time be established by the Common Council, and all such salaries as heretofore established shall remain in effect until so changed by said Common Council.

State Law Reference: Sec. 62.09(6), Wis. Stats.

Sec. 2-2-10 Meetings of the Common Council.

- (a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Wednesday of April or at the next Council meeting after that date for the purpose of organization.
- (b) **Meetings.** Regular meetings of the Common Council shall be held on the second (2nd) and fourth (4th) Wednesdays of each calendar month, at of ~~7:00~~^{8:00} p.m. Any regular meeting falling on a legal holiday shall be rescheduled or cancelled by a majority vote of those present at the meeting immediately prior to the meeting falling on a legal holiday. All meetings of the Common Council, including special and adjourned meetings shall be held in the Bloomer City Hall, unless otherwise noticed.

State Law Reference: Sec. 62.11(2), Wis. Stats.

acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sec. 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.

- (d) **City Finances.** The Common Council 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 City finances.
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- (b) **Meetings.** Regular meetings of the Common Council shall be held on the second (2nd) and fourth (4th) Wednesdays of each calendar month, at of 6:00 p.m. Any regular meeting falling on a legal holiday shall be rescheduled or cancelled by a majority vote of those present at the meeting immediately prior to the meeting falling on a legal holiday. All meetings of the Common Council, including special and adjourned meetings shall be held in the Bloomer City Hall, unless otherwise noticed.

State Law Reference: Sec. 62.11(2), Wis. Stats.

Sec. 2-2-11 Special Meetings.

- (a) Special meetings may be called by the Mayor upon written notice of the time and purpose thereof to each member of the Council delivered to him/her personally or left at his usual place of abode at least six (6) hours before the meeting. The City Clerk-Treasurer shall cause an affidavit of service of such notice to be filed in his/her office prior to the time fixed for such special meetings. Special meetings shall comply with the notice provisions of the Wisconsin Open Meeting Law. In addition, a special meeting may be called by a written request signed by two (2) Alderpersons, which written notice for said special meeting shall be delivered to every member of the Council and the Mayor personally, or left at or mailed to their abode at least twenty-four (24) hours before said meeting being called. If written consent is obtained, it shall be filed with the City Clerk-Treasurer prior to the beginning of the meeting.
- (b) Non-governmental parties requesting a special meeting of the Council or committees thereof shall pay a fee equivalent to the Council's actual expenses for such meeting.

State Law Reference: Sec. 62.11(2), Wis. Stats.

Sec. 2-2-12 Open Meetings.

Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and City boards, committees and commissions, shall be open to the public.

State Law Reference: Sec. 62.11(3)(c) and Ch. 19, Subch. IV, Wis. Stats.

Sec. 2-2-13 Quorum.

- (a) Three (3) members or more of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- (b) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

State Law Reference: Sec. 62.11(3)(b), Wis. Stats.

Sec. 2-2-14 Presiding Officers.

- (a) **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside.

- (b) **Presiding Officer; Duties.** The Mayor, President of the Council, or the presiding officer, shall:
- (1) Open the session at the time fixed for the meeting, or at the time to which adjournment may be had, by taking the chair and calling the members to order.
 - (2) Announce, at the conclusion of the roll call, the fact of the presence of a quorum, or not, as the case may be.
 - (3) Announce the business before the Council in the order in which it is to be acted upon.
 - (4) Receive and submit, in proper manner, all motions and propositions presented by members.
 - (5) Put to vote the questions which are regularly moved or which necessarily arise in the course of the proceedings, and announce the result.
 - (6) Restrain the members while engaged in debate within the rules of order.
 - (7) Enforce on all occasions the observance of order and decorum among the members.
 - (8) Inform the Council when necessary, or when referred to for that purpose, on any point of order or practice.
 - (9) Authenticate, by his signature, when necessary, all ordinances, resolutions, orders and proceedings of the meetings of the Council over which he presides.
 - (10) Preserve order and decorum; speak to points of order in preference to others, rising from his/her seat for that purpose; and decide questions of order, subject to an appeal by any member.
 - (11) Call a member to the chair, but such substitution shall not extend beyond an adjournment.
- (c) **Temporary Absence of Presiding Officer.** In the absence of the Mayor and President of the Council, one (1) of its members shall be elected to preside temporarily until the return of the Mayor or President.

State Law Reference: Sec. 62.09(8), Wis. Stats.

Sec. 2-2-15 Order of Business.

- (a) **Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk-Treasurer. All matters to be considered at a regular or special Council meeting shall be submitted to the City Clerk-Treasurer at least by noon of the Friday prior to the meeting. All copies of the agenda shall be forwarded by the City Clerk-Treasurer to the representatives of the media have requested meeting agendas under the Open Meeting Law as part of his/her notice of such public meeting, and to members of the Council. The following order may be observed in the conduct of all meetings of the Council:
- (1) Call to Order by presiding officer.
 - (2) Roll call.
 - (3) Reading, correction and approval of the minutes of the last preceding meeting or meetings.

- (4) Approval of accounts and claims.
 - (5) Public appearances.
 - (6) Reports from department heads.
 - (7) Reports of standing committees.
 - (8) Unfinished business remaining from preceding sessions in the order in which it was introduced.
 - (9) New business, including introduction of ordinances.
 - (10) Communications and miscellaneous business.
 - (11) Reports from Mayor and City officers.
 - (12) Adjournment.
- (b) **Order to be Followed.** No business shall be taken up out of order unless by unanimous consent of all Alderpersons and in the absence of any debate whatsoever.
- (c) **Citizen Comments.** The Mayor or presiding officer shall determine at what point in a meeting citizens will be called upon to speak and may impose a limit on the length of time a citizen may address the Council. A written form may be provided by the City Clerk-Treasurer on which citizens may register to speak at a Council meeting. The subject to be addressed and/or agenda item shall be indicated.

Sec. 2-2-16 Introduction of Ordinances.

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and be titled. Upon passage by the Council, the City Clerk-Treasurer shall superintend the publication of the same. Any written material introduced may be referred to the appropriate committee pursuant to Section 2-2-5. Any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.
- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.**
- (1) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
 - (2) Ordinances will be placed on the agenda for Council action only if they are submitted to the City Clerk-Treasurer in written form not later than noon on the Friday prior to the regular or special Council meeting at which action is requested.

Sec. 2-2-17 Publication and Effect of Ordinances.

- (a) All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City once within fifteen (15) days of passage and shall be immediately recorded, with the affidavit of publication, by the City Clerk-Treasurer in

a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.

- (b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.
- (c) The City Code of Ordinances shall be kept currently to date; and upon passage of any ordinance, the Clerk-Treasurer shall provide for incorporation of the same into the ordinance code.

State Law Reference: Sec. 62.11(4), Wis. Stats.

Sec. 2-2-18 Conduct of Deliberations.

- (a) **Roll Call.** When the presiding officer shall have called the members to order, the City Clerk-Treasurer shall proceed to call the roll in rotating order, noting who are present, and who are absent. If, after having gone through the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month. If they do not, the Council shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner as provided by the Wisconsin Statutes or Sections 2-2-11 and 2-2-12.
- (b) **Meeting Attendance.** All members of the Common Council shall attend all Council meetings, meetings of committees to which members have been appointed, and special or adjourned meetings when duly notified thereof. A member who does not appear in answer to his name when the roll is called at any regular meeting or any special or adjourned meeting when notified thereof shall be marked absent. Any member seeking to be excused from attending any regular or special meeting must notify the Mayor or City Clerk-Treasurer in advance of such meeting, explaining the reason for his/her absence and, upon complying with this requirement, such members shall be duly excused from attending said meeting. An Alderperson shall be physically present at the meeting in order to vote at such meeting.
- (c) **Recognition for Debate.**
 - (1) When a member is to speak in debate, or deliver any matter to the Council, he/she shall respectfully address himself to the presiding officer, and confine his/her remarks to the question under debate, and avoid personalities.
 - (2) When two (2) or more members address the presiding officer at the same time, the presiding officer shall name the member who is to speak first.
- (d) **Roll Call Vote Procedure.** The ayes and nays shall be ordered upon any question at the request of any member of the Council, or the Mayor, and the City Clerk-Treasurer shall call

the roll starting with the Alderperson according to seating order on the next call of the roll, at the same or any subsequent meeting, the Clerk-Treasurer shall start with the Alderperson whose name appears next on said seating order, and each subsequent call of roll shall begin with the name of the Alderperson next in seating order.

- (e) **Reconsideration.** When a motion has been decided, it shall be in order for any member who voted in the majority, to move a reconsideration thereof, at the same or next succeeding meeting and the Mayor shall call for a roll call of the Alderpersons. If a majority of the members present shall be in favor of a reconsideration, the subject shall be before the Council for further action.
- (f) **Motions With Preference.** During any meeting of the Common Council certain motions will have preference. In order of precedence they are;
- (1) **Motion to Adjourn.** This motion can be made at any time and has first precedence. This is a non-debatable motion.
 - (2) **Motion to Lay on the Table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
 - (3) **Motion to Call Previous Question.** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Common Council. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Common Council to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
 - (4) **Motion to Postpone to a Date Certain.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Common Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Common Council will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Common Council.
 - (5) **Motion to a Committee.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Common Council. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Common Council.
 - (6) **Motion to Amend or Divide the Question.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or

- question properly before the Common Council. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
- (7) **Motion to Postpone Indefinitely.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Common Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
- (8) **Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.** This motion may be made at any time after the debate and discussion commences on the action item, business item, motion or question properly before the Common Council. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (g) **Public Directory Votes.** No member of the Common Council shall request, at a meeting of the Common Council, a vote from the general public unless the proposed vote of the general public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Council. Any vote taken by the general public at a meeting of the Common Council shall be considered by the Council only as an advisory vote and shall not be considered as a directory vote.
- (h) **Rules of Parliamentary Procedure.** The rules of parliamentary practice in *Robert's Rules of Order*, (Revised 1951), which is hereby incorporated by reference, shall govern the proceedings of the Council in all cases to which they are applicable and in which they are not inconsistent with these rules or with the laws of the State of Wisconsin.
- (i) **Reconsideration of Questions.** It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.
- (j) **Call for the Previous Question.** Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.
- (k) **Amendment of Rules.** The rules of this Section 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 (2/3) of all the members of the Council.
- (l) **Suspension of Rules.** Any of the provisions of this Section may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

State Law Reference: Sec. 62.11, Wis. Stats.

Sec. 2-2-19 Procedure of Public Hearings.

The following procedures shall be followed at public hearings, and may also be followed when citizen input is necessary during regular items of business before the Common Council:

- (a) The presiding officer shall generally call on those persons who wish to speak on the matter, or call initially on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
- (b) Each person speaking or initially on the matter or specifically behalf of the proposition shall be limited in time to five (5) minutes.
- (c) The presiding officer shall then call on those persons who wish to oppose the proposition if the presiding officer has first asked for only those favoring the proposition to speak.
- (d) Each such person speaking in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
- (e) Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
- (f) When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

Title 2 ► Chapter 3

Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Appointed Officials
2-3-3	City Clerk-Treasurer
2-3-4	Deputy Clerk-Treasurer
2-3-5	Street, Water and Sewer Administrator
2-3-6	City Attorney
2-3-7	Chief of Police
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2-3-9	Assessor
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2-3-14	Removal from Office
2-3-15	Custody of Official Property
2-3-16	Oath of Office; Bonds of Officers

Sec. 2-3-1 General Provisions.

- (a) **General Powers.** Officers of the City of Bloomer shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of him/her by the Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- (d) **Legal Representation.** Whenever any City official in his/her official capacity proceeded against or obliged to proceed before any civil court, board, committee or commission, to

2-3-1

defend or maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he/she has prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse him/her for the expenses reasonably incurred for costs and attorney's fees.

State Law Reference: Sections 62.09(7) and 62.115, Wis. Stats.

Sec. 2-3-2 Appointed Officials.

(a) **Appointed Officials.** The following shall be appointed officials:

<i>Official</i>	<i>How Appointed</i>	<i>Term</i>
(1) City Attorney	Mayor, subject to confirmation by Council	2 years (appointed in alternate year from Prosecuting Attorney)
(2) Prosecuting Attorney	Mayor, subject to confirmation by Council	2 years (appointed in alternate year from City Attorney)
(3) Clerk-Treasurer	Mayor, subject to confirmation by Council	Indefinite
(4) Chief of Police	Mayor, subject to confirmation by Council	Indefinite
(5) Street, Water & Sewer Administrator (Weed Commissioner)	Mayor, subject to confirmation by Council	Indefinite

(b) **Time for Taking Office.** The regular term of all appointed officials shall commence with their appointment at the first regular meeting of the Common Council in May of each year; except officials appointed for indefinite terms, who shall take office upon appointment and qualification.

(c) **Offices Dispensed With.** The offices of Engineer, Street Commissioner, Board of Public Works, and Board of Police and Fire Commissioners are dispensed with, and the duties

thereof shall be performed by the Common Council. The office of constable is dispensed with.

Sec. 2-3-3 City Clerk-Treasurer.

- (a) **Offices of Clerk and Treasurer Combined.** Pursuant to Sec. 62.09(3)(c), Wis. Stats., the offices of the City Clerk and City Treasurer have been combined by charter ordinance enacted pursuant to Sec. 66.01, Wis. Stats. Any references in this Code to the City Clerk or the City Treasurer shall be construed to mean the Clerk-Treasurer.
- (b) **Duties as Clerk.** In his/her capacity as City Clerk, the City Clerk-Treasurer shall be responsible for performing those duties required by Sec. 62.09(9) of the Wisconsin Statutes and for the following additional duties:
 - (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;
 - (2) Publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
 - (3) Issue all licenses required by ordinance or statute, except as otherwise provided;
 - (4) Attend meetings, take minutes and maintain files for the Common Council, and such other official boards and commissions as may be directed;
 - (5) Maintain a file on all City records, ordinances, resolutions and vouchers;
 - (6) Type and distribute reports for the Council and for federal and state agencies;
 - (7) Audit and obtain approval on claims charged against City;
 - (8) Assist the City Assessor in maintaining property assessment records;
 - (9) Administer oaths and affirmations;
 - (10) Issue licenses to various vendors in City;
 - (11) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
 - (12) Develop and implement improved internal control and financial reporting procedures as necessary or as directed;
 - (13) File financial and other reports with various state agencies;
 - (14) File insurance claims on behalf of the City;
 - (15) Locate suppliers of goods or services and obtain quotes;
 - (16) Advertise for bids, receive them and summarize the results;
 - (17) Identify and evaluate ideas to achieve more efficient and effective operation;
 - (18) Coordinate, supervise and conduct elections;
 - (19) Confer with Mayor, department heads and Common Council committees about projects and problems;
 - (20) Maintain personnel files;
 - (21) Perform such other duties as may be directed by Common Council.

- (c) **Duties as Treasurer.** In his/her capacity as City Treasurer, the City Clerk-Treasurer shall be responsible for performing those duties required by Sec. 62.09(11) of the Wisconsin Statutes and for the following additional duties:
- (1) Prepare the tax roll and tax notices required by the State of Wisconsin.
 - (2) Prepare financial and bank statements;
 - (3) Maintain fiscal records for the City and serve as City Comptroller;
 - (4) Make reports to the State on assessments;
 - (5) Prepare and send invoices for services provided by municipal utilities.
 - (6) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all City operations, including utilities;
 - (7) Collect all taxes for the City and other taxing bodies;
 - (8) Invest idle funds for maximum interest earnings;
 - (9) Prepare monthly financial report;
 - (10) Maintain payroll records and prepare payroll checks from approved employee time sheets;
 - (11) Prepare check vouchers for payment of approved claims for signature;
 - (12) Coordinate the preparation and compilation of the annual City budget;
 - (13) Make property tax settlements with the County Treasurer and turn over to school district and other taxing units their proportionate share of property tax collections;
 - (14) Issue purchase orders;
- (d) **Utility Manager.**
- (1) Has responsibility for the overall management and control of the operation of the water and sewer system.
 - (2) Makes recommendations to the respective commission in matters of finance and accounting, engineering, personnel and general operations.
 - (3) Develops and recommends short and long range plans for utility service.
 - (4) Reviews financial data to assure that the utilities are being operated in an efficient manner.
 - (5) Represents the water utility before the Public Service Commission in matters prescribed by law.
 - (6) Periodically reviews office procedures, accounting and storeroom control.
- (e) **Duties Prescribed By Law or Council.** The Clerk-Treasurer shall perform such other duties as are prescribed by State Statutes and by order of the Council. The Clerk-Treasurer generally shall perform, under direction of the Mayor or other presiding officer of the Council, all duties pertaining to his/her office as Clerk-Treasurer, and shall be responsible for all the official acts of assistants. Terms of employment shall be as prescribed by employment contract.
- (f) **Bond.** The City Clerk-Treasurer shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

State Law Reference: Sec. 62.09(9) and (11), Wis. Stats.

Sec. 2-3-4 Deputy Clerk-Treasurer.

The Clerk-Treasurer may appoint a Deputy Clerk-Treasurer subject to confirmation by a majority of the members of the Common Council. The Deputy Clerk-Treasurer shall act under the Clerk-Treasurer's direction and who, during the temporary absence or disability of the Clerk-Treasurer or during a vacancy in such office, shall perform the duties of Clerk-Treasurer. The acts of the Deputy shall be covered by official bond as the Common Council shall direct. The Common Council shall set the salary of the Deputy Clerk-Treasurer.

Sec. 2-3-5 Street, Water and Sewer Administrator.

- (a) **Selection.** The Street, Water and Sewer Administrator shall be appointed pursuant to Section 2-3-2. Selection shall be made solely on merit upon the basis of general qualifications and fitness for performing the duties of the position. Terms of employment shall be prescribed by employment contract.
- (b) **Street, Water and Sewer Administrator.** Subject to the direction of the Mayor and Common Council, the Street, Water and Sewer Administrator shall have the following duties:
 - (1) **General.**
 - a. Plans, directs and manages all public works (streets, storm sewers, sidewalks, curb and gutter).
 - b. Supervises and coordinates all maintenance work and construction or reconstruction projects involving public works.
 - c. Prepares specifications and bid documents for truck and equipment purchases, re-roofing, insulation and similar types of projects.
 - d. Prepares recommendations for annual and long-range projects.
 - e. Visits the various operations on an as-needed basis.
 - (2) **Public Works Director.**
 - a. Has responsibility for overall management and control of the Street Department.
 - b. Advises the Mayor and Common Council on various public works projects or problems and makes recommendations.
 - c. Makes recommendations relating to all street, storm sewer and sidewalk projects.
 - d. Plan, direct and inspect the repair and maintenance of streets, curbs and gutters, sidewalks, street lights, street trees;
 - e. Supervise plowing of snow and all phases of snow and ice control on City streets, alleys, sidewalks and public parking lots;
 - f. Supervise the operation of the municipal garage and the repair and maintenance of City-owned vehicles and equipment;
 - g. Schedule the daily and weekly jobs of the Public Works Department employees and make necessary modifications due to emergencies;

- h. Plan for the maintenance and repair of all City vehicles, machinery and equipment and is responsible for related records;
- i. Repair and maintain all official City sign use and traffic control marking, to be done in compliance with the State Traffic Code and local ordinances.
- j. Perform such other duties as may be directed by the Common Council.

Sec. 2-3-6 City Attorney.

- (a) **Selection.** The City Attorney shall be appointed pursuant to Section 2-3-2.
- (b) **Duties.** The City Attorney shall have the following duties:
 - (1) The Attorney shall conduct all of the law business in which the City is interested, and shall serve as legal advisor to the Mayor, Common Council and officers of the City.
 - (2) He/she shall, when requested by City officers, give written legal opinions, which shall be filed with the City.
 - (3) He/she shall draft ordinances, bonds and other instruments as may be required by City officials.
 - (4) He/she may appoint an assistant, who shall have power to perform his duties and for whose acts he/she shall be responsible to the City. Such assistant shall receive no compensation from the City, unless previously provided by ordinance.
 - (5) The Common Council may employ and compensate special counsel to assist in or take charge of any matter in which the City is interested.
 - (6) The City Attorney shall perform such other duties as provided by State law and as designated by the Common Council.

State Law Reference: Sec. 62.09(12), Wis. Stats.

Sec. 2-3-7 Chief of Police.

- (a) **Appointment.**
 - (1) The Chief of Police shall be appointed pursuant to Section 2-3-2 and shall hold office during satisfactory performance, subject to suspension or removal pursuant to law.
 - (2) The compensation to be paid the Chief of Police for his/her services, the hour of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Common Council from time to time per employment contract.
- (b) **General Duties.** The Chief of Police shall:
 - (1) Have command of the Police Department of the City under direction of the Mayor;
 - (2) Have general administration and control of the Department;

- (3) Be responsible for the Department's government, efficiency and general good conduct;
- (4) Perform all duties prescribed to him/her by laws of the State and ordinances of the City.
- (5) Develop Department policies and procedures;
- (6) Maintain Department ethics and discipline;
- (7) Delegate special assignments or duties to police officers, and monitor to see that responsibilities are carried out;
- (8) Perform all the duties of a police officer during a portion of every regular shift;
- (9) Identify and evaluate ideas to achieve more efficient and effective operation;
- (10) Prepare Department budget requests and maintains expenditures within approved budgetary levels;
- (11) Authorize overtime work for police officers, with supporting justification provided to the Mayor and Common Council, or committee thereof;
- (12) Participate in the recruitment, testing and selection of new personnel;
- (13) Supervise and participate in the advanced and continuing training of police officers and non-sworn Department employees;
- (14) Cooperate with county, state and federal officials, and other municipal law enforcement agencies;
- (15) Make special reports to the Common Council on request; and advise and cooperate with other City departments in matters of public safety;
- (16) Perform other miscellaneous duties as assigned.

State Law Reference: Sec. 62.13, Wis. Stats.

Sec. 2-3-8 Fire Chief.

- (a) **Appointment.** The Fire Chief shall be appointed pursuant to the bylaws of the Bloomer Fire Department.
- (b) **Duties and Powers.**
 - (1) The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment. The Fire Chief, or his/her designee, shall be present at fires and command all fire-fighting operations. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he/she may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin or Department bylaws. The Fire Chief shall, by virtue of his/her office, hold the office of Fire Inspector or he/she may delegate a member of the Department to serve as the Fire Inspector.
 - (2) He/she shall enforce all fire prevention ordinances of the City and State laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods, and on the activities of the Department.

- (c) **Reports of Chief.** The Fire Chief shall report to the Common Council from time to time at his/her discretion or upon the request of said Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his/her office as may from time to time be required of him/her by the Common Council.

State Law Reference: Sec. 62.13, Wis. Stats.

Sec. 2-3-9 Assessor.

- (a) **Appointment.**
 - (1) The City of Bloomer hereby elects not to be governed by those portions of Sec. 62.09(3)(b), Wis. Stats., relating to the method of selection of the City Assessor which are in conflict with this Section. (Charter Ordinance).
 - (2) The City Assessor, or assessing firm, shall be appointed by the Common Council for a term of office as determined by contract.
 - (3) A corporation or an independent contractor may be appointed as Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats.
 - (4) No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of Assessor.
- (b) **Duties.** The Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Common Council from time to time.
- (c) **Definition.** For purposes of this Section, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

State Law Reference: Public Officials' oaths and bonds, Sec. 19.01, Wis. Stats., corporation as assessor, Sec. 62.09(1)(c), Wis. Stats., affidavit of assessor, Sec. 70.49, Wis. Stats.; assessor certification, Sec. 73.02, Wis. Stats.; assessors in cities, Sec. 70.05, Wis. Stats.

Sec. 2-3-10 Building Inspector.

- (a) **Qualifications.**
 - (1) There is created the position of Building Inspector.
 - (2) The Building Inspector shall:

- a. Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
 - b. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his/her area of responsibility, and any orders, rules and regulations issued by authority thereof;
 - c. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the City of Bloomer.
- (b) **Appointment and General Powers.**
- (1) The Building Inspector shall be appointed by the Mayor, subject to Council confirmation, for an indefinite term of office. Terms of employment shall be as prescribed by employment contract.
 - (2) Any person feeling himself/herself aggrieved by any order or ruling of the Building Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.
- (c) **Authority to Enter Premises.**
- (1) In the discharge of his/her duties, the Building Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection any may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his/her duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-7.
 - (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sections 66.122 and 66.123, Wis. Stats.
- (d) **Duties and Authority.** The Building Inspector shall have such duties as are prescribed in this Section and Title 15, Chapter 1, of this Code of Ordinances.
- (e) **Records.** The Building Inspector shall keep a record of all applications for permits and regularly number each permit in the order of issuance. The Building Inspector shall keep a record of all inspections made and a record of all fees collected by them showing the date of his/her receipt and transfer to the City Clerk-Treasurer.
- (f) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.

Sec. 2-3-11 Health Officer.

- (a) **Selection.** A Health Officer may be appointed by the Mayor, subject to Council confirmation. 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. If the Health Officer is not a physician, the Common Council shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor.
- (b) **Vacancy.** If a vacancy in the position of Health Officer occurs, the Mayor shall immediately fill the position.
- (c) **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 Common Council by the Health Officer, and if the Council 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 Common Council such sanitary measures, to be executed by the City as seem necessary, and shall discharge such other duties as may be imposed upon the Council by ordinance or resolution.

State Law Reference: Sec. 141.015, Wis. Stats.; HSS 139.05, Wis. Adm. Code.

Sec. 2-3-12 Weed Commissioner.

The Weed Commissioner shall be appointed by the Mayor, subject to Council confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his/her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the City Clerk-Treasurer, and shall hold office for one (1) 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.

Sec. 2-3-13 Eligibility for Office.

- (a) No person shall be elected by the people to a City office who is not, at the time of his/her election, a citizen of the United States and of this State, and an elector of the City, and in case of a ward office, of the ward, and actually residing therein.

- (b) An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.
- (c) No member of the Common Council shall, during the term for which he/she is elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

State Law Reference: Sec. 62.09(2), Wis. Stats.

Sec. 2-3-14 Removal from Office.

- (a) **Elected Officials.** Elected officials may be removed by the Common Council as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Section 17.12(1)(c) and 17.16, Wis. Stats.

Annotation: 62 Atty. Gen. Op. 97.

Sec. 2-3-15 Custody of Official Property.

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

State Law Reference: Sec. 19.21, Wis. Stats.

Sec. 2-3-16 Oath of Office; Bonds of Officers.

- (a) **Oath.** Every person elected or appointed to any statutory office shall take and file his/her official oath within ten (10) days after the notice of his/her election or appointment.
- (b) **Bonds.** The City Clerk-Treasurer, and such other statutory officers as the laws of Wisconsin or the Common Council may direct, shall execute and file an official bond in such form as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with

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the City Clerk-Treasurer and shall be recorded by him/her in a book kept by him/her for that purpose.

Title 2 ► Chapter 4

Boards, Commissions and Committees

Article A Boards, Commissions and Committees Established

- 2-4-1** Board of Review
- 2-4-2** Library Board
- 2-4-3** Board of Health
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- 2-4-20** General Provisions Regarding Meetings and Public Notice
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Article A: Boards, Commissions and Committees

Sec. 2-4-1 Board of Review.

- (a) **How Constituted.** The Board of Review shall consist of the Mayor, the City Clerk-Treasurer and two (2) Alderpersons annually appointed by the Mayor, subject to Council confirmation, at the annual organizational meeting.
- (b) **Compensation.** The members of the Board of Review shall receive a salary as determined by the Common Council for each day or fraction thereof, that the Board is in session for the purpose of hearing and considering testimony or in meeting their report and determination.
- (c) **Objections to Valuations to Be Written.** No person shall be permitted to appear and make objection before the Board to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board prior to the adjournment of public hearing by the Board.
- (d) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46, 70.47 and 70.48, Wis. Stats.
- (e) **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.

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

Sec. 2-4-2 Boards, Commissions and Committees.

- (a) **Membership and Terms.** Pursuant to Sec. 43.54, Wis. Stats., the Library Board shall consist of seven (7) members appointed by the Mayor, subject to confirmation by the Council, to serve three (3) year terms. One (1) member shall be a school district administrator or his/her representative, and not more than one (1) member of the Council shall serve on the Library Board at any one (1) time. Up to two (2) members may be residents of towns adjacent to the City.
- (b) **Duties and Powers.**
 - (1) The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in Sec. 43.58 of the Wisconsin Statutes. The Library Board shall appoint the Librarian and other library employees.
 - (2) The Library Board shall submit annually to the Council an itemized budget of the estimated expenses of the library for the following year.

State Law Reference: Sections 43.54 and 43.58, Wis. Stats.

Sec. 2-4-3 Board of Health.

- (a) **Composition.** The Common Council shall serve as the City of Bloomer Board of Health. The Council shall make a recommendation to the Mayor on appointing a competent and proper person who shall be, whenever the same is applicable, a reputable physician, who shall be the Health Officer of the City and who shall, during his term of office, be an ex officio officer of the Board.
- (b) **Responsibilities.**
 - (1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health of the City of Bloomer to assume the general administration of health and sanitation laws and regulations in the City 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 City.
 - (2) 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 City of Bloomer. 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: Sec. 141.015, Wis. Stats.

Sec. 2-4-4 Board of Appeals.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed as specified in Sec. 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members, and two (2) alternate members, appointed by the Mayor, subject to confirmation by the Common Council for a term of three (3) years. The members shall be compensated as determined by the Council and shall be removable by the Common Council for cause upon written charges and upon public hearing. The Mayor shall designate one of the members chairman.
- (b) **Powers.** The Zoning Board of Appeals shall have the following powers:
 - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's zoning or building code ordinances.
 - (2) To hear and decide special exceptions to the terms of City zoning and floodplain zoning or building code 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 City's zoning or building code 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 uses 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 Zoning 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 regarding the premises. The concurring vote of four (4) 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 requirements of the City's zoning ordinances. 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 a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- (c) **Meetings and Rules.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Zoning 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 examination and other official actions, all of which shall be immediately filed in the office of the City Clerk-Treasurer and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.
- (d) **Offices.** The Common Council shall provide suitable meeting space for holding the Zoning Board of Appeals' hearings.
- (e) **Appropriations.** The Common Council shall appropriate funds to carry out the duties of the Zoning Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

State Law Reference: Sec. 62.23(7), Wis. Stats.

Sec. 2-4-5 Plan Commission.

- (a) **Composition.** The Plan Commission shall consist of the Mayor, who shall be the presiding officer, one (1) Alderperson and five (5) citizens.

(b) **Appointment.**

- (1) **Election/Appointment of Alderperson Members.** At its annual meeting in April of each year the Common Council shall, by a two-thirds (2/3) majority vote of its members, elect one (1) of its number as a member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing.
- (2) **Appointment and Terms of Citizen Members.** The five (5) citizen members shall be appointed by the Mayor, subject to Council confirmation, on the third Tuesday of April in each year to hold office for a staggered term of three (3) years commencing with the third Tuesday of April.

(c) **Organization of Commission.** The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-chairman, secretary and such other officers as may in their judgment be necessary.

(d) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk-Treasurer. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.

(e) **Duties.**

(1) **The Master Plan.**

- a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City. 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, extension, 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, subject to confirmation by the Common Council. 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 Common Council. 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 Common Council in the performance of their duties.

- (2) **Mandatory Referrals to Commission.** The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: 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 City or within the territory over which the City 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; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council 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 City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. 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 in cooperation with the Common Council.
- (f) **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
 - (g) **Compensation.** Compensation shall be as established by the Common Council. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk-Treasurer.

Sec. 2-4-6 Parks Board.

- (a) **Composition.** The Parks Board shall consist of five (5) members appointed by the Mayor, subject to Common Council approval. Each shall have a three (3) year term of office.
- (b) **General Powers and Duties.** The Parks Board shall have the following powers and duties:
 - (1) With respect to parks, the Board shall have the powers and duties provided by Secs. 27.08, 27.09 and 27.10, Wis. Stats. The acceptance of gifts of money or property or the acquisition of property or privileges for park purposes, as defined in Sec. 27.08, Wis. Stats., can be accomplished by the Common Council by resolution, but the dedication of land, or money in lieu thereof, to the City for park, recreation or other public purposes in connection with the subdivision of land, shall be deemed to have been approved by the Common Council in and by its act of accepting the final plat in connection with which such dedication is made.
 - (2) The Parks Board shall have jurisdiction over the parks, tennis courts, ice skating facilities, adult and youth recreation programs, ball diamonds, and playgrounds throughout the City of Bloomer and shall have the power to adopt rules and regulations therefor, including the establishment of user fees, and the recommendation to the Common Council of the hiring of employees necessary therefor. All matters which pertain to the foregoing shall be referred to the Parks Board prior to official action being taken thereon by the Common Council, or any committee thereof.
 - (3) A master plan for park development shall be created and maintained by the Parks Board, which shall be subject to approval by the Common Council. Such plan shall be a projection and anticipation of major maintenance needs, development of existing and future park plans and park programs.
 - (4) All seasonal recreational employees shall be employed by the Common Council upon the recommendations of the Parks Board.
- (c) **Additional Powers and Duties.** The Parks Board shall have all the powers conferred by law upon park and recreation commissions and shall be chargeable with all the duties so required, such as recommend, oversee work and oversee funds of all parks, playgrounds and recreational activities as part of properties within the City. The Parks Board is specifically empowered and directed:
 - (1) To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
 - (2) To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall

- be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.
- (3) With prior Council approval, to buy or lease lands in the name of the City for park purposes within or without the City and, with the approval of the Common Council, to sell or exchange property no longer required for its purpose.
 - (4) To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the City for park purposes.
 - (5) To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system and recreation program, subject to budgetary approval by the Common Council.
 - (6) To have jurisdiction of the parks, playgrounds and municipal swimming pools throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
 - (7) To establish such rules and regulations to promote the quiet, orderly and suitable use of the City parks and playgrounds as the Commission shall deem necessary.
 - (8) To establish rules and regulations, including user fees as deemed necessary as approved by the Council and desirable for the proper use, care and operation of parks, park facilities, recreation programs and other activities under their control, provided however that such rules and regulations do not conflict with the laws of the State of Wisconsin or this Code of Ordinances.
 - (9) And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
- (d) **Record.** The Parks Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk-Treasurer.
- (e) **Finance.**
- (1) **Budget.** The Parks Board shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Board's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. Said annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the parks and recreation system. The Parks Board shall cooperate with other City departments in manpower and machinery exchanges.
 - (2) **Finances.** The Board shall pay all incomes from recreational activities to the City Clerk-Treasurer. All expenditures pursuant to the budget previously approved by the Common Council shall be made only upon prior approval of the Board.

Sec. 2-4-7 Emergency Change Order Committee.

The Emergency Change Order Committee shall constitute a special committee to be composed of the Mayor, if available, otherwise the President of the Common Council, together with the City Clerk and the Department Head under whose jurisdiction a given public works contract is

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administered, for the purpose of responding to change order requests or recommendations from contractors with the City or their subcontractors which arise between regularly scheduled meetings of the Common Council. Said committee shall be convened on call of the Mayor or City Clerk to approve of or reject change orders to public works contracts considered to be of an emergency nature. For the purposes of this Section, an emergency shall be defined as a situation in which a delay in ratification of a change order until the time of the next regularly scheduled Common Council meeting will either cost the City additional monies beyond those contemplated for the change order if authorized by the Committee or where the discovery of unanticipated conditions while the contractor is mobilized will, if such change order is not authorized at that time, necessitate either a delay in performance or additional costs or both, should the matter be deferred until the next Common Council meeting. The Committee's authority shall be limited to approval of change orders whose cost does not exceed ten percent (10%) of the total original cost of the public works contract in question.

Sec. 2-4-8 through Sec. 2-4-19 Reserved for Future Use.

Article B: Commission and Committee Rules

Sec. 2-4-20 General Provisions Regarding Meetings and Public Notice.

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall fix a regular date, time and place for its meeting.
- (b) **Notice of Meetings.**
 - (1) Every meeting of any board or commission of the City of Bloomer, and/or any committee appointed or created by the Mayor or Common Council of the City of Bloomer shall be preceded by public notice and shall be held in open session at a place acceptable to the public in accordance with the provisions of Chapter 19, Subchapter IV Open Meetings of Governmental Bodies, Wis. Stats., unless otherwise authorized by law.
 - (2) Such notice shall be given in writing to the official newspaper, and in addition thereto, shall be posted in at least one (1) location likely to give notice to the public of such meeting.
 - (3) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.
 - (4) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING

CITY OF BLOOMER, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the City of Bloomer will be held on (date), 20___, at (time) p.m., at the City Hall, in Room _____ to consider the following:

- 1. (Agenda items set forth).
- 2. Such other matters as authorized by law.

Dated: _____

_____ (Commission) _____

By _____

The Bloomer City Hall is not accessible to the physically disadvantaged. If special accommodations for physical, visually or hearing impaired individuals are needed, please contact the Bloomer City Clerk-Treasurer at (telephone).

- (c) **Notice to Members.** Every member of any board, commission or committee of the City of Bloomer shall be notified by the secretary thereof or designee, that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the City Clerk-Treasurer within one (1) week of the meeting date. The City Clerk-Treasurer shall furnish a copy of all minutes filed with him/her to the Mayor and to each member of the Common Council. All such minutes shall be public records.

Sec. 2-4-21 Residency Required for Service on Boards or Commissions; Attendance Standards.

- (a) **Residency.** Except for the Library Board, or the Law Enforcement Disciplinary Committee, no person not a resident of the City of Bloomer shall be appointed in a voting capacity to any City board, committee or commission. Any such member who moves from the City shall be removed from such board, commission or committee, but may be appointed to serve in an ex officio capacity.
- (b) **Attendance Standard.** Members of boards, committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance.
- (c) **Member Subject to Removal.** Any member of any board or commission who violates any provision of this Section or who knowingly attends a meeting held in violation hereof may be removed as a member of such board or commission after being granted a public hearing, by the appointing authority and upon concurrence of the Common Council.

Sec. 2-4-22 Committee and Commission Rules.

- (a) Except as provided herein, the provisions of Section 2-2-18 of this Code of Ordinances relating to rules of procedure for the Common Council, together with *Robert's Rules of Order*, shall as far as applicable, also apply to committee, board and commission meetings.
- (b) A simple majority of the members of a board, committee or commission shall constitute a quorum.

Title 2 ► Chapter 5

Ethics Code

2-5-1	Statement of Purpose
2-5-2	Definitions
2-5-3	Statutory Standards of Conduct
2-5-4	Responsibility of Public Office
2-5-5	Dedicated Service
2-5-6	Fair and Equal Treatment
2-5-7	Conflict of Interest
2-5-8	Advisory Opinions
2-5-9	Hiring Relatives
2-5-10	Employees Covered by Collective Bargaining Agreements
2-5-11	Sanctions

Sec. 2-5-1 Statement of Purpose.

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all City of Bloomer officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the City.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Bloomer and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The Common Council believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this City in their elected

and appointed officials and employees. The Common Council hereby reaffirms that each elected and appointed City official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Bloomer.

Sec. 2-5-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the City.
- (c) **Anything of Value.** Any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.
- (d) **Business.** Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** The following specific blood or marriage relationships:
 - (1) A person's spouse, mother, father, child, brother, sister or first cousin (natural or step);
or
 - (2) A person's relative by blood or marriage who receives, directly or indirectly, more than one-half (1/2) support from such person or from whom such person receives, directly or indirectly, more than one-half (1/2) of his support.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
- (h) **Staff.** Any full- or part-time employee of the City.

Sec. 2-5-3 Statutory Standards of Conduct.

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the

following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (a) **Sec. 19.59.** State Ethics Law.
- (b) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (c) **Sec. 946.11.** Special Privileges from Public Utilities.
- (d) **Sec. 946.12.** Misconduct in Public Office.
- (e) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

Sec. 2-5-4 Responsibility of Public Office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in both their official and private affairs should be above reproach so as to foster respect for government.

Sec. 2-5-5 Dedicated Service.

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the City staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the City Clerk-Treasurer. The City Clerk-Treasurer may notify the appropriate professional ethics board of any ethics violations involving City employees covered by such professional standards.

Sec. 2-5-6 Fair and Equal Treatment.

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of City-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 City

- policy for the use of such official or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
- (b) **Use of City Stationery.** No official or employee shall use, or permit the unauthorized use of, City stationery for personal use.
 - (c) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the City to secure any advantage, preference or gain, over and above his/her rightful remuneration and benefits, for himself or for a member of his/her immediate family.
 - (d) **Political Contributions.** No official shall personally solicit from any City employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

Sec. 2-5-7 Conflict of Interest.

- (a) **Financial and Personal Interest Prohibited.**
 - (1) No official or employee of the City, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
 - (2) Any member of the Common Council who has a financial interest or personal interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Council involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
 - (3) Any non-elected official who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
 - (4) Any City employee who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee

upon which the employee has any influence of input, or of which the employee is a member, that is a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest.

- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
- (c) **Gifts and Favors.**
- (1) No official or employee, personally or through a member of his/her immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
 - (2) No official or employee personally, or through a member of his immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which could reasonably be expected to impair his/her independence of judgment or action in the performance of his duties or grant in the discharge of his/her duties any improper favor, service or thing of value. However, it is not a conflict of interest for any public official or employee to receive hospitality that is unsolicited and unrelated to government business, such as a meal, and that is not intended to influence the official.
 - (3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a City official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality, as a properly reported political contribution, from citizens for the purpose of supporting the candidate's campaign. (The State Ethics Board has interpreted "hospitality" as it applies to state officials as including meals, beverages and lodging which a person offers at his/her residence and would have been offered if the recipient was not an official).
 - (4) Gifts received by an official or employee or his/her immediate family under unusual circumstances shall be referred to the Common Council within ten (10) days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he/she is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.

- (d) **Representing Private Interests Before City Agencies or Courts.**
 - (1) Non-elected City officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any City agency, board, commission or the Common Council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
 - (2) Elected City officials may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.
- (e) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Common Council that such interest exists.
- (f) **Contracts with the City.** No City official or employee who, in his/her capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his/her part shall enter into any contract with the City unless, within the confines of Sec. 946.13, Wis. Stats.:
 - (1) The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this Section after determining that it is in the best interest of the City to do so.
 - (2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.
- (g) **Campaign Contributions.** Campaign contributions shall be reported by all candidates for City office in strict conformity with the provisions of the Wisconsin Statutes. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the Common Council.

Sec. 2-5-8 Advisory Opinions.

When an official or employee has doubt as to the applicability of a provision of this Ethics Code to a particular situation or definition of terms used in this Chapter, he should apply to the Personnel Committee, which may ask the City Attorney for an advisory opinion and will be guided by that opinion when given. The official or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability provisions of this Chapter before such advisory decision is made. This Chapter shall be operative in all instances covered by its provisions except when superseded by an applicable statutory provision and statutory action

is mandatory, or when the application of a statutory provision is discretionary, but determined by the City Attorney to be more appropriate or desirable. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

Sec. 2-5-9 Hiring Relatives.

- (a) This Section governs the proposed hiring of individuals for full-time or part-time work as City employees who are members of the immediate family of City employees or elected officials. "Immediate family" includes those relatives by blood or marriage defined in Section 2-5-2(e) as personal interests.
- (b) Hiring an immediate family member of any current City employee or elected City official will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. A person can not be hired for either full-time or part-time employment in a position immediately supervised by a member of that person's immediate family.
- (c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a City board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their immediate family if currently employed or being considered for employment by the City.

Sec. 2-5-10 Employees Covered by Collective Bargaining Agreements.

In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethics Code Chapter.

Sec. 2-5-11 Sanctions.

- (a) Upon the written complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Chapter, the Common Council shall conduct an investigation of the facts of the complaint, if the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the Common Council shall conduct a hearing in accordance with the common law requirements of due process

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including notice, an opportunity to be heard, an opportunity to cross-examine witnesses and to present testimony and other evidence in support of the accused's position and an opportunity to be represented by counsel or other representative at the expense of the accused. The Council shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee.

- (b) A determination that a public official's or public employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, or other appropriate disciplinary action. As an alternative or in addition to sanctions imposed herein, any individual violating the Ethics Code shall be subject to a non-reimbursable forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) as determined by the City of Bloomer Common Council.
- (c) Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the labor agreement.

TITLE 3

Finance and Public Records

Chapter 2	Finance
Chapter 2	Special Assessments
Chapter 3	Public Records
Chapter 4	Disposal of Lost, Abandoned and Surplus Property

Title 3 ► Chapter 1

Finance

- 3-1-1** Fee for Returning Checks with Insufficient Funds;
Reimbursement of Collection Costs
- 3-1-2** Duplicate Clerk-Treasurer's Bond Eliminated
- 3-1-3** City Budget
- 3-1-4** Changes in Budget
- 3-1-5** City Funds to Be Spent in Accordance with Appropriation
- 3-1-6** Fiscal Year
- 3-1-7** Public Depositories
- 3-1-8** Claims Against City
- 3-1-9** Temporary Investment of Funds Not Immediately Needed
- 3-1-10** Facsimile Signatures
- 3-1-11** Receiving Money; Receipt for Same
- 3-1-12** Statement of Real Property Status
- 3-1-13** Accounts Receivable Billing Procedures
- 3-1-14** Annual Audits
- 3-1-15** Liability of City for Acts of Agents
- 3-1-16** Bid Solicitation Procedures
- 3-1-17** Special Assessments for Delinquent Utility Bills
- 3-1-18** Delinquent Personal Property Taxes
- 3-1-19** Policy for Public Deposits and Investments

Sec. 3-1-1 Fee for Returning Checks with Insufficient Funds; Reimbursement of Collection Costs.

- (a) There shall be a Ten Dollar (\$10.00) fee for processing checks made payable to the City that are returned because of insufficient funds in the account in question.
- (b) Collection costs and attorneys fees shall be added to the principal amounts of unpaid bills owed to the City that are placed with collection agencies.

Sec. 3-1-2 Duplicate Treasurer's Bond Eliminated.

- (a) **Bond Eliminated.** The City of Bloomer elects not to give the bond on the City Clerk-Treasurer in his capacity as provided for by Sec. 70.67(1), Wis. Stats.

- (b) **City Liable For Default of Clerk-Treasurer.** Pursuant to Sec. 70.67(2), Wis. Stats., the City shall be obligated to pay, in case the City Clerk-Treasurer shall fail to do so, all state and county taxes required by law to be paid by such City Clerk-Treasurer to the County Treasurer.

State Law Reference: Section 70.67, Wis. Stats.

Sec. 3-1-3 City Budget.

- (a) **Departmental Estimates.** Annually, at a time specified by the Mayor, each officer, department, board and committee shall file with the City Clerk-Treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer, department, board or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department, board or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the City and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.
- (b) **Preparation of Proposed Budget.**
- (1) **Preparation.** The Common Council, with the assistance of the Clerk-Treasurer, shall annually prepare and submit to the Council a proposed budget presenting a financial plan for conducting City affairs for the ensuing fiscal year.
 - (2) **Consideration of Estimates.** The Common Council, with the assistance of the City Clerk-Treasurer, shall consider such departmental estimates in consultation with the department head, recommend a budget amount for such department or activity.
- (c) **Proposed Budget.** On or before November 1, the Common Council shall prepare and submit for consideration a proposed budget presenting a financial plan for conducting the affairs of the City for the ensuing calendar year. The budget shall including the following information:
- (1) The expense of conducting each department and activity of the City for the ensuing fiscal year and last preceding fiscal year, with reasons provided for increase and decrease recommended as compared with appropriations for the current year.
 - (2) An itemization of all anticipated income from the City from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the City 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) Such other information as may be required by the Common Council and by state law.
- (d) **Copies of Budget.** The City Clerk-Treasurer shall provide a reasonable number of copies of the budget summary thus prepared for distribution to citizens. The entire fiscal budget shall be available for public inspection in the Office of the City Clerk-Treasurer during regular office hours.
- (e) **Hearing.**
- (1) The City Clerk-Treasurer shall submit to the Council 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 Council, it shall be deemed to have been regularly introduced therein.
 - (2) A summary of such budget and notice of the time and place where such budget and detail is available for public inspection and notice of the time and place for holding the public hearing thereof shall be published in the official newspaper of the City at least fifteen (15) days prior to the time of such public hearing.
 - (3) Not less than fifteen (15) days after the publication of the proposed budget and the notice of hearing thereof, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the City shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.
 - (4) A majority vote of the Common Council is required to adopt the proposed budget and a vote of three-quarters (3/4) of the Council is necessary to adopt the appropriations budget.

State Law Reference: Section 62.12, Wis. Stats.

Sec. 3-1-4 Changes in Budget.

The Council may at any time, by a two-thirds (2/3) vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within ten (10) days thereafter in the official newspaper of the City.

Sec. 3-1-5 City Funds to Be Spent in Accordance with Appropriation.

No money shall be drawn from the treasury of the City, 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 3-1-4 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 Common Council, 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.

Sec. 3-1-6 Fiscal Year.

The calendar year shall be the fiscal year.

Sec. 3-1-7 Public Depositories.

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

State Law Reference: Chapter 34 and Sec. 62.12(7), Wis. Stats.

Cross-Reference: Section 3-1-19.

Sec. 3-1-8 Claims Against City.

(a) Payment of Claims.

- (1) Payment of claims hereunder may be made from the City Treasury after the Clerk-Treasurer audits and approves each claim as a proper charge against the Treasury, and endorses his or her approval on the claim after having determined that the following conditions have been complied with:
 - a. That the funds are available thereof for pursuant to the budget approved by the Common Council;
 - b. That the item or service covered by such claim has been duly authorized by the proper official, department head or board or commission;
 - c. That the item or service has been actually supplied or rendered in conformity with such authorization;
 - d. That the claim is just and valid pursuant to law.
 - e. That the Clerk-Treasurer has the authority to pay routine claims such as utility bills up to Two Thousand Five Hundred Dollars (\$2,500.00); [routine meaning

- four (4) times or more per year] without Council approval, provided that the second signatory also signs such checks.
- (2) The Clerk-Treasurer may require the submission of such proof and evidence to support the foregoing as in his/her discretion he/she may deem necessary. The Clerk-Treasurer also has the right to request Council approval on any claim.
- (b) **Report to the Common Council.** The Clerk-Treasurer shall file with the Common Council a list of the claims approved, showing the date paid, name of claimant, purpose and amount.

Sec. 3-1-9 Temporary Investment of Funds Not Immediately Needed.

The City Clerk-Treasurer may invest any City funds not immediately needed, pursuant to Sections 66.04(2) and 219.05, Wis. Stats.

State Law Reference: Sections 66.04(2) and 219.05, Wis. Stats.

Sec. 3-1-10 Facsimile Signatures.

In lieu of the personal signatures of the Mayor and Clerk-Treasurer, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the Common Council, but the use of the facsimile signature shall not relieve such official from any liability to which he/she is otherwise subject, including the unauthorized use thereof.

Sec. 3-1-11 Receiving Money; Receipt for Same.

- (a) The City Clerk-Treasurer or his/her deputies shall not receive any money into the Treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt therefor in the manner specified by the Common Council.
- (b) Upon the payment of any money (except for taxes as herein provided), the City Clerk-Treasurer or his/her deputies shall make out a receipt in duplicate for the money so received. The Clerk-Treasurer or his/her deputies shall charge the amount thereof to the Treasury and credit the proper account. The payment of the money to any receiving agent of the City or to the City shall be safeguarded in such manner as the Common Council shall direct.

State Law Reference: Section 66.113, Wis. Stats.

Sec. 3-1-12 Statement of Real Property Status.

The City Clerk-Treasurer and his/her deputies are authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, and sewer bills, current water and sewer bills, pending citations regarding building and health codes, and similar information. Any such information sought shall be provided to the person requesting it on said form. A minimum of one (1) business day is required for preparation of a statement of real property status. There shall be a Five Dollar (\$5.00) fee for compiling such information, plus an additional fee of Five Dollars (\$5.00) for facsimile transmissions. In providing this service, the City of Bloomer and its officials assume no liability for such service nor is any warranty intended or implied.

Sec. 3-1-13 Accounts Receivable Billing Procedures.

Billings by the City may be paid within thirty (30) days after billing without interest. Thereafter, interest may be charged at the rate of one and one-half percent (1-1/2%) per month or any fraction thereof, until the following fifteenth (15th) day of November. Bills not paid on or before the fifteenth (15th) day of November shall have added to the total amount due one and one-half percent (1-1/2%) of said charges shall be entered on the tax roll as a special charge and become a lien upon real estate.

Sec. 3-1-14 Annual Audits.

A firm of certified public accountants shall be employed each year by the City, subject to the confirmation of the Common Council to conduct a detailed audit of the City's financial transactions and its books, and to assist the City Clerk-Treasurer in the management of the City's financial affairs, including the City's public utilities. These auditors shall be employed on a calendar-year basis. The books audited may, in addition to the City financial records of the office of the City Clerk-Treasurer, include the City Clerk-Treasurer's books, the City's public utilities, Police Department records, and any other books of any boards, commission, officers or employees of the City handling City moneys.

Sec. 3-1-15 Liability of the City for Acts of Agents.

No agent of the City of Bloomer having authority to employ labor or to purchase materials, supplies or any other commodities, may bind the City or incur any indebtedness for which the City may become liable without approval of the Council. Each such employment or purchase

order shall be drawn against a specific appropriation, the money for which shall be available in the City treasury and not subject to any prior labor claims or material purchase orders at the time when such employment is negotiated or purchase order drawn. The City Clerk-Treasurer shall keep a record of such employment and purchase orders and shall charge them against the proper appropriation.

Sec. 3-1-16 Bid Solicitation Procedures.

(a) Definitions.

- (1) **Verbal Quotation Form.** The City may solicit verbal quotations on items the City purchases, which are Ten Thousand Dollars (\$10,000.00) or less. The results of the verbal quotations are recorded on a memorandum of verbal quotation form.
- (2) **Informal Quotation.** An informal quotation is a written request for quotation sent to vendors. The informal quotation is used for the purchase of goods and services in an amount Ten Thousand Dollars (\$10,000.00) or less.
- (3) **Formal Bid.** The formal bid procedure is used for purchasing goods and services in an amount over Ten Thousand Dollars (\$10,000.00), and in some instances in amounts less than this amount. The formal bid procedure requires a legal public notice and contains detailed, written specifications regarding the goods and services to be purchased and a number of specific conditions associated with the purchase.

(b) Bid Solicitation.

- (1) Competitive bids or quotations may be obtained before contracting to purchase articles, goods, wares, material services or merchandise which amount in bulk to more than One Thousand Dollars (\$1,000.00). Purchases up to One Thousand Dollars (\$1,000.00) may be made by either telephone quotations, informal written quotations or formal bid. Purchases from One Thousand Dollars (\$1,000.00) to and including Ten Thousand Dollars (\$10,000.00) shall be made by written quotation, telephone quotation or formal bid. Purchases over Ten Thousand Dollars (\$10,000.00), pursuant to Subsection (a) above, shall be made by formal bid unless exempted from it by action of the Common Council.
- (2) Verbal quotations for goods and services shall be secured from at least two (2) qualified vendors and the results of the quotations shall be recorded on the "Memorandum of Verbal Quotation" form and signed by the person receiving the quotations.
- (3) Informal requests for written quotations shall be solicited from at least three (3) qualified bidders on the request for quotation form. All written requests for quotations shall be issued by the City Clerk-Treasurer or pertinent department head and returned to and analyzed by the City Clerk-Treasurer or pertinent department head. Informal requests for written quotations may also be solicited by telephone. Vendors shall be given a reasonable time to respond to the request for an informal,

written quotation and shall be given clear, concise specifications and informal bidding instructions to facilitate competitive bidding.

- (4) When a formal bid is required or deemed to be in the best interests of the City, the bidding procedure shall follow the legal requirements associated with a Class One notice under State Statute and the procedures normally associated with the formal bid proposal.
 - (5) The formal bid proposal will contain at least the following information:
 - a. The bid number.
 - b. A detailed description of the goods and services required, including enough information about the items or services required so that more than one (1) vendor can meet the specifications.
 - c. The time, date and place the bids will be opened.
 - d. The address to which the bids shall be mailed or delivered. Instructions to bidders shall include such information as delivery dates, transportation charges, proposal prices, conditions for guaranteeing the proposal, payment terms, right of rejection of proposals, right to reject merchandise, insurance requirements, alternative proposal consideration, tax information, and other appropriate information regarding the awarding and execution of the contract and contract considerations.
 - e. The bid proposal shall also include a section on special provisions including guarantees and service considerations, trade-in considerations, and other information relating to special conditions.
 - (6) Specifications for all items purchased shall be developed with the full involvement and participation of the using departments. However, the City Clerk-Treasurer shall insure that the specifications are sufficiently broad enough that competition in the bidding process is preserved.
- (c) **Blanket Purchase Orders.**
- (1) Upon authorization by the Common Council, the pertinent department head may issue blanket purchase orders to those few merchants from whom many repetitive purchases are made as supplies are required.
 - (2) The Common Council shall determine the need to use a blanket purchase order procedure.
 - (3) The bidding procedure for blanket purchase orders may follow the procedures used for other goods and services.
 - (4) After a vendor has been selected, the using department or departments shall use the same purchase order number on all purchases made under the blanket purchase order. The Common Council shall authorize the individual or individuals who shall have the authority to sign for purchases under the blanket purchase order procedure.

Sec. 3-1-17 Special Assessment for Delinquent Utility Bills.

- (a) In addition to other methods provided by law, it is hereby provided that special assessments for delinquent utility bills may be levied in accordance with the provisions of this Section, which are hereby adopted pursuant to Sec. 66.60(16), Wis. Stats.
- (b) Delinquent utility bills and service charges shall be levied as a special assessment against the real property, shall become a lien thereon, and placed on the tax roll with the same effect as other City taxes unless the Common Council otherwise determines after notice and opportunity to be heard as hereinafter set forth.
- (c) Charges for the following services rendered by the City of Bloomer and the City public utilities shall be paid within twenty (20) days of the date of billing:
 - (1) Snow and ice removal.
 - (2) Weed elimination.
 - (3) Garbage and refuse collection, disposal and landfill dumping fees.
 - (4) Repair of sidewalks, curb and gutter.
 - (5) Charges for water and sewer service.
- (d) If the amounts due to the City of Bloomer for services listed in Subsection (c)(1) through (4) are not paid when due, the City Clerk-Treasurer shall send a notice of the delinquent bill to the customer and to the property owner by standard mail.
- (e) If the amount due to City utilities for services listed in Subsection (c)(5) is not paid when due, the City utilities shall send a notice of the delinquent bill to the customer and to the property owner pursuant to PSC 113.132 and 113.133, Wis. Adm. Code. If the bill is still delinquent by the month of October of the billing year, the City utilities shall send a notice of the delinquent bill to the customer and the property owner by standard mail.
- (f) The notice referred to in Subsection (d) shall contain the following statement:

You are entitled to a hearing before the Common Council, or committee thereof, of the City of Bloomer to dispute the amount of this charge. You must request this hearing by notifying the City Clerk-Treasurer in writing within ten (10) days of the date of this notice.

- (g) The notice sent by standard mail referred to in Subsection (e) shall contain the following statement:

You are entitled to a hearing before the Common Council, or committee thereof, of the City of Bloomer to dispute the amount of this charge. You must request this hearing by notifying the City Clerk-Treasurer in writing within ten (10) days of the date of this notice.

- (h) In the event of a request for hearing, the City Clerk-Treasurer shall set the date and time for hearing upon receiving a written request under Subsections (f) or (g). This hearing shall be held before the Common Council, or committee thereof, for the City of Bloomer.
- (i) At the time of the hearing referred to in Subsection (h), the Common Council, or committee thereof, shall hear all evidence brought before it concerning the correctness of the amount billed by the City of Bloomer in accordance with this Section. At the conclusion of this hearing, the Common Council, or committee thereof, shall decide the amount due the City, and all parties in attendance shall be notified of the decision.
- (j) If the amount determined to be due to the City after the hearing referred to in Subsection (i) is not paid within five (5) days from the date of the Council's or committee's decision, then this amount shall become a lien upon the real estate served by the services referred to in Subsection (c). This shall be accomplished pursuant to the power granted to the City of Bloomer by Sec. 66.60(16), Wis. Stats.
- (k) If a hearing is not requested in accordance with this Section, the amount due the City of Bloomer or the City public utilities shall become a lien upon the real estate served by the services referred to in Subsection (c) upon the expiration of twelve (12) days from the mailing of the notice referred to in Subsections (f) and (g).

Sec. 3-1-18 Delinquent Personal Property Taxes.

- (a) Pursuant to the authority of Sec. 74.80(2), Wis. Stats., the City hereby imposes a penalty of one percent (1%) 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 City or eventually charged back to the City by the County for purposes of collection under Sec. 74.31, Wis. Stats.
- (b) This penalty of one-half percent (0.5%) per month or fraction of a month shall apply to any personal property taxes which are overdue or delinquent.

Sec. 3-1-19 Policy for Public Deposits and Investments.

- (a) **Purpose.** Cash and investments generally represent the largest asset on the City's balance sheet, and the City frequently has cash available for short-term, intermediate and long-term investments. Therefore, it is important that the City establish a policy to ensure continuous prudent investment of available City funds. It is in the interest of the City of Bloomer to adopt a policy to insure continuous prudent deposits and investments of available City funds. The Common Council of the City of Bloomer establishes the following policies in the public interest for the deposit and investment of available City funds.
- (b) **Public Depositories.**
 - (1) **Depositories.** The Common Council shall, by ordinance or resolution, designate one (1) or more public depositories, organized and doing business under the laws of this

state or federal law, and located in Wisconsin, in which the City Clerk-Treasurer shall deposit all public monies received by her/him.

- (2) **Limitations.** The resolution or ordinance designating one (1) or more public depositories shall specify whether the monies shall be maintained in time deposits subject to the limitations of Sec. 66.04(2), Wis. Stats., demand deposits or savings deposits, and whether a surety bond or other security shall be required to be furnished under Sec. 34.07, Wis. Stats., by the public depository to secure the repayment of such deposits. Not more than Five Hundred Thousand Dollars (\$500,000) shall be deposited in any one (1) public depository, unless specifically authorized by the Common Council.
 - (3) **Deposits.** The City Clerk-Treasurer shall deposit public monies in the name of the City of Bloomer in such public depositories designated by the Common Council and subject to the limitations hereinabove set forth.
 - (4) **Withdrawals.** Withdrawals or disbursements by the City Clerk-Treasurer of monies deposited in a public depository shall be made as provided by Sections 66.042(1) to (5), Wis. Stats. The City Clerk-Treasurer is authorized, at her/his discretion, to process periodic payments through the use of money transfer techniques as set forth in Sec. 66.042(3m), Wis. Stats.
- (c) **Investments.**
- (1) **Management.** Subject to the provisions of this policy, the City Clerk-Treasurer shall have control of and discretion in the investment of all City funds that are not immediately needed and are available for investment.
 - (2) **Intent.** It is the intent of the Common Council that the City Clerk-Treasurer utilize a wise and prudent cash management system within the level of her/his expertise in such a manner to insure maximum investment earnings, while at the same time be able to respond promptly to authorized expenditures. Safety, liquidity and yield will be the prime requisites for the investment of City funds.
 - (3) **Scope.** This policy is limited in its application to funds which are not immediately needed and are available for investment. Other funds, the investment of which is subject to special federal and/or state laws and regulations, shall be invested in accordance with such laws and regulations to the extent they may be inconsistent with the provisions of this policy.
 - (4) **Responsibility.** In exercising her/his investment responsibilities, the City Clerk-Treasurer shall exercise the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a similar capacity, having the same resources, and familiar with like matters in the management of a similar activity, with a like purpose.
- (d) **Investment Factors.** The City Clerk-Treasurer is authorized and directed to utilize investment options as set forth within these guidelines, and that the City Clerk-Treasurer shall take into consideration the following factors which are listed in order of priority to the investment decision:

- (1) **Certificates of Deposit.** City funds may be invested in certificates of deposit maturing within one (1) year or less from the date of investment issued by any banks, savings and loan associations or credit unions which are authorized to transact business in the State of Wisconsin. The financial institutions must have been designated as a public depository of the City by resolution or ordinance of the Common Council.
 - (2) **Government Bonds and Securities.** City funds may be invested in United States government bonds or securities which are direct obligations of or guaranteed as to principal and interest by the federal government; and, bonds or securities which are obligations of any agency, commission, board or other instrumentality of the federal government, where principal and interest are guaranteed by the federal government. The securities must be purchased through financial institutions authorized to conduct business in the State of Wisconsin and placed in safekeeping in a segregated account in the City's name at any designated public depository or approved financial institution.
 - (3) **Government Investment Pool.** City funds may be invested in the Wisconsin Local Government Pool Investment Fund without restriction as to the amount of deposit or collateralization.
 - (4) **Repurchase Agreements.** City funds may be invested in repurchase agreements, in financial institutions authorized to conduct business in the State of Wisconsin. Repurchase agreements can only be made in securities which are direct obligations of or guaranteed as to principal and interest by the federal government; and, securities which are obligations of an agency, commission, board or other instrumentality of the federal government, where principal and interest are guaranteed by the federal government. Securities purchased by a repurchase agreement must be placed in safekeeping in a segregated account in the City's name at any designated public depository or approved financial institution.
 - (5) **Wisconsin Investment Trust.** City funds may be invested in the Wisconsin Investment Trust without restrictions as to the amount of deposit or collateralization.
 - (6) **Savings Deposit.** City funds may be temporarily invested in savings deposits.
 - (7) **Securities.** The City Clerk-Treasurer may invest in private securities which are senior to, or on a parity with, a security of the same issuer which is rated highest or second highest by Moody's Investors Service, Standard & Poor's Corporation or other similar nationally recognized rating agency.
- (e) **Safety.**
- (1) In order to safeguard investments and deposits, the City shall acquire of each public depository its annual financial statements and evaluate such statements as to the financial soundness of the depository. Also to be reviewed are other pertinent financial information filed with regulatory agencies.
 - (2) The City shall require, when investing in repurchase agreements, that collateral be pledged by the depository in an amount equal to or greater than the amount of the

repurchase agreements the City has with such depository. In excess of FDIC coverage, the collateral shall be direct obligations of the United States, or of its agencies if the payment of principal and interest is guaranteed by the federal government, or obligations of the State of Wisconsin, or of the City of Bloomer. Evidence of such collateral shall be provided by the depository.

- (3) Consideration shall also be given to the total amount of existing City funds which are already in such depository and/or the capacity of the depository to handle the size of the deposit or investment with consideration of federal depository insurance and State of Wisconsin Guarantee Fund requirements.
- (f) **Liquidity.**
- (1) The maturity of any investment shall be determined by analyzing the following factors:
 - a. Immediate cash requirements.
 - b. Projected expenditures.
 - c. Available funds on hand.
 - d. Maturing investments.
 - e. Anticipated revenues.
 - (2) Investments shall not extend beyond any recognized unfunded cash needs of the City. Major consideration of maturity dates should be given to requirements of the payroll, debt service, and the bi-monthly bills and claims.
- (g) **Yield.**
- (1) Yield shall be the final determining factor of the investment decision.
 - (2) Bids shall be required of all investments that exceed both One Hundred Thousand Dollars (\$100,000) and a thirty (30) day or longer maturity date. A minimum of three (3) bids from the City's public depository list shall be acquired. Exceptions to the bid process include only the purchase of obligations of the U.S. Treasury and deposits in the Wisconsin Local Government Investment Pool, which shall be registered in the City's name.
- (h) **Miscellaneous.**
- (1) **Liability.** Notwithstanding any other provision of law, the City Clerk-Treasurer who deposits public monies in any public depository, in compliance with Sec. 34.05, Wis. Stats., is, under the provisions of Sec. 34.06, Wis. Stats., relieved of any liability for any loss of public monies which results from the failure of any public depository to repay to the public depositor the full amount of its deposits, thus causing a loss as defined in Sec. 34.01(2), Wis. Stats.
 - (2) **Definitions.** Words or phrases shall, insofar as applicable, have the meaning set forth in Sec. 34.01, Wis. Stats., as amended.
 - (3) **Conflicts.** This Section is enacted in accordance with the provisions of Chapter 34 and Section 66.04 and 66.042, Wis. Stats. In case of conflict, the state laws shall prevail.

Cross-Reference: Section 3-1-7.

State Law Reference: Chapter 34 and Sections 66.04 and 66.042, Wis. Stats.

Title 3 ► Chapter 2

Special Assessments

3-2-1	Common Council May Levy Special Assessments
3-2-2	Resolution and Report Required
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Sec. 3-2-1 Common Council May Levy Special Assessments.

- (a) The City of Bloomer, by resolution of its Common Council, 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. In addition to other methods approved by law, special assessments for any public work or improvement or any special charge for current services may be levied in accordance with the provisions of this Chapter.
- (b) 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 Common Council.
- (c) The favored procedure in the City for proceeding with making specially assessable public improvements as generally set forth in this Chapter is not intended in any way to disregard

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or to bar proceeding under other methods provided by law for making of public improvements and for the levying of assessments therefor. Nor is this Chapter intended to be an exhaustive, detailed recodification of the state law under said statutory section. Detailed requirements still require reference to said statutory section and the subsections thereunder. The purpose hereof is to generally define and establish local procedures.

State Law Reference: Section 66.62, Wis. Stats.

Sec. 3-2-2 Resolution and Report Required.

- (a) Public improvements carried out pursuant to Section 66.60, Wis. Stats., and this Chapter shall be initiated by a preliminary resolution presented to the Council by the City Engineer, which resolution shall declare the Council's intention to exercise its assessment powers for such municipal purpose(s), describe the same, the limits of the proposed assessment district, the number of installments in which special assessment may be paid or that the number of installments will be determined at hearing thereon, and direct the City Engineer to make a report thereon. After adoption of such preliminary resolution by the Common Council, copies thereof shall be forwarded by the City Clerk-Treasurer to the City Engineer. The City Clerk-Treasurer shall forthwith, after adoption of such preliminary resolution, obtain a list of the names and addresses of all interested persons, if with reasonable diligence their names and addresses may be obtained, and forward the same to the City Engineer. Upon receipt of copy of such preliminary resolution, the City Engineer shall prepare the report thereon.
- (b) 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 damages.
 - 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 City Clerk-Treasurer for public inspection.
- (c) When the Common Council determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or rendering of the

service, the report required by Sec. 66.60(3), Wis. Stats., and Subsections (a) and (b) above still contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

Sec. 3-2-3 Costs That May Be 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 City and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Common Council.

Sec. 3-2-4 Exemptions; Deductions.

- (a) If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefor, such assessment shall be computed and shall be paid by the City.
- (b) A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts shall be entitled to such deduction or exemption as the Common Council determines to be reasonable and just under the circumstances of each case when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstances the assessment will not be less than the long way of such lot. The Common Council may allow a similar deduction or exemption from special assessments levied for any other public improvement.

Sec. 3-2-5 Notice of Proposed or Approved Project.

- (a) **Notice Requirements.** On the completion and filing of the report and final resolution with the City Clerk-Treasurer required in Section 3-2-2(b)(5) of this Chapter, the City Clerk-Treasurer or City Engineer shall prepare a Notice of Hearing, which notice shall comply with Sec. 66.60(7), Wis. Stats., and state the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district and the place and time at which the report may be inspected. In publishing the Notice of Hearing, the City Clerk-Treasurer shall set the place and time at which all interested persons, their agents or attorneys may appear before the Common Council or Committee

thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be signed by the City Clerk-Treasurer who shall cause the same to be published at least once in the official newspaper and shall mail a copy of such notice at least ten (10) days before the hearing to every interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) days and not more than forty (40) days after the publication or mailing of said notice.

- (b) **Waiver of Notice, Assessments Under.** The Council may, without any notice of hearing, levy and assess the whole or any part of the cost of any municipal work or whole or any part of the cost of any municipal work or improvement as a special assessment upon the property specifically benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment. In such cases, the procedure shall be the same as hereinbefore provided excepting for the noticing and holding of public hearing thereon.

Sec. 3-2-6 Council Actions After Hearing.

- (a) After the hearing, the Common Council may:
- (1) Approve, disapprove, modify or re-refer the report to the City Engineer with such directions as it deems necessary to change the plans and specifications as to accomplish a fair and equitable assessment.
 - (2) Continue the public hearing, preliminarily approve plans and specifications and, if the project requires advertising for bids, authorize and direct the advertisement therefor with a date certain for consideration and taking action thereon, inclusive of action on said report and action on final resolution.
- (b) If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the Common Council shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- (c) (1) If the work or improvement has not been previously authorized or approved, the Common Council 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.
- (2) If the work or improvement has been approved by the Common Council or work commenced or completed prior to the filing of the report or prior to the hearing, then the Common Council shall by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment.
- (d) The City Clerk-Treasurer shall publish the final resolution as required in Section 3-2-2 of this Chapter.
- (e) 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 Section 66.60(12), Wis. Stats., or any other applicable provision of law.

- (f) As soon as the assessable cost of such work or improvement is finalized, the City Clerk-Treasurer shall issue respective special assessment certificates for each property affected and specifying the manner in which payment is to be made and shall send copy of the respective assessment affecting each property to each owner's post office address that is known or can be obtained with reasonable diligence.

Sec. 3-2-7 Combined Assessments.

If more than a single improvement is undertaken, the Common Council 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.

Sec. 3-2-8 Council'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 Common Council determines to reconsider an assessment, it is empowered, after giving notice as required in Section 3-2-5 to amend, cancel or confirm any prior assessment; and notice of this amending, canceling or confirming be given by the City Clerk-Treasurer as provided in Section 3-2-6 of this Chapter.

Sec. 3-2-9 Where Cost of Improvement is Less Than Assessment.

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

Sec. 3-2-10 Appeals; Appealed Assessments Payable When Due.

- (a) Any person against whose property a special assessment is levied under this Chapter may appeal therefrom in the manner prescribed by Section 66.60(12) of the Wisconsin Statutes, as amended, within forty (40) days of the date of the final determination of the Common Council.

- (b) Pursuant to Section 66.60(f), Wis. Stats., 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.

Sec. 3-2-11 Payment of Special Assessments; Special Assessment a Lien on Property.

(a) **Payment of Special Assessments.**

- (1) **Without interest.** Upon receipt of copy of special assessment certificate, any person may pay the same in full, without interest, if paid to the City Clerk-Treasurer within the grace period therein allowed and as allowed in the final resolution.
- (2) **After grace period.** If any special assessment, or any part thereof, remains unpaid following the running of the grace period specified for payment without interest, at time of preparation of the first tax roll thereafter the same, together with interest computed thereon at the interest rate established in said final resolution and in said certificates computed from the date of levy (i.e., date of final resolution) or the finalizing of assessable costs, whichever is later, shall be entered in such tax roll in such manner as directed in said final resolution and certificate; thereafter, if the same be payable in installments, subsequent installments together with interest at said rate computed on declining balance shall be entered in subsequent tax rolls until fully paid. This provision is in no way intended to prohibit the prepayment of the balance owing at any time on principal together with interest to date of payment only.

- (b) **Assessment a Lien.** Pursuant to Subsection (13) of Section 66.60, Wis. Stats., any special assessment levied under this Chapter shall be a lien on the property against which it is levied on behalf of the City. The Common Council shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Common Council 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.

Sec. 3-2-12 Special Charges Permissible.

- (a) **Special Charges Authorized.** In addition to all other methods provided by law, special charges for current services rendered may be imposed by the City by allocating all or part of the cost to the property served. Such may include, without limitation because of enumeration:
- (1) Snow and ice removal.
 - (2) Lawn and weed elimination.

- (3) Water bills for water furnished.
 - (4) Electric bills for electric energy.
 - (5) Sewer use charges.
 - (6) Tree care.
 - (7) Refuse collection.
- (b) **Payment.** If the amounts due the City of Bloomer for the current services are not paid within twenty (20) days of the date of billing, the City Clerk-Treasurer shall send a notice of the delinquent bill to the customer and to the property owner by mail.
- (c) **Notice; Hearing.**
- (1) The notice referred to in Subsection (a) shall contain the following statement:

"You are entitled to a hearing before the Common Council of the City of Bloomer to dispute the amount of this charge. You must request this hearing by notifying the City Clerk-Treasurer in writing within ten (10) days of the date this notice was mailed."
 - (2) The City Clerk-Treasurer shall set the date and time for hearing upon receiving a written request. This hearing shall be held before the Common Council of the City of Bloomer.
 - (3) At the time of the hearing referred to in Subsection (c)(2) above, the Common Council shall hear all evidence brought before it concerning the correctness of the amount billed by the City of Bloomer in accordance with this ordinance. At the conclusion of this hearing, the Common Council shall decide the amount due the City of Bloomer. All parties in attendance shall be notified of the Council's decision.
 - (4) If the amount determined to be due the City of Bloomer, after the hearing is not paid within five (5) days from the date of the Council's decision, then this amount shall become a lien upon the real property served by the current service referred to in Subsection (a) above. This shall be accomplished pursuant to the power granted the City of Bloomer by Sec. 66.60(16), Wis. Stats.
 - (5) If a hearing is not requested in accordance with this Section, then the amount due the City of Bloomer shall become a lien upon the real property served by the current service referred to in Subsection (a) upon the expiration of twelve (12) days from the date the notice referred to in Subsection (c)(1) above was mailed. This shall be accomplished pursuant to the power granted the City of Bloomer by Sec. 66.60, Wis. Stats.
 - (6) This Section shall not prevent the City of Bloomer or its utilities from disconnecting service for nonpayment of bills.
- (d) **Lien.** Special charges for current services shall not be payable installments. If not paid within the period fixed by the Common Council such delinquent special charges, pursuant to Section 3-2-11, shall become a lien on said property as of the date of such delinquency

and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, as provided by Section 66.60(16) of the Wisconsin Statutes, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. Notice of special charges for current services need not be given except as required by Section 66.60(16) of the Wisconsin Statutes, as amended.

- (e) **Miscellaneous Provisions.** Section 3-2-2(a) of this Chapter shall not be applicable to proceedings under this Section.

State Law Reference: Section 66.60(16), Wis. Stats.

Sec. 3-2-13 Miscellaneous Provisions.

- (a) If any assessment or charge levied under this Chapter is invalid because such Statutes are found to be unconstitutional, the Common Council may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- (b) The Common Council 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) Notwithstanding any other provision of law, or this or other ordinance or resolution, it is specifically intended and provided by this Chapter that the City 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.

Sec. 3-2-14 Special Assessment B Bonds.

As an alternative to any other financing method, the Common Council may provide for the payment of the initial cost of any public improvement from the proceeds of special assessment "B" bonds issued under Secs. 66.54(10) and (11), Wis. Stats. Special assessments to retire such bonds and pay the interest thereon shall be levied under Sec. 66.60, Wis. Stats., payable in such installments at a rate to be determined by the Council based upon borrowed money rates at the time of the special assessment.

Sec. 3-2-15 Special Charges for Fire Protection Costs — Developed Real Estate Not Connected with City Water System.

- (a) **Purpose.** The purpose of this Section shall be to declare the intent of the City that all developed parcels of real estate within the corporate limits of the City shall share in the cost of fire suppression services. Insofar as the developed parcels of real estate in the City

which are connected to its municipal water system are currently assessed a charge in connection with the provision of said water service, it is deemed equitable to assess a charge against those developed parcels of real estate which are, at any given time, hereinafter not connected to and receiving municipal water service from the City.

- (b) **Imposition of Special Charge.** In accord with Sections 66.60(16)(a), Wis. Stats., there is hereby created a special charge for current, available service in the form of fire suppression and protection services which are made available to each developed parcel of real estate located within the corporate limits of the City, and which developed real estate is not, prior to October 1st during the year for which the charge is assessed connected to and receiving water from the City's municipal water utility. Said charge shall be in the amount of Eighty-seven Dollars (\$87.00) per year (\$7.25 per month) and shall constitute a charge attributable to each such developed parcel of real estate without notice to the owners or occupants thereof. Said owners or occupants shall have the option of paying the charge directly to the City Clerk-Treasurer on or before October 1 of each calendar year. If not paid by said date, said charge shall automatically be extended upon the current tax roll as a tax upon the property.
- (c) **Definitions.** In this Section the term "developed parcel of real estate" shall mean a lot or other parcel of real estate, duly created whether by plat, certified survey or deed and upon which one (1) principal structure has been erected, built or placed. "Principal structure" shall mean a structure having a fixed or permanent location on the ground, used by the owner or occupant of said property for the primary or principal purpose to which the lot or parcel is devoted. Without limitation by enumeration, said uses shall include residential, commercial, industrial and institutional uses.

Title 3 ► Chapter 3

Public Records

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Sec. 3-3-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Authority.** Any of the following City of Bloomer entities having custody of a City 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.** That officer, department head, division head, or employee of the City designated under Section 3-3-3 or otherwise responsible by law to keep and preserve any City 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.** 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 printouts. "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

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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.

- (d) **Direct Cost.** The actual cost of personnel plus all expenses for paper, copier time, depreciation and supplies.
- (e) **Actual Cost.** The total cost of personnel including wages, fringe benefits and all other benefits and overhead related to the time spent in search of records.

Sec. 3-3-2 Duty to Maintain Records.

- (a) Except as provided under Sections 3-3-7 and 3-3-8, each officer and employee of the City 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) 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 therefor to the officer or employee, who shall file said receipt with the City Clerk-Treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the City Clerk-Treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

Sec. 3-3-3 Legal Custodian(s).

- (a) Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate the City Clerk-Treasurer to act as the legal custodian.
- (b) Unless provided in Subsection (c), the City Clerk-Treasurer or the City Clerk-Treasurer's designee shall act as legal custodian for the City and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Common Council. The following offices or authorities shall have as a legal custodian of records the individual so named.

Authority	Designated Legal Custodian
General City Records (including Council Records)	City Clerk-Treasurer
Fire Department	Fire Chief

Police Department

Chief of Police

Ambulance Service

Ambulance Billing Clerk

- (c) (1) As the custodian of the records of the City, the individuals in the positions designated in Subsection (b) shall be responsible to the Common Council for a timely response to any request for access to the public records of the City. The custodian shall be responsible for the release of the public records of the City, the conditions under which records may be inspected, and the collection of costs for the location, reproduction, and/or mailing or shipping of such records, as well as for the preparation of written statements denying access in whole or in part.
- (2) It is directed that all employees of the City be informed in writing that the above described officers have been designated the custodians of the public records of the City. Employees shall further be informed of the duties of the custodians and shall also be made aware of the other requirements and provisions of this policy.
- (d) For every authority not specified in Subsections (a) and (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- (e) Each legal custodian shall name a person to act as legal custodian in his or her absence or in the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the City Clerk-Treasurer.
- (f) The City Clerk-Treasurer shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on an annual basis.

Sec. 3-3-4 Public Access to Records.

- (a) **Powers of the Custodian of the Records of the City.**
 - (1) All requests for the release, inspection and/or reproduction of the public records of the City shall be directed or referred to the responsible custodian.
 - (2) The custodian is hereby vested with full legal power to make all necessary decisions relative to the withholding of or release, inspection and reproduction of public records and is further granted all authority necessary to carry out all duties and responsibilities required by either the Wisconsin Public Records Law [Sec. 19.31-19.39, Wis. Stats.] or this Chapter.
- (b) **Access Policies.**
 - (1) Except as provided in Section 3-3-6 any person has a right to inspect a record and to make or receive a copy of any record as provided in Sec. 19.35(1), Wis. Stats.
 - (2) Records will be available for inspection and copying during all regular office hours.
 - (3) 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 forty-eight (48) hours' advance notice of intent to inspect or copy.

- (4) A requester shall be permitted to use facilities comparable to those available to City employees to inspect, copy or abstract a record.
- (5) 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.

(c) **Adoption of Fee Schedule Regarding the Costs for the Location and/or Reproduction of the Records of the City.**

- (1) The Common Council hereby adopts a fee schedule in accord with Sec. 19.35(3), Wis. Stats., to cover the actual costs relating to the location, reproduction and mailing or shipping of any of the records of the City. It is intended that this fee schedule shall cover the payment of the actual, necessary and direct costs incurred in locating a document, in providing any person with a reproduction of any of the records of the City and in sending the same to the requestor. This schedule shall be reviewed periodically by the Common Council and adjusted by motion or resolution as the need arises. Exceptions to the fee schedule may be considered by the custodian.
- (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- and 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 therefor exceeds Fifty Dollars (\$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 shall require a cash deposit adequate to assure payment, if such estimate exceeds Five Dollars (\$5.00).
- (7) Elected and appointed officials of the City 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.

(d) **Notice.**

- (1) Pursuant to Sec. 19.34(1), Wis. Stats., the City hereby adopts a Notice as the official means of advising the public of the procedure of the City in responding to requests for release, inspection or reproduction of the records of the City.
- (2) The Notice is intended to provide all necessary information which might be required by a member of the public in order to obtain access to the records of the City. Any questions in regard to the Notice shall be directed to the custodian of the records of the City.

- (3) The Notice may be modified from time to time by Common Council action, but absent such modification, the decisions of the custodian of the records of the City shall be in conformity with its provisions.
- (4) Pursuant to Sec. 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. This Subsection does not apply to members of the Common Council.
- (e) **Indemnification of the Custodian of the Records of the City.** Any costs or fees incurred by the legal custodian of the records of the City shall be directly reimbursed by the City to the custodian and shall not be treated as the personal liability of the custodian.
- (f) **Separation of Information.** If a record contains information which may not be made public, the custodian shall separate from it such information as may be made public and make the latter available for inspection and reproduction. There shall be no fee charged for separation costs.

Sec. 3-3-5 Access Procedures.

- (a) 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 Sec. 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 3-3-4(f)(6). 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) 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 the reasons therefor. If the legal custodian, after conferring with the City 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) A request for a record may be denied as provided in Section 3-3-6. 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 Sec. 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

Sec. 3-3-6 Limitations on Right to Access.

- (a) As provided in Sec. 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 and files, although the material used as input for a computer program/file or the material produced as a product of the computer program is subject to inspection; and
 - (4) Pursuant to Sec. 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.
- (b) As provided by Sec. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this Section.
- (c) 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 City 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 requested 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 Sec. 19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.
 - (3) Pursuant to Sec. 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any City officer or employee, or the investigation of charges against

- a City officer or employee, unless such officer or employee consents to such disclosure.
- (4) Pursuant to Sec. 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.
 - (5) Pursuant to Sec. 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of City property, investing of City funds, or other City business whenever competitive or bargaining reasons require nondisclosure.
 - (6) Pursuant to Sec. 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 Sec. 19.85(1)(g), Wis. Stats., communications between legal counsel for the City and any officer, agent or employee of the City, when advice is being rendered concerning strategy with respect to current litigation in which the City or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Sec. 905.03, Wis. Stats.
 - (8) Pursuant to Sec. 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.
- (d) 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 City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when separating out the exempt material. If, in the judgment of the custodian and the City 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.
- (e) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats., or any successor statute thereto, then such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis. Stats., unless a court determines that is inaccurate, is, per Sec. 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.

Sec. 3-3-7 Retention and Destruction of Records.

- (a) **Historical Records.** Under Sec. 19.21(4)(a), Wis. Stats., municipalities must notify the State Historical Society of Wisconsin (SHSW) prior to destroying records. However, the SHSW has waived the required sixty (60) days notice for any record marked "W" (waived notice). SHSW must be notified prior to destruction of a record marked "N" (non-waived). Notice is also required for any record not listed in this Section.
- (b) **Microfilming or Optical Imaging of Records.** Local units of government may keep and preserve public records through the use of microfilm providing the microfilm or optical imaging meets the applicable standards in Sec. 16.612, Wis. Stats. Retention periods and estimated costs and benefits of converting records between media should be considered. After verification, paper records converted to microfilm or optical imaging should be destroyed. The retention periods identified in this Section apply to records in any media.
- (c) **Destruction After Request for Inspection.** No requested records may be destroyed until after the request is granted or sixty (60) days after the request is denied. If an action is commenced under Sec. 19.37, Wis. Stats., the requested record may not be destroyed until after a court order is issued and all appeals have been completed. [See Sec. 19.35(5), Wis. Stats.]
- (d) **Destruction Pending Litigation.** No record subject to pending litigation shall be destroyed until the litigation is resolved.
- (e) **Review and Approval By Public Records and Forms Board.** This Chapter and the retention periods of less than seven (7) years have been reviewed and approved by the Public Records and Forms Board.
- (f) **Legend.** The following terms shall be applicable in Sections 3-3-7 and 3-3-8:
 - (1) **Records Description.** Provides a brief description of the records. Group specific items such as forms into logical groups that have the same function or purpose.
 - (2) **Period of Retention.** Refers to the time that the identified records must be kept until destruction.

CR stands for creation which usually refers to receipt or creation of the record.

FIS stands for current fiscal year and the additional amount of time as indicated.

EVT stands for event and refers to an occurrence that starts the retention "clock ticking." Close of contract, termination of employees, and disposition of a case are common events.

P stands for permanent retention.

- (3) **Time.** Is expressed in years unless specifically identified as month or day.
- (4) **Authority.** Refers to any specific statutory, administrative rule, or specific regulation that determines retention of the record. In most cases this will be blank because units of government have discretion to establish a time period.

- (5) **SHSH Notify.** Refers to whether or not the State Historical Society of Wisconsin has waived the required statutory notification prior to destruction of records.

W means records are not historical and the required notification is waived.

N means the records may have secondary historical value and therefore SHSW notification is required on a case-by-case basis prior to destruction.

N/A means not applicable and refers to those circumstances where a local unit of government is retaining a record permanently.

Sec. 3-3-8 Specific Records Retention Provisions.

- (a) **Accounting Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority
		SHSW Notice
Accounts Payable:		
Purchase invoices	FIS + 7 years	W
Vouchers	FIS + 7 years	W
Accounts Receivable:		
A/R invoices	FIS + 7 years	W
Receipts	FIS + 7 years	W
Collection blotters	EVT + 1 year (after audit)	W

- (b) **Board of Review Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority
		SHSW Notice
Form of objection to property assessment and supporting documentation	EVT + 7 years (after final action by Board of Review or completion of appeal)	W
Minute book of Board of Review	CR + 7 years	N

Proceedings of the Board of Review on audio taps or as stenographic notes including any transcriptions thereof	EVT + 7 years (after final action by Board of Review or completion of appeal)	W
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Notice of Determinations of the Board of Review	EVT + 7 years (after final action by the Board of Review or completion of appeal)	W
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(c) **Budget and Audit Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority	SHSW Notice
Budget worksheets	FIS + 3 years		W
Minutes of the board of estimates	Permanent		N/A
Final budget	Permanent		N/A
Audit reports	Permanent		N/A

(d) **Building Permits and Inspection Records.** The following records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority	SHSW Notice
Applications and permits	EVT (Life of structure)		W
Code Compliance inspection-reports	EVT (Life of structure)		W
Inspection address file	EVT (Life of structure)		W
Certificates of occupancy	EVT (Until superseded)		W

Energy calculation worksheets	CR + 3 years	
State approved commercial building plans	EVT + 4 years	W
Permit fee receipts	FIS + 7 years (provided record has been audited)	W
Permit ledger	CR + 7 years	W
City attorney's case file, copy	EVT + 1 year (after case has been closed)	W
Quarter section maps, copies	EVT (Until superseded)	W
Records of the Zoning Board of Appeals (includes minutes of board and supporting documents submitted to Board)	Permanent	N/A
Records of the Plan Commission (includes minutes of meetings of Commission and supporting documents submitted to the Commission)	Permanent	N/A

- (e) **Election Records.** All materials and supplies associated with an election may be destroyed according to the following schedule unless there is a recount or litigation pending with respect to the election:

Records	Period of Retention	Authority SHSW Notice
Voter serial number slips	EVT + (14 days after a primary) (21 days after an election)	W

Applications for absentee ballots	EVT + (90 days after the election) (22 months after the election for federal offices)	W
Forms associated with election such as tally sheets, inspector's statements and nomination papers	EVT + (90 days after the election) (22 months after the election for federal offices)	W
Official canvass statements	EVT + (10 years after the election)	W
Registration and poll lists Nonpartisan primaries and elections	EVT + (2 years after the election for which they were created)	W
Registration and poll lists Partisan primaries and general election	EVT + (4 years after the election for which they were created)	
Cancelled registration cards	EVT + (4 years after cancellation)	W
Election notices	EVT + (1 year after the election) (22 months for federal elections)	W
Proofs of publication and correspondence relative to publications	EVT + (1 year after the election) (22 months for federal elections)	W
Campaign registration statements	EVT + (6 years after termination by the registrant)	W
Campaign finance reports	EVT + (6 years after date of receipt)	W

- (f) **Engineering and Public Works Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority	SHSW Notice
Field notes	Permanent		N/A
Benchmark books	Permanent		N/A
Section corner monument logs	Permanent		N/A
Aerial photographs	EVT (Until superseded)		W
City maps	Permanent		N/A
Water, storm, and sanitary sewer main maps	Permanent		N/A
Profile & grade books	Permanent		N/A
Excavation plans of private utilities	Permanent		N/A
Index to maps	Permanent		N/A
Preliminary subdivision plats	EVT (Until superseded by final plat)		W
Final subdivision plats	Permanent		N/A
Annexation plats	Permanent		N/A
Assessor's plats	Permanent		N/A
Structure plans for City buildings and bridges	EVT (Life of the structure)		N

Annual reports	Permanent	N/A
Records of the Plan Commission (includes minutes of meetings of the Commission and supporting documents submitted to the Commission)	Permanent	N/A
Records of the Zoning Board of Appeals (includes minutes of the meetings of the board and supporting documents submitted to the board)	Permanent	N/A
House number and address change file	Permanent	N/A
Street vacations and dedications, copies	EVT (Retain for active reference life)	W
Permits (includes permits for the excavation of streets by private utility companies)	EVT + 3 years	W
Petitions for street and sewer systems	EVT + 2 years	W
Special assessment calculations	EVT + 2 years	W
TV sewer inspection records	EVT (Until superseded)	W
State highway aide program records	FIS + 7 years	W

- (g) **Fidelity Bond Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority	SHSW Notice
Oath of office	EVT + 5 years (after the term of service covered by the oath has ended)		W

- (h) **Insurance Records and Policies.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority	SHSW Notice
Policy	FIS + 7 years		W
Policy bids, unsuccessful	EVT + 1 year		W
Claims	EVT + 7 years		W

- (i) **Journals, Registers and Ledger.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority	SHSW Notice
Receipts journal	FIS + 15 years		W
Voucher/order register	FIS + 15 years		W
General journal	FIS + 15 years		W
Journal voucher	FIS + 15 years		W
Appropriation journal	FIS + 15 years		W
Appropriation journal voucher	FIS + 15 years		W

General ledger	FIS + 15 years	W
Trial balance	EVT (Until audited)	W

- (j) **Legal Opinions.** Legal opinions rendered shall not be destroyed and shall be retained permanently.
- (k) **Licenses and Permits.** The following public records may be destroyed after the expiration of the designated retention period.

Records	Period of Retention	Authority SHSW Notice
Liquor and beer related license applications	EVT + 4 years	W
Other license applications	EVT + 3 years	W
Receipts	CR + 4 years	W
License stubs: All liquor and beer related	CR + 4 years	W
Other	CR + 3 years	W
Dog licenses monthly reports to County Clerk	CR + 3 years	W

- (l) **Municipal Court Records.** The legal custodian, as defined in Sec. 19.33, Wis. Stats., of the following records concerning the City of Bloomer Municipal Court, (if one is created) or his or her designee(s), may destroy the following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority SHSW Notice
Audio tape recordings of trials or juvenile matters	EVT (Until expiration of statute of limitations to appeal to circuit court)	W

Municipal Court case files	EVT + 6 years (after entry of final judgment)	W
Municipal Court case files, City Attorney's copies	EVT + 6 months (after entry of final judgment)	W
Municipal Court minutes record	EVT + 5 years (after entry of final judgment)	W
Municipal Court record	EVT + 5 years (after entry of final judgment)	W
Municipal Court judgment docket a record of all money judgment	EVT + 20 years (after final docket entry)	W

- (m) **Payroll Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority SHSW Notice
Payroll support record	FIS + 2 years	W
Employee's withholding allowance certificate	EVT + 5 years (after being superseded)	W
Employee's WI. withholding exemption certificate	EVT + 5 years (after being superseded)	W
Employee enrollment and waiver cards	EVT + 2 years (after being superseded or terminated)	W
Employee earning records	FIS + 5 years	W
Payroll check register	FIS + 5 years	W

Payroll distribution record	FIS + 5 years	W
Payroll voucher	FIS + 5 years	W
Cancelled payroll checks	FIS + 5 years	W
Wage and Tax Statement	FIS + 5 years	W
Report of WI. Income Tax	FIS + 5 years	W
Employer's Annual Reconciliation of WI Income Tax withheld from wages	FIS + 5 years	W
Federal deposit tax stub	FIS + 5 years	W
Quarterly report of federal income tax withheld	FIS + 5 years	W
Annual report of federal income tax withheld	FIS + 5 years	W
State's quarterly report of wages paid	FIS + 5 years	W
Monthly memorandum report	FIS + 5 years	W
Quarterly report, payroll summary	FIS + 5 years	W
Premium due notices	FIS + 5 years	W

(n) **Public Safety Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority	SHSW Notice
Traffic citations (and accompanying documentation) sent through City Municipal Court (if created)	EVT + 1 year (after closed)		W
Ordinance Citations	EVT + 2 years (after closed)		W
All accounting records	CR + 7 years		W
Electronic recordings of court proceedings which were appealed	EVT + 7 years		W
Court statistical reports	CR + 7 years		N
Arrestment calendars	CR + 7 years		W
Warrant and commitment listings	CR + 7 years		W
Municipal Court correspondence	CR + 7 years		W
Electronic recordings of court proceedings which were not appealed	EVT + 6 months		W
Personnel records	EVT + 8 years		W
Property inventory records	EVT + 8 years		W
Citizen complaints against police officers	EVT + 8 years		W

Investigation and citation records:		
arrest records	EVT + 8 years	W
incident records	EVT + 10 years	W
fingerprint cards	EVT + 8 years	W
evidence cards	EVT + 10 years	W
work schedules	CR + 7 years	W
accident reports	EVT + 4 years	W
investigation reports	EVT + 10 years (from date of closing investigation)	W
Audio and video tape recordings:		
Police dispatch audio tapes	CR + 120 days	W
Police video tapes	CR + 120 days	W
Information teletype messages	CR + 30 days	W
Medical records, re: occupational	EVT + 30 years	W
Training records for exposure control	CR + 3 years	W

- (o) **Public Works Projects and Contracts.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority
		SHSW Notice
Notice to contractors	EVT + 7 years (after completion of project)	W
	EVT + 2 years (for unsuccessful bidders)	W

Certified check	EVT (Retain until contract has been signed and return to bidder)	W
Bid bond	EVT + 7 years (after completion of project)	W
	EVT + 2 years (for unsuccessful bidders)	W
Bidder's proof of responsibility	EVT + 7 years (after completion of project)	W
	EVT + 2 years (for unsuccessful bidders)	W
Bids	EVT + 7 years (after completion of project)	W
	EVT + 2 years (for unsuccessful bidders)	W
Affidavit of organization and authority	EVT + 7 years (after completion of project)	W
	EVT + 2 years (for unsuccessful bidders)	W
Bid tabulations	EVT + 2 years	W
Performance bond	EVT + 7 years (after completion of project)	W
Contract	EVT + 7 years (after completion of project)	W
Master project files	EVT + 20 years (after life of structure)	N
Blueprints	EVT (Until superseded by the as-built tracings)	W

As-built tracings EVT (Life of the project) N

- (p) **Purchasing Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority	SHSW Notice
Purchase requisitions	EVT + 1 year (after PO issued)		W
Purchase orders	FIS + 7 years		W
Receiving report	FIS + 7 years		W
Bids, successful	EVT + 7 years (after contract has expired)		W
Bids, unsuccessful	EVT + 1 year (after after PO issued)		W
Inventory of property	EVT (Retain until superseded)		W

- (q) **Real Property Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority	SHSW Notice
Deeds	Permanent		N/A
Opinions of title	Permanent		N/A
Abstracts and certificates of title	Permanent		N/A
Title insurance policies	Permanent		N/A
Plats	Permanent		N/A

Easements	Permanent	N/A
Leases	EVT + 7 years (after termination of lease)	W
Vacation or alteration of plat	Permanent	N/A

- (r) **Sewer, Electric and Water Utility Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority SHSW Notice
Water stubs	FIS + 2 years	W
Receipts of current billings	FIS + 2 years	W
Customer's ledgers of municipal utilities	FIS + 2 years	W
All other utility records	CR + 7 years	W
Water quality laboratory tests (deep well water analysis detail and summary reports; chemical and bacteriological analysis of municipal drinking water detail and summary reports; municipal drinking water fluoride analysis; and water quality control readings)	EVT + 5 years (if information has been transferred to a permanent test site file location) EVT + 1 year	W
Maps showing the location and physical characteristics of the utility plant	EVT (Until map is superseded)	W

Engineering records in connection with construction projects	EVT (Until record is superseded or 6 years after plant is retired provided mortality data are retained)	W
Operating records: Station pumpage records	CR + 15 years or EVT + 3 years (after the source is abandoned)	W
Interruption records	CR + 6 years	W
Meter rest records	EVT (see PSC 185.46)	W
Meter history records	EVT (Life of meter)	W
Annual meter accuracy summary	CR + 10 years	W
Pressure records	CR + 6 years	W
Customer records: complaint records customer deposit	CR + 3 years EVT + 6 years (after refund)	W W
meter reading sheets or cards billing records	CR + 6 years CR + 6 years	W W
Filed rates and rules	Permanent	W
Analyses of any water samples taken from the water system	EVT + 10 years (pursuant to NR 109.12)	W

- (s) **Special Assessment Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority	SHSW Notice
Preliminary resolution	CR + 2 years after created		W
Report on special assessment project	CR + 2 years after created		W
Waiver of special assessment notice and hearing	EVT + 1 year (after final resolution is approved)		W
Final resolution	Permanent		N/A
Certified special assessment roll	EVT (Retain until all assessments are collected)		W
Statement of new special assessments	CR + 5 years		W
Special assessment payment register	EVT (Retain until all assessments are collected)		W

- (t) **Street and Highway Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority	SHSW Notice
Street operations file	CR + 2 years after created		W
Street and sidewalk maintenance and repair	CR + 25 years		W
Tree planting, inspection, trimming and removal	CR + 25 years		W

Stock control records	CR + 2 years	W
Fuel usage reports	CR + 2 years	W
Heavy equipment and vehicle	EVT (Life of equipment and/or vehicle inventory ledger or until inventory ledger is superseded)	W
Vehicle maintenance histories	EVT (Life of vehicle)	W
Vehicle expense reports	EVT (Life of vehicle)	W
Vehicle usage reports	CR + 2 years	W
Payroll support records	CR + 2 years	W
Purchasing records	CR + 7 years	W
Complaint ledger	CR + 2 years	W
Monthly reports	CR + 3 years	W
Annual reports	Permanent	N/A

- (u) **Tax Calculation Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority SHSW Notice
Escrow account list	EVT (Retain until superseded)	W
Receipts	FIS + 7 years	W
Receipt stub book	FIS + 7 years	W
Tax collection blotters	EVT (Until audited)	W

Statement of taxes remaining unpaid	EVT (Retain with tax roll)	W
Tax settlement receipt	FIS + 5 years	W
Municipal treasurer's settlement	FIS + 5 years	W
Personal property tax roll	FIS + 15 years	N

- (v) **Treasurer's Records.** The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	Authority SHSW Notice
Minute books	Permanent	N/A
Audio tapes	CR + 1 year; 90 days if made solely for the purpose of drafting the minutes	W
Ordinances	Permanent	N/A
Resolutions	Permanent	N/A
Ordinance book	Permanent	N/A
Affidavits of publication	CR + 3 years	W

Sec. 3-3-9 Preservation Through Microfilm.

Any City officer or the director of any department or division of City government may, subject to the approval of the City Clerk-Treasurer, 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 Sec. 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 Sections 3-3-4 through 3-3-6 of this Chapter.

Title 3 ► Chapter 4

Disposal of Lost, Abandoned and Surplus Property

3-4-1 Disposal of Surplus City Property

3-4-2 Lost and Abandoned Property

Sec. 3-4-1 Disposal of Surplus City Property.

(a) **Definitions.**

(1) "Surplus City Property" is that property which is owned by the City of Bloomer and which has no further usefulness to the City. An item of property shall be considered to have no further usefulness when:

- a. The item or its function has been totally replaced by other City property and no probable future function exists for it; or
- b. The City no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
- c. The item is no longer able to reliably or economically perform the work required of it.

(2) Surplus property as defined in this Chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus City property shall not include property which is obtained by the City as a result of abandonment or loss by the property's original owner. Surplus City property shall not include items of property which are traded in for newer items. Surplus City property shall not include library materials used by the public library for lending purposes.

(b) **Reporting.** Each department will file with the City Clerk-Treasurer on an annual basis a preprinted form stating what property is currently held by each department and that property which is ready for disposal.

(c) **Disposition of Surplus City Property.**

(1) All property owned by the City of Bloomer, which is no longer used, or is unclaimed property which has been surrendered to various City departments, as well as other property which has been confiscated by the Police Department, shall only be disposed of on a quarterly basis as follows:

- a. Donation to a nonprofit organization within the City or to a governmental agency;
 - b. Public auction or sale;
 - c. Sale by sealed bid;
 - d. Negotiated sale; or
 - e. Traded in.
- (2) In the event of a public auction or sale by sealed bid, the item will be sold in "as-is" condition to the person submitting the highest bid provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the City Clerk-Treasurer. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the City and the amount of the bid shall be forfeited to the City. In the event no bids are received, the item shall be disposed of as directed by the City Clerk-Treasurer.
- (3) The City Clerk-Treasurer shall, within ten (10) days of sale, auction or accepting bids, advertise such sale, auction, or bids in the official newspaper of the City of Bloomer.
- (4) Whenever the fair market value of an item is Five Hundred Dollars (\$500.00) or less and has been determined, pursuant to the previous Section, that it is surplus City property, the item shall be either disposed of as set forth above or destroyed.
- (d) **Determination of Fair Market Values.** Whenever this Chapter requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final.
- (e) **Authority to Dispose of Property.**
- (1) Except for library materials used by the public library for lending purposes, only the City Clerk-Treasurer may dispose of City property which is not surplus City property.
 - (2) Whenever this Section provides for an auction or other disposition of any property, the City Clerk-Treasurer shall be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property provided, however, that the fees of such auctioneer and all such costs, other than those for City labor and the use of City property, do not exceed the payment received by the City from the auction or sale of the property.

Sec. 3-4-2 Lost and Abandoned Property.

- (a) **City Custody of Lost or Abandoned Property.**
- (1) Property which appears to be lost or abandoned, discovered by officers or turned in to the Chief of Police by citizens shall be disposed of according to this Section.
 - (2) Lost and abandoned property will be examined by the Chief of Police for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Chief of Police to attempt to contact the owner to return the

property. If no identifying marks are present, the property shall be taken into custody by the Chief of Police.

- (3) No City employee shall keep for his or her own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
- (4) The Chief of Police shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
- (5) No City employee shall receive any lost, stolen, abandoned or other unclaimed property from the Chief of Police, unless that person receives a written receipt signed by the Chief of Police, a copy of which shall remain with the City Clerk-Treasurer.
- (6) Such property in the possession of the Police Department shall be disposed of pursuant to Department policies.

(b) **Disposal Procedures.**

- (1) **Classes of Property.** All property which has been abandoned, lost or remained unclaimed for a period of thirty (30) days after the taking of possession of the same by the City shall be disposed of as follows, except that if the property is usable for City operations, the property need not be sold at auction, but may become the property of the City.
 - a. **Vehicles:** Vehicles shall be disposed of as set forth in the applicable provisions of Title 10, Chapter 5, of this Code of Ordinances.
 - b. **Intoxicating Liquor and Fermented Malt Beverages:** Intoxicating liquor and fermented malt beverages shall be destroyed.
 - c. **Firearms, Ammunition and Explosives:** Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms bureau of the U.S. Department of Treasury. any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief, after consulting with the County Sheriff's Department, are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.
 - d. **Other Property:** Other property shall be disposed of according to the procedures in Section 3-4-1.
 - e. **Illegal Property:** Property which cannot be legally possessed shall be destroyed.
- (2) **Lost Property.** Property which is found by persons and delivered to the Chief of Police for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this Section until thirty (30) days after mailing to the person finding the property a notice that he may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the property or its value shall

be given the finder. This provision shall not apply to any City employee finding property in the regular course of his employment.

- (3) **Payment to City Treasury.** All sums received from the sale of property under this Section shall be paid to the City Treasury.

State Law Reference: Section 66.28, Wis. Stats.

TITLE 4

Administrative Determinations Review

Chapter 1 Review of Administrative Determinations

Title 4 ► Chapter 1

Review of Administrative Determinations

4-1-1	Review of Administrative Determinations
4-1-2	Determinations Reviewable
4-1-3	Determinations Not Subject to Review
4-1-4	Municipal Authority Defined
4-1-5	Persons Aggrieved
4-1-6	Reducing Determination to Writing
4-1-7	Request for Review of Determination
4-1-8	Review of Determination
4-1-9	Administrative Appeal
4-1-10	Hearing on Administrative Appeal
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Sec. 4-1-1 Review of Administrative Determinations.

Any person aggrieved by an administrative determination of the Common Council or a board, commission, committee, agency, officer or employee of the City of Bloomer or agent acting on its behalf may have such determination reviewed as provided in this Chapter. 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.

Sec. 4-1-2 Determinations Reviewable.

The following determinations are reviewable under this Chapter:

- (a) 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.
- (b) The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in Section 4-1-3(d).

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- (c) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (d) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- (e) The suspension or removal of a City officer except as provided in Sections 4-1-3(b) and (g).

State Law Reference: Section 68.02, Wis. Stats.

Sec. 4-1-3 Determinations Not Subject to Review.

The following determinations are not reviewable under this Chapter:

- (a) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Common Council.
- (b) Any action subject to administrative or judicial review procedures under state statute or other provisions of this Code.
- (c) The denial of a tort or contract claim for money required to be filed with the City under Sec. 62.25, Wis. Stats.
- (d) The grant, denial, suspension or revocation of a fermented malt beverage or intoxicating liquor license under Chapter 125, Wis. Stats.
- (e) Judgments and orders of a court.
- (f) Determinations made during municipal labor negotiations.
- (g) Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements or the City's personnel rules and regulations.

State Law Reference: Section 68.03, Wis. Stats.

Sec. 4-1-4 Municipal Authority Defined.

"Municipal authority" includes the Common Council, commission, committee, agency, office, employee, or agent of the City making a determination under Section 4-1-1 and every person, committee, or agency of the City to make an independent review under Section 4-1-8(b).

State Law Reference: Section 68.05, Wis. Stats.

Sec. 4-1-5 Persons Aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the City 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 City who is aggrieved may initiate review under this Chapter of a determination of any other department, board, commission, agency, officer or employee of the City 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.

Sec. 4-1-6 Reducing Determination to Writing.

If a determination subject to this Chapter is made orally or, if in writing, does not state the reasons therefor, 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 therefor 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/her 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.

Sec. 4-1-7 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.

Sec. 4-1-8 Review of Determination.

- (a) **Initial Determination.** If a request for review is made under Section 4-1-7, the determination to be reviewed shall be termed an initial determination.

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- (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 City, appointed by the Mayor without confirmation, shall be provided if practicable.
- (c) **When to Make Review.** The municipal authority shall review the initial determination within fifteen (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/her 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/her 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.

Sec. 4-1-9 Administrative Appeal.

- (a) **From Initial Determination or Decision on Review.**
 - (1) If the person aggrieved had a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he/she may elect to follow Sections 4-1-6 through 4-1-8, but is not entitled to a further hearing under Section 4-1-10 unless granted by the municipal authority. He/she may, however, seek judicial review under Section 4-1-12.
 - (2) If the person aggrieved did not have a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he/she shall follow Sections 4-1-6 through 4-1-8 and may appeal under this Section from the decision made under Section 4-1-8.
- (b) **Time Within Which Appeal May be Taken Under This Section.** Appeal from a decision on review under Section 4-1-8 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: Section 68.10, Wis. Stats.

Sec. 4-1-10 Hearing on Administrative Appeal.

- (a) **Time of Hearing.** The City shall provide the appellant a hearing on an appeal under Section 4-1-9 within fifteen (15) days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least ten (10) days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the City Attorney and City Clerk-Treasurer who shall forthwith advise the Mayor 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 Mayor shall appoint an impartial decision maker who may be an officer, committee, board or commission of the City or the Common Council 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 Mayor 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 City.
- (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.

Sec. 4-1-11 Final Determination.

- (a) Within twenty (20) days of completion of the hearing conducted under Section 4-1-10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- (b) A determination following a hearing substantially meeting the requirements of Section 4-1-10 or a decision on review under Section 4-1-8 following such hearing shall be a final determination, judicial review of which may be obtained under Section 4-1-12.

State Law Reference: Section 68.12, Wis. Stats.

Sec. 4-1-12 Judicial Review.

- (a) Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within thirty (30) days of receipt of the final determination.
- (b) The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review established impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the City 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.

Sec. 4-1-13 Legislative Review.

- (a) Seeking review pursuant to this Chapter does not preclude a person aggrieved from seeking relief from the Common Council or any of its boards, commissions, committees or agencies which may have jurisdiction.
- (b) If in the course of legislative review under this Section a determination is modified, such modification and any evidence adduced before the Common Council, board, commission, committee or agency shall be made part of the record on review under Section 4-1-12.
- (c) The Common Council, board, commission, committee or agency conducting a legislative review under this Section need not conduct the type of hearing required under Section 4-1-10.

State Law Reference: Section 68.14, Wis. Stats.

TITLE 5

Public Safety

Chapter 1	Law Enforcement
Chapter 2	Fire Prevention
Chapter 3	Safety Codes
Chapter 4	Regulation of Alarm Systems

Title 5 ► Chapter 1

Law Enforcement

- 5-1-1 Organization of Police Department
- 5-1-2 Police Records
- 5-1-3 General Powers of Police Officers
- 5-1-4 Responsibilities of Chief of Police
- 5-1-5 Maintenance of Personnel Records and Performance Evaluations
- 5-1-6 Civilians to Assist
- 5-1-7 Hearing Authorities for Suspension or Removal of Law Enforcement Officers

Sec. 5-1-1 Organization of Police Department.

The Bloomer Police Department shall consist of a Chief of Police and such other officers and assistants as from time to time may be employed by the Common Council, pursuant to the provisions of this Code of Ordinances.

Sec. 5-1-2 Police Records.

There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the City, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

Sec. 5-1-3 General Powers of Police Officers.

Every member of the Police Department shall:

- (a) Familiarize himself/herself with the ordinances of the City and the Statutes and attend to the enforcement of such ordinances by all lawful means.
- (b) Help prevent crimes, misdemeanors and violations of City ordinances and protect the health, safety, public peace and order of the City and its inhabitants.

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- (c) Report all street obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets to the appropriate person or organization responsible for their repair or service.
- (d) Maintain order at the scene of a fire or any other fire response within the City.
- (e) See that the necessary permits and licenses issued by the State or City are in the possession of or properly displayed by any person engaged in an activity or business within the City for which such permit or license is required and that the terms of such permits or licenses are complied with.
- (f) Perform such other lawful duties as ordered by the Chief of Police or his/her authorized representative.

Sec. 5-1-4 Responsibilities of Chief of Police.

- (a) **Duties.** In addition to the duties imposed upon him/her elsewhere in this Code of Ordinances, the Chief of Police shall:
 - (1) Have command of the Police Department on administrative matters, subject to the general direction of the Mayor, pursuant to the Wisconsin Statutes.
 - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He/she shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
 - (3) Submit such reports and/or information and comply with such policies as may be prescribed by the Council.
 - (4) Have exclusive control of the assignment, hours of duty, and transfer of all members of the Department.
 - (5) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the City as are within its jurisdiction. The Chief of Police shall supervise the preparation and presentation of annual reports and budgets for the Police Department. The Chief of Police shall be required to certify to the correctness of all bills incurred by the Department.
 - (6) Strive to maintain suitable, productive relationships with other City departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. The Chief of Police shall cooperate and exchange information with other City departments in matters relating to their various functions.

- (7) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- (b) **Custody of Department Equipment.** The Chief of Police shall be the custodian of all City property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
- (c) **Custody of Department Property.** The Chief of Police shall be the custodian of all property and be responsible for the safekeeping, lawful disposition and accurate record of the same. The Chief of Police shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

Sec. 5-1-5 Maintenance of Personnel Records and Performance Evaluations.

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. The Chief of Police shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. The Chief of Police shall keep himself/herself adequately informed of the activities of the Department and be assured that the duties of his/her subordinates are properly discharged. The Chief of Police shall formulate procedures for recognizing outstanding performance by Department members for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes and Rules of the Department.

Sec. 5-1-6 Civilians to Assist.

All persons in the City, when called upon by any police officer or peace officer, shall promptly aid and assist him/her in the execution of his/her duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Title 1 of this Code of Ordinances.

Sec. 5-1-7 Hearing Authorities for Suspension or Removal of Law Enforcement Officers.

Pursuant to Sec. 62.13(6m), Wis. Stats., the City may not suspend, reduce, suspend and reduce or remove any police chief or other law enforcement officer who is not probationary, and for

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whom there is no valid and enforceable contract of employment or collective bargaining agreement which provides for a fair review prior to that suspension, reduction, suspension and reduction or removal, unless the City does one (1) of the following:

- (a) Establishes a committee of not less than three (3) members, none of whom may be an elected or appointed official of the City or be employed by the City. The committee shall act under Section 62.13(5) in place of a board of police and fire commissioners. The Common Council may provide for some payment to each member for the member's cost of serving on the committee at a rate established by the Common Council.
- (b) Appoint a person who is not an elected or appointed official of the City and who is not employed by the City. The person shall act under Section 62.13(5) in place of a board of police and fire commissioners. The Common Council may provide for some payment to that person for serving under this subdivision at a rate established by the Common Council.

Title 5 ► Chapter 2

Fire Prevention

- 5-2-1** Fire Department Organization; Goals of the Department
- 5-2-2** Powers and Duties of Chief
- 5-2-3** Impeding Fire Equipment Prohibited
- 5-2-4** Police Power of the Department; Investigation of Fires
- 5-2-5** Damaging Fire Hose Prohibited; Parking by Hydrants;
Blocking Fire Lanes
- 5-2-6** Firefighters May Enter Adjacent Property
- 5-2-7** Duty of Bystanders to Assist
- 5-2-8** Interference with Use of Hydrants Prohibited
- 5-2-9** Open Burning
- 5-2-10** Banning and/or Regulating the Use of Fire Burning Materials
and Fireworks During the Existence of Extreme Fire Danger
- 5-2-11** Special Charge for Fire Protection Costs — Developed Real
Estate Not Connected with City Water System
- 5-2-12** Service Charges for Fire Suppression Costs
- 5-2-13** False Alarm Costs to be Assessed

Sec. 5-2-1 Fire Department Organization; Goals of the Department.

- (a) **Fire Department Established.** The Bloomer Fire Department shall be responsible for the program of fire defense for the citizens and property within the City of Bloomer. The Bloomer Fire Department is hereby officially recognized as the Fire Department of the City of Bloomer and the duty of fire fighting and the prevention of fires in the City is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this Chapter and by such bylaws adopted by the Department as are approved by the Common Council, except as otherwise provided by law and ordinance.
- (b) **Goals of the Fire Defense Program.**
 - (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
 - (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.

(3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.

(c) **Appropriations.** The Common Council shall appropriate funds to provide for personnel, operation and for such apparatus and equipment for the use of the Fire Department, as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

(d) **Fire Department Organization and Reports.**

(1) **Organization.** The Fire Department shall be organized and the Chief, subordinates and members thereof shall be chosen and appointed in the manner provided by law. The organization of said Department as now existing is hereby continued, subject, however, to the provisions of law and of this Section.

(2) **Rules.** The Fire Department shall have power to adopt a constitution, rules and by-laws for the proper management of its affairs and business and the government and discipline of its members, not inconsistent with law or with this Section or incompatible with the objects for which said Department is created.

(3) **How Constituted.** The Fire Department shall consist of the number of members established from time to time by the Common Council.

(4) **Officers.** The officers of the Fire Department shall be a Chief, who shall be appointed for a two (2) year term by majority vote of the Common Council, subject to the approval of the majority of the Town Chairpersons of the townships that the Fire Department provides service to, an Assistant Chief, Secretary and other such officers as may be provided for by constitution and bylaws of the Department, and to be appointed, for the terms, as therein provided.

(5) **Reports of Chief.** The Chief shall report to the Council from time to time at his/her discretion or upon request by said Common Council. He/she shall report to the Council all cases of vacancy immediately after their occurrence, and recommend suitable persons to fill the same. And he/she shall perform such other duties conforming with his/her office as may from time to time be required of him/her by the Council.

(6) **Reports of Secretary.** He/she shall prepare all statements and bills to the City for services rendered by members of the department, giving the names of the members present at each drill or fire, together with the payment due each member so present and served, which report shall also be signed by the Chief, with his/her recommendations, and shall be filed with the City Clerk-Treasurer.

(7) **Compensation of Members.**

a. Compensation of Fire Department members shall be determined at an annual joint meeting of the Common Council and Town Chairpersons of the townships served by the Fire Department.

b. The salary of the Fire Chief and other officers of the Fire Department shall be decided at the above said meeting and shall be paid in one (1) lump sum annually during the month of April.

- c. Department members shall be compensated for each regular meeting, training drills and additional work periods providing they attend the entire meeting. The rate of compensation shall be determined at the annual meeting and be paid annually during the month of December.
 - d. Members attending, and assisting in the extinguishing of, a fire shall be paid an hourly rate to be determined at the annual meeting. Attendance time shall be rounded to the nearest one-half (1/2) hour. Compensation for fire attendance shall be paid monthly.
 - e. Members responding to the fire hall when called but which are unable to respond to the actual fire shall be compensated the equivalent rate of one-half (1/2) hour attendance.
 - f. All Fire Department members responding to the fire hall for a fire call which is canceled prior to the departure of the trucks, shall be compensated as in Subsection (d)(7)e above.
- (8) **Attendance.** Any member failing to attend three (3) consecutive monthly meeting, without prior approval of the Fire Chief, shall be suspended from said Fire Department. All members of the Department are expected to attend a reasonable percentage of the fires experienced each year. The "reasonable percentage" shall be established by the Fire Chief and the attendance committee of the Fire Department members.

Sec. 5-2-2 Powers and Duties of Chief.

- (a) **General Supervision.** The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this Chapter and the bylaws of the Department. He/she shall be responsible for the personnel and general efficiency of the Department.
- (b) **Presiding Officer.** The Chief shall preside at all meetings, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this Chapter and bylaws.
- (c) **Command of Fire Fighting Operations.** The Chief shall be present at all fires, and have complete command and entire responsibility of all fire fighting operations, plan the control of the same, direct the action of the Department when it arrives at the fire, observe that the Department does its duty, grant leaves of absence at a fire when he may deem it proper, and see that the fire apparatus is kept in proper condition at all times.
- (d) **Disciplinary Actions.** The Chief may demote or expel any officer or member of the Department for neglect or refusal to perform his/her departmental duties, or for non-residence, subject to an appeal from such demotion or expulsion to the Common Council.
- (e) **Department Budget.** Not later than October 1 of each year, the Chief shall file with the City Clerk-Treasurer a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

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- (f) **Enforcement of Fire Prevention Ordinances.** The Fire Chief shall enforce all fire prevention ordinances of the City and State laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods and on the activities of the Department.
- (g) **Fire Record Book.** He/she shall keep a fire record book of every fire to which the Department was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, estimated fire loss, time fire was extinguished, names of men responding and general remarks.
- (h) **Apparatus Inventory.** He/she shall keep an inventory of all apparatus and equipment, and an inventory of all hose showing dates and results of tests on each length, which shall be individually numbered.
- (i) **Duties of Commanding Officer.** He/she shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

Sec. 5-2-3 Impeding Fire Equipment Prohibited.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Bloomer Fire Department along the streets or alleys of such City at the time of a fire or when the Fire Department of the City is using such streets or alleys in response to a fire alarm or for practice.

Sec. 5-2-4 Police Power of the Department; Investigation of Fires.

- (a) **Police Authority at Fires.**
 - (1) The Fire Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
 - (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and law enforcement officers and those admitted by order of any officer of the Department, shall be permitted to come.
 - (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he/she shall 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 impedes the work of the Department during the progress of a fire

(b) **Fire Inspection Duties.**

- (1) The Fire Chief shall be the Fire Inspector of the City of Bloomer and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Wisconsin Department of Commerce (formerly the Department of Industry, Labor and Human Relations), particularly Section 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the City of Bloomer at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary.
- (3) The Chief of the Fire Department is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1 of each year. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Inspector shall also investigate the storage and handling of explosives and inflammable liquids within the City.
- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Wisconsin Department of Commerce (formerly the Department of Industry, Labor and Human Relations). A copy of such reports shall be filed with the Fire Chief.

State Law Reference: Section 101.14(2), Wis. Stats.

Sec. 5-2-5 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes.

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the City, and no vehicle shall be driven over any unprotected

hose of the Fire Department 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 Department official in command.

- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

Sec. 5-2-6 Firefighters May Enter Adjacent Property.

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighter in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his/her assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

Sec. 5-2-7 Duty of Bystanders to Assist.

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

Sec. 5-2-8 Interference with Use of Hydrants Prohibited.

No person shall occupy any portion of such streets or alleys with a motorized 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.

Sec. 5-2-9 Open Burning.

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the City of Bloomer excepting as set forth below in this Section. This prohibition on burning includes burning of construction waste and debris at construction sites.
- (b) **Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
 - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, or his/her designee, may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris;
 - (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, may be permitted.
 - (4) Recreational burning pits lined with incombustible material provided they are located at least twenty-five (25) feet from any structure.
 - (5) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (2) and (3) above.
 - (6) Open burning when a permit is issued.
 - (7) Practice fires conducted by the Fire Department.
- (c) **Application for Permit.**
- (1) **Procedure for Issuance of Burning Permit.** Before the setting or starting of any open burning permitted under this Section, a permit authorizing the burn shall be first obtained by the owner, operator, or agent from the Fire Chief. Application for a burning permit shall be made in writing upon a form furnished by the Fire Chief. The Fire Chief, may also establish from time to time special rules or restrictions relating to open burning by permit. Such rules may govern conditions including, but not necessarily limited to, the following:
 - a. Hours when burning is allowed;
 - b. Day(s) when burning is allowed;
 - c. Material which may or may not be burned;
 - d. Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
 - e. The length of time the permit is valid;
 - f. What constitutes an approved burning device or incinerator;
 - g. The size of the material pile burned by open burning;
 - h. The distance or distances to be maintained between the material being burned and other flammable material;

- i. Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site;
 - j. The manner in which ashes created by the burning under the permit are to be disposed of.
- (2) **Issuance of Permit.** If the Fire Chief or other person authorized or designated by the Fire Chief to issue such permits, finds that the proposed burning complies with all City ordinances and the regulations contained in CH. ILHR 14, Wis. Adm. Code, he shall approve the application, and a burning permit shall subsequently issued to the applicant. A copy of any burning permit, and the application therefore, shall be kept on file with the Fire Chief. No burning permit issued shall be valid for more than thirty (30) days from the date when issued.
- (d) **Open Burning Regulations.** The following regulations shall be applicable when an open burning permit has been issued:
 - (1) All open burning conducted pursuant to a permit shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation. Open burning permits shall not be used to covertly burn plastic, construction debris or other prohibited materials.
 - (2) The size of the pile of material to be burned shall not exceed four (4) feet in any direction measured horizontally, or three (3) feet measured vertically.
 - (3) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least twenty-five (25) feet from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
 - (4) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
 - (5) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
 - (6) No materials may be burned upon any street, curb, gutter, or sidewalk.
 - (7) Permits shall not be issued for burning barrels or for burning of leaves.
- (e) **Agricultural Properties.** Agriculturally-zoned properties are exempt from the permit requirements of this Section, provided owner-produced refuse only is burned and the provisions of Subsection (d) are complied with.

Sec. 5-2-10 Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the Existence of Extreme Fire Danger.

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the City of Bloomer. This extreme danger of fire affects the health, safety, and general welfare of the residents of the City of Bloomer and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the City during said emergency.
- (b) **Regulation of Fires, Burning Materials and Fireworks.** Pursuant to Sec. 66.325, Wis. Stats., and when a burning state of emergency is declared, it may be ordered that a person may not:
- (1) Set, build, or maintain any open fire, except:
 - a. Charcoal grills using charcoal briquets, gas grills, or camp stoves on private property; or
 - b. Charcoal grills using charcoal briquets, gas grills, or camp stoves in City parks placed at least twenty (20) feet away from any combustible vegetation.
 - (2) Throw, discard or drop matches, cigarettes, cigars, ashes, charcoal briquets or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
 - (3) Light or ignite a flare, except upon a roadway in an emergency.
 - (4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays authorized by the City where adequate fire prevention measures have been taken.
- (c) **Period of Emergency.**
- (1) The periods of emergency for which this Section shall be in effect shall be during such periods that Chippewa County, Wisconsin, is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Mayor, upon the recommendation of the Fire Chief.
 - (2) Pursuant to Sec. 66.325, Wis. Stats., burning emergencies shall become effective upon the time and date of the Mayor declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Common Council.

Cross-Reference: Section 5-3-4.

Sec. 5-2-11 Special Charge for Fire Protection Costs — Developed Real Estate Not Connected with City Water System.

- (a) **Purpose.** The purpose of this Section shall be to declare the intent of the City that all developed parcels of real estate within the corporate limits of the City shall share in the cost of fire suppression services. Insofar as the developed parcels of real estate in the City which are connected to its municipal water system are currently assessed a charge in connection with the provision of said water service, it is deemed equitable to assess a charge against those developed parcels of real estate which are, at any given time, hereinafter not connected to and receiving municipal water service from the City.
- (b) **Imposition of Special Charge.** In accord with Sec. 66.60(16)(a), Wis. Stats., there is hereby created a special charge for current, available service in the form of fire suppression and protection services which are made available to each developed parcel of real estate located within the corporate limits of the City, and which developed real estate is not, prior to October 1st during the year for which the charge is assessed connected to and receiving water from the City's municipal water utility. Said charge shall be the amount of Fifty-four Dollars and 40/100 (\$54.40) per year and shall constitute a charge attributable to each such developed parcel of real estate without notice to the owners or occupants thereof. Said owners or occupants shall have the option of paying the charge directly to the City Clerk-Treasurer on or before October 1 of each calendar year. If not paid by said date, said charge shall automatically be extended upon the current tax roll as a tax upon the property.
- (c) **Definitions.** In this Section, the term "developed parcel of real estate" shall mean a lot or other parcel of real estate, duly created whether by plat, certified survey or deed and upon which one (1) principal structure has been erected, built or placed. "Principal structure" shall mean a structure having a fixed or permanent location on the ground, used by the owner or occupant of said property for the primary or principal purpose to which the lot or parcel is devoted. Without limitation by enumeration, said uses shall include residential, commercial, industrial and institutional uses.

Sec. 5-2-12 Service Charges for Fire Suppression Costs.

- (a) **Responsibility for Costs.** The person(s) responsible for personal property and the owner(s) of real property with respect to which fire calls are made by the Fire Department within the corporate limits of the City shall be responsible for assessments for the following services rendered and equipment used by the Fire Department:
 - (1) Engine(s) per hour;
 - (2) Brush truck per hour;
 - (3) Tanker(s) per hour;

- (4) A flat fee for the equipment vans;
 - (5) Each man-hour of deployment of Fire Department members;
 - (6) Each one thousand (1,000) gallons of water used and each hydrant opened;
 - (7) Responses to motor vehicle accidents;
 - (8) Grass fire suppression efforts;
 - (9) Right-of-way fires caused by motorists.
- (b) **Maximum Charge.** Charges assessed under Subsection (a) above shall not exceed Five Hundred Dollars (\$500.00) per fire call.
- (c) **Definition.** For purposes of this Section, "fire call" shall mean each time that the Fire Department is required to make a service call pertaining to a given parcel of real estate or item of personal property or fire on a public right-of-way caused by an identified person.
- (d) **Payment.** Charges under Subsection (a) above shall be billed to the responsible person with respect to fire calls made pertaining to personal property, and to the owner of the real property to which a fire call is made. With respect to charges for services rendered with respect to real property, if said charges remain unpaid on the first day of November next following the billing of the same, the amount shall be added to the property tax bill attributable to said real property, all in accordance with Sec. 66.0627, Wis. Stats.
- (e) **Schedule of Costs.** The specific amount of each fire costs to be assessed for services rendered and equipment used under Subsection (a) above shall be established, and may thereafter be amended from time to time, by resolution of the Common Council.
- (f) **Services Provided Outside Of The City.** The actual cost of fire calls made with respect to real estate or personal property outside of the corporate limits of the City of Bloomer shall be charged against and collected from the town in which the property is located. A participating town may adopt the schedules under Subsections (a) and (b) above, in which event it may charge the owner of the real estate or personal property for fire calls accordingly.

Sec. 5-2-13 False Alarm Costs To Be Assessed.

In the event that the Fire Department responds to what is determined to be a false alarm, the first such response to a parcel of real estate within a twelve (12) month period of time shall not be charged to the real estate. However, the costs of the second such call and each subsequent call within twelve (12) months of the first call shall be charged to the parcel of real estate in question. Charges shall be assessed in accordance with the schedule established under Section 5-2-12(a), subject to the limitations under Section 5-2-12(b).

Title 5 ▶ Chapter 3

Safety Codes

- 5-3-1 Disclosure of Hazardous Materials and Infectious Agents;
Reimbursement for Cleanup of Spills
- 5-3-2 Recovery of Costs of Extinguishing and Cleaning Up Fires
Involving Hazardous Materials
- 5-3-3 Adoption of State Codes
- 5-3-4 Burning of Solid Fuels; Construction and Use of Chimneys Regulated

Sec. 5-3-1 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.

(a) **Application.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.

(b) **Definitions.**

- (1) **Infectious agent** is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
- (2) **Hazardous materials** are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

(c) **Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:

- a. Address, location of where hazardous materials are used, researched, stored or produced;
 - b. The trade name of the hazardous material;
 - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
 - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
 - e. Amounts of hazardous materials on premises per exact location;
 - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
 - g. The flashpoint and flammable limits of the hazardous substance;
 - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - i. The stability of the hazardous substance;
 - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
 - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
 - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
 - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
- a. The name and any commonly used synonym of the infectious agent;
 - b. Address/location where infectious agents are used, researched, stored and/or produced;
 - c. The exact locations where infectious agents are used, researched, stored and/or produced;
 - d. Amount of infectious agent on premises per exact locations;
 - e. Any methods of route of transmission of the infectious agents;
 - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
 - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.

- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the City for actual and necessary expenses incurred by the City or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

Sec. 5-3-2 Recovery of Costs of Extinguishing and Cleaning Up Fires Involving Hazardous Materials.

- (a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Chapter ILHR 8, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended.
- (b) Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the City for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.

Sec. 5-3-3 Adoption of State Codes.

- (a) The following orders, rules, and regulations of the Department of Industry, Labor and Human Relations, all of which are set forth in the Wisconsin Administrative Code as from time to time amended and/or renumbered, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:
- (1) Wis. Adm. Code, Ch. IND 1; Safety.
 - (2) Wis. Adm. Code, Ch. ILHR 7; Explosive Materials.
 - (3) Wis. Adm. Code, Ch. IND 8; Flammable and Combustible Liquids.
 - (4) Wis. Adm. Code, Ch. ILHR 11; Liquified Petroleum Gases.
 - (5) Wis. Adm. Code, Ch. ILHR 12; Natural Gas.
 - (6) Wis. Adm. Code, Ch. ILHR 13; Compressed Natural Gases.
 - (7) Wis. Adm. Code, Ch. ILHR 14; General Hazard Fire Prevention.
 - (8) Wis. Adm. Code, Ch. IND 15; Cleaning and Dyeing.
 - (9) Wis. Adm. Code, Ch. IND 20; Dusts, Fumes, Vapors and Gases.
 - (10) Wis. Adm. Code, Ch. IND 221; Spray Coating.
 - (11) Wis. Adm. Code, Ch. IND 35; Safety in Construction.

- (12) Wis. Adm. Code, Ch. ILHR 43; Anhydrous Ammonia Code.
- (13) Wis. Adm. Code, Ch. ILHR 50; Administration and Enforcement.
- (14) Wis. Adm. Code, Ch. ILHR 51; Definitions and Standards.
- (15) Wis. Adm. Code, Ch. ILHR 52; General Requirements.
- (16) Wis. Adm. Code, Ch. ILHR 53; Structural Requirements.
- (17) Wis. Adm. Code, Ch. ILHR 54; Factories, Office and Mercantile Buildings.
- (18) Wis. Adm. Code, Ch. ILHR 55; Theatres and Assembly Halls.
- (19) Wis. Adm. Code, Ch. ILHR 56; Schools and Other Places of Instruction.
- (20) Wis. Adm. Code, Ch. ILHR 57; Residential Occupancies.
- (21) Wis. Adm. Code, Ch. ILHR 58; Health Care, Detention and Correctional Facilities.
- (22) Wis. Adm. Code, Ch. ILHR 59; Hazardous Occupancies.
- (23) Wis. Adm. Code, Ch. ILHR 60; Child Day Care Facilities.
- (24) Wis. Adm. Code, Ch. ILHR 61; Community-Based Residential Facilities.
- (25) Wis. Adm. Code, Ch. ILHR 62; Specialty Occupancies.
- (26) Wis. Adm. Code, Ch. ILHR 64; Heating, Ventilating and Air Conditioning.
- (27) Wis. Adm. Code, Ch. ILHR 70; Historic Buildings.
- (28) ILHR Electrical Code, V2.
- (29) Wis. Adm. Code, Ch. IND 160; Definitions and General Requirements.
- (30) Wis. Adm. Code, Ch. IND 164; Apartment Houses, Hotels and Places of Detention.

Sec. 5-3-4 Burning of Solid Fuels; Construction and Use of Chimneys Regulated.

(a) **Definitions.** As used in this Section:

- (1) **"Solid Fuel-Fired Heating Device"**. A device designed for solid fuel combustion so that usable heat is derived for the interior of a building and includes solid fuel-fired stoves, fireplaces, solid fuel-fired cooking stoves and combination fuel furnaces or boilers which burn solid fuel including outdoor wood burning units.
- (2) **"Stacks or Chimneys"**. Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structures extending above a roof.
- (3) **"Person"**. An individual, partnership, corporation, company or other association.
- (4) **"Public Nuisance"**. Any act or failure to perform a duty required by this Section and/or which is defined as public nuisance under Title 11, Chapter 7 of this Code of Ordinances.

(b) **General Requirements.**

- (1) All wood-burning units installed within the City limits are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made thereto in the future.

- (2) All outdoor wood-burning units or solid fuel-fired heating devices are subject to being declared as public nuisances as described in this Section.
 - (3) Any dense smoke, noxious fumes, gas and soot or cinders, in unreasonable quantities, may be declared a public nuisance by the City Health Officer or the City Police Department.
- (c) **Solid Fuel Stove Construction.** Every solid fuel stove shall be so constructed and maintained as to be capable of containing the combustion of solid fuel, preventing the spread of fire to surrounding areas and safely exhausting flue gases.
- (d) **Chimneys.**
- (1) **Chimney Required.** Solid fuel stoves shall be vented only through masonry chimneys or through factory-built chimneys which are listed by Underwriters' Laboratory, Inc., and which are installed in accordance with the conditions of their listing.
 - (2) **Cleanout Openings Required in Masonry Chimneys.** Masonry chimneys shall have cleanout openings at their bases which shall be equipped with iron doors and frames.
 - (3) **Lining Required in Masonry Chimneys - Exception.** Masonry chimneys shall be lined with five-eighths (5/8) inch thick fireclay flue lining or the equivalent which shall extend the entire height of the chimney from the top of the cleanout door; provided that a lining shall not be required in an existing chimney if the chimney is shown to the satisfaction of the City to be in safe operating condition.
 - (4) **Cleanout Sections Required in Factory-Built Chimneys.** Factory-built chimneys shall be equipped with cleanout sections at their bases.
- (e) **Stove Pipes.**
- (1) **Stove Pipe Required - Exception; Specifications.** Unless the chimney is attached directly thereto, every solid fuel stove shall be connected to a chimney by means of a stove pipe made of non-combustible, corrosion-resistant twenty-four (24) gauge steel, except that a stove pipe having an inside diameter of less than six (6) inches may be made of twenty-six (26) gauge steel.
 - (2) **Inside Diameter.** The inside diameter of a stove pipe shall be no less than the inside diameter of the stove flue collar.
 - (3) **Normal Clearance.** The clearance between a stove pipe and the nearest combustible material shall be no less than eighteen (18) inches measured from the outer surface of the stove pipe to the combustible material, unless manufacturer specifies otherwise.
 - (4) **Clearances With Specified Forms of Protection.** The clearance required by Subsection (e)(3) may be reduced as provided in Table 5-5(b) found in NFPA No. 211, aforesaid.
 - (5) **Connection to Chimney.** A stove pipe to a chimney shall extend through the chimney wall to the inner face or liner but not beyond, and shall be firmly cemented to the masonry. Stove pipe thimbles used in chimneys shall be permanently cemented in place with high temperature cement.
 - (6) **Passage Through Floors, Ceilings, Fire Walls and Fire Partitions Prohibited; Requirements for Passage Through Other Walls and Partitions.** No stove pipe shall pass through the floor or ceiling or through a fire wall or fire partition. A stove pipe

which passes through a wall or partition made of combustible materials must satisfy the clearance requirements of (c) of this Subsection or be held apart from the wall by means of a metal ventilated thimble not less than twelve (12) inches larger in diameter than the stove pipe, or by a metal or burned fireclay thimble built in brickwork or equivalent fireproofing material extending not less than eight (8) inches beyond all sides of the thimble.

- (7) **Rise.** Stove pipes shall have a rise of at least one-quarter (1/4) inch per horizontal foot from the stove to the chimney.
 - (8) **Most Direct Connection Required; Support; Joints to Be Securely Fastened.** Stove pipes shall make the most direct connection possible and shall be securely supported. Joints in stove pipes shall be securely fastened.
 - (9) **Connection to Flue Through Which Mechanical Draft Appliance is Vented.** If a solid fuel stove is connected to a flue through which a mechanical draft appliance is also vented, the solid fuel stove shall be connected to the flue above the point of connection of the mechanical draft appliance.
 - (10) **Solid Fuel Stove and Other Natural Draft Appliances Not to Be Connected to the Same Flue; Exception.** No solid fuel stove shall be connected to a flue to which another natural draft appliance is connected unless sufficient draft is available to the stove and such other appliance for safe combustion and removal of combustion products to the outdoors. The burden shall be upon the owner or occupant to establish that the requirement of this Subsection has been satisfied.
- (f) **Minimum Chimney Clearances.**
- (1) Any indoor or outdoor solid fuel-fired heating device shall have a minimum stack height of sixteen (16) feet from ground level.
 - (2) All existing non-complying stacks shall be removed or replaced within a period of six (6) months from the effective date of this Section.
 - (3) All stacks or chimneys must be so constructed to withstand high winds or other related elements.
- (g) **Enforcement.** The City Health Officer, Fire Chief, Police Chief and their respective designees shall enforce this Section on behalf of the City.

Cross-Reference: Section 5-2-10.

Title 5 ► Chapter 4

Regulation of Alarm Systems

5-4-1	Title
5-4-2	Declaration of Purpose
5-4-3	Definitions
5-4-4	Administrative Rules
5-4-5	Automatic Dialing Devices
5-4-6	Direct Connections to the Police Department
5-4-7	Testing
5-4-8	Notification
5-4-9	Fee for Answering Alarms
5-4-10	City Liability
5-4-11	Permits for Private Alarm Systems
5-4-12	Revocation of Permits

Sec. 5-4-1 Title.

This Chapter shall be known as the City of Bloomer Alarm Systems Ordinance.

Sec. 5-4-2 Declaration of Purpose.

The purpose of this Chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

Sec. 5-4-3 Definitions.

Within this Chapter, the following terms, phrases and words and their derivations have the means given herein.

- (a) **Alarm Business.** Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) **Alarm System.** An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
- (c) **Annunciator.** The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
- (d) **Answering Service.** A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
- (e) **Automatic Dialing Device.** An alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) **Automatic Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the action of the robber.
- (g) **Manual Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
- (h) **Burglar Alarm System.** An alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) **Direct Connect.** An alarm system which has the capability of transmitting system signals to the Police or Fire Department.
- (j) **False Alarm.** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
- (k) **Interconnect.** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

- (l) **Central Station.** An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) **Primary Trunk Line.** A telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.
- (n) **Subscriber.** A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

Sec. 5-4-4 Administrative Rules.

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Chapter. Such rules shall require the approval of the Common Council and shall be open to inspection by the public.

Sec. 5-4-5 Automatic Dialing Devices.

No person shall interconnect any automatic dialing device to a Police or Fire Department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this Chapter, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Police or Fire Department shall only be done person to person on the telephone line.

Sec. 5-4-6 Direct Connections to the Police Department.

Direct connections to the Police or Fire Department are prohibited, but may be authorized pursuant to the direct connection policies of each Department, a copy of which is on file with the Chief of Police and Fire Chief.

Sec. 5-4-7 Testing.

- (a) No alarm business or alarm system designed to transmit emergency messages to the Police Department shall be tested or demonstrated without prior notification and approval of the Police Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.

- (b) No alarm system relayed through intermediate services to the Police Department will be tested to determine the Police Department's response without first notifying the appropriate authority. However, the Police Department may inspect or test on-site alarm systems authorized under this Chapter.
- (c) Alarm systems shall be in compliance with all pertinent response policies of the Police Department.

Sec. 5-4-8 Notification.

When the service provided by an alarm business to its subscribers is disrupted for any reason by the alarm business or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.

Sec. 5-4-9 Fee for Answering Alarms.

- (a) **Generally.** Each false alarm requires response of public safety personnel, involves unnecessary expense to the City, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the City. Such false alarms constitute a public nuisance and must be abated.
- (b) **Intentional.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- (c) **False Alarms; Administrative Charges.**
 - (1) Any person, business, corporation or other entity having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the City a charge for false alarms responded to by the Police or Fire Department according to the following schedule for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies.
 - a. Responded to by Police Department:

1. First two (2) false alarms for a location	No Charge
2. Third (3rd) false alarm per location	\$25.00
3. Fourth (4th) false alarm per location	\$35.00
4. Fifth (5th) false alarm per location	\$45.00
5. Sixth (6th) and subsequent false alarm per location	\$65.00
 - b. All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a police response:

- | | | |
|----|---|-----------|
| 1. | First two (2) false alarms for a location | No Charge |
| 2. | Third (3rd) and subsequent false alarm per location | \$100.00 |
- (2) This Subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police or Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this Section, and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeiture(s) which may be imposed under the next Subsection (d) hereof for violation of this Section for allowing or maintaining condition(s) or act(s) violative of the intent of this Section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution.
- (d) **Waiver of Fee.** If a possessor of the alarm shows to the satisfaction of the Chief of Police or the Fire Chief, as applicable, that such false alarm was not the result of negligence or improper maintenance, or other good and sufficient cause beyond the reasonable control of the possessor of the alarm, such fee may be waived and the response shall not count as a false alarm in computing the fee established under Subsection (c).
- (e) **Other Violations.** Any person, corporation or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Sec. 1-1-7 of this Code. When any premises located in the City is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (f) **Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six (6) months. Upon nonpayment of the fee, the amount due may be placed on the tax roll as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

Sec. 5-4-10 City Liability.

The City of Bloomer shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this Chapter, including, but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms.

Sec. 5-4-11 Permits for Private Alarm Systems.

- (a) **Permit Required.** A permit is required for each private alarm system on premises within the City. There shall be a permit fee as prescribed in Section 1-3-1.
- (b) **Interior Alarms.** A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
- (c) **Issuing Authority.** The Chief of Police shall issue the permits and collect the fees.
- (d) **Application.** Application for permit required under this Chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Chief of Police shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.
- (e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the Chief of Police shall have a right to appeal that decision to the Common Council. The procedure for this appeal shall be as set forth in Section 5-4-12.

Sec. 5-4-12 Revocation of Permits.

- (a) **Hearing.** Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be held before the Chief of Police. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven (7) days prior to the hearing.
- (b) **Grounds for Revocation.** The Chief of Police may revoke a permit on the following grounds:
 - (1) The application for a permit contains a false statement of a material fact.
 - (2) A licensee has repeatedly failed to comply with the provisions of this Chapter.
 - (3) An alarm system repeatedly actuates false alarms.
- (c) **Appeals.** Any permittee may appeal the decision of the Chief of Police by filing a written notice of appeal with the City Clerk-Treasurer within ten (10) days after the decision. Such appeal shall be heard by the Common Council within thirty (30) days after filing the appeal. The Common Council may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Common Council gives its decision. The City Clerk-Treasurer shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Common Council shall not be limited by the technical rules of evidence.

TITLE 6

Public Works

- | | |
|------------------|-----------------------|
| Chapter 1 | Grades |
| Chapter 2 | Streets and Sidewalks |
| Chapter 3 | Driveways |
| Chapter 4 | Trees and Shrubs |

Title 6 ► Chapter 1

Grades

- 6-1-1** Establishment of Grades
- 6-1-2** Alteration of Grade Prohibited
- 6-1-3** Regulation of Underground Utilities

Sec. 6-1-1 Establishment of Grades.

- (a) **Grades to be Established.** The grade of all streets, alleys and sidewalks shall be established by resolution by the Common Council, upon the recommendation of the Street, Water and Sewer Administrator, and the same recorded by the City Clerk-Treasurer in his/her office. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by ordinance, the sidewalks shall be laid to the established grade of the street. All such grades heretofore established are hereby confirmed.
- (b) **Sidewalk Grades.** Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided. Before such construction is commenced by the owners of the abutting lots or parcels of land, the Common Council, or its designee, shall, upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established.

Sec. 6-1-2 Alteration of Grade Prohibited.

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the City of Bloomer by any means whatsoever unless authorized or instructed to do so by the Common Council, or Street, Water and Sewer Administrator. All such alterations of grade shall be recorded in the office of the City Clerk-Treasurer.

Sec. 6-1-3 Regulation of Underground Utilities.

- (a) **Elevation.** The grade or elevation of all underground construction in public terraces or other public property shall be a minimum of three (3) feet below the established grade of the street, alley, park, public property or easement. The three (3) feet shall be measured between the top of the established grade and the top of the underground construction.
- (b) **Approval of Location.** The location of any and all such underground construction must have the approval of the Street, Water and Sewer Administrator.
- (c) **Filing Plans.** Complete plans for any such construction must be filed with and be approved by the Street, Water and Sewer Administrator before construction can begin.
- (d) **Inspection.** On request of the Street, Water and Sewer Administrator, the utility company must provide opportunity for City officials to check any construction before it may be covered.
- (e) **Conflict with Other Utilities.** If the grade or elevation herein set for the underground construction of utilities shall, in any instance, conflict with other existing utilities, the utility shall be required to lower the elevation of its underground construction at the election of the Street, Water and Sewer Administrator, and in accordance with its directions and specifications.
- (f) **Establishment of Grade.** At the request of the utility company, the Street, Water and Sewer Administrator shall, at the City's expense, give the utility company an established grade on any streets, alleys, public parks or easements where it proposes to install underground utilities.
- (g) **Emergency.** In case of an emergency, when immediate action is necessary in order to protect life or property, the utility company may proceed with underground construction subject to obtaining the approval of such work by the Street, Water and Sewer Administrator as soon thereafter as is reasonably possible.
- (h) **Restoration of Surface.** In the event of any such underground construction, the utility company shall leave the surface of the ground, or road, in the same condition as before said work was commenced, and in the event of its failure so to do, the City may proceed to place the surface of the ground or street in such condition at the utility company's expense. Such work shall comply with the provisions of Sections 6-2-3 and 6-2-4.
- (i) **Non-Relief from Obligations.** Compliance with this Section does not relieve the utility company from any responsibility of any kind whatsoever by reason of the widening of the travelway, or any other improvements which may become necessary; nor does it relieve it from any liability of any kind or nature whatsoever. Compliance with this Section shall not relieve the utility company from the responsibility or obligation of removing, relocating or moving any of its mains, pipes or property due to the opening, widening or improving of streets, or due to any other changes which may occur by reason of which such moving, relocation or removing may be necessary.

Title 6 ► Chapter 2

Streets and Sidewalks

- 6-2-1** Removal of Rubbish and Dirt from Sidewalks
- 6-2-2** Construction and Repair of Sidewalks
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Sec. 6-2-1 Removal of Rubbish and Dirt from Sidewalks.

No owner or occupant shall allow the sidewalk abutting on his/her premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Common Council, or its designee, the City may cause the same to be done and report the cost thereof to the City Clerk-Treasurer who shall spread the cost on the tax roll as a special tax against the premises, pursuant to Sec. 66.60(16), Wis. Stats., or such cost may be recovered in an action against the owner or occupant.

Sec. 6-2-2 Construction and Repair of Sidewalks.

- (a) **General Construction and Repair Authority.** The Common Council may determine that sidewalks be constructed and establish the width, determine the material and prescribe the method of construction of standard sidewalks pursuant to the standards of this Section. The Common Council shall bid and award contracts for all sidewalk construction and reconstruction projects.
- (b) **Cost of Sidewalks.**
- (1) **New Sidewalks.** Sidewalks required in new subdivisions and developments shall be paid for by the land divider pursuant to Title 14 of this Code of Ordinances. New sidewalks constructed in existing areas of the City shall be paid for by adjacent property owners.
 - (2) **Sidewalk Repair and Reconstruction.** It shall be the duty of the abutting property owner to construct, repair, and maintain sidewalks along or upon any street, alley, or highway in the City of Bloomer as required by the Common Council and to pay the cost thereof.
 - (3) **Assessment a Lien.** Said special assessment shall remain a lien on the premises until paid in full and shall be entered on the tax roll as a special tax as above provided and failure to pay when due shall result in the whole balance being immediately due and payable and collectible as a delinquent tax against the above described property and that all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special assessment.
- (c) **Sidewalk Permit Required.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the City of Bloomer unless he/she is under contract with the City to do such work or has obtained a permit therefor from the Street, Water and Sewer Administrator or his/her designee at least three (3) days before work is proposed to be undertaken. No fee shall be charged for such permits. Denial of such permits may be appealed to the Common Council.
- (d) **Standard Specifications for Sidewalk.**
- (1) **General.** Concrete sidewalk construction shall meet the specifications and provisions set forth in this Section and shall be constructed in locations and to line and grade as established by the City. All sidewalks constructed in the City shall conform to the line and grade established by the ordinances or resolutions of the City. Where no grade has been established as ascertained by the records, the City Engineer shall prepare and report a grade for the approval of the Common Council; and, when the same has been established, the City Engineer shall stake out the sidewalk as ordered by the Common Council. No sidewalk shall be laid under the provisions of this Section until a grade therefor has been established by the Common Council.
 - (2) **Subgrade.** All earth, dirt and material shall be removed to a depth, not less than eight (8) inches, ten (10) inches across private driveways, below the grade line; and

the space shall be filled with crushed stone, sand or gravel. The base shall be left four (4) inches thick after being tamped, with the stone or gravel to be not larger than one and one-half (1-1/2) inches in diameter and to be free from dirt, dust and foreign matter. Soft, porous and unsuitable subgrade material shall be removed and replaced with sand, gravel, or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. On embankments, the subgrade shall extend at least one (1) foot beyond each edge of the sidewalk.

- (3) **Concrete.** The minimum quantity of cement per cubic yard shall be six (6) sacks of ninety-four (94) pounds each. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test three thousand (3,000) pounds compression in twenty-eight (28) days. (DOT 501, Wis. Adm. Code).
- (4) **Forming.** 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. The use of slip form machines is permitted. 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. Forms shall be securely fastened, staked, braced and held firmly to required line and shall be sufficiently tight to prevent leakage of mortar, and all forms shall remain in place for twenty-four (24) hours after pour.
- (5) **Jointing, Floating and Finishing.** Soon after screening and while the concrete is still plastic, the surface shall be floated with wood, cork or metal floats or by a finishing machine. At all places where the sidewalk intersects another sidewalk or curb-line, a one-half (1/2) inch expansion joint shall be placed. Transverse expansion joints of one-half (1/2) inch thick and four (4) inches wide and five (5) feet long or premolded material shall be located every thirty (30) feet. Sidewalks must be marked off to make blocks five (5) foot square and be at right angles to the parallel lines. Any new sidewalk adjoining an old sidewalk or a sidewalk which abuts curb and gutter shall have one-half (1/2) by four (4) inch expansion joints of premolded material.
- (6) **Slope.** All forms must be approved by the Street, Water and Sewer Administrator or his/her designee before concrete is poured. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-half (1/2) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be a six (6) to twelve (12) inch strip of street property left between the property line and the edge of the sidewalk.
- (7) **Width and Thickness.**
 - a. Residential walks shall be a minimum of five (5) feet in width and not less than four (4) inches thick, or shall match existing sidewalk width in that block.

However, in driveway approaches, the minimum sidewalk thickness shall be six (6) inches. Such sidewalks shall have a grade one (1) inch higher than the adjacent curb on the curb side of the sidewalk. All such sidewalks shall be constructed eight (8) inches from the adjacent lot line. In the case of a laydown type curb, the pitch shall be one-half (1/2) inch per foot from the curb in the parkway to the sidewalk with a three (3) inch minimum.

- b. Sidewalks in front of commercial or industrial establishments shall have a width as determined by the Common Council and be five (5) inches thick, except within driveway approaches where the minimum thickness shall be seven (7) inches.
- (8) **Finishing.** The concrete shall be struck off true to grade, finished smooth and given a broom finish in transverse direction. Edges and joints shall be given a finish with a one-quarter (1/4) inch radius edging tool. Dry cement shall not be spread on a wet surface to take up excess water. Finishing operations shall be delayed until water has disappeared. Additional water shall not be placed on the concrete surface to make concrete workable. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50) degrees F.] for ninety-six (96) hours.
- (9) **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 Spec. 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.
- (10) **Cold Weather Requirements.** When the temperature is less than forty (40) degrees F., all concrete placed in the forms shall have a temperature between fifty (50) degrees F. and seventy (70) degrees F. and shall meet the requirements as per Wisconsin Department of Transportation specifications for cold weather concrete.
- (11) **Minor Repairs.** Nothing in this Section shall apply to minor repairs, the cost of which does not exceed Five Hundred Dollars (\$500.00); such repairs may be made at the direction of the Street, Water and Sewer Administrator without notice, and the cost thereof may be charged to the abutting property owner in the same manner as provided in this Section for major repairs.
- (e) **Repair or Replacement of Defective or Damaged Sidewalks.**
- (1) The Common Council may determine that any sidewalk which is unsafe, defective, or insufficient be repaired or removed and replaced with a sidewalk in accordance with this Section. The existence of any one (1) or more of the hereinafter enumerated characteristics shall determine whether a sidewalk is defective or insufficient:

- a. One (1) inch or more vertical differential between adjacent sharp edged individual sidewalk blocks (crack in slab) and between adjacent round edged individual sidewalk blocks (joint).
 - b. One and one-fourth (1-1/4) inch horizontal distance between adjacent individual sidewalk blocks.
 - c. Deterioration of the surface to a vertical depth of one-half (1/2) inch or more within each individual sidewalk block.
- (2) If eighty percent (80%) of a property owner's sidewalk blocks are determined to be defective or insufficient, the entire sidewalk shall be replaced.
 - (3) Pursuant to Sec. 66.615, Wis. Stats., the Common Council may order at any time property owners to repair or remove and replace any sidewalk which is unsafe, defective or insufficient, or which is damaged by the acts of the property owner or his agents. If the property owner shall fail to so repair or remove and replace such sidewalk within twenty (20) days after service of the notice provided in Sec. 66.615(3)(c), Wis. Stats., the Common Council or its designee shall repair or construct such sidewalk and the City Clerk-Treasurer shall enter the total cost thereof upon the tax roll as a special tax against said lot or parcel of land. If an emergency situation exists which is caused by a sidewalk in need of repair, the Common Council or its designee shall immediately direct the property owner to immediately make repairs. If the property owner shall fail to repair such sidewalk within the required period, the Common Council shall make the necessary repairs and the City Clerk-Treasurer shall enter the total cost thereof on the tax roll as a special tax against said parcel.
- (f) **Illegal Sidewalks.** No sidewalk which shall be constructed contrary to the provisions of this Section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one that is in conformity with this Section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

State Law Reference: Sec. 66.615, Wis. Stats.

Sec. 6-2-3 Curb and Gutter Construction.

All cement curb and gutter hereafter rebuilt or constructed in the City of Bloomer shall be constructed according to the following specifications:

- (a) **Establishment.** No curb and gutter shall be worked until the grade thereof has been established according to the records on file in the office of the City Clerk-Treasurer. No person shall alter the grade of any curb and gutter within the City of Bloomer by any means whatsoever, unless authorized or instructed to do so by the Common Council or the Street, Water and Sewer Administrator.

(b) **Owner to Construct.**

(1) **Petition to Build Curbs.** Whenever a petition of a majority of the abutting owners of property on any street is filed with the Common Council or when the Common Council deems it necessary to order curbs to be laid upon any street, the Common Council may direct and order said work to be done.

(2) **Resolution Required.** Upon the passage of a resolution by the Common Council ordering curbs to be laid on any street it shall become the duty of the abutting owner or owners to construct same in accordance with the existing ordinance, or in accordance with specifications contained in any ordinance or resolution adopted by the Common Council. Said curbs shall be constructed within thirty (30) days from the date of the written notice to be served on said residential owner or owners by the Street, Water and Sewer Administrator and the publication of notice to non-residential owners published in the official City newspaper. If said curb shall not be laid within said thirty (30) day period the Street, Water and Sewer Administrator shall forthwith build or cause to be built such curb and the cost thereof shall be charged to the respective properties and the cost of the same shall be collected as a special tax.

(c) **Permit Required.** No person shall hereafter lay, remove, replace, or repair any curb and gutter within the City of Bloomer unless he/she is under contract with the City to do such work or has obtained a permit therefor from the City at least three (3) days prior to the proposed construction. No fee shall be charged for such permit.

(d) **Specifications.** All curb and gutter within the City of Bloomer hereafter shall be repaired, rebuilt and constructed in accordance with Section 6-2-2(d).

Sec. 6-2-4 Excavations of Streets, Alleys, Public Ways and Ways.

(a) **Permit Required.**

(1) **Permit to Be Obtained.** No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ditch, public ground, public sidewalk or City-owned easement within the City of Bloomer without a permit therefor from the City Clerk-Treasurer or Street, Water and Sewer Administrator.

(2) **Fee.** The fee each application for a street opening permit shall be Twenty Dollars (\$20.00) plus any actual City expenses. Applications may be made for multiple street openings on one (1) application form, at the Twenty Dollar (\$20.00) fee; however, each opening must be listed at the time the application is submitted to the Street, Water and Sewer Administrator for approval. Permit fees shall be paid to the Clerk-Treasurer who shall issue a receipt therefore. If the street opening is made prior to the receipt of an approved street opening permit from the Street, Water and Sewer

Administrator, the application and review fee shall be Seventy-five Dollars (\$75.00) plus any actual City expenses.

- (3) **Execution of Permit.**
 - a. Permits will show the exact location of the work as to street or house number and the direction and length the trench will run.
 - b. Permits will be issued only for the date and time specified, should digging take place other than the time indicated, the permit must be re-issued so all utilities will know of the new time.
- (4) **Permits for Extensive Digging.** When any utility will be doing any extensive digging, a blanket permit will be issued, however, the party doing the work must notify all other utilities concerned as to the location and time that work will take place so that the others may locate their property.
- (5) **Fee; Emergency Excavation.** In the event of an emergency excavation for the protection of property, life, health, or safety and as authorized in Section 6-2-4(h), there shall be no permit fee (except any actual City expenses shall be charged to the permittee) provided the application for the street opening permit is filed with the Street, Water and Sewer Administrator within two (2) regular business days of the excavation in accordance with Section 6-2-4(h). If the permit application for the emergency excavation is not filed within two (2) regular business days, the application and review fee shall be Seventy-five Dollars (\$75.00) plus any actual City expenses.
- (6) **Surcharge.** In addition to any permit fees or City expenses, a surcharge shall be levied for any street opening which is in, or disturbs the paved portion (final surface) of any public street, public alley, public way, public ground, public sidewalk or City-owned easement within the City of Bloomer. The surcharge shall be determined as follows:

Age of the Final Paving	Surcharge
New pavement to one (1) year	5 times the permit fee
1 year to 2 years	4 times the permit fee
2 years to 3 years	3 times the permit fee
3 years to 4 years	2 times the permit fee
4 years to 5 years	1 times the permit fee
More than 5 years	No surcharge

- (b) **Application for Permit.** The application for a permit shall be in writing as designed by the applicant or his/her agent. The applicant shall submit to the City Clerk-Treasurer or Street, Water and Sewer Administrator, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The City Clerk-Treasurer or Street, Water and Sewer Administrator shall determine if sufficient information is submitted.

- (c) **City Work Excluded.** The provisions of this Section shall not apply to excavation work under the direction of City departments or employees or to contractors performing work under contract with the City necessitating openings or excavations in City streets.
- (d) **Validity of Permit.** Permits shall be valid for a period of thirty (30) days from the date of approval, except as provided for under Subsection 6-2-4(a)(4) above.
- (e) **Renewal of Permit.** If operations have begun under an approved permit and will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day permit renewal by written request to the City Clerk-Treasurer or Street, Water and Sewer Administrator. Permit renewals shall be issued at the discretion of the City Clerk-Treasurer or Street, Water and Sewer Administrator.
- (f) **City Standards.** All street work by contractors shall be performed in accordance with the current standard specifications for street openings found in this Section and Section 6-2-4. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
- (g) **Insurance Required.** A permit shall be issued only upon condition that the applicant submit to the City Clerk-Treasurer or Street, Water and Sewer Administrator satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$500,000 per one (1) person, \$500,000 for one (1) accident and property damage coverage of not less than \$500,000.
- (h) **Bond.**
 - (1) Before a permit for excavating or opening any public street, sidewalk, ditch, alley or public right-of-way may be issued, the applicant may be required to execute and deposit with the City a bond in the amount of Ten Thousand Dollars (\$10,000.00), conditioned that he/she will indemnify and save harmless the City of Bloomer and its officers from all liability for accidents and damage caused by any of the work covered by his/her permit, and that he/she 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/she may make as near as can be to the state and condition in which he/she found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Street, Water and Sewer Administrator for a period of one (1) year, and that he/she will pay all fines of forfeitures imposed upon him/her for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Common Council 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 City. Such bond shall also guarantee that, if the City 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 (1) year. Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violation of law during the period of excavation for which it is given.

- (2) An annual bond may be given under this Section covering all excavation work done by the principal for one (1) year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Street, Water and Sewer Administrator as necessary to adequately protect the public and the City.
 - (3) Faulty work or materials shall be immediately replaced by the permittee upon notice by the City. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Street, Water and Sewer Administrator shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.
 - (4) The person who does such restoration shall be responsible therefor for one (1) year from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the City in an amount determined by the Street, Water and Sewer Administrator.
 - (5) Whenever the Common Council shall find that any such work has become defective within one (1) year of the date of completion, it shall give written notice thereof to the contractor or to his/her surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Common Council to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the City for the cost of doing the work as set forth in the notice.
- (i) **Special Tax.** In the alternative to the procedures under Subsection (h) above, if any person shall open a street for the purpose of servicing a specific without first having obtained a permit, the Common Council of said City shall cause the same to be done at the expense of the lot owner, and the expense thereof shall be certified to the City Clerk-Treasurer by the council, and if said expense is not paid, it shall be carried into the tax roll as a special tax against the lot for which said opening was made.
 - (j) **Public Utilities.** All public utilities as defined in Sec. 66.06 and 196.01, Wis. Stats., are hereby required to be bound by the terms and conditions of this Section and Section 6-2-5, any and all subparagraphs thereunder, except that a public utility as defined within this Section shall not be required to post the indemnity bond.

Sec. 6-2-5 Regulations Governing Excavations and Openings.

- (a) **Frozen Ground.** No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 1st and May 1st except where it is determined by the Street, Water and Sewer Administrator or his/her designee to be an emergency excavation.
- (b) **Election of City to Perform Work.**
 - (1) The present estimated cost to the City of replacing the street surfaces shall be determined from time to time by resolution of the Common Council:

- a. Concrete with rebar replacement.
 - b. Hot Mix.
 - c. Blacktop patch.
 - d. Gravel.
 - e. Seal Coat.
 - f. Curb and Gutter - Per City's bid price each construction season.
 - g. Sidewalk - Per City's bid price each construction season.
 - h. Block Corner resetting - Per City's bid price each construction season.
- (2) Where the Common Council has reason to believe that the applicant has made adequate provisions for repair and restoration of said street, alley or highways, the Common Council may elect to have the applicant do said work and the City of Bloomer to further be reimbursed for reasonable costs of supervision, said costs to be determined by the Common Council.
- (c) **Protection of Public.**
- (1) Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the City and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. Sufficient warning lights shall be kept on from sunrise to sunset. No open flame warning devices shall be used. Except by special permission from the Street, Water and Sewer Administrator, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet from where pipe or conduit has been laid.
 - (2) All necessary precautions shall be taken to guard the public effectively 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 City 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/her employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
 - (3) Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to his/her project. In the event traffic is limited to less than one (1) lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.
 - (4) The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workers or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Street, Water and Sewer Administrator twenty-four (24) hours prior to commencement of excavation of the location and extent of the

excavation, unless the excavation is an emergency excavation as identified in Section 6-2-4(b).

- (5) When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least twelve (12) hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in Section 6-2-5(j).

(d) **Pavement Removal.**

- (1) Removal of existing pavement shall be to neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of his/her work and in accordance with all applicable codes and regulations.
- (2) If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular rectangular section for pavement replacement. Should the street opening occur within adjacent or close to an existing patch or require more than one (1) opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The Street, Water and Sewer Administrator or his/her designee shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.
- (3) Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.
- (4) The Street, Water and Sewer Administrator or his/her designee may order the permittee to remove and replace up to one (1) full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.

(e) **Excavation.**

- (1) All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. Gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural watercourses shall not be obstructed. As little as possible of the trench must be dug until the slant of junction-piece of the sewer, water, gas main, electric cables, telephone lines or fuel line is found.
- (2) Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.

(f) **Backfilling.**

- (1) All backfill material shall be free from cinders, hot mix fragments, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight (8) inches in

their greatest dimension, frozen lumps or other material which in, in the opinion of the Street, Water and Sewer Administrator or his/her designee, is unsuitable. All noncompactable material will be placed, upon excavation, in an area where removal from site will be made readily possible.

- (2) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the Street, Water and Sewer Administrator or his/her designee, hauled in, or be refilled by the City.
 - (3) Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation.
 - (4) Mechanical compaction or puddling shall be used on all materials used for trench backfill. Each layer (12-inch maximum) shall be uniformly compacted. Compaction or consolidation by flooding shall not be permitted. Earth must be puddled or laid in layers not more than twelve (12) inches in depth and each layer rammed and tamped to prevent settling. The Public Works Department will test the fill to meet the City's specifications. Contractors will be instructed by the City's inspector, if he/she meets the specifications, to proceed to fill the opening.
 - (5) All excavations shall be subject to testing by the City. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.
 - (6) When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. At no time shall any street pavements be permitted to overhang the excavation. When caving occurs, all the street support thus disturbed must be restored in the same careful manner as though it was an excavation or a trench.
- (g) **Notice.** It shall be the duty of the permittee to notify the Street, Water and Sewer Administrator and all public and private individuals, firms and corporations affected by the work to be done at least one (1) business day before such work is to commence. The Street, Water and Sewer Administrator shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
- (h) **New Construction Backfill Hauling Rate.** In areas of new construction where the City of Bloomer backfills, the prevailing hourly rate for labor will apply.
- (i) **Pavement Replacement and Sidewalk, Curb and Gutter and Driveway Restoration.**
- (1) Backfill material shall be left below the original surface to allow for five (5) inches of three (3) inch crushed stone and four (4) inches of three-quarter (3/4) inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur

as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted three-quarter (3/4) inch crushed stone.

- (2) Bituminous pavement shall be placed the full depth of the existing pavement or three (3) inches, whichever is greater. Bituminous pavement shall be placed in a maximum of one and one-half (1-1/2) inch layers with each layer compacted to maximum density and shall consist of Wisconsin Department of Transportation Gradation No. 1 for the binder course and Wisconsin Department of Transportation No. 3 for the surface course. The finished surface shall be smooth and free of surface irregularities and shall match the existing pavement and any castings or street appurtenances. Allowable deviations shall be no more than one-quarter (1/4) inch as measured with a ten (10) foot straight edge.
- (3) Concrete pavement shall be placed to the full depth of the existing pavement or seven (7) inches, whichever is greater. Concrete used shall not contain calcium chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white pigmented curing compound. The surface shall be protected from traffic for a minimum of three (3) days. Tie bars shall be installed as directed by the Street, Water and Sewer Administrator or his/her designee.
- (4) All permanent restoration of street, curb and gutter shall be of the same type and thickness as the curb and gutter which abuts. The grade of the restored curb and gutter shall conform with the grade of the existing adjacent curb and gutter.
- (5) All permanent restoration of driveways and sidewalks shall conform to the manner of construction as originally placed and to the lines and grades as given by the City Engineer. No patching of concrete driveway areas will be allowed between joints or dummy joints.
- (6) Sidewalks shall be replaced the full width of the walk and minimum length shall be sixty (60) inches. All replaced walk shall be four (4) inches thick, except at driveways where it shall be six (6) inches thick. The new walk shall slope to conform to existing construction across the width of the walk toward the street.
- (7) In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of three and one-half (3-1/2) inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and replaced with material as specified above by not later than the following June 1st, except as provided above. Permanent pavements shall be replaced within sixty (60) days of the date of the permit.
- (8) When a street is reconstructed, utility laterals shall also be installed, including sump pump laterals, even if not immediately needed.

(j) **Emergency Excavation.**

- (1) In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street,

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alley easement, way or ground and his agents and employees make 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, firm or corporation shall apply for an excavation permit not later than within the next two (2) business days and shall notify City officials immediately.

- (2) In case of emergencies such as ruptured mains, cables or anything where digging must take place immediately, all utilities may be notified by telephone and informed as to the location of the work as an alternative to the procedure in Section 6-2-4(a)(3).
- (k) **Excavation in New Streets Limited.** Whenever the City determines 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, the City shall notify in writing each person, utility 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 or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Common Council, or committee thereof, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.
- (l) **Repair by City.** The City may elect to 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. In the event such charges are not paid within ninety (90) days of actual notice of the same having been furnished the applicant and owner of the premises for which said permit was issued, it shall become a lien against said premises and thereafter be assessed and collected as a special tax.

Sec. 6-2-6 Obstruction 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/she is the owner or occupant, except as provided in Subsections (b) and (c).
- (b) **Exceptions.** The prohibition of Subsection (a) shall not apply to the following:
 - (1) Temporary encroachments or obstructions authorized by street privilege permit under Section 6-2-6 pursuant to Sec. 66.045, Wis. Stats.
 - (2) Building materials for the period authorized by the Common Council, Common Council, or authorized designee, which shall not obstruct more than one-half (1/2) of

the sidewalk or more than one-third (1/3) of the traveled portion of the street and which do not interfere with the flow in the gutters.

- (3) Excavations and openings permitted under Sections 6-2-3 and 6-2-4 of this Code.
 - (4) Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.
 - (5) Public utility encroachments duly authorized by state law or the Common Council.
 - (6) Temporary obstructions authorized by permit pursuant to Subsection (c).
 - (7) 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.
 - (8) Signs attached to buildings permitted by the City's Sign Code, and which do not extend below any point ten (10) feet above the sidewalk, street or alley.
- (c) **Removal by City for Sidewalk Obstructions and Encroachments.** In addition to any other penalty imposed, if any City enforcement official determines that a sidewalk is unlawfully obstructed in violation of this Section, he/she shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within twenty-four (24) hours.
- (d) **Removal by City for Obstruction and Encroachments Located in the City Streets, Alleys, Public Grounds or Lands Dedicated for Public Use.** In addition to any other penalty imposed, if the Chief of Police, Street, Water and Sewer Administrator or Building Inspector determines that a City street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he/she shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within twenty-four (24) hours.
- (e) **Failure to Remove Obstruction.**
- (1) If the owner or occupant fails to remove the obstruction within the time period established in Subsections (c) or (d) respectively, the Council shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by the Wisconsin Statutes.
 - (2) The failure of the City Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this Section.

Sec. 6-2-7 Street Privilege Permit.

- (a) **When Required.** Permits for the use of the streets, alleys, sidewalks or other public ways or places of the City may be granted to applicants by the Street, Water and Sewer Administrator 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 (including the placement of dumpsters on right-of-ways), provided such applicant has complied with the other requirements of this Section and has obtained a building permit if required by this Code of Ordinances. The Street, Water and Sewer Administrator may request advisory recommendations from the Chief of Police and Building Inspector prior to issuance of the permit. City officials may attach conditions to the permit, including proof of liability insurance.
- (b) **Bond.** No street privilege permit shall be issued until the applicant shall execute and file with the City Clerk-Treasurer an agreement that the applicant will indemnify and save harmless the City 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 City resulting from such building or moving operations. As such time, evidence of liability insurance as prescribed in Section 6-2-4(g) shall also be filed.
- (c) **Fee.** There shall be no fee for a street privilege permit.
- (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 Building Inspector, Chief of Police or Street, Water and Sewer Administrator 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) 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.
 - (5) 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 discretion of the Common Council.

- (f) **Removal by City.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk shall remove or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Common Council to do so, it shall be the duty of the City to remove such obstruction and make return of the costs and expenses thereof to the City Clerk-Treasurer 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.

State Law Reference: Sec. 66.045, Wis. Stats.

Sec. 6-2-8 Snow and Ice Removal.

- (a) **Sidewalk Cleaning.** The owners or occupants of any building or buildings, lot or lots, or any part thereof, or of any premises within the City are required to remove dirt or rubbish from the sidewalks adjacent thereto the full width thereof before noon of each day and to remove snow from the sidewalks adjacent thereto to the full width thereof before 8:00 p.m. of the following day after it has stopped snowing. Whenever the surface of any such sidewalk shall become slippery from any cause so as to render it dangerous to travelers, such owner or occupant, or either of them, shall remedy such slippery condition by removing the icy surface therefrom or by causing such surface to be sprinkled with sand or salt, or by other effective means, before 8:00 p.m. of the following day.
- (b) **Failure to Remove.** In case of failure or neglect of any owner or occupant of any land or parcel of land to remove the snow from sidewalks as specified in Subsection (a) within the time set forth in said Subsection, the Street, Water and Sewer Administrator may remove or cause the snow to be removed from any and all sidewalks and cross-sidewalks that may be so neglected by the owner or occupant, and a fee established by the Common Council shall be assessed against the owner or occupant for the cost and expense of moving such snow. The fee will be charged against the respective lots and parcels of land adjacent to which said work shall be done, as a special tax, and such sum or sums shall be collected in the same manner as other special taxes. Notice of the bill for the removal of snow and/or ice shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within ten (10) calendar days from the receipt thereof. Within thirty (30) days after such costs and expenses are incurred and remain unpaid, the Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by Sec. 66.60(16), Wis. Stats.
- (c) **Prohibited Placement.** Except as provided herein, no person shall deposit or cause to be deposited any snow or ice taken and removed from his/her premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the City, provided however, that the person, firm, or corporation depositing such snow shall, within one (1) hour thereafter, cause the same to be removed from such street.

- (d) **Snow and Ice as Nuisance.** The deposit of any snow or ice upon any sidewalk, alley or street of the City contrary to the provisions of this Chapter shall be and is declared to be a nuisance, and in addition to the penalty provided for violation of this Section, the City may similarly remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner or occupant of the property from which said snow or ice has been removed.
- (e) **Penalties.** In addition to the liability of the owner or occupant of lands under Subsection (b), the penalty for violation of any provision of this Section of the Code will be a penalty as provided in Section 1-1-7. A separate offense shall be deemed committed for each day of which a violation of this Section occurs or continues.

State Law Reference: Sections 66.60(16) and 66.615(3)(f) and (5), Wis. Stats.

Sec. 6-2-9 Terrace Areas.

- (a) **Definition.** The definition of "terrace" shall be as defined in Section 6-4-2(f).
- (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 Common Council or its designee. Basketball backstops, statuary, structures, flag poles and other objects shall not be placed in the terrace area.
- (c) **Responsibility to Maintain.** Every owner of land in the City whose land abuts a terrace is required to maintain, or have maintained by his/her tenant, the terrace directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes and hydrants located on a terrace free and clear of snow.

Cross-Reference: Title 6, Chapter 4.

Sec. 6-2-10 Vaults.

All vaults and cisterns under sidewalks shall be prohibited.

Sec. 6-2-11 Requests for Improvements.

Requests or petitions by City property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Common Council on or before September 15th to be considered for installation in the following year.

Sec. 6-2-12 Unlawful Dumping on Streets.

It shall be unlawful for any person to deposit or cause to be deposited, dump, sort, scatter or leave any rubbish, stone, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth, paper, snow, ice, dirt, grass, leaves, construction waste, garbage or other offensive or noxious material in any public street, sidewalk, alley, or upon any public property or upon any property of another, without the express permission of the owner or occupant thereof. Such unlawful material or obstruction may be removed by the City and the cost thereof billed to the violator pursuant to Sec. 66.60(16), Wis. Stats.

Sec. 6-2-13 Street Numbers.

- (a) **Established.** There is established a uniform system of numbering houses and buildings fronting on all streets, avenues and highways in the City of Bloomer; and all houses and buildings shall be numbered in accordance therewith.
- (b) **Houses to Bear Numbers.**
 - (1) The Common Council 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 the City its respective number under the uniform system provided for in this Section. When the survey has 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/her the number or numbers assigned within thirty (30) days after the assigning of the proper number.
 - (2) The cost of the number or numbers shall be borne by the property owners. The numbers may be procured from the Zoning Administrator at the unit price for the same, such price to be the cost of such units to the City. Replacement numbers shall be procured and paid for by the owner.
 - (3) In order to assist emergency personnel, the numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that they can be plainly seen from the street. Whenever any building is more than fifty (50) feet from the street line, the number of the building shall be conspicuously displayed at the street line, near the walk, driveway or common entrance to such building and upon a gate post, fence, tree, post or other appropriate place so as to be easily discernable from the sidewalk. The numbers shall be not less than two and one-half (2-1/2) inches in height, with dark lettering against a light background. Script numbers may not be used as the primary address numbers.
- (c) **Records.** To facilitate correct numbering, a plat book of all the streets, avenues and public highways within the City showing the numbers of all lots or houses fronting thereon shall be kept on file in the office of the Street, Water and Sewer Administrator. These plats shall

be open to public inspection during the office hours of the Street, Water and Sewer Administrator.

- (d) **Street, Water and Sewer Administrator to Assign Numbers.** The Street, Water and Sewer Administrator shall inform any party applying therefor of the number or numbers belonging to or embraced within the limits of any lot or property as provided in this Section. In case of doubt as to the proper number to be assigned to any premises, the Street, Water and Sewer Administrator shall determine the number of such premises.
- (e) **Number Assignment as Condition For Building Permit.** Whenever any house, building or structure is erected or located in the City 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, the owner shall procure the correct number or numbers from the Street, Water and Sewer Administrator for the property and shall immediately fasten such number or numbers so assigned upon such building as provided in this Section. No building permit shall be issued for any house, building or structure until the owner has procured from the Street, Water and Sewer Administrator the official number of the premises.

Sec. 6-2-14 Obstruction of Public Ditches.

No person shall in any manner obstruct or cause to be obstructed the free passage of water in any public gutter, ditch, culvert, swale or drain or place or cause to be placed any rubbish, dirt, sand, gravel or any other matter or thing so that the same is likely to be carried by the elements into any public gutter, ditch, culvert, swale or drain. Such unlawful material or obstruction may be removed by the City and the cost thereof billed to the violator pursuant to Sec. 66.60(16), Wis. Stats.

Sec. 6-2-15 Use and/or Lease of City Equipment and Services.

- (a) **Equipment.** Unless specifically authorized by the Common Council, the City of Bloomer shall not permit any person to use and/or lease any City equipment for private purposes.
- (b) **Services.** Unless specifically authorized by the Common Council, the City of Bloomer shall not provide specialized services such as driveway snowplowing, etc., for private parties, whether for a fee or no fee.

Sec. 6-2-16 Bidding of Public Construction Projects.

- (a) **Nonbid Construction.** The following classes of public work, or any part thereof, may be done directly by the City without submitting the same for bids:

- (1) Construction and repair of streets.
 - (2) Laying of sewer mains and laterals.
 - (3) Laying of water mains and laterals.
 - (4) Repair of sewer and water mains.
 - (5) All public construction of which the estimated cost is less than Five Thousand Dollars (\$5,000.00).
- (b) **Contracts, How Let.** All public construction, the estimated cost of which exceeds Ten Thousand Dollars (\$10,000.00), shall be let by contract to the lowest responsible bidder; all other public construction shall be let as the Council shall direct. If the estimated cost of any public construction exceeds Five Thousand Dollars (\$5,000.00), but is not greater than Ten Thousand Dollars (\$10,000.00), the Board of Public Works shall give a Class 1 notice under Chapter 985, Wis. Stats., of the proposed construction before the contract for construction is executed. The Council may also by a vote of three-fourths (3/4) of all the members-elect provide by ordinance that any class of public construction or any part thereof may be done directly by the City without submitting the same for bids.

Sec. 6-2-17 Dirt and Debris on Streets.

- (a) In the interests of public safety, health and general welfare, community appearance, and efficiency of operation, it shall be unlawful to place, throw, leave, in any way deposit or permit to be deposited, or permit to remain any dirt, leaves, rubbish, litter, debris or material of any kind upon any street, sidewalk, alley, drainageway, or public ground in the City of Bloomer. The owners or occupants of any building or buildings, lot or lots, or any part thereof, or of any premises within the City are required to remove dirt or rubbish from the sidewalks that they have so placed adjacent thereto the full width thereof before *noon* of each day.
- (b) The owner, occupant, or person in charge of private premises, which places, causes or permits to remain, any of said materials upon any street, sidewalk, alley, drainageway or public ground in the City of Bloomer shall immediately remove said materials at no cost to the City.
- (c) (1) The operator of any motor vehicle which tracks, drops, or places any materials upon any street, sidewalk, alley, drainageway or public ground in the City of Bloomer shall immediately stop and remove said materials at no cost to the City.
- (2) In the event said operator is performing work under the control or authority of the owner, occupant, or person in charge of the work on private premises, and said operator causes the deposition of any materials upon any street, sidewalk, alley, drainageway, or public ground in the City of Bloomer, and which said operator fails to remove said materials as required in Section (c) above, the owner, occupant, or person in charge of said work on said private premises, shall remove said materials at no cost to the City.

- (d) In the event the materials are not removed from the street in accordance with Subsections (b), (c), and/or (c)(1) above, the City shall cause the removal of such materials and shall charge said operator, or said owner, occupant, or person in charge of said work the cost of the removal. In the event the person charged for said removal fails to pay such costs within thirty (30) days, it shall be entered on the tax roll as a special tax against said property.
- (e) In addition to the costs of removal, said operator, or said owner, occupant, or person in charge of said property shall be subject to a penalty per occurrence as prescribed in Section 1-1-7. Each day that said materials are not removed, shall constitute a separate offense under this Section.

Sec. 6-2-18 Damages to Streets and Public Property.

- (a) In the interests of public safety, health, general welfare, community appearance, and efficiency of operation, it shall be unlawful in any way to cause damage, injury, or destruction, to any portion or any fixture of any street, sidewalk, alley, drainageway, or public ground in the City of Bloomer.
- (b) The person which causes damage, injury, or destruction of any portion of any street, sidewalk, alley, drainageway, or public ground in the City of Bloomer shall immediately stop and notify the Police or Public Works Department that he/she has caused such damages and shall correct said damages within ten (10) days at no cost to the City.
- (c)
 - (1) In the event the operator of any motor vehicle or equipment which causes damage, injury, or destruction of any portion of any street, sidewalk, alley, drainageway, or public ground in the City of Bloomer, fails to report such damage, it shall be considered a violation of this Section.
 - (2) In the event said operator is performing work under the control or authority of the owner, occupant, or person in charge of the work on private premises, and said operator causes the damage of any portion or fixture of any street, sidewalk, alley, drainageway, or public ground in the City of Bloomer, and which said operator fails to correct said damages as required in Section (c) above, the owner, occupant, or person in charge of said work on said private premises, shall correct said damages at no cost to the City.
- (d) In the event the damages are not corrected within ten (10) days, the City shall cause the correction of said damages and shall charge the operator, or owner, occupant, or person in charge of said property the cost of correcting the damage. In the event the said costs remain unpaid following thirty (30) days, it shall be entered on the tax roll as a special tax against said property.
- (e) In addition to the costs to correct damages, said operator, or said owner, occupant, or person in charge of said property shall be subject to a penalty per occurrence as prescribed in Section 1-1-7. Each day after said ten (10) days that the damages are not corrected, shall constitute a separate offense under this Section.

State Law References: Sec. 66.045, Wis. Stats.

Sec. 6-2-19 Adoption of State Statutes Concerning Roads.

The statutory provisions in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and, by reference, made a part of this Section. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions or modifications of the statutory regulations incorporated herein are intended to be made part of this Section.

- (a) **Sec. 80.32** Highways, Discontinuance of.
- (b) **Sec. 80.47** Streets, Right of Abutting Owners.
- (c) **Sec. 81.15** Highways, Liability for Defects.
- (d) **Sec. 86.03** Trees, On and Adjacent to Highways.
- (e) **Sec. 86.04** Highway Encroachments
- (f) **Sec. 86.05** Highways, Duty to Restore Entrances.
- (g) **Sec. 86.06** Highways, Closing to Travel.
- (h) **Sec. 86.07** Highways, Depositing Rubbish or Digging In.
- (i) **Sec. 86.105** Driveways, Snow Removal.
- (j) **Sec. 86.19** Highway Signs, Regulation, Prohibition.
- (k) **Sec. 146.13** Highways and Surface Waters, Discharging Noxious Matter Into.

Sec. 6-2-20 Grass Clippings.

Grass clippings from lawnmowing or other sources shall not be allowed to blow upon or accumulate in significant quantities upon any public street in the City of Bloomer where such grass clippings could wash into any storm sewer drainage inlet.

Title 6 ► Chapter 3

Driveways

- 6-3-1** Driveway Permit Required
- 6-3-2** Driveway Location, Design and Construction Requirements

Sec. 6-3-1 Driveway Permit Required.

- (a) **Purpose.** For the safety of the general public, the City of Bloomer shall determine the location, size, construction and number of access points to public roadways within the City limits. It is the City's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- (b) **Permit Required to Construct, Reconstruct, Alter or Enlarge.** No person shall construct or maintain a driveway across any sidewalk or curbing without first obtaining a driveway permit from the Street, Water and Sewer Administrator, except that the Building Inspector shall issue driveway permits if the driveway is a part of a new construction project. For bond and insurance requirements, see provisions of Section 6-2-3(g) and (h).
- (c) **Application.**
 - (1) Application for such permit shall be made to the City Clerk-Treasurer for referral to the Street, Water and Sewer Administrator on a form provided by the City and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. There is no fee for a driveway permit. Upon receipt of the application, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, the Street, Water and Sewer Administrator shall approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable City ordinance.
 - (2) All applications for permits shall be made on a form prescribed by the Street, Water and Sewer Administrator and be accompanied by a sketch in duplicate showing exact location of any naming:
 - a. Driveway and approaches.
 - b. Property lines.

- c. Right-of-way lines.
 - d. Intersecting roads, streets or roadways within three hundred (300) feet.
 - e. Width of right-of-way.
 - f. Width and type of road surface.
 - g. Distance from right-of-way line to gasoline pumps and other structures on the site.
 - h. Type of surface and width of driveways and approaches.
 - i. Proposed turning radii.
 - j. Other pertinent information as may be required.
- (d) **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:
- (1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his/her property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the City street, or for any other purpose.
 - (2) The City, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the City street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
 - (3) The permittee, his/her successors or assigns, agrees to indemnify and hold harmless the City of Bloomer, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
 - (4) The City does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the City street.

Sec. 6-3-2 Driveway Location, Design and Construction Requirements.

- (a) **General Requirements.** The location, design and construction of driveways shall be in accordance with the following:
- (1) **General Design.** Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches

shall be at least ten (10) feet apart except by special permission from the Street, Water and Sewer Administrator, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

- (2) **Number.** The number of driveways to serve an individual property fronting on a street shall be one (1), except where deemed necessary and feasible by the Common Council for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
- (3) **Island Area.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (a)(6).
- (4) **Drainage.** The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. 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.
- (5) **Reconstruction of Sidewalks and Curb and Gutter.** When the construction of a driveway requires the removal of a curb or gutter the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Section 6-2-2 of this Code insofar as such requirements are applicable, including thickness requirements. Standard thickness of residential driveway approaches will be six (6) inches thick.
- (6) **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
 - a. The filling or draining shall be to grades approved by the Street, Water and Sewer Administrator and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.

- c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Street, Water and Sewer Administrator.
- (7) **Relocation of Utilities.** Except in unique situations, driveways shall not be located over City utility lines. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Street, Water and Sewer Administrator necessary before any utility may be relocated and the driveway installed.
- (8) **Construction Across Sidewalks.** All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Section 6-2-2 of this Code insofar as such requirements are applicable, including thickness requirements.
- (9) **Surfacing.** New driveways shall be hardsurfaced within one (1) year of driveway permit issuance.
- (10) **Variances.** Any of the above requirements may be varied by the Common Council in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments:
- (1) **Width of Drive.** The maximum permitted width of a commercial or industrial driveway approach shall be thirty-five (35) feet at the curb line, except as increased by permissible radii. In instances where the unique nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Common Council in its discretion may permit a driveway of additional width.
- (2) **Angular Placement of Driveway.** The angle between the center line of the driveway and the curb line shall not be less than 45°.
- (3) **Island Areas.** Where the public sidewalk is adjacent to the curb, an island of a minimum length of six (6) feet measured along the curb line shall be placed between each entrance to a City street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of ten (10) feet measured along the right-of-way line shall be maintained along each entrance to the City street. All flares shall be tangent to the curb line. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his/her property.
- (c) **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property:
- (1) **Width.** Unless special permission is first received from the Common Council, a residential single-type driveway shall be no greater than twenty-four (24) feet wide

at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than twenty-four (24) feet wide at the curb line and eighteen (18) feet wide at the outer or street edge of the sidewalk.

- (2) **Angular Placement.** The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.
- (d) **Appeal from Permit Refusal.** Any person feeling himself aggrieved by the refusal of the Street, Water and Sewer Administrator to issue a permit for a private driveway may appeal such refusal to the Common Council within twenty (20) days after such refusal to issue such permit is made.
- (e) **Prohibited Driveways.**
- (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the City of Bloomer except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Chapter.
 - (2) No driveway shall be closer than thirty-five (35) feet to the extended street line at an intersection. 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 City for effective traffic control or for highway signs or signals.
 - (3) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
 - (4) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.
 - (5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the water course located in such public way.
- (f) **Culvert Construction Standards.**
- (1) **Size.** Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than twelve (12) inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel or reinforced concrete, and shall be of new manufacture, unless specifically excepted by the Street, Water and Sewer Administrator.
 - (2) **Gauge.** The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with the following:

Pipe Diameter	Gauge
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

Height of Cover (in feet)	Class of Pipe
0-2	IV
2-3	III
3-6	II

- (3) **Drainage.** The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- (4) **Endwalls.** Culverts shall be provided with a concrete or metal apron endwalls as directed by the Street, Water and Sewer Administrator.
- (5) **Backfill Material.** Material used for backfill shall be of a quantity acceptable to the Street, Water and Sewer Administrator and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- (6) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Street, Water and Sewer Administrator.
- (7) **Distance.** The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled pursuant to Subsection (a)(6).
- (8) **Cost.** The property owner shall install the culvert and be responsible for the cost thereof. The property owner shall keep his/her culverts unobstructed and clean.
- (9) **Appeal.** Persons may request a variance from the culvert requirements of this Section by filing a written appeals request with the City Clerk-Treasurer, who shall place the matter as an agenda item for the Common Council's next meeting. The Common Council may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Street, Water and Sewer Administrator may be asked to render an opinion on the request.

Title 6 ► Chapter 4

Trees and Shrubs

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Sec. 6-4-1 Statement of Policy and Applicability of Chapter.

- (a) **Intent and Purpose.** It is the policy of the City of Bloomer 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 City 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 City; 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 City against the spread of disease, insects or pests.
- (b) **Power to Regulate Trees and Shrubs.**
- (1) The Common Council has empowered the City Forester to plant, transplant, remove, trim, treat and otherwise care for and protect all trees, shrubs and plants on all public lands not specifically delegated to other City boards, all to insure public safety and to preserve and enhance the beauty of such public lands.

- (2) Public lands under the jurisdiction of the City Forester includes but is not limited to all lands within the lines of all public streets and alleys in the City, more specifically the terrace strip between the lot line and curb or improved portion of any public street or alley.
 - (3) The Common Council is empowered to require landowners to remove, trim or treat specified trees, shrubs or plants under certain conditions and to prohibit the planting of certain trees or tree species, shrubs or plants on private lands within the City of Bloomer.
- (c) **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.

Sec. 6-4-2 Definitions.

Whenever the following words or terms are used in this Chapter, they shall be construed to have the following meanings:

- (a) **Person.** Person, firm, association or corporation.
- (b) **Public Areas.** Includes all public parks and other lands owned, controlled or leased by the City except the terrace areas.
- (c) **Public Trees and Shrubs.** All trees and shrubs located or to be planted in or upon public areas.
- (d) **Public Nuisance.** 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.
- (e) **Boulevard or Terrace Areas.** The land between the normal location of the street curbing and sidewalk. Where there is no curb and gutter, the area four feet from the curb line shall be deemed to be a boulevard for the purpose of this Chapter. "Boulevard" shall have the same meaning as "terrace." Where there are no sidewalks, the area four (4) feet from the curb shall be deemed boulevard areas under this Chapter.
- (f) **Major Alteration.** Trimming a tree beyond necessary trimming to comply with this Chapter.
- (g) **Shrubs.** Any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- (h) **Tree.** 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.
- (i) **Evergreen Tree.** Any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.

- (j) **City Forester.** The Common Council shall designate a City Forester, or assign such duties to a City employee.

Sec. 6-4-3 Authority of City Forester to Enter Private Premises.

The City Forester or his/her 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. If a request to inspect such trees or shrubs is denied by the person responsible for the property, an inspection warrant may be obtained pursuant to Sec. 66.122, Wis. Stats.

Sec. 6-4-4 Interference with the City Forester Prohibited.

No person shall interfere with the Common Council, authorized representative while they are engaged in carrying out any work or activities authorized by this Chapter.

Sec. 6-4-5 Abatement of Tree Disease Nuisances.

- (a) **Dutch Elm and Other Tree Diseases a Public Nuisance.** Whereas the Common Council has determined that there are many trees growing on public and private premises within the City, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the City, and that the health and life of such trees is threatened by fatal diseases such as Dutch Elm disease, which is spread by the elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.), the Common Council hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such diseases and specifically declares Dutch Elm disease and the elm bark beetles which carry such disease to be public nuisances.
- (b) **Definitions.** As used in this Section, unless otherwise clearly indicated by the context:
- (1) "Public Nuisance" means:
 - a. Dutch Elm disease.
 - b. Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.).
 - c. Any living or standing elm tree or part thereof infected with the Dutch Elm disease fungus or in a weakened condition which harbors any of the elm bark beetles, *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.).
 - d. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.

- e. Any other deleterious or fatal tree disease.
 - f. Any tree or part thereof which by reason of its condition and location is hazardous or dangerous to persons and property using or upon any public street, sidewalk, alley, park or other public place, including the terrace strip between curb and lot line.
 - g. Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.
- (2) "Public property" means owned or controlled by the City, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.
- (3) "Person" means person, firm or corporation.
- (c) **Inspection.**
- (1) The City Forester shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance exists thereon. The City Forester shall also inspect or cause the inspection of any elm tree reported or suspected to be infested with the Dutch Elm disease or any elm bark bearing materials reported or suspected to be infested with elm bark beetles.
 - (2) Whenever necessary to determine the existence of Dutch Elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid fatal injury thereto and deliver such specimens to the City Forester which shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.
 - (3) The City Forester or his/her agents shall have authority to enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this Section.
- (d) **Abatement of Nuisances.**
- (1) The City Forester shall order, direct, supervise and control the abatement of public nuisances as defined in this Section by spraying, removal, burning or by other means which it determines to be necessary to prevent as fully as possible the spread of Dutch Elm disease fungus, other deleterious tree diseases or the insect pests or vectors known to carry such diseases.
 - (2) Whenever the City Forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the City, it shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease, other deleterious tree diseases, or the inspect pests or vectors known to carry such disease fungus.
 - (3) a. When the City Forester shall determine with reasonable certainty that a public nuisance exists upon private premises, it shall immediately serve or cause to be served personally or by registered mail upon the owner of such property, if he/she

can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing before the City Forester, not less than ten (10) days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommend procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of trees in the City, the City Forester shall cause the abatement thereof at the expense of the property served. If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the City.

- b. If, after hearing held pursuant to this Subsection, it shall be determined by the City Forester that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five (5) days after such hearing, the City Forester shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this Section. The City Forester may extend the time allowed the property owner for abatement work but not to exceed ten (10) additional days.

(e) **Spraying.**

- (1) Whenever the City Forester shall determine that any tree or part thereof is infected with a deleterious or fatal tree disease or is in a weakened condition or harbors elm bark beetles, the City Forester may cause all trees within a one thousand (1,000) foot radius thereto to be sprayed with an effective disease destroying concentrate or other insecticide.
- (2) In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this Section, the Forester shall cause to be given advance public notice of such operations by newspaper, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least twenty-four (24) hours in advance of spraying.
- (3) When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with Subsection (b) of this Section, the City shall not allow any claim for damages to any vehicle caused by such spraying operations.
- (4) When trees on private property are to be sprayed, the Forester shall notify the owner of such property and proceed in accordance with the requirements of Subsection (d)(3).

Sec. 6-4-6 Planting of Trees and Shrubs.

- (a) **Responsibility.** The size and genus, species and variety of trees and shrubs to be planted in terraces, tree banks and boulevards and the manner of planting shall be submitted to the City Forester for approval before commencement of such work. All planting, maintenance

and trimming of trees in terraces shall be the responsibility of the individual property owners.

- (b) **Tree Sizes.** The City Forester shall prepare and maintain lists of tree species desirable for planting in boulevards according to their normal mature height in addition to those specified in Subsection (f) below:

- (1) Large trees: Over forty (40) feet;
- (2) Medium trees: Twenty-five (25) to forty (40) feet; and
- (3) Small trees: Fifteen (15) to twenty-five (25) feet.

- (c) **Planting; Size.**

- (1) All large or medium trees, when planted, shall be at least eight (8) feet high and have a minimum trunk diameter of one and one-quarter (1-1/4) inches at a point six (6) inches above the ground.
- (2) All small trees, when planted, shall be least five (5) feet high and have five (5) or more branches.
- (3) The tree shall be planted in a well prepared hole at the same depth as it was originally growing. All trees less than twelve (12) feet high shall be staked. All trees twelve (12) feet or more in height shall be supported by guy wires in such a way as not to injure the bark. The support shall be removed after a year.
- (4) The tree shall be kept well watered and mulched or cultivated in a two (2) foot diameter around its base to conserve moisture and as a protection from lawn mower damage.
- (5) The good health of all trees planted hereunder shall be guaranteed for one (1) year by the applicant, after which time such trees shall become the property of the City.

- (d) **Location.**

- (1) There shall be a distance of forty (40) to 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 (3) feet wide, planting will not be permitted.
- (2) Small sized trees shall be planted at least five (5) feet from driveways and large or medium sized trees shall be planted at least fifteen (15) feet from driveways.
- (3) Evergreen trees or shrubs shall not be planted in a terrace area.
- (4) It shall be unlawful to plant or maintain shrubbery, ground cover or other plants not considered to be a deciduous leaf tree within terrace areas whose growth is in excess of eight (8) inches in height above the top of the nearest curb.
- (5) Tree grates shall be provided for terrace trees surrounded by concrete by the adjacent property owner and shall be level with adjacent concrete.
- (6) Trees may *not* be planted in the terrace closer than:
 - a. Twenty (20) feet to a utility or street lighting pole.
 - b. Eight (8) feet to a fire hydrant, water stop box or gas shut-off. If possible, allow more distance than eight (8) feet.

- c. Twenty-five (25) feet to the intersection of two (2) streets from either corner measured on the property line.
- (7) New street trees shall not be planted over an existing tree stump within two (2) years of removal unless the stump is removed to a depth of four (4) feet.
- (8) The property owner has the responsibility to locate underground utilities before digging.
- (e) **Minimum Opening to Be Maintained.** Unless otherwise provided for in a written permit from the City Forester, there must be at least nine (9) square feet of open ground about the base of each tree three (3) inches in diameter one (1) foot above the ground, and for each two (2) inches of increase in such diameter there must be an increase of at least one (1) foot of open ground around each such tree.
- (f) **Permitted Species.** Only trees from the following approved listing shall be planted in a public terrace strip (between curb and sidewalk). Trees are listed by their commercial name and grouped by suitability for various terrace strip widths. The mature height is given following the name so that consideration can be given in cases where overhead wires are present:

4 Feet +

Globe Norway Maple	16 feet
Almira Norway Maple	16 feet
Amur Maackia	20 feet
Japanese Tree Lilac	20 feet
Anise Magnolia	20 feet
Callery Pear	20 feet
Toba Hawthorne	20 feet
Lavalle Hawthorne	20 feet
Washington Hawthorne	20 feet
Rancho Sargent Cherry	25 feet
Hop Hornbeam	25 feet
Olmsted Columnar Norway Maple	30 feet
Mountain Ash	30 feet
Scanlon Red Maple	35 feet

6 Feet +

Manchurian Bird-cherry	20 feet
Frau Louise Dittman Crabapple	20 feet
Flame Crabapple	25 feet
Double Flowered Mazzard Cherry	30 feet
Sargent Cherry	30 feet

Mongolian Linden	30 feet
Wineleaf Sycamore Maple	30 feet
Tilford Red Maple	35 feet
Littleleaf Linden	40 feet
Amur Corktree	45 feet
Chinese Pearleaf Crabapple	20 feet
Ruby Red Horsechestnut	25 feet
Seneca Sugar Maple	25 feet
Rancho Littleleaf Linden	25 feet
Golden-Leaf Sycamore Maple	25 feet
Pyramidal Sycamore Maple	25 feet
Globe Blue Ash	25 feet
Pyramidal European Ash	30 feet
Manchurian Ash	30 feet
Cleveland Norway Maple	30 feet
Schwedler Norway Maple	30 feet
Pyramidal European Hornbeam	35 feet
Columnar Sugar Maple	45 feet

8 Feet +

Kobus Magnolia	20 feet
Dolgo Crabapple	30 feet
Redbug Maple	45 feet

10 Feet +

Liset Crabapple	20 feet
Shakespeare Crabapple	20 feet

- (g) **Certain Species Restricted.** No person shall plant within the City of Bloomer any female tree of the species *Populus Deltoidea*, 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.
- (h) **Unlawfully Planted Trees.** Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the City Forester may be removed. The City 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 City may remove such trees, plants or shrubs and assess the costs thereof to the owner.

(i) **Permit Requirement.**

- (1) **Permit Required.** No person except upon order of the City Forester shall plant, transplant, move, spray, brace, trim, prune, cut above or below ground, disturb, alter or do surgery on a public tree or shrub in the City, or cause such act to be done by others, without first getting a written permit for such work from the City Forester as herein provided.
- (2) **Exemptions.** No permit shall be required to cultivate, fertilize, perform minor cutting or pruning or watering of public trees or shrubs.
- (3) **Requirements and Conditions of Permits.** If the City Forester determines that the proposed work or planning 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 sidewalks, 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 needs of the species or variety of trees or shrub, he/she shall issue a permit to the applicant upon presentation of the receipt of the City Clerk-Treasurer showing payment of the required fee. As a condition of granting any permit to remove the public tree or shrub, the City Forester may require that the permittee plant one (1) or more trees or shrubs in place of the one removed, and no permittee under such a conditional permit, shall fail, refuse or neglect to plant trees or shrubs of the type, size and location specified in his permit.
- (4) **Form, Expiration and Inspection.** Every permit shall be issued by the City Forester on forms prepared by him/her shall include a description of the work to be done and shall specify the species or variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work done under such permit must be performed in strict accordance with the terms thereof and the provisions of this Chapter. Permits issued under this Chapter shall expire six (6) months after date of issue.
- (5) **Fee.** The fee for a permit shall be Two Dollars (\$2.00).

Sec. 6-4-7 Trimming.

- (a) Prior to major trimming activity involving a public tree, the permit requirements of Section 6-4-7(6) shall be complied with. Any person growing a tree, plant or shrub on any private property abutting on public streets or public places shall:
 - (1) Trim them so as not to be a hazard to persons using the streets or to interfere with the proper lighting of the streets.

- (2) Treat or remove any tree, plant or shrub which the City Forester shall determine is diseased or insect-ridden or a hazard to persons using the streets.
 - (3) Remove and refrain from planting any tree, plant or shrub designated by the Wisconsin Department of Agriculture, Trade and Consumer Protection and published in its regulations to be a host or carrier of a dangerous plant disease or insect pest.
- (b) Owners of any property may arrange to have any tree, plant or shrub sprayed, trimmed or removed by the City and pay for such service at the rates established by the Common Council.
 - (c) Trees and shrubs standing in or upon any terrace, public area or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. The City Forester may waive the provisions of this Section for newly planted trees if it determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.
 - (d) The necessity of the pruning may be determined by the City Forester. Trimming activity, and the cost thereof, shall be the responsibility of the City.
 - (e) Clearance from sidewalk to lower branches shall not be less than eight (8) feet. All trees standing upon private property in the City, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than ten (10) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.
 - (f) Trimming or pruning of more than two-thirds (2/3) of the crown of a public area tree shall be considered to be a major alteration and shall require a permit from the City Forester.

Sec. 6-4-8 Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs.

- (a) 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 (2) or more streets or alleys in the City any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (b) It is unlawful for any person to 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 or driveway approach to a street in the City. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- (c) 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 City Forester may

order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub which unreasonably interferes with or encroaches upon the street or sidewalk, to take such steps as are necessary to remove such interference. If such owner or occupant fails, within ten (10) days of receipt of notice, to take such necessary steps, the City Forester shall order City employees to remove the interference. The cost of removing the interference shall be levied and collected as a special tax upon the property upon which or in front of which such tree or shrub stands.

- (d) Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the City Forester as specified in Subsection (c) above shall, upon conviction thereof, be subject to a forfeiture as established in Section 1-1-7 of this Code of Ordinances.

Cross-Reference: Section 13-1-90.

Sec. 6-4-9 Removal of Trees and Stumps.

- (a) **Dangerous, Obstructive and Infected Trees.** Any tree or part thereof, whether alive or dead, which the City Forester shall find to be infected, hazardous or a nuisance so as to endanger the general public or other trees, plants or shrubs growing within the City, 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 City 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 within 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 City 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 City Forester shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the City Clerk-Treasurer, who shall thereupon enter such cost as a special charge against the property.
- (b) **Removal Standards.** 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 (9) inches below grade measured in a straight line with the normal grade of sidewalk to top of nine (9) 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. The abutting property owner shall have a right of first refusal to keep the wood, provided such wood is not diseased.

- (c) **Private Removal.** No person, firm, organization or corporation shall plant, injure, trim, remove or destroy any tree or shrub located in or upon any public place, until a permit shall have been issued by the City Forester. Such permit shall be issued only when the removal, trimming or cutting of the tree or shrub is necessary, as determined by the City Forester, because of disease, damage, hazardous condition, and/or location, or its location is such that substantial detriment is done to the property upon which the tree or shrub stands, or property abutting the same. Such permit shall expressly state the premises upon which the tree stands and the location of the tree thereon.

Sec. 6-4-10 Prohibited Acts.

- (a) **Damage to Public Trees.** No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the City Forester in the case of a terrace-area tree, public tree or shrub, perform or cause to be performed 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 City may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
 - (6) Cause or encourage any fire or burning near or around any tree.
 - (7) Except with a written permit from the City Forester to place or maintain upon the ground any stone, brick, cement or other impervious substance in such manner as may obstruct the free access of air or water to the roots of any tree, shrub or plant in or upon any public way or public place.
- (b) **Excavations.** 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 (10) feet from any public tree without a permit from the City Forester.

- (c) **Interference With Forester.** No person shall:
 - (1) Interfere with or prevent any acts of the City Forester or his/her agents while it is engaged in the performance of duties imposed by this Section.
 - (2) Refuse to permit the City Forester or his/her representative to enter upon his/her premises at reasonable times to exercise the duties imposed by this Section.
- (d) **Refusal to Abate Nuisance.** Permits any public nuisance to remain on any premises owned or controlled by him/her when ordered by the City Forester to abate such nuisance.

Sec. 6-4-11 Appeal from Determinations or Orders.

Any person who receives a determination or order under this Chapter from the City Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Title 4 of this Code of Ordinances, to the Common Council within seven (7) days of receipt of the order and the Common Council shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing, the Common Council may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Common Council shall, by letter, notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded. The Council shall file its written decision with the City Clerk-Treasurer.

Sec. 6-4-12 Tree Costs Chargeable to Lands.

- (a) **Assessment.** The entire cost of planting, removal, spraying, trimming or treatment of trees, shrubs and plants in front of or upon any lot or parcel of land abutting on any public way, may be chargeable to and assessed upon such lot or parcel of land.
- (b) **Account to Be Kept.** The City Forester shall keep a strict account of the cost of planting, removal, trimming or treating of any tree, shrub or plant in front of or on each lot or parcel of land abutting any public way, and prior to the 10th day of November in each year shall make a report to the City Clerk-Treasurer of all work done for which assessments are to be made stating and certifying the description of land, lot, parts of lots or parcels of land abutting on any public way, in which any such work shall have been done and the amount chargeable to each piece of property; the City Clerk-Treasurer at the time of making the annual report to the Common Council of the lots or parcels of land subject to special assessments shall include therein the lots or parcels of land so reported during the proceeding year.
- (c) **Amounts Chargeable as Lien.** The amounts so reported to the Council shall be levied on said lots or parcels of land, respectively, to which they are chargeable and shall constitute a lien thereon and shall be collected by the City. The City Forester shall advance out of the proper fund sufficient money for doing said work and the said special assessment

shall be credited to said fund of the City and shall not be diverted or used for any other purpose.

Sec. 6-4-13 Inspection of Trees.

An annual inspection by competent personnel may be conducted of all trees within the terrace strip along every public way within the City, and also those trees on private lands within falling distance of any public way or public place.

Sec. 6-4-14 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.

TITLE 7

Licensing and Regulation

Chapter 1	Licensing of Dogs; Regulation of Animals
Chapter 2	Fermented Malt Beverages and Intoxicating Liquor
Chapter 3	Cigarette Licenses
Chapter 4	Transient Merchants
Chapter 5	Mobile Homes
Chapter 6	Regulation and Licensing of Fireworks
Chapter 7	Street Use Permits
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Title 7 ► Chapter 1

Licensing of Dogs; Regulation of Animals

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Sec. 7-1-1 Dog Licenses Required; Definitions.

- (a) **License Required.** It shall be unlawful for any person in the City of Bloomer to own, harbor or keep any dog for more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.

- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) **Owner.** Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.
 - (2) **At Large.** 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 said dog or cat, shall be deemed to be upon the owner's premises.
 - (3) **Dog.** Any canine, regardless of age or sex.
 - (4) **Cat.** Any feline, regardless of age or sex.
 - (5) **Neutered.** As used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.
 - (6) **Animal.** Mammals, reptiles and birds.
 - (7) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
 - (8) **Law Enforcement Officer.** Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
 - (9) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
 - (10) **Pet.** An animal kept and treated as a pet.
 - (11) **Residential Lot.** A parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted and under common ownership. For the purpose of this Chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
 - (12) **Restrain.** Includes notifying the dog or cat's owner or an officer and requesting either the owner or officer to capture and restrain the dog or cat, or capturing and restraining the dog or cat, and killing the dog or cat if the circumstances require immediate action.
 - (13) **Untagged.** Not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

State Law Reference: Sections 174.05 through 174.10, Wis. Stats.

Sec. 7-1-2 Rabies Vaccination Required for License.

- (a) **Rabies Vaccination.** 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 revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog

or brings the dog into the City of Bloomer 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 brought into the City unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.

- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the City stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the City of Bloomer.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (a).
- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

Sec. 7-1-3 Issuance of Dog and Kennel Licenses.

- (a) **Dog Licenses.**
 - (1) It shall be unlawful for any person in the City of Bloomer to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of

Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

- (2) 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 a license tax and obtain a license.
 - (3) Dog owners shall pay the City Clerk-Treasurer annually the sum of Five Dollars (\$5.00) for each neutered male dog and spayed female dog, and Ten Dollars (\$10.00) for each unneutered male or unspayed female dog.
 - (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the City Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The City Clerk-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.
 - (5) 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, except as provided in Section 7-1-2(e).
 - (6) 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. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
 - (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the City Clerk-Treasurer upon application therefor.
 - (8) The license fees collected upon three (3) or more dogs shall be reduced by one-half (1/2) for any dog which first became five (5) months of age after July 1st of a license year.
- (b) **Kennel Licenses.**
- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax of Forty-five Dollars (\$45.00) for a kennel of twelve (12) or fewer dogs and an additional Four Dollars (\$4.00) for each dog in excess of twelve (12). Upon payment of the required kennel license tax and, if required by the Common Council, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the City Clerk-Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be located in residential areas following a public hearing and approval by the Common Council; the Common Council may attach conditions to such approval as a conditional use under the City's Zoning Code.
 - (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under

- a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.
- (3) The term "kennel" means any establishment wherein or whereon three (3) or more dogs are kept.
 - (4) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food and drink and proper shelter for the dogs in said kennel or who neglects or abandons said dogs. Designated officials shall investigate any complaints regarding the failure to maintain proper standards or investigate any kennel premises upon his own initiative. Expressly incorporated by reference in this Section as minimum standards for kennel keepers or operator are the relevant provisions of Chapter 948 of the Wisconsin Statutes.
 - (5) A condition of a kennel license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate City officials without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. Should any kennel be found to constitute a public nuisance, the license shall be revoked and the nuisance abated pursuant to City ordinances.

State Law Reference: Sec. 174.053, Wis. Stats.

Sec. 7-1-4 Late Fees.

The City Clerk-Treasurer shall assess and collect a late fee of Five Dollars (\$5.00) from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 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. Said late fee shall be charged in addition to the required license fee.

Sec. 7-1-5 Rabies Quarantine.

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the City shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded.

All officers shall cooperate in the enforcement of the quarantine. The Chief of Police shall promptly post in at least three (3) public places in the City notices of quarantine.

- (b) **Exemption of Vaccinated Dog or Cat from City Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the City quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
 - (1) **Quarantine or sacrifice of dog or cat.** An officer or animal warden shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - (2) **Sacrifice of other animals.** An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- (d) **Quarantine of Dog or Cat.**
 - (1) **Delivery to isolation facility or quarantine on premises of owner.** An officer or animal warden who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
 - (2) **Health risk to humans.** If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
 - (3) **Risk to animal health.**
 - a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one

- hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
- b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) ***Destruction of a dog or cat exhibiting symptoms of rabies.*** If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the City, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
- (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the City, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination.

Sec. 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.

- (a) **Nuisance or Dangerous Animals.** It shall be unlawful for any person within the City of Bloomer to own, harbor or keep any dog, cat or other domestic animal or fowl which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the City.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the limits of the City.
 - (4) Repeatedly breaks from leash or enclosure and trespasses or defecates upon property other than that on which the animal is kept.
 - (5) Habitually barks, howls or makes other noise audible beyond the property upon which the animal is kept during any hour of the day or night.
 - (6) Kills, wounds or worries any domestic animal.
 - (7) 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.
 - (8) In the case of a dog, is unlicensed.
 - (9) Otherwise disturbs the peace and quiet of the City of Bloomer.
- (b) **Vicious Dogs and Animals.**
- (1) 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. For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises.
 - (2) No person shall harbor or permit to remain on his/her premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.
- (c) **Animals Running at Large.**
- (1) No person having in his/her possession or ownership any dog, cat or other domestic animal or fowl shall allow the same to run at large within the City. The owner of any animal, whether licensed or unlicensed, shall keep his/her animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or City Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer or animal warden.
 - (2) An animal shall be deemed to be running at large when it is on any of the public streets, alleys, parks or other public grounds of said City, or any other premises in said City other than the premises of its owner, unless physically restrained by a leash, chain, enclosure, or otherwise under the control of its owner, a servant, agent or a member of his/her family of suitable age and discretion to provide effective physical restraint of the dog, cat or other domestic animal.
- (d) **Barking Dogs or Crying Cats.** It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A

- dog or cat is considered to be in violation of this Section when complaints are filed with the Police Department pursuant to Subsection (e) below.
- (e) **Enforcement.**
 - (1) Upon any written complaint to the Police Department, warnings may be issued to the owner of a dog or other animal engaging in the above conduct, that said animal may be in violation of this Section.
 - (2) Upon any two (2) written complaints in one (1) year by one (1) or more persons, a citation may be issued to the owner of a dog or other animal engaging in the above conduct, subject to forfeiture as provided in Section 7-1-24.
 - (f) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.
 - (g) **Trapping and Impounding of Animals by Police Department.** Upon complaint of any real property owner or tenant thereupon that a dog, cat or other domestic animal is running at large in violation of this Section, the Police Department is authorized to live trap the said animal and impound it if, in the opinion of the officer responding to the complaint, such action is warranted. Any dog, licensed or unlicensed, cat or other domestic animal in violation of this Section shall be impounded at the place provided by the City as the City impoundment facility.

Sec. 7-1-7 Impoundment of Animals.

- (a) **Animal Control Agency.**
 - (1) The City of Bloomer may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
 - (2) The City of Bloomer does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this Section.
- (b) **Impounding of Animals.** In addition to any forfeiture penalty hereinafter provided for a violation of this Chapter, a law enforcement or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this City, assaults or attacks any person, is at large within the City, habitually barks, cries or howls, kills, wounds or worries any domestic animal, or is infected with rabies or otherwise violates any provision of this Chapter.
- (c) **Claiming Animal; Disposal of Unclaimed Animals.**
 - (1) **Seizure.** A law enforcement officer or any animal control officer appointed by the Common Council may attempt to capture and restrain dogs or other animals running

at large or in other violation of this Chapter, and shall confine and capture or restrain animals in a suitable dog pound or other enclosure. After seizure of animals under this Section by a law enforcement or animal control officer, the animal shall be impounded.

- (2) **Retention and Disposition of Unclaimed Animals.** All dogs or other animals apprehended shall be kept for no less than seven (7) days at the dog pound or other enclosure and if such animal is not claimed by the rightful owner, representative or keeper, within such time, said animal shall be transmitted to the Humane Society or other designated animal control facility to be handled in accordance with Wisconsin Statutes and the policies of that facility.
- (3) **Notification.** A person who captures or restrains a dog or other animal shall notify or deliver the dog or other animal to the pound or humane society or to any officer within twelve (12) hours of capture or restraint. Any police officer or City official to whom a dog or other animal is delivered shall attempt to notify the owner as soon as possible if the owner is known or can be ascertained with reasonable effort.
- (4) **Claiming Animals.** The owner or representative, or keeper of any dog or other animal so confined may reclaim such animal from the Police Department at any time before transmittal to the pound, if:
 - a. The owner, representative or keeper gives his or her name and address.
 - b. The owner, representative or keeper presents evidence that the dog is licensed and presents evidence that the dog is vaccinated against rabies, or a receipt from a licensed veterinarian for repayment of a rabies inoculation.
 - c. The owner, representative or keeper pays the cost of apprehending, boarding fees, necessary medical treatment and impounding fees, if any.
- (5) **Impounding Costs.** Before any owner can claim and resume possession of any animal impounded under this Section, he/she shall pay to the Police Department the sum of Twenty Dollars (\$20.00) plus Three Dollars (\$3.00) per day or any fraction thereof during which the animal has been impounded or such sum as the Common Council may from time to time establish (or such fees established by the animal control facility, if used). In addition, before an unlicensed dog is released, a license shall be obtained for each unlicensed dog. In the event that an impounded animal is injured or diseased, or if it is unclaimed after seven (7) days of impoundment, it shall be disposed of in a proper and humane manner.
- (d) **City Not Liable for Impounding Animals.** The City and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

Sec. 7-1-8 Duty of Owner in Case of Animal Bite.

- (a) If any animal, for which the owner holds a current rabies certificate, is involved in a bite or a scratch incident, the owner shall isolate and confine the animal, under the supervision

of a licensed veterinarian for at least ten (10) days from the date of the incident. Supervision of a veterinarian includes at a minimum, examination of the animal, on the first day, on the tenth day, and on one intervening day. If the animal is confined at the residence of the owner, it must not be allowed to come in contact with other animals or people. It cannot be left unattended outside.

- (b) The animal can be taken outside of the residence only to relieve itself, under restraint and under the supervision of an adult.
- (c) Any animal involved in a bite or scratch incident that has not been vaccinated, or has not been re-vaccinated within the prescribed times, must be confirmed at a veterinary hospital, under the supervision of a veterinarian for ten (10) days.
- (d) Under no circumstances can the owner sell, give away, or destroy the animal until it has been released by a licensed veterinarian after the ten (10) day confinement (quarantine) period.

Sec. 7-1-9 Pit Bulls and Other Dangerous Animals.

- (a) **Keeping of Animals Prohibited.** It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Bloomer:
 - (1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats.
 - (2) Any animal having poisonous bites.
 - (3) Any pit bull dog provided that pit bull dogs registered with the City on the day this Section becomes effective may be kept within the City subject to the standards and requirements set forth in Subsection (b) of this Section. "Pit bull dog" as that term is used in this Section is defined to mean:
 - a. The Staffordshire bull terrier breed of dog;
 - b. The American pit bull terrier breed of dog;
 - c. The American Staffordshire terrier breed of dog;
 - d. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or a combination of any of these breeds.
- (b) **Keeping of Registered Pit Bulls.** The provisions of Subsection (a) are not applicable to owners, keepers or harbors of pit bull dogs registered with the City of Bloomer keeping, owning or harboring of such dogs is however subject to the following conditions:
 - (1) **Leash and Muzzle.** No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts,

buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

- (2) **Confinement.** All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel except when leashed and muzzled as provided in Subsection (b)(1). All pens or kennels shall comply with all zoning and building regulations of the City and shall be kept in a clean and sanitary condition.
- (3) **Confinement Indoors.** No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.
- (4) **Signs.** All owners, keepers or harborers of registered pit bull dogs within the City shall within ten (10) days of the effective date of this Section display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- (5) **Insurance.** All owners, keepers or harborers of registered pit bull dogs must within thirty (30) days of the effective date of this Section provide proof to the Police Department of public liability insurance in a single incident amount of Fifty Thousand Dollars (\$50,000) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Police Department.
- (6) **Registration.** All owners, keepers or harborers of pit bull dogs shall within thirty (30) days after the effective date of this Section register said dog with the City by filing with the Police Department two (2) color photographs of the dog clearly showing the color and approximate size of the dog.
- (7) **Reporting Requirements.** All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the Police Department:
 - a. The removal from the City or death of a registered pit bull;
 - b. The birth of offspring of a registered pit bull dog;
 - c. The new address of a registered pit bull dog should the dog be moved within the City of Bloomer.
 - d. If the registered pit bull dog is sold, the name and address of the new owner.
- (8) **Animals Born of Registered Dogs.** All offspring born of pit bull dogs registered within the City must be removed from the City within six (6) weeks after the birth of said animal.
- (9) **Failure to Comply.** It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the City to fail to comply with the requirements and conditions set forth in this Section.

Sec. 7-1-10 Animal Feces.

- (a) **Removal of Fecal Matter.** The owner or person in charge of any dog, cat, horse, or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.
- (b) **Accumulation of Fecal Matter Prohibited on Private Yards.** The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his own property by regularly patrolling and properly disposing of the fecal matter.

Sec. 7-1-11 Injury to Property by Animals.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

Sec. 7-1-12 Animals in Parks and Cemeteries.

- (a) No dog, cat or other animal shall be allowed in any City park except on a leash. Pet owners shall comply with the provisions of Section 7-1-10 while in parks.
- (b) Animals are prohibited at any time in cemeteries.

Sec. 7-1-13 Prohibited and Protected Animals, Fowl, Reptiles and Insects; Farm Animals.

- (a) **Protected Animals.**
 - (1) **Possession and Sale of Protected Animals.** It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the City any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kempfi*).
 - (2) **Compliance with Federal Regulations.** It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of

mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).

- (3) **Regulating the Importation of Certain Birds.** No person, firm or corporation shall import or cause to be imported into this City any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (b) **Exceptions.** The provisions of Subsections (a) and (c) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, any party so authorized by the Common Council, or to any person or organization licensed to present a circus, except that such parties shall also have a conditional use permit issued by the Common Council.
- (c) **Wild Animals; Prohibition on Keeping.** It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any of the following animals, reptiles or insects:
 - (1) All poisonous animals and reptiles including rear-fang snakes.
 - (2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
 - (3) Baboons (Papoi, Mandrillus).
 - (4) Bears (Ursidae).
 - (5) Bison (Bison).
 - (6) Cheetahs (Acinonyx jubatus).
 - (7) Crocodilians (Crocodylia), thirty (30) inches in length or more.
 - (8) Constrictor snakes.
 - (9) Coyotes (Canis latrans).
 - (10) Deer (Cervidae); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
 - (11) Elephants (Elephas and Loxodonta).
 - (12) Game cocks and other fighting birds.
 - (13) Hippopotami (Hippopotamidae).
 - (14) Hyenas (Hyaenidae).

- (15) Jaguars (*Panthera onca*).
 - (16) Leopards (*Panthera pardus*).
 - (17) Lions (*Panthera leo*).
 - (18) Lynxes (*Lynx*).
 - (19) Monkeys, old world (*Cercopithecidae*).
 - (20) Ostriches (*Struthio*).
 - (21) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
 - (22) Rhinoceroses (*Rhinocero tidae*).
 - (23) Sharks (class *Chondrichthyes*).
 - (24) Snow leopards (*Panthera uncia*).
 - (25) Tigers (*Panthera tigris*).
 - (26) Wolves (*Canis lupus*).
 - (27) Poisonous insects.
- (d) **Exceptions; Pet Shops.** The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; if:
- (1) Their location conforms to the provisions of the zoning ordinance of the City.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (3) Animals are maintained in quarters so constructed as to prevent their escape.
 - (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.
- (e) **Farm Animals; Miniature Pigs.** Except as provided in Section 7-1-22 regarding miniature pigs and on properties zoned in an agricultural classification, no person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep, fowl or rabbits [more than two (2)].

Sec. 7-1-14 Sale of Rabbits, Chicks or Artificially Colored Animals.

- (a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
- (b) (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.

- (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

State Law Reference: Sec. 951.11, Wis. Stats.

Sec 7-1-15 Providing Proper Food and Drink to Confined Animals.

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law Reference: Sec. 951.13, Wis. Stats.

Sec. 7-1-16 Providing Proper Shelter.

- (a) **Proper Shelter.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
 - (1) **Ambient temperatures.** The ambient temperature shall be compatible with the health of the animal.
 - (2) **Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
 - (1) **Shelter from sunlight.** When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
 - (2) **Shelter from inclement weather.**
 - a. *Animals generally.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

- b. **Dogs.** If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
- (1) **Structural strength.** The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
 - (2) **Space requirements.** Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Sec. 951.14, Wis. Stats.

Sec. 7-1-17 Neglected or Abandoned Animals.

- (a) **Neglected or Abandoned Animals.**
- (1) No person may abandon any animal.
 - (2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
 - (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
 - (4) Whenever, in the opinion of any such officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he/she shall prove that such killing was unwarranted.
 - (5) Section 951.16, Investigation of Cruelty Complaints, and Sec. 951.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.
- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured.

In the event the owner of such animal cannot be located, the City or any animal control agency with whom the City has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

State Law Reference: Sections 951.15, 951.16 and 951.17, Wis. Stats.

Sec. 7-1-18 Cruelty to Animals and Birds Prohibited.

- (a) **Acts of Cruelty Prohibited.** No person except a law enforcement or animal control officer in the pursuit of his/her duties shall, within the City, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a City street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 961.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

Sec. 7-1-19 Limitation on Number of Dogs and Cats.

- (a) **Purpose.** The keeping of a large number of dogs and cats within the City of Bloomer for a considerable period of time detracts from and, in many instances, is detrimental to,

healthful and comfortable life in such areas. The keeping of a large number of dogs and cats is, therefore, declared a public nuisance.

(b) **Number Limited.**

- (1) No person or family shall own, harbor or keep in its possession more than three (3) dogs and three (3) cats in any residential unit without the prior issuance of a kennel license by the Common Council except that a litter of pups or kittens or a portion of a litter may be kept for not more than ten (10) weeks from birth.
- (2) The above requirement may be waived with the approval of the Common Council when a kennel license has been issued by the City pursuant to Section 7-1-3(b). Such application for waiver shall first be made to the Police Department.

Sec. 7-1-20 Trapping of Animals.

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on City-owned land within the City of Bloomer to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- (b) This Section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (c) All such traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- (d) This Section shall not apply to trapping on private property.
- (e) Nothing in this Section shall prohibit or hinder the City of Bloomer or its employees or agents from performing their official or authorized duties.

Sec. 7-1-21 Keeping of Bees.

- (a) It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the City unless the bees are kept in accordance with the following provisions:
 - (1) No hive, stand or box where bees are kept shall be located closer than twenty (20) feet to any property boundary. Such hives, stands or boxes may only be located in the rear yard.
 - (2) If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five (5) feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial.

- (3) Fresh, clean watering facilities for bees shall be provided on the said premises.
- (4) The bees and equipment shall be kept in accordance with the provisions of state law.
- (5) A conditional user permit shall first be obtained pursuant to the City Zoning Code.
- (b) Nothing in this Section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school or university building for the purpose of study or observation.

Sec. 7-1-22 Vietnamese Potbellied Pigs.

- (a) **Definitions.** As used in this Section, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
 - (1) "Vietnamese Potbellied Pig" shall mean a purebred Vietnamese Potbellied Pig registered through a North American Vietnamese Potbellied Pig Registry, which does not exceed one hundred (100) pounds in weight.
- (b) **License Required/Fee.** It is unlawful for any person, party, firm or corporation to keep or maintain within the City of Bloomer limits a Vietnamese Potbellied Pig without first having obtained a license from the Clerk-Treasurer and being in compliance with all provisions of this Section. The fee for a license issued hereunder or renewal thereof shall be Ten Dollars (\$10.00) per calendar year or fraction thereof. Excepted from the license requirement is any law enforcement agency or agency under contract with the City to care for stray or unwanted animals.
- (c) **License/Application.**
 - (1) Any applicant for a license or renewal thereof under this Section shall file with the Clerk-Treasurer a fully executed application on a form prescribed by the Clerk-Treasurer, accompanied by the annual license fee.
 - (2) No licenses or renewal thereof shall issue hereunder until:
 - a. A Certificate of Purebred Registration is filed with the Clerk-Treasurer.
 - b. There has been an inspection by a City law enforcement officer or the Building Inspector of the premises being licensed and a determination by said sanitarian that all requirements of this Section, and other applicable general and zoning ordinances, have been met.
 - c. There is an adequate means of restraining animals from running at large or disturbing the peace.
 - (3) Any license or renewal thereof issued hereunder shall be for a calendar year or portion thereof. Licenses must be renewed each calendar year on or before the 31st day of January. Licenses shall not be assignable or transferable either to another person, party, firm or corporation or for another location.
 - (4) When issued, a license shall be kept upon the licensed premises and exhibited, upon request, to any City personnel requesting to examine it and having authority to enforce this Section.

- (5) Only one (1) Vietnamese Potbellied Pig may be at any premises.
- (d) **License Requirements.** Licensee shall comply with the following as a condition of obtaining and maintaining a license:
- (1) Animal feces to be collected on a daily basis and stored in a sanitary receptacle. Animals shall not be brought, or permitted to be, on property, public or private, not owned or possessed by the owner or person in charge of the animal, unless such person has in his/her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.
 - (2) When sunlight is likely to cause overheating to discomfort, sufficient shade shall be provided to allow an animal kept outdoors to protect itself from the direct rays of the sun.
 - (3) An animal kept outdoors shall be provided with access to shelter to allow it to remain dry during rain or snow. Animals may be kept outdoors only if contained in a fenced enclosure sufficient for purposes of restraint.
 - (4) When the atmospheric temperature is less than fifty degrees Fahrenheit (50°F), an animal shall be kept indoors at a temperature no less than fifty degrees Fahrenheit (50°F), except for temporary ventures which do not endanger the animals health.
 - (5) An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained where a problem.
 - (6) Animals shall be fed and watered at least once a day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to the animal and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self feeders may be used for the feeding of dry food and they shall be sanitized as needed, but at least once per week, to prevent molding, deterioration or caking of feed.
 - (7) Animals may not be permitted to exceed one hundred (100) pounds in weight.
 - (8) Animals shall be examined by a veterinarian within a period of sixty (60) days prior to a new license application being filed. The animal may be licensed only upon a written statement from a veterinarian as to:
 - a. The animal's weight.
 - b. The animal has received all recommended vaccinations and boosters.
 - c. The animal is asymptomatic respecting disease or has a disease which is not contagious and is receiving appropriate treatment.
 - d. The animal's tusks, if any, have been removed or trimmed so as not to endanger any person or animal.

- e. The animal has passed a pseudorabies test administered in accordance with application state regulations.
- (9) The animal shall not be permitted to run at large. "Run at large" shall mean the presence of an animal which is not on a leash of six (6) feet or less on any public property or thoroughfare or on any private property. An animal may be unleashed on private property, with the permission of the property owner, in a fenced enclosure sufficient for purposes of restraint. Animals which are not leashed in a motor vehicle shall not be deemed to "run at large" if secured in a manner as will prevent their escape therefrom.
- (10) Animals shall not be kept in a manner as to disturb the peace of the neighborhood or of persons passing to and from upon the streets.
- (e) **Suspension, Revocation or Denial of Renewal of License.** The Common Council shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any license has violated any of the provisions of this Section, or any ordinance of the City, or law, rule or regulation of the State of Wisconsin, involving cruelty or mistreatment of the animal, or the unlawful possession of the animal. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant or licensee by the officer. Such notice shall state that the applicant may pursue an appeal to the Common Council by filing a request within ten (10) days of such notice.

Sec. 7-1-23 Penalties.

- (a) Any person violating Sections 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20, 7-1-21, or 7-1-22 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the City Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Chapter.
- (b) (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4 and 7-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
(2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- (c) Any person who violates Sections 7-1-6 through 7-1-15 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than

One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.

- (d) Each day that a violation of this Chapter continues shall be deemed a separate violation. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure, impoundment and removal from the City by City officials in the event the owner or keeper of the dog fails to remove the dog from the City. In addition to the foregoing penalties, any person who violates this Chapter shall pay all expenses including shelter, food, handling and veterinary care necessitated by the enforcement of this Chapter.

Title 7 ► Chapter 2

Fermented Malt Beverages and Intoxicating Liquor

Article A Fermented Malt Beverages and Intoxicating Liquor

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Article A: Fermented Malt Beverages and Intoxicating Liquor

Sec. 7-2-1 State Statutes Adopted.

The provisions of Chapter 125 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 this 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 in order to secure uniform statewide regulation of alcohol beverage control.

State Law Reference: Chapter 125, Wis. Stats.

Sec. 7-2-2 Definitions.

As used in this Chapter the terms "Alcoholic Beverages," "Intoxicating Liquors," "Principal Business," "Legal Drinking Age", "Premises," "Sell," "Sold," "Sale," "Restaurant," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," "Operators," and "Non-Intoxicating Beverages" shall have the meaning given them by Chapter 125, Wisconsin Statutes.

Sec. 7-2-3 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 or fermented malt beverage 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 Sections 125.16, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.

Sec. 7-2-4 Classes of Licenses.

- (a) **Retail "Class A" Intoxicating Liquor License.** A retail "Class A" intoxicating liquor license, when issued by the City Clerk-Treasurer under the authority of the Common Council, 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. Such license shall be issued with an effective date of July 1st, but may be issued by the City prior to that date. The license shall expire on the following June 30th.

- (b) **Retail "Class B" Intoxicating Liquor License.** A retail "Class B" intoxicating liquor license, when issued by the City Clerk-Treasurer under authority of the Common Council, 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 (4) liters at any one (1) time, 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. Such license shall be issued with an effective date of July 1st, but may be issued by the City prior to that date. The license shall expire on the following June 30th.
- (c) **Reserve "Class B" Licenses.** A Reserve "Class B" license means a license that is not granted or issued by the City on December 1, 1997 and that is counted under Sec. 125.51(4)(br), Wis. Stats., which, if granted or issued, authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold, and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four (4) liters at any one time, to be consumed off premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (d) **Class "A" Fermented Malt Beverage Retailer's License.** A Class "A" retailer's fermented malt beverage license, when issued by the City Clerk-Treasurer under the authority of the Common Council, 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. Such license shall be issued with an effective date of July 1st, but may be issued by the City prior to that date. The license shall expire on the following June 30th.
- (e) **Class "B" Fermented Malt Beverage Retailer's License.**
 - (1) **License.** A Class "B" fermented malt beverage retailer's license, when issued by the City Clerk-Treasurer under the authority of the Common Council, 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 (1/2) of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license shall be issued with an effective date of July 1st, but may be issued by the City prior to that date. The license shall expire on the following June 30th.
 - (2) **Application.** Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile

establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.

(f) **Temporary Class "B" Fermented Malt Beverage License.**

- (1) **License.** As provided in Sec. 125.26(1) and (6), Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to churches, lodges, that have been in existence for at least six (6) months before the date of application and to posts of veterans organizations authorized the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post. Such license is valid for dates as approved by the Common Council.
- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the City Clerk-Treasurer together with the appropriate license fee for each event for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year. The license shall specify the hours and dates of license validity. If the application is for a license to be used in a City park, the applicant shall specify the main point of sale facility.

(g) **Temporary "Class B" Wine License.**

- (1) **License.** Notwithstanding Sec. 125.68(3), Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent (6%) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Sec. 125.26(6), Wis. Stats., for the same event.
- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the City Clerk-Treasurer together with the appropriate license fee for each event for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary "Class B" wine license for one (1) year. The license shall specify the hours and dates of license validity. If the application is for a license to be used in a City park, the applicant shall specify the main point of sale facility.

- (h) **Wholesaler's License.** A wholesaler's fermented malt beverage license, when issued by the City Clerk-Treasurer under the authority of the Council, 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.
- (i) **Retail "Class C" Licenses.**
 - (1) In this Subsection, "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.
 - (2) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
 - (3) A "Class C" license may be issued to a person qualified under Sec. 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom if the City's quota prohibits the City from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation, a foreign limited liability company, or a person acting as agent for or in the employ of another.
 - (4) A "Class C" license shall particularly describe the premises for which it is issued.

Cross-Reference: Section 7-2-17.

Sec. 7-2-5 License Fees.

There shall be the following classes of licenses which, when issued by the City Clerk-Treasurer under the authority of the Common Council after payment of the license fee and publication costs hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Section 7-2-4 of this Code of Ordinances and Chapter 125, Wis. Stats.:

- (a) **Class "A" Fermented Malt Beverages Retailer's License.** The annual fee for this license shall be One Hundred Dollars (\$100.00). The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (b) **Class "B" Fermented Malt Beverage License.** The annual fee for this license shall be One Hundred Dollars (\$100.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (c) **Temporary Class "B" Fermented Malt Beverage License.** The fee for this license shall be Ten Dollars (\$10.00) per event.
- (d) **Temporary "Class B" Wine License.** The fee for this license shall be Ten Dollars (\$10.00) per event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.

- (e) **Fermented Malt Beverage Wholesalers' License.** The annual fee for this license shall be Twenty-five Dollars (\$25.00).
- (f) **"Class A" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be Five Hundred Dollars (\$500.00). The fee for a license of less than twelve (12) months shall be prorated according to the number of months of fraction thereof for which the license is issued.
- (g) **"Class B" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be Four Hundred Dollars (\$400.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license of less than twelve (12) months shall be prorated according to the number of months of fraction thereof for which the license is issued.
- (h) **Reserve "Class B" Intoxicating Liquor License.** The fee for an initial issuance of a Reserve "Class B" license shall be Ten Thousand Dollars (\$10,000.00), except that the fee for the initial issuance of a Reserve "Class B" license to a bona fide club or lodge situated and incorporated in the state for at least six (6) years is the fee established in Section 7-2-5(g) for such a club or lodge. The annual fee for renewal of a Reserve "Class B" license is the fee established in Section 7-2-5(g).
- (i) **"Class B" License for Full-Service Restaurants and Hotels.** The initial annual fee for a "Class B" license for a full-service restaurant that has a seating capacity of three hundred (300) or more persons, or a hotel that has one hundred (100) or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of one hundred fifty (150) or more persons or a banquet room which will accommodate four hundred (400) or more persons, is Ten Thousand Dollars (\$10,000.00). Thereafter, the annual renewal fee is Four Hundred Dollars (\$400.00).
- (j) **"Class C" Wine License.** The annual fee for this license shall be Fifty Dollars (\$50.00). The fee for less than one (1) year shall be pro-rated.

Sec. 7-2-6 Application for License.

- (a) **Contents.**
 - (1) **Filing of Applications.** 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 Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 to 887.04, Wis. Stats., and shall be filed with the City Clerk-Treasurer pursuant to Subsection (a)(2) below 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.

- (2) **Filing Time Requirements.**
 - a. All license applications, except Temporary Class "B" Fermented Malt Beverage or Wine licenses lasting under four (4) days, must be filed with the City Clerk-Treasurer at least fifteen (15) days prior to date the license is to take affect.
 - b. All Temporary Class "B" Fermented Malt Beverage or Wine filed with the City Clerk-Treasurer at least five (5) days prior to date the license is to take affect.
- (b) **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (c) **Publication.** The City Clerk-Treasurer shall publish each application for a Class "A", Class "B", "Class A", "Class B", or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in the official City newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
- (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.
- (e) **License Quotas.** The number of persons and places that may be granted a Retail Class "B" Liquor License under this Section is limited as provided in Sec. 125.51(4), Wis. Stats.

Sec. 7-2-7 Qualification of Applicants and Premises.

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.
- (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.
- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Corporate Restrictions.**
 - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the

- agent of the corporation appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
- (2) The City may require that each corporate applicant 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 City Clerk-Treasurer a statement of transfers of stock within forty-eight (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 Sec. 125.12, Wis. Stats., when more than fifty percent (50%) 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) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (g) **Connecting Premises.** 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 connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.
- (h) **Limitations on Other Business; Class "B" Premises.** No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to the premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:
- (1) A hotel.
 - (2) A restaurant, whether or not it is a part of or located in any mercantile establishment.
 - (3) A combination grocery store and tavern.
 - (4) A combination sporting goods store and tavern in towns, villages, and fourth class cities.
 - (5) A combination novelty store and tavern.
 - (6) A bowling alley or recreation premises.
 - (7) A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class "B" license or permit.

Sec. 7-2-8 Investigation.

The City Clerk-Treasurer shall notify the Chief of Police, Fire Inspector and Building Inspector of each new application, 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, and whether the applicant is a proper recipient of a license. These officials shall furnish to the City Clerk-Treasurer in writing, who shall forward to the Common Council, 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.

Sec. 7-2-9 Approval of Application.

- (a) No license shall be granted for operation on any premises for which taxes, assessments, forfeitures or other financial claims of the City are delinquent and unpaid.
- (b) 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 local 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 City.
- (c) Consideration for the granting or denial of a license will be based on:
 - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - (2) The financial responsibility of the applicant;
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Common Council, the Common Council reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Council, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

Sec. 7-2-10 Granting of License.

- (a) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Common Council, the City Clerk-Treasurer shall issue to the applicant a license, upon payment by the applicant of the license fee to the City.
- (b) If the Common Council denies the license, the applicant shall be notified in writing, by certified mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Common Council and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Sec. 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Common Council consents to the request. Such written notice shall be mailed or served upon the applicant at least ten (10) days prior to the Common Council meeting at which the application is to be reconsidered.

Sec. 7-2-11 Transfer and Lapse of License.

- (a) **Procedure.** In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Common Council. An application for transfer shall be made on a form furnished by the City Clerk-Treasurer. Transfers shall be authorized only for the purpose described in Subsection (c), below, or in the event that the place or premises so licensed are permanently changed to another location within the City. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is Ten Dollars (\$10.00). Whenever a license is transferred, the City Clerk-Treasurer shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the City for reissuance of said license and the City, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- (b) **Change of Agent.** Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the City Clerk-Treasurer written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Common Council, 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 City Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in

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force after receipt of such notice or after a regular or special meeting of the Common Council until the successor agent or another qualified agent is appointed and approved by the City.

- (c) **Temporary Change of Licensed Place or Premises.** A license holder may apply not more than one (1) time during each license year for a temporary change of his/her/its licensed place or premises. Such a change shall be allowed solely for the purpose of authorizing the holding of a special event or a picnic at a location in the City which is either separate or distinct from the originally licensed place or premises or which includes additional premises, whether in or out of doors, beyond that described in the original application. Each such request shall be subject to a review and recommendation by the Police Department and such conditions as may be imposed by the Common Council in the best interests of the City, including but not limited to the posting of a bond and/or making arrangements for enforcement of liquor law requirements. The City reserves the right to deny a temporary change of licensed place or premises. No such temporary permit change shall be valid for more than three (3) days.

Sec. 7-2-12 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 City Clerk-Treasurer shall submit to the State of Wisconsin the list of licenses as required by Sec. 125.04(4), Wis. Stats.

Sec. 7-2-13 Posting Licenses; Defacement.

- (a) 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) 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.

Sec. 7-2-14 Conditions of License.

All retail Class "A", Class "B", "Class A" and "Class B", or "Class C" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Section, and subject to all other Ordinances and regulations of the City applicable thereto.

- (a) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City 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 City 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 "B" licenses shall employ any person, under age eighteen (18) as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (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", Class "B", or "Class C" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/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 person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B", Class "B", or "Class C" license unless he possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- (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 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", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church, unless this restriction is waived by majority vote of the Common Council. 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 three hundred (300) feet thereof by any school building, hospital building or church building. However, Sec. 125.68(3)(c), Wis. Stats., exempts a restaurant within three hundred (300) feet of a church where the sale of alcoholic beverages is less than fifty percent (50%) of the gross receipts.
- (g) **Clubs.** No club shall give away any intoxicating liquors.
- (h) **Gambling Prohibited.** Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin.

- (i) **Credit Prohibited.** No retail Class "A", Class "B", "Class A", "Class B", or "Class C" liquor, wine, or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (j) **Licensee or Permittee Responsible for Acts of Help.** A violation of this Chapter by a duly authorized agent or employee of a licensee or permittee under this Chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.

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.

Sec. 7-2-15 Closing Hours.

Closing hours shall be established in conformance with Sec. 125.32(3), Wis. Stats., and further restricted as follows:

- (a) **Class "B" Licenses.**
 - (1) No premises for which a retail "Class B" liquor, Class "B" fermented malt beverage, or "Class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.
 - (2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.
- (b) **Carryout Hours.** Between 9:00 p.m. and 8:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages in original unopened packages, containers or bottles or for consumption away from the premises. Class "B" and "Class B" may offer carryout sales until 12:00 midnight.

Sec. 7-2-16 Restrictions on Temporary Fermented Malt Beverage or Wine Licenses.

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any City-owned property or privately-owned property within the City of Bloomer, except through the issuance of a Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License issued by the Common Council in accordance with Wisconsin Statutes and as set forth in this Section. A Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License authorizing the sale and consumption of beer and/or wine on City-owned property or privately-owned property may be authorized by the Common Council provided the following requirements are met:

- (a) **Compliance with Eligibility Standards.** The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11-4-1. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.
- (b) **Posting of Signs and Licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- (c) **Fencing.** If necessary due to the physical characteristics of the site, the Common Council may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.
- (d) **Underage Persons Prohibited.** No persons under age eighteen (18) shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall underage persons be allowed to loiter or linger in the area of any point of sale.
- (e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.
- (f) **Waiver.** The Common Council may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (g) **Insurance.** The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the City and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a

Certificate of Comprehensive General Liability insurance with the City of Bloomer. The applicant may be required to furnish a performance bond prior to being granted the license.

Cross-Reference: Section 11-4-1.

Sec. 7-2-17 Revocation and Suspension of Licenses; Non-Renewal.

- (a) **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.
- (b) **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed by Chapter 125, Wis. Stats.

Sec. 7-2-18 Non-Alcohol Events for Underage Persons on Licensed Premises.

The presence of underage persons on a licensed premises as provided under Sec. 125.07(3)(a)10, Wis. Stats., shall be subject to the following:

- (a) The licensee or agent of a corporate licensee shall notify the Police Department at least forty-eight (48) hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Police Department during normal working hours (8:00 a.m. to 4:00 p.m., Monday through Friday) and shall be given on forms prescribed by the Department. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Department in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.
- (b) During the period of any non-alcohol event a notice card prescribed by the Police Department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Department to a requesting licensee.
- (c) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (d) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any

patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

Sec. 7-2-19 Outdoor Sports and Beer Gardens Activities Regulated.

- (a) **Purpose.** The Common Council finds that restrictions are necessary for outdoor beer gardens and sports activities at premises holding "Class B" and Class "B" liquor and fermented malt beverages licenses due to concerns arising from noise, density and related problems. This Section enacted pursuant to police power provides a framework for regulatory controls on such outdoor sports and beer garden activities.
- (b) **Approval Required.**
- (1) **Generally.** No Licensee shall conduct or sponsor any outdoor sports activity or event or beer garden on property forming any part of the real property on which the licensed premises exist without the prior approval of the Common Council.
 - (2) **Permit Required for Beer Garden Outdoor Consumption.** No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under a beer garden permit granted by the Common Council. The permits are a privilege in which no rights vest and, therefore, may be revoked by the Common Council at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid beer garden permit.
- (c) **Application.** If a Licensee shall conduct or sponsor any outdoor sports activity or event or beer garden on the Licensee's property, the Licensee shall file an application with the City Clerk-Treasurer setting forth the following information:
- (1) The name, address and telephone number of the person or persons who will be responsible for the actual conduct of the activity or event;
 - (2) The date and duration of time for the proposed activity or event;
 - (3) An accurate description of that portion of the Licensee's property proposed to be used;
 - (4) A good faith estimate of the number of users, participants and spectators for the beer garden or proposed activity or event; and
 - (5) The Licensee's plan for maintaining the cleanliness of the licensed area.
- (d) **Time for Filing.** The Licensee shall file the application not less than fifteen (15) days before the date of the proposed activity or event. The Common Council may waive the fifteen (15) day time limit upon a Licensee's showing of exigent circumstances. The application shall be accompanied by payment of a fee of Twenty Dollars (\$20.00) for

review of the application. The applicant may request that an annual permit be issued for the beer garden or outdoor sports activities.

- (e) **Review.** The Common Council shall review the applications in light of the standards of this Section. If the nature of the property or the event requires the imposition of additional regulations, the Common Council may impose these regulations upon an express finding detailing the reasons for additional regulation. All property owners within one hundred fifty (150) feet of the proposed beer garden or outside sports facility shall be notified of the pendency of application for a permit by first class mail.

- (f) **Outdoor Sports Activity Standards.** The following standards shall apply to any outdoor sports activity regulated under this Section:

- (1) Approval of an application shall not act to permit outdoor consumption of alcohol beverages on the property beyond the area specifically licensed.
- (2) If the estimated number of participants and spectators shall bring the number of persons on the property above the number for which licensed premises' restroom facilities are rated adequate, the Licensee shall provide a number of portable temporary restrooms sufficient to serve the estimated number of persons.
- (3) The Common Council shall not grant approval to any applicant whose property on which the activity or event is proposed is adjacent to any property zoned residential or on which a residential use exists as a nonconforming use, or within one hundred (100) feet of any property zoned residential or on which a residential use exists as a nonconforming use. Fencing may be required.
- (4) The applicant shall provide parking adequate for the proposed activity or event, whether on-site or through agreements with property owners shown to the Common Council's satisfaction to permit their property to be used for parking for the proposed activity or event.
- (5) The applicant shall show the Common Council plans adequate to provide reasonable access to participants and spectators for the event, and to limit access for all other persons.
- (6) The Licensee shall clean up all garbage and debris relating to the activity or event at least once per twenty-four (24) hours during the activity or event.
- (7) The Licensee shall not permit the noise level of the sports activity or event to exceed seventy-five (75) dB, measured at any border of the Licensee's real property.

- (g) **Limitations on Issuance of Beer Garden Permits.**

- (1) No permit shall be issued for a beer garden if any part of the beer garden is within one hundred (100) feet of a structure used for residential purposes, except residential uses located in the same structure as the licensed premises.
- (2) No permit shall be issued for a beer garden if the beer garden area is greater than fifty percent (50%) of the gross floor area of the adjoining licensed premises. Each applicant for a beer garden permit shall accurately describe the area intended for use as a beer garden and shall indicate the nature of fencing or other measures intended to provide control over the operation of the beer garden.

- (3) Every beer garden shall be completely enclosed with a fence or wall not less than six (6) feet in height.
 - (4) No amplified sound or music is permitted outside the enclosed (building) premises. Dancing or amplified sound or music is not permitted in the beer garden.
 - (5) There shall be a licensed operator with the beer garden at all times the beer garden is in operation.
 - (6) The only entrance to the outdoor portion of the licensed premises shall be solely through the entrance to the principal tavern, restaurant or other described portion of the licensed premises located in a building or structure.
- (h) **State Statutes Enforced Within Beer Garden.** Every permittee under this Section shall comply with and enforce all provisions of Chapter 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Chapter 125, Wis. Stats., shall be grounds for immediate revocation of the outdoor sports activity or beer garden permit by the Common Council.
- (i) **Violations.** Failure of the Licensee to comply with any of the provisions of this Section shall be grounds for suspension, nonrenewal or revocation of the Licensee's alcohol beverage license or licenses.
- (j) **Regulation Not to Apply to Temporarily Licensed Outdoor Premises.** This Section shall not apply to those outdoor premises licensed for a period not to exceed three (3) days in length by the City for the purposes of holding a special event out-of-doors, which subject of licensure under Ch. 125, Wis. Stats., and the regulations adopted by the City, shall remain subject to those regulations adopted by the City and in effect as of the date of adoption of this Section.

Sec. 7-2-20 Nude Dancing in Licensed Establishments Prohibited.

- (a) **Authority.**
- (1) The Common Council of the City of Bloomer has explicit authority under Sec. 125.10(1), Wis. Stats., to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in Ch. 125, Wis. Stats.; and
 - (2) The Common Council has authority under its general police powers set forth in Sec. 62.11(5), Wis. Stats., to act for the good order of the municipality and for the health, safety and welfare of the public; and may carry out its powers by regulation and suppression; and
 - (3) The Common Council recognizes it lacks authority to regulate obscenity in light of Sec. 66.051(3), Wis. Stats., and does not intend by adopting this Section to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns; and

- (4) Bars and taverns featuring live totally nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life of the communities; and such secondary effects are detrimental to the public health, safety and general welfare of citizens; and
 - (5) The Common Council recognizes the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and
 - (6) However, the Common Council is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs may and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the City of Bloomer; and
 - (7) Among these secondary effects are:
 - a. The potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses;
 - b. The potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist;
 - c. Health risks associated with the spread of sexually transmitted diseases; and
 - d. The potential for infiltration by organized crime for the purpose of unlawful conduct; and
 - (8) The Common Council desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the City of Bloomer; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and
 - (9) The Common Council has determined that enactment of an ordinance prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to serve alcohol beverages promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity.
- (b) **Nude Dancing in Licensed Establishments Prohibited.** It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:
- (1) Shows his/her genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; or

- (2) Shows any portion of the female breast below a point immediately above the top of the areola; or
- (3) Shows the covered male genitals in a discernably turgid state.
- (c) **Exemptions.** The provisions of this Section does not apply to the following licensed establishments; theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.
- (d) **Definitions.** For purposes of this Section, the term "licensed establishment" means any establishment licensed by the Common Council of the City of Bloomer to sell alcohol beverages pursuant to Ch. 125, Wis. Stats. The term "licensee" means the holder of a retail "Class A", "Class B", Class "B", Class "A", or "Class C" licensee granted by the Common Council of the City of Bloomer pursuant to Ch. 125, Wis. Stats.
- (e) **Penalties.** Any person, partnership or corporation who violates any of the provisions of this Section shall be subject to a forfeiture pursuant to Section 1-1-7. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this Section constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under Sec. 125.12, Wis. Stats.

Sec. 7-2-21 through Sec. 7-2-29 Reserved for Future Use.

Article B: Operator's License

Sec. 7-2-30 Operator's License Required.

- (a) **Operator's Licenses; Class "A", Class "B", or "Class C" Premises.** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A", Class "B", or "Class C" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Sec. 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A", Class "B", or "Class C" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.
- (b) **Use by Another Prohibited.**
- (1) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.
 - (2) The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

State Law Reference: Secs. 125.17 and 125.32, Wis. Stats.

Sec. 7-2-31 Procedure Upon Application.

- (a) The Common Council may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the City Clerk-Treasurer only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the City.
- (b) When directed by the Common Council, all applications may be subject to an investigation by the Chief of Police and/or other appropriate authority to determine whether the applicant to be licensed complies with all regulations, ordinances and laws applicable thereto. If so directed by the Common Council, the Police Department shall conduct an investigation of

the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the Chief of Police shall recommend, in writing, to the Common Council a minimum of forty-eight (48) hours prior to the Council's meeting approval or denial of the application. If the Chief of Police recommends denial, the Chief of Police shall provide, in writing, the reasons for such recommendation.

Sec. 7-2-32 Duration.

Standard operator's licenses issued under the provisions of this Chapter shall be valid for a period of one (1) year and shall expire on the thirtieth (30th) day of June.

Sec. 7-2-33 Operator's License Fee; Provisional or Temporary Licenses.

- (a) **Fee.** The fee for a standard operator's license shall be Ten Dollars (\$10.00). The fee for a provisional operator's license shall be Ten Dollars (\$10.00).
- (b) **Provisional License.** The City Clerk-Treasurer may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats. The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The City Clerk-Treasurer may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program. A provisional license may not be issued to any person who has been denied an operator's license by the City or who has had his/her operator's license revoked or suspended within the preceding twelve (12) months. The City Clerk-Treasurer shall provide an appropriate application form to be completed in full by the applicant. The City Clerk-Treasurer may revoke the provisional license issued if he/she discovers that the holder of the license made a false statement on the application. Following completion of the Bartender Awareness Course and notification from the school, the license application will be presented to the Council, with the appropriate fee as prescribed in Subsection (a) above for an operators license. If approved by the Council, the operator's license is issued.
- (c) **Temporary License.** The City Clerk-Treasurer may issue a temporary operator's license, at no fee, provided that:
 - (1) This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.

- (2) No person may hold more than one (1) license of this kind per year.
- (3) The license is valid for any period from one (1) day to fourteen (14) days, and the period for which it is valid shall be stated on the license.

Sec. 7-2-34 Issuance or Denial of Operator's Licenses.

- (a) After Common Council approval of an application for an operator's license, the City Clerk-Treasurer 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.
- (b)
 - (1) If the application is denied, the City Clerk-Treasurer shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Common Council in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Council's review of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
 - (2) If, upon reconsideration, the Council denies the application, the City Clerk-Treasurer shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
- (c)
 - (1) Consideration for the granting or denial of a license will be based on:
 - a. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - b. The financial responsibility of the applicant; and
 - c. Generally, the applicant's fitness for the trust to be reposed.
 - (2) If a licensee is convicted of an offense substantially related to the licensed activity, the Common Council may act to revoke or suspend the license.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Common Council, the Common Council reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Common Council, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

Sec. 7-2-35 Training Course.

- (a) Except as provided in Subsection (b) below, the Common Council may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board, or unless the applicant fulfills one of the following requirements:
 - (1) The person is renewing an operator's license.
 - (2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B", or "Class C" license or permit or a manager's or operator's license.
 - (3) Within the past two (2) years, the person has completed such a training course.
- (b) The City Clerk-Treasurer may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (c) The Common Council may not require that applicants for operators' licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

Sec. 7-2-36 Display of License.

Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in his possession, or carry a license card.

Sec. 7-2-37 Revocation of Operator's License.

Violation of any of the terms or provisions of the State law or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

Sec. 7-2-38 through Sec. 7-2-39 Reserved for Future Use.

Article C: Penalties

Sec. 7-2-40 Penalties.

- (a) Forfeitures for violations of Secs. 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 7-2-1 of the Code of Ordinances of the City of Bloomer, 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) Any person who shall violate any provision of this Chapter of the Code of Ordinances of the City of Bloomer, except as otherwise provided in Subsection (a) herein or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the City of Bloomer.
- (c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

Title 7 ► Chapter 3

Cigarette Licenses

7-3-1 Cigarette Licenses

Sec. 7-3-1 Cigarette Licenses.

- (a) **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 therefor, without first obtaining a license as hereinafter provided.
- (b) **Application for License; Fee.** Every person, firm or corporation desiring a license under this Section shall file with the City Clerk-Treasurer a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the City Clerk-Treasurer and shall name the licensee and the place wherein he/she is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the City Clerk-Treasurer a license fee of Five Dollars (\$5.00).
- (c) **Issuance and Term of License.** Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the City Clerk-Treasurer. Each license shall be issued with an effective date of July 1st (but may be issued by the City prior to that date), or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th unless sooner revoked for any violation of this Section.

State Law Reference: Sec. 134.65, Wis. Stats.

Title 7 ► Chapter 4

Transient Merchants

7-4-1	Registration Required
7-4-2	Definitions
7-4-3	Exemptions
7-4-4	Registration
7-4-5	Investigation
7-4-6	Appeal
7-4-7	Regulation of Transient Merchants; Sales from Private Property; Farm Produce Sales
7-4-8	Records
7-4-9	Revocation of Registration

Sec. 7-4-1 Registration Required.

It shall be unlawful for any transient merchant, direct seller or charitable solicitor to engage in direct sales or solicitation activities within the City of Bloomer without being registered for that purpose as provided herein.

Sec. 7-4-2 Definitions.

In this Chapter:

- (a) **Transient Merchant.** Any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to 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 the sale of produce or other perishable products by a resident of this state. For purposes of this Chapter, the term "transient merchant" shall include direct sellers and solicitors seeking donations or funds for an organization, unless excepted.
- (b) **Permanent Merchant.** Any person who, for at least one (1) year prior to the consideration of the application of this Chapter 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 residence.
- (c) **Merchandise.** 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 merchandise by a donor or prospective customer.
- (d) **Charitable Organization.** Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.
- (e) **Clerk.** The City of Bloomer Clerk-Treasurer or Deputy Clerk-Treasurer.
- (f) **Person.** All humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.
- (g) **Solicitor.** Any person engaged in direct solicitation who:
 - (1) Seeks donations of money or other contributions of items of value for an organization or cause; or
 - (2) Sells items on behalf of an organization or cause but asks for a contribution of greater value than the item being sold.

Sec. 7-4-3 Exemptions.

The following shall be exempt from all provisions of this Chapter:

- (a) **Regular Delivery Routes.** Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) **Wholesalers.** Any person selling merchandise at wholesale to dealers in such merchandise;
- (c) **Agricultural Products.** Any person selling agricultural products which the person has grown;
- (d) **Deliveries by Permanent Merchants.** Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (e) **Requested Home Visits.** Any person who has an established place of business where the merchandise being sold are 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;
- (f) **Prior Sales Transactions.** 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;

- (g) **Services Not Offering Merchandise.** Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- (h) **Auctions; Sales Authorized by Statute.** 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;
- (i) **Charitable Organizations; Limited Exemption.** Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization shall be exempt from fees imposed by this Chapter, provided that there is submitted to the City Clerk-Treasurer proof that such charitable organization is registered under Sec. 440.41, Wis. Stats., and the charitable solicitors register with the City under this Chapter. Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter.
- (j) **Alleged Transient Merchants.** Any person who claims to be a permanent merchant, but against whom complaint has been made to the City Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the City Clerk-Treasurer proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this City for at least one (1) year prior to the date complaint was made.
- (k) **Persons Licensed by Examining Boards.** Any individual licensed by an examining board as defined in Sec. 15.01(7), Wis. Stats.
- (l) **City Authorized Events.** This Chapter does not apply to transient merchants while doing business at special events authorized by the Common Council.
- (m) **Resident Minors.** Minors under the age of eighteen (18).

Sec. 7-4-4 Registration.

- (a) **Registration Information.** Applicants for registration must complete and return to the City Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Height, weight, color of hair and eyes, and date of birth;
 - (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 offered and any services offered;

- (6) Proposed method 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 business;
 - (8) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
 - (9) Place where applicant can be contacted for at least seven (7) days after leaving this City;
 - (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, the nature of the offense and the place of conviction.
- (b) **Identification and Certification.** Applicants shall present to the City Clerk-Treasurer 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 ninety (90) days prior to the date the application for license is made.
- (c) **Registration Fee.**
- (1) At the time of filing applications, a total fee of Ten Dollars (\$10.00) shall be paid to the City Clerk-Treasurer to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of a group must file a separate registration form. The primary applicant shall pay an Ten Dollar (\$10.00) registration fee plus a Three Dollar (\$3.00) CIB investigation fee; each assistant under the application shall also be required to pay the Five Dollar (\$5.00) CIB fee.
 - (2) The applicant shall sign a statement appointing the City Clerk-Treasurer his 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. Registration may be denied upon failure to comply with this Subsection.
 - (3) Upon payment of said fee and the signing of said statement, the City Clerk-Treasurer shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of thirty (30) days from the date of entry, subject to subsequent refusal as provided in Sec. 7-4-5(b) below.
- (d) **Solicitors.** Solicitors of funds or donations for charitable or other organizations shall comply with all disclosure and registration requirements above, but shall be exempt from the Eighteen Dollar (\$18.00) registration fee; such applicants, however, shall each pay the Two Dollar (\$2.00) CIB fee.

Sec. 7-4-5 Investigation.

- (a) Upon receipt of each application, the City Clerk-Treasurer may refer it immediately to the Police Department for an investigation of the statements made in such registration, said investigation to be completed within five (5) days from the time of referral. (Note: This waiting period is necessary in order to complete the investigation process).
- (b) The City Clerk-Treasurer 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 (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) 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 Section 7-4-4(b) above.

Sec. 7-4-6 Appeal.

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

Sec. 7-4-7 Regulation of Transient Merchants; Sales from Private Property; Farm Produce Sales.

- (a) **Prohibited Practices.**
 - (1) **Sales Prohibited.** A transient merchant shall be prohibited from calling at any dwelling or other place on Sundays or holidays or 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) **Misrepresentation.** A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or characteristics of any merchandise offered for sale, the purpose of his visit, his identity or the identity of the organization he 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) **Use of Public Property; Sales From Private Property.** No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Without express approval from the Common Council, sales activities shall not be conducted from a public right-of-way or public parking lot. Sale of items from private property shall only be as permitted by the City Zoning Code. Other than for occasional garage sales, any person engaged in temporary sales activity from private property shall be required to first register as required by Sections 7-4-4 and 7-4-5; included in, but not limited to, such regulated activities are sales of Christmas trees, food products, fireworks, art works and sports paraphernalia.
- (4) **Noise.** 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) **Refuse.** No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he 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 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 merchant or any sales order for the later delivery of merchandise 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 Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 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.

(c) **Farm Produce and Other Merchandise Sold on Public Property.**

- (1) **Sales on City Streets, Alleys, Sidewalks and Property.** No person may display, market or sell farm or garden produce, or other merchandise on City streets, alleys, sidewalks or public property within the City except as allowed under provisions of this Subsection.
- (2) **Definitions.** As used in this Subsection, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- a. "Farm or garden produce" is defined as fruits, vegetables, fresh flowers or flowers, shrubs of trees intended for planting.
- (3) **Application for License.** Persons may display, market or sell farm/garden produce without obtaining a permit or paying a fee provided such activities take place only in the public parking lot at the intersection of Main Street and 17th Avenue (Post Office lot). For such activities to take place elsewhere, a license to display, market or sell farm or garden produce on City streets, alleys, sidewalks or public property may be granted by the City upon proper application being made therefore in accordance with the following conditions and requirements:
- a. Such license shall be granted only to exhibitors in connection with a special civic function sanctioned by the Common Council.
 - b. The term of the license shall commence no earlier than the commencement of the event and extend no later than the last day of the event.
 - c. Any person desiring a license under this Subsection shall, at least fifteen (15) days before the event, file with the City Clerk-Treasurer, an application which contains the following:
 1. The applicant's name and address.
 2. The exact time and place of the sale.
 3. Whether the applicant will be present and in continuous attendance at the proposed sale.
 4. Whether the applicant has within two (2) years prior to the application conducted or had any connection with a similar sale in the City or any other place in the County, and if so, to give dates and places of such other sales.
 - d. The Council shall designate the place where said display or sale may be conducted when granting any license under this Subsection.
- (4) **Fee.** Except as exempted under Subsection (c)(3), a license fee in the amount of Five Dollars (\$5.00) per day shall be paid to the City. Each person or group having one (1) stall or exhibit in an event must have a license.
- (5) **Other Merchandise.** Except as provided in Subsection (d) below, non-food product merchandise may only be sold on property zoned private property in compliance with City ordinances.
- (d) **Special Event Vending Permit.**
- (1) **Permit Required.** There shall be a Five Dollar (\$5.00) per day charge for a special event vending permit. The Common Council will determine whether the applicant qualifies for a special event vending permit. The permit shall set forth the exact dates on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. In addition, the vendor shall have adequate liability insurance in force as required by this Section.
 - (2) **Exclusive Vending Rights During Special Events.**
 - a. During a special event the Common Council may by resolution and after public hearing suspend specifically enumerated restrictions on transient merchants on

- any street, alley, sidewalk or public square and public park. Alternative rules and procedures may be established by the Common Council for the special event.
- b. To encourage the integrity, comprehensiveness and success of a special event taking place on any street, alley, sidewalk, public square or public park, the Common Council may by resolution and after public hearing reserve up to ten (10) days during any vending year when transient merchant permits will not be valid at a particular location and when some or all categories of transient merchant permits will not be valid in the perimeter of the special event. During any special event, the rules, guidelines and procedures as set forth in the resolution approved by the Common Council shall take precedence.
 - c. For each such specific day during which certain or all vending permits have been declared to be not valid, the Common Council may by separate resolution and after public hearing, authorize the sponsor of a special event to select vendors, salespersons and vending sites for the duration of the special event within its perimeter. The event's sponsor shall contact the Common Council at least one (1) week before the public hearing with an outline of the rules, regulations, fees, areas affected and a proposed resolution for exclusive vending rights. The determinations of the Common Council as to any specific day during which a transient merchant permit will not be valid shall be by resolution adopted at least four (4) weeks in advance of such specific day. Transient merchant permits shall be subject to invalidation for up to ten (10) days each vending year of any one (1) location as provided in this subdivision.
 - d. No person holding a transient merchant permit may sell or offer for sale any goods or foods during a special event when his/her license is not valid unless authorized by the sponsor of the special event as specified above.

Sec. 7-4-8 Records.

The Police Department shall report to the City Clerk-Treasurer all convictions for violations of this Chapter and the City Clerk-Treasurer shall note any such violation on the record of the registrant convicted.

Sec. 7-4-9 Revocation of Registration.

- (a) Registration may be revoked by a City law enforcement officer or City Clerk-Treasurer 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 is directly related to the registrant's fitness to engage in direct selling.

- (b) Provided a written request is filed with the City Clerk-Treasurer within ten (10) days of such revocation, an appeals hearing shall be held before the Common Council or committee thereof. Written notice of the hearing shall be served personally or pursuant to Section 7-4-4(c) on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Title 7 ► Chapter 5

Mobile Homes

7-5-1 Monthly Parking Fee; Limitations on Parking

Sec. 7-5-1 Monthly Parking Fee; Limitations on Parking.

- (a) There is hereby imposed on each owner of a nonexempt, occupied mobile home in the City of Bloomer a monthly parking fee as determined in accordance with Section 66.058(3) of the Wisconsin Statutes which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the City Clerk-Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this Chapter and such regulations as the City Clerk-Treasurer may reasonably promulgate.
- (1) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the City Clerk-Treasurer and Assessor on such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the City Clerk-Treasurer in accordance with Sec. 66.058(3)(c) and (e) of the Wisconsin Statutes.
 - (2) Occupants or owners of non-exempt mobile homes parked outside of a mobile home park shall remit such fees directly to the City Clerk-Treasurer as provided in Subsection (a). It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied nonexempt mobile home therein and to remit such fees to the City Clerk-Treasurer as provided in Subsection (a).
- (b) It shall be the full and complete responsibility of the licensees of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and to remit such deposits to the City Clerk-Treasurer. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the City, the City Clerk-Treasurer shall 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) It shall be unlawful for any person to park a mobile home outside a mobile home park in the City of Bloomer.

State Law Reference: Sec. 66.058, Wis. Stats.

Title 7 ► Chapter 6

Regulation and Licensing of Fireworks

7-6-1	Purpose
7-6-2	Definitions
7-6-3	Possession, Sale and Use of Fireworks Limited
7-6-4	Sale of Fireworks Limited
7-6-5	User's Permits for Possession and Use of Fireworks
7-6-6	User Permits; Limitations
7-6-7	Storage and Handling
7-6-8	Seller's Permits
7-6-9	Seller's Permit Fee; Conditions; Term
7-6-10	Violation — Penalty

Sec. 7-6-1 Purpose.

This Chapter shall regulate the possession, sale and use of fireworks within the City limits. It shall constitute a local regulation adopted pursuant to Sec. 167.10(5), Wis. Stats.

Sec. 7-6-2 Definitions.

The following definitions shall apply to application of this Chapter:

- (a) **City or City Limits.** All land located within the corporate limits of the City of Bloomer.
- (b) **Dwelling.** A place of residence for human inhabitants and shall include all single family and multiple family residences and all other structures used for human habitation.
- (c) **Fire Chief.** The duly appointed Fire Chief of the City of Bloomer.
- (d) **Fireworks.** Anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
 - (1) Fuel for lubricant;
 - (2) A firearm cartridge or shotgun shell;
 - (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle;
 - (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater;

- (5) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion;
 - (6) A toy snake which contains no mercury;
 - (7) A model rocket engine;
 - (8) Tobacco and a tobacco product;
 - (9) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length that is designed to produce audible or visible effects or to produce audible and visible effects;
 - (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture;
 - (11) A fuseless device that is designed to produce audible or visible effects or audible and visible effects and that contains less than one-quarter (1/4) gram of explosive mixture;
 - (12) A device that emits smoke with no external flame and does not leave the ground;
 - (13) A cylindrical fountain that consists of one (1) or more tubes and that is classified by the federal department of transportation as a division 1.4 explosive, as defined in 49 C.P.R. 173.50;
 - (14) A cone fountain that is classified by the federal department of transportation as a division 1.4 explosive, as defined in 49 C.P.R. 173.50.
- (e) **Person.** Any natural person or unincorporated or incorporated corporation, partnership or other association. Persons who otherwise are referred to as sellers under this Chapter shall include, for purposes of Section 7-6-8(b) and (d), those sellers who are not required to obtain seller's permits. It shall not include a natural person under the age of eighteen (18) years, otherwise referred to herein as a "minor".
- (f) **Possess.** To have in one's possession, to own, hold on consignment or to otherwise to be physically and/or legally in control of fireworks.
- (g) **Use.** Any of the permitted purposes for fireworks set forth at Sec. 167.10(3)(b)2. to 6., Wis. Stats., together with all other types of use including but not limited to explosions, emission of sparks or combustion.

Sec. 7-6-3 Possession, Sale and Use of Fireworks Limited.

Except as otherwise allowed by this Chapter, no person may possess, sell or use fireworks in the City.

Sec. 7-6-4 Sale of Fireworks Limited.

No person shall sell or possess with intent to sell fireworks, except:

- (a) To a person holding a permit under Section 7-6-5, below or a similar municipal permit issued in accord with Sec. 167.10(3)(a) and (c), Wis. Stats.;

- (b) To a city a village or town; or
- (c) For a purpose specified at Sec. 167.10(3)(b)2. to 6., Wis. Stats.
- (d) Under no circumstances shall fireworks including those devices specified at Section 7-6-2(d)(6), (7), (9), (10), (11), (13) and (14) to be sold to minors.
- (e) To out-of-state purchasers in accord with Section 167.10(4), Wis. Stats.

Sec. 7-6-5 User's Permits for Possession and Use of Fireworks.

- (a) No person shall possess with the intent to use or use fireworks in the City unless prior to the purchase or other procurement of fireworks a user's permit shall have been issued to such person by the Mayor or his/her designee. Sellers of fireworks shall obtain a fireworks seller's permit pursuant to Sections 7-6-8 and 7-6-9. Only the following persons shall be eligible for issuance of a possession/use permit:
 - (1) A public authority;
 - (2) A fair association;
 - (3) An amusement park;
 - (4) A park board;
 - (5) A civic organization;
 - (6) A group of resident or nonresident individuals;
 - (7) An agricultural producer for the protection of crops from predatory birds or animals.
- (b)
 - (1) Persons procuring a possession permit from an authorized seller of fireworks may possess fireworks in the City but not for the purposes of use in the City. For purposes of this paragraph the City shall designate licensed sellers as agents for the sale of possession permits.
 - (2) In order to obtain a possession permit a person seeking to purchase fireworks from a seller regulated under this Chapter shall first obtain a permit under Sec. 167.10(3), Wis. Stats., or pursuant to a municipal ordinance adopted in accord with Sec. 167.10, Wis. Stats., a copy of said permit must be presented to the seller at the time of purchase. The seller shall, in turn, provide copies of all possession permits issued together with copies of the underlying municipal permits to the City Clerk-Treasurer within twenty-four (24) hours of each such sale, exclusive of Saturdays, Sundays or legal holidays.
- (c) The charge for each possession permit and user's permit shall be Ten Dollars (\$10.00).
- (d) Prior to issuance of such a user's permit the City shall in accord with Sec. 167.10(3)(e), Wis. Stats., require the filing of an indemnity bond or policy in such amount as the City deems to be adequate under the facts and circumstances of each application.
- (e) Permits shall be on forms approved of by the Common Council. All of the information required under Sec. 167.10(3)(f), Wis. Stats., shall be specified on user's permits.

Sec. 7-6-6 User's Permits; Limitations.

- (a) A copy of each user's permit issued shall be given to the Fire Chief at least two (2) days prior to the date of authorized use.
- (b) No user's permits shall be issued to minors.

Sec. 7-6-7 Storage and Handling.

No person possessing fireworks with the intent to sell in the City may store or handle fireworks in premises which are not equipped with fire extinguishers approved by the Fire Chief or his/her designee. In addition, the following criteria shall govern storage and handling:

- (a) No person may smoke where fireworks are stored or handled.
- (b) Prior to any person storing fireworks in the City, the Fire Chief shall be notified.
- (c) No fireworks shall be stored within one hundred (100) feet of a dwelling.

Sec. 7-6-8 Seller's Permits.

- (a) No person shall sell fireworks in the City without a permit issued for such purpose by the Mayor or by his/her designee. Applications shall be filed with the City a minimum of fifteen (15) days to the requested commencement date of fireworks sales. Proof of public liability insurance shall be filed with the City. Prior to the Mayor making a decision regarding the application, the Common Council shall be asked to make an advisory recommendation.
- (b) In addition, no person shall sell fireworks including but not limited to those devices specified at Section 7-6-2 (d)(6), (7), (9), (10), (11), (13) and (14) to minors.
- (c) No fireworks, as that term is generally described at Section 7-6-2(d), which fall outside of the federal classification of "Class C" common fireworks and/or those specified at Section 7-6-2(d)(6), (7), (9), (10), (11), (13) and (14) may be possessed with the intent to sell or be sold in the City.
- (d) No seller's permit shall be required if a person limits his/her sale of fireworks to those devices specified at Section 7-6-2(d)(6), (7), (9), (10), (11), (13) and (14). Nonetheless, each such seller shall be subject to and shall obey Subsection (b), above.

Sec. 7-6-9 Seller's Permit Fee; Conditions; Term.

- (a) The annual fee for a permit to sell fireworks under Section 7-6-8 is the sum of One Hundred Dollars (\$100.00) per calendar year. The entire permit fee shall be charged for every license for the whole or fraction of a year, and shall be paid when application is made for such permit.

- (b) The City Clerk-Treasurer shall provide appropriate permit forms, as approved by the Fire Chief and shall maintain adequate record of the issuance thereof.
- (c) The applicant shall particularly describe the location where the permit will be used and shall at all times publicly and continuously display such permit at such location. Such permit may be transferred to a new location upon payment of a transfer fee of Twenty Dollars (\$20.00).
- (d) All sellers shall comply with all local ordinances and federal and state regulations and statutes regarding the sale, transport or storage of flammable, explosive or hazardous materials.

Sec. 7-6-10 Violation — Penalty.

- (a) Any person violating any of the provisions of this Chapter shall be subject to a forfeiture as prescribed by Section 1-1-7, together with the costs of prosecution.
- (b) Pursuant to Sec. 167.10(8)(b), Wis. Stats., fireworks stored, handled, sold, possessed or used by a person in violation of this Chapter may be seized by the Police Department, held as evidence and destroyed after conviction.
- (c) Upon request of the Police Department, the City Attorney may seek injunctive relief against present or future violations of this Chapter.

Title 7 ► Chapter 7

Street Use Permits

7-7-1 Street Use Permits

Sec. 7-7-1 Street Use Permits.

- (a) **Purpose.** The streets in possession of the City of Bloomer are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Common Council may grant a permit for street use, subject to reasonable municipal regulation and control, including when the event involves the consumption of alcoholic beverages. Therefore, this Chapter is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the City can be protected and maintained.
- (b) **Application.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the City Clerk-Treasurer and shall be filed with the City Clerk-Treasurer. The application shall set forth the following information regarding the proposed street use:
- (1) The name, address and telephone number of the applicant or applicants.
 - (2) If the proposed street use is 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 authorizing responsible heads of such organization.
 - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
 - (4) The date and duration of time for which the requested use of the street is proposed to occur.
 - (5) An accurate description of that portion of the street proposed to be used.
 - (6) The approximate number of persons for whom use of the proposed street area is requested.
 - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
- (c) **Representative at Meeting.** The person or representative of the group making application for a Street Use Permit shall be present when the Common Council gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted. The council shall consider the affect that the temporary closing of the street

will have on the public safety and traffic movement in the area during the time the street may be closed.

(d) **Mandatory Denial of Street Use Permit.** An application for a Street Use Permit shall be denied if:

- (1) Unless for an auction, the proposed street use is primarily for private or commercial economic gain, except for specific civic or community events authorized by the Common Council.
- (2) The proposed street use would violate any federal or state law or any Ordinance of the City.
- (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
- (4) The application for a Street Use Permit does not contain the information required above.
- (5) The application requests a period for the use of the street in excess of forty-eight (48) hours.
- (6) The proposed use could equally be better held in a public park or other location. In addition to the requirement that the application for a Street Use Permit shall be denied, as hereinabove set forth, the Council may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.

(e) **Permit Fee.** There shall be no fee for a Street Use Permit.

(f) **Special Community Event Exception.** The requirements of Subsections (d) and (g) are not applicable to certain community events recognized by the Common Council as falling within this exception (i.e. Hooter Fest). Open consumption and/or sales of alcoholic beverages may be allowed for these limited community events.

(g) **Consent to Issuance of Street Use Permit.** In addition to the fee required by the previous Subsection, each application for a Street Use Permit, except for parades or races sponsored by civic, youth, or school, organizations which have been in existence for at least six (6) months, shall be accompanied by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than seventy-five percent (75%) of the residents over eighteen (18) years of age residing along that portion of the street designated for the proposed use. Said petition shall be verified and shall be submitted in substantially the following form:

PETITION FOR STREET USE PERMIT

We, the undersigned residents of the _____ hundred block of _____ Street in the City of Bloomer, hereby consent to the _____ recreational or business

use of this street between the hours of _____ and _____ on _____, the _____ day of _____, 19____, for the purpose of _____ and do hereby consent to the City of Bloomer to grant a Street Use Permit for use of the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the City of Bloomer shall attach to the granting of the requested Street Use Permit. We further understand that the permit will not be granted for longer than twelve (12) hours on the date hereinabove specified, and agree to remove from the street prior to the end of said period all equipment, vehicles and other personal property placed or driven thereon during the event for which a permit is granted.

We designate _____ as the responsible person or persons who shall apply for an application for a Street Use Permit.

- (h) **Insurance.** The applicant for a Street Use Permit may be required to indemnify, defend and hold the City and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the City of Bloomer. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (i) **Cleanup Requirements.** The holder of any permit issued under this Section shall return the street to the condition that existed prior to the use, by the time the permit expires. The City will make such restoration in the event that the permit holder for the cost incurred by the City in performing this work. Failure to make timely payment within a reasonable time after receiving the statement for cleaning work shall constitute grounds for refusal to grant the permit holder any other permit in the future.
- (j) **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be terminated by the Mayor or Chief of Police if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the City of Bloomer. The Mayor or Chief of Police have the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

Cross-Reference: Sections 7-9-1 and 7-9-2.

Title 7 ► Chapter 8

Regulation of Nonmetallic Mining

7-8-1	Statutory Provisions Adopted
7-8-2	Definitions
7-8-3	Existing Nonmetallic Mining Operations
7-8-4	Exempt Activities
7-8-5	Permit Required for Nonmetallic Mining
7-8-6	Permit Revocation
7-8-7	Blasting and/or Rock Crushing

Sec. 7-8-1 Statutory Provisions Adopted.

This Chapter is adopted pursuant to Section 66.038, Wis. Stats., which is adopted by reference and made a part of this Chapter as if fully set forth herein.

Sec. 7-8-2 Definitions.

As used in this Chapter:

- (a) **Environmental Pollution** has the meaning specified under Sec. 144.01(3), Wis. Stats.
- (b) **Nonmetallic Mining or Nonmetallic Mining Operation** means operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, fill material and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.
- (c) **Nonmetallic Mining Refuse** means waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.
- (d) **Nonmetallic Mining Site or Site** means the location where a nonmetallic mining operation is proposed or conducted, including all surface areas from which materials are removed,

related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.

- (e) **Operator** means any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under this nonmetallic mining reclamation ordinance whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- (f) **Reclamation** means the rehabilitation of a nonmetallic mining site including, but not limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.
- (g) **Replacement of Topsoil** means the replacement of the topsoil which was removed or disturbed by a nonmetallic mining operation or the provision of soil which is at least as adequate as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

Sec. 7-8-3 Existing Nonmetallic Mining Operations.

This nonmetallic mining reclamation Chapter shall apply to any portion of a nonmetallic mining site, including unreclaimed portions of a site which were mined prior to the effective date of this Chapter.

Sec. 7-8-4 Exempt Activities.

This nonmetallic mining reclamation Chapter shall not apply to the following activities:

- (a) Excavations or grading by a person solely for domestic use at his or her residence.
- (b) Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- (c) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- (d) Excavations for building construction purposes.
- (e) Any mining operation, the reclamation of which is required in a permit obtained under Sections 144.80 to 144.94, Wis. Stats.
- (f) Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Sections 144.435 to 144.445, Wis. Stats., or a hazardous waste disposal facility under Sections 144.60 to 144.74, Wis. Stats., but a nonmetallic mining reclamation ordinance may apply to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic site separate from the solid

or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

Sec. 7-8-5 Permit Required for Nonmetallic Mining.

- (a) **Permit Required.** No person shall operate any nonmetallic mining site or operation within the City unless he obtains a nonmetallic mining permit from the Common Council. The fee for such permit shall be Fifty Dollars (\$50.00), plus any actual City administrative expenses, payable by certified check. Operators of existing nonmetallic mining operations shall apply for such permit within thirty (30) days of the effective date of this Chapter.
- (b) **Required Permit Information.** An application for a nonmetallic mining permit shall be submitted by the operator and shall include:
- (1) An adequate description of the operation, including a legal description of the property;
 - (2) A plan of the site showing the proposed and existing roads and drives, and the sources, quantity and disposition of water to be used, if any;
 - (3) Estimated dates for completion of the extraction and commencement and completion dates for the reclamation;
 - (4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area;
 - (5) Methods of screening from adjacent properties;
 - (6) Hours of operation;
 - (7) Dust and noise control;
 - (8) Maximum depth;
 - (9) Blasting procedures;
 - (10) Location and height of stockpiles; and
 - (11) Such other information the Common Council deems pertinent to the operation.
- (c) **Reclamation Plan.** The reclamation plan shall contain adequate provision that:
- (1) All final slopes around the area be flatter than a three (3) to one (1) horizontal slope in a sand, gravel or borrow pit operation, or in a safe angle or repose in a quarrying operation;
 - (2) Excavations below the grade of the nearest abutting public street or highway shall be set back from the street or highway a distance not less than that required for buildings and structures in the same zoning district;
 - (3) Excavations made to a water-producing depth shall be not less than three (3) feet measured from the low water mark;
 - (4) All final slopes shall be covered with adequate topsoil and seeded to prevent erosion;
 - (5) The plan shall require that, after completion of the anticipated operation, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Common Council;

- (6) There is a timetable for completion of various stages of reclamation of the nonmetallic mining site.
- (d) **Applications.** All applications for a license hereunder shall be made in writing upon the written form provided by the City and distributed by the City Clerk-Treasurer. All applications for permits hereunder shall be signed by the applicant and filed with the City Clerk-Treasurer at least sixty (60) days prior to the licensing period. The City Clerk-Treasurer shall immediately refer all applications for a license hereunder to the Common Council for public hearing and approval. The operator shall receive written notice of the public hearing. The license shall be for a period of time as stated in the application or as modified by the Council. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon application. The Council shall consider the effect of the operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The Council may approve, approve conditionally or reject the application and reclamation plan.
- (e) **Financial Assurance.** Before a license and reclamation plan is approved by the Common Council, the operator shall submit an agreement and performance bond or cash escrow agreement to assure the following:
- (1) The operator shall pay for the cost of all improvements required in the reclamation plan by the Common Council.
 - (2) Guaranteed completion of the required reclamation within a period determined by the Council.
 - (3) Payment by the operator for all costs incurred by the City for review and inspection. This would include preparation and review of plans and specifications by the City Engineer and Attorney, as well as other costs of a similar nature.
 - (4) The City may elect to have stages of the reclamation plan performed under the terms of a cash escrow agreement.
 - (5) The required performance bond or cash escrow agreement shall be equal to one and one-quarter (1-1/4) times the City Engineer's estimated cost of the required improvements.
 - (6) If the required reclamation is not complete within the designated period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the City and applied to the cost of the required reclamation. Any balance remaining after such reclamation has been done shall be returned to the operator. The Common Council, at its option, may extend the bond period for additional periods.
- (f) **Fences.** Prior to reclamation, nonmetallic mining sites abutting areas zoned residential shall be enclosed by a security fence of not less than four (4) feet in height. Fence gates shall be locked or secured when the site is unattended so as to prevent uncontrolled access by children to the site.

- (g) **Inspection.** An authorized agent of the City may enter the premises of a nonmetallic mining operation in the performance of his or her official duties by permission of the property owner or operator or pursuant to a special inspection warrant issued under Sec. 66.122, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation Chapter.
- (h) **Prohibitions and Orders.** Nonmetallic mining operations within the City are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this Chapter or if other requirements of this Chapter are not met.

Sec. 7-8-6 Permit Revocation.

If any permit is revoked, cancelled, rescinded or terminated, the operator shall be given written notice of any charges or violations against him or the reasons proposed for revocation and shall have an opportunity to be heard before the Common Council.

Sec. 7-8-7 Blasting and/or Rock Crushing.

- (a) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Section:
 - (1) **Blasting.** A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for crushing, to prepare stone for building and/or ornamental use, or to prepare property for development.
 - (2) **Person.** Any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.
 - (3) **Rock Crusher.** Any device, machine, apparatus or equipment used either individually or in conjunction with any other device, machine, apparatus or equipment for the purpose of crushing, grinding, breaking or pulverizing rock or stone.
- (b) **Operation.** No person within the City shall operate a rock crusher or perform blasting in such a manner so that any dust, dirt or vibration from such operation shall, in any way, damage or injure any person or property within the City. All blasting within the City shall be performed according to the requirements of Ch. IND 5, Explosives and Blasting Agents, Wis. Adm. Code, and all subsequent amendments thereto.
- (c) **Permit.**
 - (1) **Permit Required.** No person within the City shall operate a rock crusher or perform blasting who does not possess a proper permit therefor from the City.
 - (2) **Applications.** All applications for permits hereunder shall be made in writing upon the written form provided by the City and distributed by the City Clerk-Treasurer. All applications for permits hereunder shall be signed by the applicant and filed with

the City Clerk-Treasurer at least sixty (60) days prior to the licensing period. The City Clerk-Treasurer shall immediately refer all applications for permits hereunder to the City Engineer. The City Clerk-Treasurer shall issue a permit hereunder only after first receiving the recommendation of the City Engineer, the duly executed certified check for the permit fee as hereinafter provided and the submittal of the Plan of Operation, if required, as approved by the City Engineer.

- (3) **Certified Check.** Each application for a permit hereunder shall be accompanied by a certified check in the sum of the required permit fee as hereinafter provided, or a renewal thereof, the same to be payable to the City.
 - (4) **Plan of Operation.** Each application to permit a rock crusher hereunder or renewal thereof shall be accompanied by a Plan of Operation which shall include: methods of screening from adjacent properties, hours of operation, hours of blasting and operation of rock crusher, dust and noise control, blasting procedures, location and height of stock piles, whether a rock crusher will be needed and how often, water supply, drainage course, maximum depth, legal description of property in question and other information the City Engineer deems pertinent to the proposed operation. Such Plan of Reorganization shall be approved by the City Engineer.
 - (5) **Insurance.** Each application for a blasting permit shall be accompanied by a Certificate of Insurance identifying the City of Bloomer as a party insured in the amount of Five Hundred Thousand Dollars (\$500,000.00) for damage to property, and Five Hundred Thousand Dollars (\$500,000.00) for injury to one (1) person and One Million Dollars (\$1,000,000.00) for injury to more than one (1) person caused by the blasting.
- (d) **Renewals.** All requests for renewals of permits hereunder shall be made at least sixty (60) days prior to the expiration date of the permit and must comply with all requirements of Subsection (c) above.
- (e) **Blasting Procedures and Controls.**
- (1) **Energy Ratio.** The allowable vibration of any blast at the nearest occupied or used building off the subject premises shall not exceed an energy ratio of 0.5 or resultant particle velocity of 1.35" per second based on the following formula:

$$\text{Energy ratio} = 0.5 = 10.823 f^2 A^2$$
 where: f = frequency in cycles per second,
A = amplitude or displacement in inches

$$\text{Energy ratio} = .274 V^2$$
 (V = resultant particles velocity expressed in inches per second)
 - (2) **Measurement of Blasts.** The operator of the quarry operation, when requested to do so by the City Engineer, shall measure and submit data to substantiate compliance with the above formula and the operator of the quarry operation, when requested to

do so by the City Engineer, shall measure air blast. This verification shall be performed by a seismological engineering firm acceptable to the City or by the City Engineer. Instrumentation shall be by seismograph similar to VME Seismolog Model "B" and approved seismograph sound measuring equipment or approved equivalents. All expenses for these tests shall be paid by the quarry operator.

- (3) **Blasting Log.** A log in duplicate shall be kept of each blast on forms similar to the one on file with the City Clerk-Treasurer. The original copy of this blasting log shall be filed with the City Clerk-Treasurer within forty-eight (48) hours after the blast, and a copy shall be kept on file at the quarry office.
 - (4) **Cover Material.** Operators of quarries for building and/or ornamental stone removal shall cover Primacord, other detonating cord or surface-laid blasting devices with at least one foot (1') of dirt or other suitable cover material.
- (f) **Permit Fee.** The permit fee for any permit issued pursuant to this Section shall be as set forth below. No permit fee shall be prorated. All permits issued hereunder shall expire on December 31 following the date of issue:
- (1) Quarries using blasting to supply buildings and/or ornamental stone: Forty Dollars (\$40.00) per blasting period.
 - (2) Gravel crushing operations using portable or fixed crushing equipment less than thirty (30) days per year: Forty Dollars (\$40.00) per year.
- (g) **Penalty.** Any person who shall violate any of the provisions of this Section shall be subject to a penalty as provided in Sec. 1-1-7 of this Code of Ordinances. However, upon conviction for the violation of any of the provisions of this Section by the holder of a permit issued hereunder, and in addition to the forfeiture provided, such permit shall thereupon be cancelled, revoked, rescinded and terminated.
- (h) **Enforcement.** Before renewal of any license issued under this Section is refused or any license is revoked, cancelled, rescinded or terminated, the licensee shall be given written notice of any charges or violations against him/her or the reasons proposed for nonrenewal or revocation and shall have an opportunity to be heard before the Common Council.

Title 7 ► Chapter 9

Music Devices; Dancing

7-9-1 Regulation of Music and Dancing

Sec. 7-9-1 Regulation of Music and Dancing.

- (a) The operation of Coin Operated Music Devices shall hereby be licensed by the City of Bloomer and after the effective date of such license, such device shall no longer be assessed as personal property by the City Assessor.
- (b) The following licenses are hereby enacted, the fees for same to be effective until changed by the Common Council and to be on an annual basis renewable on January 1st of each year, except that any of the following licenses may be obtained from and after July 1st of each year, such partial annual licenses to expire on December 31st of such year and for which the licenses fee will be one-half (1/2) of the regular annual fees:
 - (1) Licenses to operate a coin operated music device: Twenty-five Dollars (\$25.00) per annum.
 - (2) License for permitting dancing where live music is furnished: One Hundred Twenty-five Dollars (\$125.00) per annum.
 - (3) License for permitting dancing and/or mechanical or live music on a temporary basis: Fifteen Dollars (\$15.00) per day.
- (c) The holder of any of the above licenses, other than the temporary daily permit authorized under Subsection (b) above, shall be required to properly contain the sounds created by such music or both within the licensed premises so that the same do not create a public nuisance, and in order to aid in such containment, the doors and windows of the licensed premises must be closed from 10:30 p.m. until the closing hour.
- (d) When properly licensed, dancing and music will be allowed from 6:00 a.m. until the legal closing hour of taverns.
- (e) The above provisions regulating music, dancing and noises shall not apply to any church or school function as long as the same is held on the premises of such church or school.

Title 7 ► Chapter 10

Taxicabs

7-10-1 Taxicab License and Regulations

Sec. 7-10-1 Taxicab License and Regulations.

- (a) **Definitions.** The term "Taxicab" shall include all vehicles transporting passengers for remuneration for which patronage is solicited publicly. This Chapter shall not be applicable to:
- (1) Vehicles operating on established routes which are regulated by the Public Service Commission of Wisconsin.
 - (2) Vehicles rented to be driven by the renter or his/her agent commonly known as rent-a-cars.
 - (3) Vehicles operated solely as funeral cars or ambulances.
- (b) **Licenses.** No person, firm, association or corporation shall, for remuneration or profit, transport passengers in a taxicab within the City of Bloomer without first having obtained a taxicab license for such operation from the City Clerk-Treasurer as hereinafter provided.
- (c) **Application for Taxicab License.** Application for a taxicab license to operate one (1) or more taxicabs shall be made in writing to the City Clerk-Treasurer and no more than one (1) license shall be issued unless it is first determined by the Common Council that the public convenience and necessity will best be served by the licensing of a second (2nd) taxicab company. After approval of the license to the applicant for a fiscal year from the date of the issuance of such license.
- (d) **License Fees.** The taxicab license fee shall be Fifty Dollars (\$50.00) per year or any fractional part thereof for each vehicle operated and the license year shall run from the date of the original issuance of such license.
- (e) **Taxicab Insurance.** No taxicab license shall be issued unless the applicant shall file a copy of insurance policy with the City Clerk-Treasurer showing that he has liability insurance in the amount of Three Hundred Thousand Dollars (\$300,000) per individual, Five Hundred Thousand Dollars (\$500,000) per accident, and One Hundred Thousand Dollars (\$100,000) property damage. Also a thirty (30) day cancellation notice must be filed with the City Clerk-Treasurer.
- (f) **Renewal of Licenses.** Licenses may be renewed by the City Clerk-Treasurer unless otherwise directed by the Common Council, upon the payment of fees and the filing of a certificate of insurance as required for the original license.

Title 7 ► Chapter 11

Licensees to Pay Local Claims; Appellate Procedures; Records Checks

- 7-11-1** Licensees Required to Pay Local Taxes, Assessments and Claims; Appellate Procedures
- 7-11-2** Records Checks

Sec. 7-11-1 Licensees Required to Pay Local Taxes, Assessments and Claims.

(a) **Payment of Claims as Condition of License.**

- (1) The City shall not issue or renew any license to transact any business within the City of Bloomer:
 - a. For any purposes for which taxes, assessments or other claims of the City are delinquent and unpaid.
 - b. For any person who is delinquent in payment:
 - 1. Of any taxes, assessments or other claims owed the City; or
 - 2. Of any forfeiture resulting from a violation of any City Ordinance.
- (2) This Section shall apply to licenses issued pursuant to the provisions of Title 7 of this Code of Ordinances, except Chapters 1 and 5.
- (3) An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.

(b) **Appeals; Notice and Hearing.** Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:

- (1) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Section 125.12, Wis. Stats., as amended from time to time.
- (2) With respect to licenses other than those described in Subsection (a) herein, the Common Council shall notify the applicant in writing of the City's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less

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than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Common Council. If the applicant shall fail to appear before the Common Council on the date indicated on the notice, the Common Council shall deny the application for renewal. If the applicant appears before the Common Council on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Common Council shall conduct a hearing with respect to the matter. At the hearing, both the City and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Common Council determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.

- (c) **Other License Denial Appeals.** Where an individual, business or corporation wishes to appeal the City Clerk-Treasurer's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the City Clerk-Treasurer that the matter be referred to the Common Council. A public hearing shall be scheduled within fourteen (14) calendar days by the Common Council. All parties may be represented by counsel. The Common Council shall consider all relevant information and shall render a decision which shall be binding.

Sec. 7-11-2 Records Checks.

Applicants for any license specified in this Title, except under Chapters 1 or 5, shall be required to pay a Five Dollar (\$5.00) CIB investigation fee at the time of making such application. The City may also require payment of such fee and a records investigation for license renewals.

TITLE 8

Health and Sanitation

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| Chapter 1 | Health and Sanitation |
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Title 8 ► Chapter 1

Health and Sanitation

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Sec. 8-1-1 Rules and Regulations

The Common Council, acting as Board of Health, may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Common Council shall be subject to the general penalty provided for in this Code.

Sec. 8-1-2 Health Nuisances; Abatement of.

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Common Council shall abate health nuisances pursuant to Chapter 823, Wis. Stats., which is adopted by reference and made a part of this Section.

State Law Reference: Chapter 823, Wis. Stats.

Sec. 8-1-3 Deposit of Deleterious Substances Prohibited.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his/her own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

Sec. 8-1-4 Destruction of Noxious Weeds.

- (a) The City Clerk-Treasurer shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the City which he/she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the City shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.96, Wis. Stats. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- (c) As provided for in Sec. 66.96(2), Wis. Stats., the City shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of ten (10) inches in height from the ground surface shall be prohibited within the City of Bloomer corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-6, shall include but not be limited to the following:

- Cirsium Arvense (Canada Thistle)
- Ambrosia artemisiifolia (Common Ragweed)
- Ambrosia trifida (Great Ragweed)
- Euphorbia esula (Leafy Spurge)
- Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)

Tragopogon dubius (Goat's Beard)
Rhus radicans (Poison Ivy)
Cirsium vulgaries (Bull Thistle)
Pastinaca sativa (Wild Parsnip)
Arctium minus (Burdock)
Xanthium strumarium (Cocklebur)
Amaranthus retroflexus (Pigweed)
Chenopodium album (Common Lambsquarter)
Rumex Crispus (Curled Dock)
Cannabis sativa (Hemp)
Plantago lanceolata (English Plantain)

Noxious grasses, as defined in this Section and in Section 8-1-6, shall include but not be limited to the following:

Agrostia alba (Redtop)
Sorghum halepense (Johnson)
Setaria (Foxtail)

Noxious weeds are also the following plants and other rank growth:

Ragweed
Thistles
Smartweed
Dandelions (over 10 inches in height)

State Law Reference: Sec. 66.96, Wis. Stats.

Sec. 8-1-5 Regulation of Natural Lawns.

- (a) **Natural Lawns Defined.** Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed ten (10) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-4 of this Chapter. The growth of a natural lawn in excess of ten (10) inches in height from the ground surface shall be prohibited within the City of Bloomer corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the City as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

(b) **Natural Lawn Management Plan Defined.**

- (1) Natural Lawn Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed ten (10) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
- (2) a. Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information to the City. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current City records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner.
b. Applicants are strictly prohibited from developing a natural lawn on any City-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership.
- (3) In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan. Such waiver may be revoked, in writing, by the abutting property owner at a later time, a copy to be filed with the permittee and the City Clerk-Treasurer.
- (4) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the City Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Common Council shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Common Council shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the City provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the City between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(c) **Application Process.**

- (1) Property owners interested in applying for permission to establish a natural lawn shall file an application with the City Clerk-Treasurer. The completed application shall

include a Natural Lawn Management Plan. Upon submitting a completed application, a Twenty-five Dollar (\$25.00) non-refundable filing fee will be assessed by the City. Upon receiving payment, copies of the completed application shall be mailed by the City to each of the owners of record, as listed in the Office of the City Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the City receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the City shall deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.

- (2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the Common Council may issue permission to install a natural lawn. Such permit shall be valid for two (2) years. Permit renewals shall follow the procedures in this Section.

(d) **Safety Precautions For Natural Grass Areas.**

- (1) When, in the opinion of the Fire Chief of the Department serving the City of Bloomer, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.
- (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan, and appropriate City open burning permits have been obtained. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the City as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).

- (e) **Revocation Of An Approved Natural Lawn Management Plan Permit.** The Mayor, upon the recommendation of the Weed Commissioner, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this Section. Notice of intent to

revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Common Council. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Common Council in an open meeting. The decision rendered by the Common Council shall be final and binding.

(f) **Public Nuisance Defined — Abatement After Notice.**

- (1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the City as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.
- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by state statute.
- (3) The failure of the City Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.

(g) **Penalty.**

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-7.
- (2) In addition to any penalties herein provided, the City may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.

Sec. 8-1-6 Regulation of Length of Lawn and Grasses.

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the City of Bloomer.

- (b) **Public Nuisance Declared.** The Common Council finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the City Zoning Code, within the City of Bloomer which exceed ten (10) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the City. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds ten (10) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-5 above.
- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him/her within the City.
- (d) **Inspection.** The Weed Commissioner or his/her designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection (b) above exists.
- (e) **Abatement of Nuisance.**
- (1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, the Weed Commissioner shall immediately cause written notice to be delivered or mailed that the City proposes to have the lot grass or lawn cut so as to conform with this Section and Section 8-1-5.
 - (2) The notice shall be given at least five (5) days prior to the date of the time of abatement and shall be mailed or served on the owner of the lot or parcel of land or, if he/she is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the abatement will commence.
- (f) **Due Process Hearing.** If the owner believes that his/her grasses or weeds are not a nuisance, he/she may request a hearing before the Common Council. The request for said hearing must be made in writing to the City Clerk-Treasurer's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a Twenty-five Dollar (\$25.00) bond. If a decision is rendered in the property owner's favor, the Twenty-five Dollars (\$25.00) will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of City personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Common Council shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the City until such time as the hearing is held by the Common Council. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his/her own behalf and may cross-examine witnesses presented by the City as well as subpoena

witnesses for his/her own case. At the close of the hearing, the Common Council shall make its determination in writing specifying its findings, facts, and conclusions. If the Common Council determines that a public nuisance did exist, the Common Council shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Common Council' decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

- (g) **City's Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grass or weeds as set forth above, then, and in that event, the City may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the City shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
 - (2) The City shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Common Council. The charges shall be set forth in a statement to the City Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the City Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.615(3)(f), Wis. Stats.

Sec. 8-1-7 Compulsory Connection to City Sewer and Water System.

- (a) **When Required.** Whenever a sewer or watermain becomes available to any building used for human habitation, the owner of the property upon which the building is located shall connect the building to such main or mains in the manner prescribed by law, except the Common Council may defer connection to such water or sewer main or mains for those properties which have existing septic systems or wells whose construction was permitted by the City of Bloomer, but such deferment shall not exceed five (5) years from the date of installation of such main or mains.
- (b) **Notice.** Whenever a sewer or watermain becomes available to any building used for human habitation, the Water and Sewer Foreman shall notify the owner or his/her agent in writing by registered mail addressed to the last known address of the owner or his/her agent.
- (c) **City May Cause Connection at Expense of Owner.** If the owner or his/her agent fails to comply with the notice of the Water and Sewer Foreman within ten (10) days of service

or mailing thereof, the Water and Sewer Foreman may cause connection to be made and the expense thereof shall be assessed as a special tax against the property.

- (d) **Privies, Cesspools, Etc., 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.

Sec. 8-1-8 Unhealthy, Hazardous or Unsightly Materials on Public or Private Property.

(a) **Inspections.**

- (1) Whenever the Building Inspector, Fire Inspector or other authorized City official shall, upon inspection of any premises within the City of Bloomer find that there is deposited, placed, stored or remaining on said premises any garbage, junk, rubbish, rubble, trash, abandoned, construction materials, rotting yard and orchard waste, merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or any other unhealthy, hazardous or unsightly materials or thing which create a fire or health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the City of Bloomer in general, such official shall issue his/her written order to the owner and/or occupant of the premises to remove said garbage, junk, rubbish, rubble or trash, abandoned, outmoded, or non-salable merchandise or parts, construction materials, rotting yard and orchard waste, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or other unhealthy, hazardous or unsightly materials or things.
- (2) Said written order shall provide that such removal shall be accomplished within ten (10) days after service of said order upon the owner or occupant of the premises involved. Such written order, in addition to specifying and describing the material or things to be removed, shall also set forth on the face thereof the provisions of Subsection (b).
- (3) Prosecution of violators under this Section shall not preclude other enforcement actions allowed by law, including other actions under this Code of Ordinances.

- (b) **Appeal.** Any person feeling himself/herself aggrieved by any order of a City official under this Section may, within ten (10) days from the date of receipt of such order, appeal such order to the Common Council.

- (c) **Exceptions.** Nothing contained in this Section shall be construed to prohibit the depositing of rubbish, rubble, junk, trash, abandoned, outmoded or nonsalable merchandise or parts or unsightly materials or things which are:

- (1) Lawfully sited pursuant to the City Zoning Code and operated in a manner not constituting a nuisance; or

- (2) Temporarily deposited due to an emergency; or
 - (3) Materials during construction; or
 - (4) Collected and piled for immediate pickup and disposal by the City or by private means.
- (d) **Nonconforming Uses.** It shall not be a defense to the provisions of this Section that the owner or occupant of the premises involved has a nonconforming use under the provisions of the City Zoning Code, but the provisions of this Section shall be complied with notwithstanding that the owner or occupant of any given premises is using or occupying such premises under a valid nonconforming use.

Sec. 8-1-9 Rodent Control.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Owner or Manager.** Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the City, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his/her designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.
 - (2) **A Rodent-Proof Container** shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
 - (3) **Rodent-Proofing** shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the City.
 - (4) **Rodent Harborage.** Any place where rodents can live and nest without fear of frequent molestation or disturbance.
 - (5) **Hardware Cloth.** Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
- (b) **Elimination of Rodent Harborage.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm

or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.

- (c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
- (d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the City, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.
- (e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the City of Bloomer to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

Sec. 8-1-10 Composting Regulations.

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- (b) **Definitions.** "Composting" shall mean the organic waste produced from the growing, trimming, and removal of grass, branches [not exceeding one (1) inch in diameter] bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- (c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
 - (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
 - (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the City to proceed under Section 8-1-9.

- (3) All compost bins shall be so maintained as to prevent unpleasant odors.
 - (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or the City in general.
 - (5)
 - a. All compost bins shall be located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.
 - b. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Building Inspector on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.
 - (6) No compost bin shall be located in any yard except a rear yard, as defined in the City Zoning Code. A compost bin may be located in a side yard as defined in the City Zoning Code subject to the annual variance procedure contained in Subsections (c)(5)b and must be screened from view to the street.
 - (7) Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.
- (d) **Ingredients.**
- (1) No compost bin shall contain any of the following:
 - a. Lakeweeds;
 - b. Cooked food scraps of any kind or type;
 - c. Fish, meat or other animal products;
 - d. Manures;
 - e. Large items that will impede the composting process.
 - (2) Permitted ingredients in a compost bin shall include the following:
 - a. Yard waste;
 - b. Coffee grounds and used tea leaves;
 - c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
 - d. Commercial compost additives.
- (e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.
- (f) **Municipal Exception.** Any municipal composting site maintained by the City shall be exempt from the provisions of this Section.

Sec. 8-1-11 Discharge of Clear Waters.

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting,

- draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City and to the protection of the property.
 - (c) **Groundwater.** Where deemed necessary by the Common Council, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
 - (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
 - (e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
 - (f) **Conducting Tests.** If a designated City agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists. In addition, City inspectors may inspect for illegal clear water discharges as a part of a routine inspection without cause.

Title 8 ► Chapter 2

Pollution Abatement

- 8-2-1** Cleanup of Spilled or Accidentally Discharged Wastes
- 8-2-2** Storage of Polluting Substances

Sec. 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes.

- (a) **Cleanup 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 pollution to the lakes and streams under the jurisdiction of the City.
- (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 City Clerk-Treasurer 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 shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the City, or its designated agent, in an effort to minimize the polluttional effects of the discharged waste.

Sec. 8-2-2 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 City of Bloomer.

Title 8 ► Chapter 3

Waste and Litter Control

8-3-1	General Provisions
8-3-2	Restrictions and Prohibitions
8-3-3	Use of City-Owned Landfill
8-3-4	Violations

Sec. 8-3-1 General Provisions.

- (a) **Purpose.** The purpose of this Chapter is to insure the public health, safety, and general welfare by controls upon littering and solid waste disposal in the City of Bloomer.
- (b) **Definitions.** The following definitions shall be applicable in this Chapter:
 - (1) **Garbage.** Any discarded material resulting from the handling, processing, storage, or consumption of food products and containers thereof.
 - (2) **Hazardous Waste.** Those types of waste as are so determined by the Wisconsin Department of Natural Resources (DNR) in accord with Sec. 144.62(2)(c), Wis. Stats.
 - (3) **Litter.** Any garbage, refuse or yard waste, other than that which has been placed in an acceptable waste receptacle, which is placed, deposited, disposed of or maintained on any premises and which tends to create a danger to the health, safety or welfare or which may impair or harm the environment.
 - (4) **Littering.** The depositing, disposing of or placing or maintenance of litter or allowing litter to be deposited in, disposed of on or maintained upon any premises except in acceptable waste receptacles. Littering shall also include the discharge of litter from vehicles onto any premises as well as overflow or spills from acceptable waste receptacles.
 - (5) **Person.** Any individual, partner, corporation, joint venture, or government entity.
 - (6) **Premises.** Any real property, whether or not it contains a dwelling, building, or other structure and whether or not it is inhabited, otherwise used or vacant and shall include real property owned or occupied by private persons and public entities and whether or not frequented by the general public.
 - (7) **Public Place or Public Premises.** Real property included roadways, public ways, parks, grounds, and structures thereon frequented by the general public, whether publicly or privately owned.

8-3-1

- (8) **Refuse.** All normal and customary discarded waste resulting from commercial, industrial, residential, institutional and governmental activities but shall not include unacceptable waste or demolition debris.
- (9) **Waste.** Garbage, refuse, and yard waste but shall not include unacceptable waste.
- (10) **Waste Receptacle** means a covered container designed to receive waste other than unacceptable waste and to prevent the escape of the waste deposited therein. The City reserves the right, from time-to-time, to establish standards as to acceptable waste receptacles.
- (11) **Yard Waste.** Grass clippings, leaves, branches, brush, stumps or other vegetational remains.
- (12) **Demolition Debris.** Waste resulting from the construction, demolition or razing of buildings, roads and other structures. Demolition and construction material typically consist of concrete, bricks, bituminous concrete, wood, glass, asbestos, waste paints, solvents, sealers, adhesives or similar materials which are characterized as hazardous waste.
- (13) **Unacceptable Waste.** Waste which would likely pose a threat to health, safety or the environment and shall include but be limited to the following types of waste: explosives; hospital, pathological and biological waste; hazard waste; hazard waste and chemicals; radioactive materials; oil sludge; asbestos; human or animal remains; street sweepings; ash; mining waste; demolition debris; waste with excessive moisture; hazard refuse of any kind, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs or other materials; free liquids; sludge not identified above and all types of toxic waste as defined in accord with state and federal standards.
- (14) **Recyclable Materials.** Waste which can be reused or remanufactured and which types of waste are designated for and are collected for recycling purposes under Chapter 159, Wis. Stats., by or under the direction of a responsible unit of government.

Sec. 8-3-2 Restrictions and Prohibitions.

- (a) **Landfills and Dumping Grounds.** No private or unlicensed commercial sanitary landfills, dumping grounds, or unlicensed disposal sites are permitted.
- (b) **Limitations on the Hauling of Waste.** No person whether a duly licensed collector or not shall haul or transport waste, whether his/her own or that of others, in open containers or in vehicles which are uncovered. No waste shall be allowed or permitted to spill from, fall out of or otherwise escape from any waste receptacles or vehicles onto any premises in the City while being transported. In such event, said waste shall be treated as litter.
- (c) **Owner and Occupant Obligation.**
 - (1) The owner and/or occupant of each residence, multi-family residence, and commercial, governmental, or industrial facility shall maintain one (1) or more waste receptacles

- on each premises within the City from which waste is generated, in such quantity as is adequate to contain the amount of waste generated between collections or disposal.
- (2) It shall be the duty of any person owning or occupying a premises or facility within the City, including vacant lots and lands, to maintain the same in a reasonably clean and orderly manner and each such person shall have the duty to ensure that all litter shall be gathered and placed in acceptable waste receptacles.
 - (3) In the event that any person, whether an owner or occupant, fails within twenty-four (24) hours after notification of the existence of litter upon any premises under his/her control to clean up said litter and properly dispose of the same, he or she shall be deemed to be in violation of this Chapter. This Section shall not apply to recyclable materials placed at the property line for collection in the manner prescribed for collection provided, however, that the recyclable material in question shall remain on the premises no longer than twenty-four (24) hours before being collected.
- (d) **Collection Deadline.** It is unlawful and a violation of this Chapter for any person who is the owner or occupant of any premises upon which is located a waste receptacle to allow waste to remain uncollected beyond the date provided for its collection or removal, or in any way to allow any waste container to remain properly unemptied for longer than fourteen (14) days.
- (e) **Littering.**
- (1) No person shall deposit litter on any public or private premises in the City.
 - (2) No person shall deposit, place or dispose of any waste upon public premises, including but not limited to roadways, right-of-ways or parks, nor shall any person dispose of waste in waste receptacles belonging to another, without permission, except those waste receptacles which are placed in parks and waysides and only where waste disposed therein is incidental to the use of said park or wayside or unless the waste receptacle in question is expressly authorized for general public use.
- (f) **Scavenging.** It shall be a violation of this Chapter for any unauthorized person to collect or pick from the waste contained in any waste receptacle.
- (g) **Retrieval of Litter.** In the event that any person is notified of the existence of any litter with respect to which said person is identified as the generator, said person shall have twelve (12) hours after notification to retrieve and properly dispose of said litter. The failure of the generator to timely retrieve and properly dispose of said litter shall be a violation of this Chapter.
- (h) **Unacceptable Waste.**
- (1) No person shall deposit, place, maintain or dispose of any unacceptable waste on premises under his/her control as owner or occupant except in accord with state and local regulations nor upon public premises owned or occupied by third parties nor in waste receptacles belonging to other persons.
 - (2) Unacceptable waste shall be disposed of only in strict accord with state and federal standards.

Sec. 8-3-3 Use of City-Owned Landfill.

The City Landfill having officially been closed, no person shall dispose of any rubbish, garbage, refuse and any other discarded or salvageable solid materials at the landfill.

Sec. 8-3-4 Violations.

(a) **Forfeiture.**

- (1) Any person who violates, neglects, or refuses to comply with the Section 8-3-2(c) and (g) shall be subject to a forfeiture of not less than Three Hundred Dollars (\$300.00) nor more than Seven Hundred Dollars (\$700.00), plus the costs of prosecution for each violation. Each day a violation exists shall be a separate offense.
- (2) Any person who violates, neglects, or refuses to comply with any provision of this Chapter, other than Section 8-3-2(c) and (g), shall be subject to a forfeiture of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), plus the cost of prosecution for each violation. Each day a violation exists shall be a separate offense.

(b) **Other Remedies.**

- (1) **Injunction.** As a substitute for, or in addition to any other action, the City of Bloomer may seek injunction or restraining order of any part of this Chapter by court action, the cost of which shall be charged to the defendant in such action.
- (2) **Removal by Municipality.** The City of Bloomer may remove or cause to remove all litter and waste not deposited in waste receptacles and the existence of which is a violation of this Chapter. Law enforcement agencies, or their designees, of the City of Bloomer are authorized to enter upon the private or public premises to remove said unlawful litter or waste and, as a substitute for and in addition to forfeiture or injunction, the City may commence civil action for damages to recoup the cost of cleanup, together with the costs and legal fees in relation thereto.

Title 8 ► Chapter 4

Recycling

8-4-1	Preamble
8-4-2	Definitions
8-4-3	Mandatory Separation of Recyclables
8-4-4	Rules and Procedures for Recycling Center Use
8-4-5	Rules and Procedures for Curbside Collection
8-4-6	Scavenging
8-4-7	Special Multi-Family and Non-Residential Provisions
8-4-8	Large Outdoor Events
8-4-9	Parks, Waysides, Ballfields and Recreational Areas
8-4-10	Dumping
8-4-11	Hauler Provisions
8-4-12	License
8-4-13	Miscellaneous Provisions

Sec. 8-4-1 Preamble.

- (a) The City of Bloomer has heretofore, pursuant to Sec. 159.09, Wis. Stats., designated Chippewa County as the responsible unit of government. The Chippewa County Board of supervisors adopted Chapter 13 of the General Code of Ordinances titled "Chippewa County Responsible Unit Recycling Ordinance" to establish rules for the implementation of recycling in the Chippewa County responsible unit areas.
- (b) Section 30.09 of the Chippewa County ordinance requires that local municipalities, singularly or joint, establish a system of regularly scheduled collection of recyclable and/or establish a drop off center for the receipt of the recyclable and adopt a companion ordinance consistent with Chapter 13 which shall include rules and procedures for the preparation and collection of separated materials. The purpose of this Chapter is to set forth the rules and procedures for the City of Bloomer.

Sec. 8-4-2 Definitions.

The following definitions are applicable in this Chapter:

- (a) The definitions of Chippewa County Ordinance Section 13.04 are hereby adopted by reference and made a part hereof.

- (b) "Recyclable materials" means the following:
 - (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) Glass containers.
 - (9) Magazines and other materials printed on similar paper.
 - (10) Newspaper and other materials printed on newsprint.
 - (11) Office paper.
 - (12) Rigid plastic containers, made of PETE (#1), HDPE (#2) and PS (#6).
 - (13) Steel containers.
 - (14) Waste tires.
- (c) "Municipality" means the City of Bloomer, Chippewa County, Wisconsin.

Sec. 8-4-3 Mandatory Separation of Recyclables.

- (a) **Mandatory Separation.** All persons generating or possessing recyclable materials, including occupants of single family and two (2) four (4) unit residences, multi-family dwellings, and non-residential facilities and properties, shall separate recyclable materials from garbage and refuse.
- (b) **Disposal of Recyclable Material.** All recyclable materials under this Chapter shall be delivered to a recycling center designed to receive and collect same, either by the person generating or possessing recyclable, designated agents, or licensed haulers.
- (c) **Delivery of Materials.** Recyclable materials, except yard waste, shall be transported by the owner or the owner's designee or hauler to a recycling center designated to receive and collect same. Yard waste as described in Sec. 13.04(33) of the County Ordinance may be delivered to a recycling center and managed on site in accordance with the City's guidelines or land spread at an approved location in accordance with the City's guidelines or land spread at an approved location in accordance with NR518, Wis. Adm. Code.

Sec. 8-4-4 Rules and Procedures for Recycling Center Use.

- (a) **Recycling Center.** The City of Bloomer has established a drop-off center for the receipt of recyclable located on 26th Avenue off of South Main Street.
- (b) **Hours.** The Recycling Center shall be open and available for business on the following days during the following hours:

Monday & Friday	9:00 a.m. - 3:00 p.m.
Wednesday	4:00 p.m. - 7:00 p.m.
Saturday	8:00 a.m. - 12:00 p.m.

- (c) **Deposit.** The Recycling Center shall provide individual containers for each type of the recyclable materials. Deposits shall be made to the appropriate container. No deposits of garbage or refuse shall be made at the recycling center.
- (d) **Condition of Recyclables.** Depositors to the recycling center shall deposit recyclable materials in condition prescribed by the center manager, including:
- (1) All recyclable materials shall be rinsed and reasonably clean and free of food and refuse.
 - (2) Paper labels shall be removed from all plastic containers.
 - (3) Newsprint shall be in tied bundles or contained in a sack or box.

Sec. 8-4-5 Rules and Procedures for Curbside Collection.

The City of Bloomer authorizes haulers to implement a recyclable schedule of curbside collection for recyclable materials subject to the following:

- (a) **Collection Schedule.** Each hauler shall establish a regular schedule for collection for solid waste and recyclable materials. The schedule shall be delivered to each of the hauler's customers and the City Clerk-Treasurer.
- (b) **Containers.** Each hauler shall prescribe specifications for containers and placement of the containers. The hauler may provide containers or require the owner to secure same according to hauler designation.
- (c) **Hauler's Charges.** Each hauler shall, at the time of license application, file with the City Clerk-Treasurer, a schedule of solid waste and recyclable collection charges to be in effect for the license year. No increase in charges shall be permitted during a license year without the expressed written consent of the City.

Sec. 8-4-6 Scavenging.

- (a) No person may enter the recycling facility and take possession of any recycling materials without the express consent of the center manager.
- (b) No person shall enter the property of another and take possession of any recyclable materials without the expressed consent of the property owner.

Sec. 8-4-7 Special Multi-Family and Non-Residential Provisions.

Section 13.06 of the Chippewa County General Code of Ordinances is hereby adopted by reference and made a part hereof.

Sec. 8-4-8 Large Outdoor Events.

Section 13.07 of the Chippewa County General Code of Ordinances is hereby adopted by reference and made a part hereof.

Sec. 8-4-9 Parks, Waysides, Ballfields and Recreational Areas.

Section 13.08 of the Chippewa County General Code of Ordinances is hereby adopted by reference and made a part hereof.

Sec. 8-4-10 Dumping.

It shall be unlawful for any person to dispose of or dump garbage, refuse or recyclable materials in any roadway, street, alley, or other public place within the City of Bloomer or in any receptacles or on private property of another without the owner's expressed consent.

Sec. 8-4-11 Hauler Provisions.

- (a) **Hauler Restrictions.** Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the City of Bloomer that have been separated for recycling. Haulers have a right to reject and leave uncollected any recyclable materials that are not separated in accordance with the specifications of this Chapter or by the Chippewa County Ordinance Chapter 13.
- (b) **Reporting.** Recycling haulers are required to maintain records and report in writing to the Clerk-Treasurer and County Solid Waste Coordinator as such times as designated by the County Solid Waste Coordinator, but not less than quarterly. The report shall include the amount of solid waste and recyclable collected and transported from the municipality, the amount of solid waste and recyclable processed and/or marketed by item type, and the final disposal location of solid waste and recyclable materials. Failure to make such reports shall be a cause for the City to revoke the license or sever any contract with the hauler.
- (c) **Volume Based Rates.** Each hauler shall provide, as an alternative, a volume based rate schedule for garbage service to be assessed on a per container basis. The schedule and any revisions thereof shall be filed with the City Clerk-Treasurer and County Solid Waste Coordinator prior to implementation or revision of said schedule.

Sec. 8-4-12 License.

- (a) **DNR License.** No person shall engage in the business of hauling recyclable within the City of Bloomer without being licensed by the Department of Natural Resources under Sec. NR502.06, Wis. Adm. Code.
- (b) **License.** No person shall engage in the business of hauling recyclable or solid waste within the City of Bloomer without a municipal license.
- (c) **Fee.** Each hauler shall pay an annual municipal license fee of Twenty Dollars (\$20.00). The fee is for a calendar year and is not refundable. Application for license shall be made on or before December 1st prior to the license year, except that for 1994, the licenses application shall be made within thirty (30) days after passage of this Chapter. License or permit fees paid pursuant to other ordinances or resolutions shall not be a credit to the fee required by this Chapter.

Sec. 8-4-13 Miscellaneous Provisions.

- (a) **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.
- (b) **Abrogation and Greater Restrictions.** It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply.
- (c) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Ch. NR544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR544 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.

Title 9 ► Chapter 3

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Article A: General Rules

Sec. 9-3-1 Term of Contract.

- (a) All agreements for service shall be for a period of one (1) year unless otherwise specified in the contract. Contracts are automatically renewed at the end of their term under conditions stated in the various contracts.
- (b) No agent or employee of the utility shall have the power to, or shall, amend, modify, alter or waive any of the rates or rules of the utility or bind the utility by making any representation not incorporated in the contract.
- (c) Contracts shall not be transferred unless authorized by the utility; new occupants of premises previously receiving service must make official application to the utility before commencing the use of service.
- (d) Customers who have been receiving service must notify the utility when discontinuing service; otherwise, they will be liable for the use of the service by their successors should said successors refuse to pay.
- (e) In case of conflict, any rules, regulations or orders of the Public Service Commission shall supercede any conflicting provision of this Chapter.

Sec. 9-3-2 Definition and Classification of Customers.

- (a) **Classification of Customers.**
 - (1) An electric consumer or unit of service shall consist of any contiguous aggregation of space or area occupied for a distinct purpose such as a residence, an apartment, flat, store, office, factory, etc., which is equipped with one (1) or more fixtures for rendering service separate and distinct from other users. The public portions of buildings, such as hallways, toilets, etc., may be treated separately depending on the requirements.
 - (2) Unless otherwise defined, the ultimate use of energy purchased by the customer(s) determines the rate applicable to their installation.
 - (3) Electric customers in general may be classified as follows:
 - a. Residential customers.
 - b. Commercial customers.
 - c. Power customers — standard or large.
 - d. Rural customers.
 - e. Public street and highway lighting customers.
 - f. Interdepartmental.
 - g. Miscellaneous customers.
- (b) **Residential Customers.** A "residential customer" is defined to include *each* separate house, apartment, flat or other living quarters occupied by a person or persons constituting

a distinct household and using energy for general illumination and for operating household appliances. Residence lighting use may be extended to include the use of energy for lighting the land and buildings which are adjacent to, connected with and used exclusively by the residence being served.

- (c) **Commercial Customers.** A "commercial customer" is defined to include *each* separate business enterprise, occupation or institution, taking service through a single meter, occupying for its exclusive use any unit or units of space as an entire building, entire floor, suite of rooms or a single room and using energy for the illumination of such space and for such incidental use as the schedule of rates applicable to the particular installation may permit.
- (d) **Power Customer — Standard or Large.** A "power customer" is defined to include each residence, separate business enterprise or institution occupying, for its exclusive use, any unit or units of space, as an entire building, entire floor, suite of rooms or a single room, and using energy for driving motors or other electrical loads larger than permitted on the utility's other rate schedules.
- (e) **Public Street and Highway Lighting Customers.** A public street or highway lighting customer is defined to include governmental agencies which take service for the purpose of lighting public streets, highways or traffic signs.
- (f) **Interdepartmental Customer.** An interdepartmental customer is defined to include service for pumping water by the municipal water department and/or pumping sewage by the municipal sewage department of a municipality which also operates an electric utility.
- (g) **Miscellaneous Customers.** Customers using electric service for purposes not included in the above classifications are defined as miscellaneous customers.

Sec. 9-3-3 Application of Rates and Combined Metering.

- (a) The schedules of rates apply when electricity is furnished in any billing to one (1) customer at one (1) location for a class of service through one (1) meter. The schedules of rates are based on delivery and billing service to the ultimate user for retail service and does not permit resale or distribution.
- (b) For all extensions of new or increased service, each unit must be separately metered before service will be rendered.
- (c) Where a customer occupies more than one (1) unit of space, each unit will be metered separately and a separate bill will be computed and rendered based on the readings of each individual meter unless a customer makes arrangements with a utility to provide the approved circuits and loops by which the different units can be connected and all energy metered through one (1) meter.
- (d) Where a commercial and one (1) or more residential units are combined so as to obtain electric service through one (1) meter, the commercial rate will be applied.

Sec. 9-3-4 Availability of Service Voltages.

Service may be taken at the following service voltages:

- (a) 120/240 single phase.
- (b) 120/208 single phase.
- (c) 120/240 three (3) phase.
- (d) 120/208 three (3) phase.

Sec. 9-3-5 Dual Voltages.

If a customer requires service at a voltage other than that offered by the utility or at more than one (1) voltage, the customer shall furnish and maintain the additional equipment required. If the customer's service requires two (2) or more transformer settings or points of delivery to a structure, the customer shall also furnish and maintain the additional equipment required.

Sec. 9-3-6 Emergency Systems.

- (a) Where emergency systems and buildings are so wired as to require a separate meter, the energy so metered will be billed as a separate customer. Emergency systems are systems supplying power and illumination essential to safety and life and property where such systems or circuits are legally required by municipal, state, federal or other codes or by any governmental agency having jurisdiction.
- (b) Emergency illumination shall include only the required exit lights and other lights specified as necessary to provide sufficient illumination.

Sec. 9-3-7 through Sec. 9-3-19 Reserved for Future Use.

Article B: Billing

Sec. 9-3-20 Regular Billing.

Bills for service will be rendered monthly unless otherwise specified. The term "month" for billing purposes will be the period between any two (2) consecutive readings of the meters by the utility, such readings to be taken as nearly as practicable every thirty (30) days within the provisions of the Wis. Adm. Code, Section PSC 113.15.

Sec. 9-3-21 Budget Payment Plan.

- (a) A budget payment plan is available to all prospective and existing residential customers and to all commercial accounts for which the primary purpose of the service is to provide for residential living (for example, a residential apartment building). This budget plan is in accordance with the Wis. Adm. Code, Section PSC 113.16(5).
- (b) A budget payment plan may be established at any time of the year. The monthly budget amount shall be calculated by the utility on the basis of the estimated consumption and estimated applicable rates through the end of the budget year. A budget year begins and ends on September 1st and ends on August 31st.
- (c) An applicant for a budget plan shall be informed at the time of application that the budget amount shall be reviewed and changed every six (6) months, if necessary, in order to reflect current circumstances. Existing budget plan customers shall be notified on at least a quarterly basis that budget amounts shall be reviewed every six (6) months, if necessary, in order to reflect current circumstances. Adjustments to the budget amount will be made with the objective that the customer's underbilled or overbilled balance at the end of the budget year shall be less than one (1) month's budget amount. Customers on the budget payment plan shall be notified of adjustments through either a bill insert or message on the bill. When an adjustment is made to a budget payment amount, the customer will be informed of the adjustment at the same time the bill containing the adjustment is rendered.
- (d) Customers who have arrearages shall be allowed to establish a budget payment plan by signing a deferred payment agreement for the arrears. Budget payment plans shall be subject to the late payment charge. In addition, if a budget payment is not paid, the customer shall be notified with the next billing that, if proper payment is not received subsequent to this notification, the next regular billing may effectuate the removal of the customer from the budget plan and reflect the appropriate amount due.
- (e) At the end of a budget year, if an underbilled or overbilled balance exists in a customer's account, the balance shall be handled as follows:
 - (1) A customer's debit balance will be paid in full or, at the customer's option, on a deferred basis.

- (2) A customer's credit balance will be applied against the customer's account or, at the customer's option, a refund shall be made.

Sec. 9-3-22 Estimated Bill.

If the utility cannot gain access to read the meter, the utility may, or if requested by the customer, leave meter reading forms. If no form is left or if the form is not returned in time for the billing operation, an estimated bill will be rendered. In estimating a bill, due consideration will be given to previous month's consumption and also consumption in similar periods of other years. Only in unusual cases or when written approval is received from the customer will more than three (3) consecutive estimated bills be rendered.

Sec. 9-3-23 Billing for Fractional Month Service.

When a customer commences or discontinues service between regular monthly meter reading dates, the utility will bill the customer as follows:

- (a) When a customer discontinues service ten (10) days or less from the previous month's meter readings, the consumption will be added to the previous month's consumption and a new bill calculated and rendered.
- (b) When a customer commenced service ten (10) days or less from the following month's meter reading, the consumption will be included in the following month's billing.
- (c) When a customer commences service more than ten (10) days before the month's regular meter reading or discontinues service more than ten (10) days after the previous month's meter reading, the service will be billed as regular monthly service.

Sec. 9-3-24 Failure of Meters to Register Properly.

In all cases where a utility meter, because of improper adjustment or defective parts, is found to be registering in excess of the two percent (2%) allowable error as prescribed by the Public Service Commission of Wisconsin, correction in the customer's billing will be made as follows:

- (a) The company will refund or charge the customer the difference between the actual billing and the billing corrected for the error for each month when such over-registration or under-registration is known to have existed. In the absence of definite information, adjustment will be made for one-half (1/2) of the entire period since the last test.
- (b) In making the adjustments for errors in meter registrations, due consideration will be given to immediate previous month's consumption, consumption in similar periods of other years, comparative uses and sizes of connected loads and any other relevant facts.

Sec. 9-3-25 Billing for Energy Lost Due to Grounds on Customer's Equipment.

- (a) Where accidental grounds occur on the customer's equipment, the utility will bill the customer for total usage on the meter at the rate currently in effect for his service.
- (b) The utility assumes no responsibility for damages or losses due to grounds on customer installations and reserves the right to disconnect a customer for failure to clear such grounds after reasonable notice.

Sec. 9-3-26 Determination of Demand.

The demand used for billing purposes shall be the greatest fifteen (15) minute integrated load preserved or recorded during the month, subject to modifications as set forth in the applicable rate schedule.

Sec. 9-3-27 Diversion of Service.

- (a) Where the utility has reasonable evidence that a customer is obtaining his supply of electricity, in whole or in part, by means of devices or methods used to stop 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 to disconnection of service.
- (b) When the utility has disconnected the customer for such reason, the utility will reconnect the customer upon the following conditions:
 - (1) The customer will be required to deposit with the utility an amount sufficient to guarantee the payment of the customer's bill for utility service.
 - (2) The customer will be required to pay the utility for any and all damages to its equipment on the customer's premises due to such stoppage or interference with its metering.
 - (3) The customer must further agree to comply with reasonable requirements to protect the utility against further losses.
- (c) When stoppage or interference is in connection with electric service metering, the customer may be required, at the customer's own expense, to place all of the customer's inside service wires up to the meter in rigid conduit and to agree to reimburse the utility for the purchase price and installation costs of a meter socket of a type to be selected by the utility.
- (d) Should the utility subsequently have reasonable evidence that such customer is receiving utility service, either wholly or partly unmetered, either in the customer's name or for the customer's use, the utility reserves the right to discontinue all utility service to such

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customer or for the customer's use and to refuse further service until proper restitution has been made.

Sec. 9-3-28 and Sec. 9-3-29 Reserved for Future Use.

Article D: Other Provisions

Sec. 9-3-40 Reconnection Billing.

All customers whose services are disconnected in accordance with the utility's disconnection rules as outlined in PSC 113, Wis. Adm. Code, shall be required to pay the reconnection charge before service is restored. The minimum charge shall be Fifteen Dollars (\$15.00) during regular office hours. After regular office hours, the minimum reconnection charge of Fifteen Dollars (\$15.00) applies plus any overtime labor costs, not to exceed a total maximum charge of Twenty-five Dollars (\$25.00).

Sec. 9-3-41 Reconnection of a Seasonal Customer's Service.

Reconnection of a service for a seasonal customer who has been disconnected for less than one (1) year shall be subject to the same reconnection charges outlined above. A seasonal customer shall also be charged for all minimum bills which would have been incurred had the customer not temporarily disconnected service.

Sec. 9-3-42 Overbilling of Customers.

- (a) In the event the utility becomes aware of an overbilling of a customer, the utility shall promptly correct the billing error and notify the customer of the circumstances surrounding the overbilling. The utility shall then determine the time period during which the overbilling occurred. In making this determination, the utility shall apply PSC rules and utility rules and tariffs.
- (b) Once the utility has determined the period of overbilling, the utility shall calculate the amount that it has overbilled the customer. The utility shall then make a refund to the customer of the amount of the overbilling, together with interest as calculated pursuant to PSC 113.16(9), Wis. Adm. Code.
- (c) All overbilling disputes arising under this Section shall be taken to the PSC for resolution.

Sec. 9-3-43 Charge for Returned Checks.

A charge of Ten Dollars (\$10.00) will be applied to the customer's account when a check is returned to the utility for insufficient funds.

Sec. 9-3-44 through Sec. 9-3-49 Reserved for Future Use.

Article E: Distribution and Service Facilities

Sec. 9-3-50 General Definitions — Distribution and Service Facilities.

- (a) **Overhead Service.** The overhead service between the last pole or other aerial support of the distribution system and the point of attachment to the customer's service entrance equipment. It is normally located on the customer's property.
- (b) **Underground Service Lateral.** The underground service between the distribution system, including any risers at the pole or other structure, and the service entrance equipment. It is normally located over the customer's property.
- (c) **Distribution Facilities.** All primary and secondary voltage wire or cable and its supports, trenches, connection equipment and enclosures, and control equipment which are used to extend the distribution system from existing facilities to a point of connection with the service facilities. The cost of right-of-way preparation and restoration to the original condition where appropriate shall be included in the cost of distribution facilities.
- (d) **Underground Service Extension.** Consists of a lateral and necessary distribution line, if any. In no case shall it consist of separate segments of underground construction separated by overhead construction. The length of each underground service extension shall be the length of the cable route from the beginning of the trench to the point of termination at the applicant's service facilities.
- (e) **Service Entrance Equipment.** Consists of the meter socket and related overhead masthead or conduit for underground service. This equipment is provided by the customer and is generally located on or in the customer's building.
- (f) **Service Facilities.** The standard transformer, standard overhead service drop or standard underground service lateral and standard meter.

Sec. 9-3-51 Utility Facilities on Customer's Premises.

This rule shall apply to the distribution facilities required to service either a group of customers in multi-tenancy premises or a single customer where, in either case, the utility finds that it is necessary to install portions of such facilities on the premises being served. Such customer or property owner, when requested by the utility, shall make provision on his/her property for the installation of utility-owned facilities required for services in accordance with the following:

- (a) Utility facilities shall consist of those which, in the opinion of the utility, are necessary to furnish adequate service at the utility-owned junction boxes on or adjacent to the enclosure of the utility substation or at customer-owned service entrance facilities. The utility will not supply wiring in or on a building beyond the junction box or on a building beyond the service entrance facilities. The utility will design such installations and will install facilities

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which, in its opinion, are most economical or feasible to the utility, under the conditions met. At each installation the utility shall have the option of extending its primary conductors to two (2) or more substations conveniently located with respect to the customers to be served or to furnish service to all customers from the substation. Where the utility's installation is located in a property owner's building, the applicable provisions of the Wisconsin State Electrical Code shall be observed.

- (b) A customer or property owner shall furnish, own and maintain the necessary indoor conduits, indoor or outdoor enclosures, vaults, building structural supports and accessories as specified by the utility.
- (c) If a customer or property owner requests any changes in the plan proposed by the utility, the customer shall pay the utility, the estimated excess cost of the substituted installation. The utility may require that these costs be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan.

Sec. 9-3-52 Customer's Responsibility for Utility's Equipment.

- (a) The customer shall be responsible for all damage to the utility's equipment and for all loss resulting from interference or tampering therewith caused by the customer or the customer's permittees, including compensation for consumed energy not recorded upon the meter (see PSC 113, Wis. Adm. Code).
- (b) Meters, service entrance switches and service entrance outlets are sealed by the utility and such seals shall not be broken or tampered with in any manner without the consent of the utility except in cases of emergency. The utility should be notified as soon as possible after a seal has been broken.

Sec. 9-3-53 through Sec. 9-3-59 Reserved for Future Use.

Article F: Extension of New Service Facilities

Sec. 9-3-60 Application for New Service.

Each request for extension of new service will require a written application for service in which the applicant agrees to pay any required contribution in aid of construction. The utility may require that the contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan.

Sec. 9-3-61 Wiring Affidavit.

- (a) The contractor or person responsible for the installation of the customer's electric wiring, appliances and other equipment related to each type of service shall deliver a notarized affidavit on a form supplied by the utility attesting to the fact that the work complies with the Wisconsin State Electrical Code and the service rules of the utility. Affidavits must clearly indicate the nature of the work done (such as residential wiring, residential fixtures, garage wiring, range, heaters, motors or other wiring or equipment) and, for those cases involving wiring changes or additions which require the meter(s) to be replaced or relocated, or which require inspection by the utility, the affidavit shall include an itemized copy of the connected load, including lights, motors and appliances. Where such changes require new service entrances at a new location, the existing service entrance should not be disconnected before the new service entrance is ready for connection and operation.
- (b) If, upon inspection by the utility, installations are found to contain discrepancies, such discrepancies shall be corrected before permanent connection of service will be completed. Or, at its option, the utility may mail the customer a written request demanding conformity within a ten (10) day period or any prior service connection made by the utility will be disconnected and terminated.
- (c) The utility normally connects the service entrance wires to the service wires. No one else shall make these connections without the specific approval from the utility, in which case the customer shall assume responsibility for any damage which may result from making these connections. The utility will not be responsible for damage or injury resulting from unauthorized disconnection or reconnection of service wires.

Sec. 9-3-62 Ownership of Extension.

The title to every extension at all times is with the utility. The utility reserves the right at all times to add additional customers to an extension and make new extensions to an existing extension under the provisions of these rules, without procuring the consent of any customer or

customers contributing to the original construction costs, and without incurring any liability for refunding contributions except as additional customers may be added as provided for herein. (See PSC 113, Wis. Adm. Code, Refunds.)

Sec. 9-3-63 Right-of-Way for Extensions.

- (a) **Overhead Facilities.** The applicant(s) for service shall furnish right-of-way easements and permits with clearing rights, without cost to the utility, adequate for the line extensions necessary to serve them and along a route approved by the utility. Clearing shall either:
- (1) Be done by the applicant(s); or
 - (2) Be done by the utility, in which case the applicant shall, in advance of the clearing work, make a contribution to the utility in an amount equal to the utility's estimate of the cost thereof. Such contribution shall be nonrefundable, except that after completion of the extensions the utility will determine the actual cost of clearing work, recompute the contribution required and will refund the excess, if any, of the contribution held over the contribution required as based on such actual cost.
- (b) **Underground Facilities.**
- (1) The applicant(s) shall secure for the utility, without cost to the utility, such easements as the utility may require for the installation, maintenance or replacement of the underground lateral and necessary distribution line extension.
 - (2) The applicant shall inform the utility of any known or expected underground obstructions within the cable routes on his property (septic tanks, drainage tile, etc.). Any earth fill added to bring the cable route to final grade prior to the underground construction shall not contain large rocks, boulders, debris or rubbish.
 - (3) In the event of future changes in grade levels by the customer that would materially change the depth of cover over underground conductors or affect transformer locations, the landowner shall notify the utility in advance of grading and shall pay the utility its cost of moving or replacing its equipment to accommodate the change in grade. Such charge will also be made for changes in buildings, structure, foundations or walls or other obstructions.

Sec. 9-3-64 Construction Standards and Facilities Provided by Utility.

The utility shall provide safe, reliable service with extensions that conform, to the extent possible, with each of the following standards:

- (a) **Route.** The utility shall make the extension over the most direct route which is the least expensive and least environmentally degrading. The customer shall provide or shall be

responsible for the cost of all right-of-way easements and permits necessary for the utility to install, maintain or replace distribution facilities. The customer shall either clear and grade such property or pay the utility to clear and grade such property. The customer is responsible for the cost of restoration of the property after the utility has completed installation and backfilling where applicable.

- (b) **Design.** The utility shall design and install facilities to deliver service to the customer and the area at the lowest reasonable cost. The facilities shall comply with accepted engineering and planning practices. The design shall consider reasonable needs for probable growth in the area and local land use planning. Unwarranted excess capacity which would result in unnecessary cost increases to the utility and its customers shall be avoided. The utility shall be responsible for the incremental cost of distribution facilities which are in excess of standard design for the customer and normal area growth.
- (c) **Efficient Use.** The utility's extension rules shall discourage the inefficient use of electricity by appropriately relating costs to the charges made for extensions.
- (d) **Cost Estimates.** The utility shall engineer and estimate the cost of each extension based on reasonable current costs. Current costs may be estimated using job specific costs, average costs per foot or unit or other costing method as appropriate.

Sec. 9-3-65 Point of Termination.

- (a) The applicant for new service may select the point of service with approval of the utility, at which point the utility will deliver service at applicant-owned terminating facilities. The applicant will furnish, own and maintain circuits, meter socket and equipment beyond such point, except for metering equipment.
- (b) It is necessary that a customer's service entrance facilities be located at a point most readily accessible to the utility's distribution system. It is desirable, and often necessary, to avoid crossing adjacent property with service drops or laterals. If the distribution system is established in the rear of the premises, the service entrance must be brought to the rear of the building. Where the distribution system is located on the street or where no distribution system has been established, the customer shall request the utility to specify an acceptable location of the service entrance facilities. The utility will furnish this information in writing upon request.

Sec. 9-3-66 Meters.

- (a) Meters will be furnished and installed by the utility. The customer, however, must furnish the meter socket and all necessary extra wiring to meet the meter connection and must furnish a safe and convenient place for the meters.

- (b) In the event a customer desires an additional meter installed for their own convenience, the installation shall be entirely at the cost of the customer, including the cost of the meter.

Sec. 9-3-67 Metering Facilities.

- (a) Meter sockets shall be installed by the customer on the exterior of the building.
- (b) In rural areas, a yard pole may be furnished by the utility and located at a point central to the buildings to be served. The meter socket shall be installed by the customer on this pole. All service equipment beyond this point is the responsibility of the customer.
- (c) When only a residence is built in the rural area and underground service is used, the meter may be placed on the pole if cleared by the utility prior to installation. A customer-owned yard light may not be installed on this pole unless cleared by the utility.
- (d) Any meter located other than as described above shall be approved in writing by the utility prior to installation or it shall be changed by the customer to conform to the utility standards.

Sec. 9-3-68 Number of Service Drops or Laterals per Customer.

- (a) The utility shall provide standard overhead service drops and standard underground service laterals at no charge to the customers.
- (b) Not more than one (1) service drop or service lateral will be installed to the same building or utilization point except:
 - (1) Where more than one (1) point of delivery is necessary because of voltage regulation, governmental requirements or regulatory orders.
 - (2) In large installations (large power only) where, in the opinion of the utility, more than one (1) service drop or lateral is necessary to meet the load requirements.
 - (3) In row houses and other multiple-occupancy buildings having areas separated by fire walls in compliance with the Wisconsin State Electrical Code.
- (c) If an existing customer with a single-phase service drop or lateral requests three-phase service, the customer shall rewire his equipment to operate from the three-phase service drop or lateral before three-phase service will be extended. The single-phase service drop or lateral will be removed from service after the three-phase service has been extended.

Sec. 9-3-69 Overhead Service Drop.

A standard overhead service drop shall be furnished by the utility to a suitable support on the customer's premises. The utility will provide supplemental information to the customer indicating the equipment that the customer shall install, own and maintain. This material will also indicate

what State Electrical Code provisions and City ordinances must be complied with on the installation of this equipment. A standard overhead is less than or equal to one hundred fifty (150) feet in length.

Sec. 9-3-70 Underground Service.

- (a) A standard underground service lateral shall be furnished by the utility to suitable service equipment on the customer's premises. This equipment shall be installed on the customer's building at a location approved by the utility. A standard underground service is less than or equal to one hundred fifty (150) feet in length.
- (b) The utility will provide supplemental information indicating what equipment the customer shall install, own and maintain for underground service and indicate what provisions of the State Electrical Code and City ordinances must be complied with for the installation of this equipment.

Sec. 9-3-71 Transformers.

The utility shall provide standard design transformers with capacities up to and including five hundred (500) kVA at no charge to the customer. The utility shall require a contribution for transformer costs in excess of the cost for a five hundred (500) kVA transformer. Customers may purchase, own, and maintain their own transformers provided that the equipment complies with utility standards. The utility is not obligated to sell to the customer existing equipment.

Sec. 9-3-72 Nonstandard Service Facilities.

If the proposed extension requires nonstandard service facilities or if the customer requests nonstandard facilities, the utility may require the customer pay a contribution in advance of construction for the portion of the facilities in excess of the cost of standard design facilities.

Sec. 9-3-73 Extraordinary Investment by Utility for Extension.

Proposed extensions may be reviewed for economic considerations. If the cost of an extension exceeds five (5) times the average embedded cost to serve a customer in the same class as the customer for whom the extension is to be made, the utility may require a contract with the customer. Under the terms of the contract, the customer may be required to pay the recurring estimated operation and maintenance expenses associated with that portion of the extension that is in excess of five (5) times the average embedded cost at the time the extension was made.

The reasons and supporting analysis for each contract will be furnished the customer and the Public Service Commission in writing. The utility will inform the customer of the customer's right to ask the Commission for a review of the extension costs and contract provisions. The utility will notify the Public Service Commission in writing when a service extension is denied, including the reasons for denial.

Sec. 9-3-74 Installation Charges and Embedded Cost Credits.

For purposes of implementing these installation charges, the following definitions shall apply:

- (a) **Customer Classification.** Customer classifications are based on usage characteristics. Each classification has a distinct installation charge and embedded cost credit. For definitions of distribution and service facilities installed in new installations see Section 9-3-50. Examples of customer classifications are as follows:
 - (1) Residential — Urban, rural and farm.
 - (2) Commercial — Urban and rural.
 - (3) Large power.
 - (4) Street lighting.
- (b) **Total Cost of Installation.** The total cost of extension shall be defined as the cost of the extension of primary and secondary lines (excluding the necessary service drop or service lateral and individual transformer or increased transformer capacity); reconstruction of existing main feeders, including changing from single-phase to three-phase or construction of new feeders made necessary solely by addition of such customers; the cost of tree trimming or right-of-way clearing; securing easements; moving conflicting facilities; and all other costs incident to furnishing service. The customer is responsible for the cost of restoration of the property after the utility has completed installation and backfilling where applicable. This definition applies to the overhead and underground distribution system. If it is found to be advisable for the utility to install facilities in excess of that required to serve the new customer applying for service, the added cost of these facilities will not be used in determining the cost of the extension.
- (c) **Installation Charge.** The installation charge is the total cost of installation less the average depreciated embedded cost of the distribution system (excluding the transformer and service facilities). Seasonal customers shall received one-half (1/2) the average embedded cost allowance of a year-round customer for the same customer classification.
- (d) **Average Depreciated Embedded Cost.** The embedded cost of the distribution system (excluding the transformer and service facilities) is determined by the Public Service Commission for each customer classification. The average depreciated embedded cost by customer classification is as follows:
 - (1) **Residential** (urban, rural and farm): Eighteen Dollars (\$18.00) determined by dividing the original cost less the estimated accrued depreciation of the distribution

system and less customer contributions and advances for construction allocated to this customer classification by the number of customers in the group.

- (2) **Commercial** (including multi-unit dwellings if billed on one (1) meter): Forty-six Dollars (\$46.00) determined the same way as Residential.
- (3) **Large Power**: Five and 80/100 Dollars (\$5.80) per kW (Cp-1) or Four and 65/100 Dollars (\$4.65 per kW (Cp-2), of average billed demand. When there is an upgrade, the average billed demand is the difference between the averaged billed demand before and after the upgrade. The embedded allowance is determined by dividing the original cost less the estimated accrued depreciation of the distribution system and less customer contributions and advances for construction allocated to this customer classification by the estimated average billed demand of these customers.
- (4) **Street Lighting**: The dollar amount per fixture is determined by dividing the overall depreciated cost of the distribution facilities allocated to the street lighting class, less credits for past customer contributions and advances for construction, by the total number of lighting fixtures in that classification. The following is the average depreciated embedded cost per lighting fixture: Ninety-five cents (95¢).
- (5) **Apartment and Rental Units Separately Metered**: The owner of an apartment or rental unit applying for an extension of service shall receive an average depreciated embedded cost credit at Eighteen Dollars (\$18.00) per unit metered.
- (6) **Subdividers and Residential Developers**: Eighteen Dollars (\$18.00) per unit (same as residential) energized within five (5) years from the installation of the contributed extension:

NOTE: All average depreciated embedded costs (by rate class) shall be subject to review by the Public Service Commission of Wisconsin as part of each general rate case proceeding.

Sec. 9-3-75 Total Cost of Installation by Customer Classification.

- (a) **Residential (urban, rural and farm), commercial (urban and rural), street lighting and large power classes** will be charged the total installation cost less the average depreciated embedded cost as defined in Section 9-3-74(d).
- (b) **Residential and Commercial Developers and Subdividers** of single- and two-family subdivisions shall pay, as a minimum, a partially refundable contribution which is the estimated cost of distribution facilities to be installed for the area being developed. The average depreciated embedded cost is refundable as structures are built and connected to the electric utility facilities, as defined in Section 9-3-74(d).
- (c) **Installation charges for multi-family residential housing units** will be the total installation cost less the average depreciated embedded cost, as defined in Section 9-3-74(d) per each living unit in the multi-family building.

- (d) **Other installation charges.** In addition to the installation charges provided above, the utility may require the customer to pay, in advance of construction, the estimated direct costs for those distribution service facilities which:
- (1) Are in excess of standard utility design and construction;
 - (2) Follow a route different than the most direct route as in PSC 113.81, as determined by the utility; or
 - (3) Require abnormally high installation costs due to abnormal soil conditions, including trenching in rocky soil, frozen ground or other similar conditions;
 - (4) Winter construction will normally apply between December 1 and April 1.
- All such payments for these conditions are subject to partial refund as additional customers connect.

Sec. 9-3-76 Adjustments to Estimates of the Total Cost of Installation.

Section 9-3-75 explains the method for estimating the total cost of installation. The utility shall adjust its estimate of construction costs to reflect the costs that are actually incurred. Upon completion of an installation which differs from the utility's original cost estimate, a recalculation of the customer contribution shall be made.

Sec. 9-3-77 through Sec. 9-3-79 Reserved for Future Use.

Article G: Refunds of Customer Contributions by Type of Customer

Sec. 9-3-80 Eligibility for Refunds.

- (a) The utility shall make refunds to a customer who made a contribution for an extension (a contributed extension) when the utility makes an extension from the contributed extension to a second customer which does not require a contribution from the second customer (a noncontributed extension).
- (b) In all cases, refunds to the customer making the original contributions shall be limited to the first five (5) years from the installation date. The utility shall make the refund to the customer who made the original contribution or the current property owner of record unless it has a written record from that customer assigning the refund rights to another customer.

Sec. 9-3-81 Application for the Refund.

- (a) When additional customers are connected to an existing extension which required an installation charge from the original customer for whom the extension was first made, that original customer may receive a refund paid by the utility.
- (b) If the cost of adding a new customer to an existing extension is less than the average depreciated embedded cost to serve the new customers, the new customer will not be charged. The original contributor of the extension shall be refunded the difference between the average depreciated embedded cost and the cost of adding the new customer.
- (c) If the cost of additional distribution facilities exceeds the average depreciated embedded cost of a customer classification, the construction will be considered a new extension. In this case no refund is due the original contributor.
- (d) The original contributor or successive owner shall receive refunds, if any, for only the first five (5) years from the date the original extension is energized.
- (e) Refunds shall be made to the original contributing customer(s) by the utility within twenty (20) days after the additional customer's cost of installation is determined.
- (f) The amount of the refund shall be based on the embedded cost allowance in effect at the time the contributed extension was installed or the current embedded cost allowance, whichever is greater. In no case shall the total refund exceed the total installation charge.

Sec. 9-3-82 through Sec. 9-3-89 Reserved for Future Use.

Article H: Service Extensions

Sec. 9-3-90 Overhead Service Extensions; Applicability.

- (a) The rules of Sections 9-3-90 through 9-3-92 apply to the extension of overhead electric service to all classes of retail customers requesting new service in all areas served by the utility.
- (b) The utility will extend electric service to a new customer(s) or existing customer(s) furnished by means of extending its overhead distribution system, except that three-phase service may be furnished by means of phase conversion equipment from a single-phase line.

Sec. 9-3-91 Contributions for Overhead Extensions.

The charge for all overhead extensions shall be the total cost of installation as defined in Section 9-3-75, less the average depreciated embedded cost [see Section 9-3-74(d)].

Sec. 9-3-92 Combination Single-Phase and Three-Phase Construction.

In the event an extension is partially or completely supported on structures used for supporting transmission circuits or in the event the extension is built to serve both single-phase customers and three-phase customers, the utility will compute and apportion among the customers served the extension contribution requirements and contribution refund rights in a fair and equitable manner consistent with the pertinent facts and will retain in its files a memorandum of such computation and apportionment. The contribution requirement of the single-phase customers shall not be greater than would have been the case if an extension (complying with present engineering standards) had been constructed to only serve single-phase customers.

Sec. 9-3-93 General Rules on Underground Service Extensions.

The utility will extend utility-standard underground service to all classes of retail customers requesting new service in all areas served by the utility.

Sec. 9-3-94 Stipulations on Availability of Underground Service Extensions.

- (a) Underground service extensions to be furnished by the utility are limited to those which may be placed in locations where grade levels and other conditions are satisfactory to the utility, such as across residential or farm yards or commercial premises or along driveways.

The route of the underground construction must be clear of any trees, brush, fences or other surface obstructions that would interfere with normal operation of trenching equipment. Trench backfill shall consist of the original soil and shall not be power tamped. Lawn and landscaping restoration shall be the applicant's responsibility.

- (b) Underground service extension in locations such as beneath undeveloped land, quarries, gravel pits, swamps and water will not be furnished except by written approval of the utility for each installation.
- (c) The utility will not install an underground service extension where engineering, operating, construction, safety or legal problems would, in the utility's judgment, make it inadvisable to perform the installation, unless these problems can be resolved by the payment of contributions and/or the charges as provided for in these extension rules.
- (d) Notification must be given to the utility sufficiently in advance of construction so that a sequence of construction can be provided for and the work coordinated with other utilities involved.
- (e) If the trench cannot, for any reason, be dug prior to the freezing of the soil, the utility may temporarily install secondary voltage conductors in suitable mechanical protection on top of the ground and dig the trench when the ground is thawed.
- (f) The utility shall not be prevented from installing underground electric equipment where necessary by reason of physical conditions or congestion in the area, when this type of construction is the most economical type for the conditions.

Sec. 9-3-95 Contributions for Underground Extensions.

The charge for all underground extensions shall be the total cost of the installation as defined in Section 9-3-75, less the average depreciated embedded cost as defined in Section 9-3-74(d).

Sec. 9-3-96 Contribution for Added Costs Due to Unusual Conditions.

- (a) For unusual construction costs, a contribution is required which may be subject to a partial refund as additional customers attach. The cost shall include:
 - (1) An amount equal to the estimated cost of boring or pavement cutting required where conductors must be installed in rocky soil, frozen ground or other similar conditions.
 - (2) An amount equal to the cost of any special requirements, such as municipal requirements, rearrangement of facilities due to a change of plans or the need for an underground service extension different from or more elaborate than the utility's standard underground construction.

- (3) An amount equal to the estimated extra cost of trenching through any area where normal plowing and trenching methods cannot be used (for example, ledge rock, boulders, landfill, etc.).
- (b) Upon completion of the construction, if the actual amount of such extra cost is actually less than the estimated amount, the utility will refund the difference between the estimated and actual costs.

Sec. 9-3-97 Combination of Overhead and Underground Extension.

In accepting an application for underground electric service under this schedule, the utility does not undertake to avoid the construction of overhead lines in the neighborhood which may be necessary to serve customers who demand and have the right to receive service from overhead lines. However, in order to avoid duplication of facilities, applicants for electric service whose premises can be served from an underground distribution system that has previously been installed adjacent to the applicant's premises shall be required to be served by an underground lateral from such system and shall pay the contributions and charges required in these extension rules.

Sec. 9-3-98 General Rules on Underground Distribution Areas.

- (a) The utility will install a utility-standard single-phase underground electric distribution system in accordance with this schedule where required by ordinance or when requested by and agreed to by the property owner(s) or developer or subdivider of the land area to be served. [However, all lines exceeding fifteen thousand (15,000) volts in such areas may be overhead.]
- (b) Electric distribution facilities provided for under this rule are only for providing service to permanent buildings.
- (c) The utility will own and maintain the underground conductors and appurtenances, and the character and location of such facilities shall be at the discretion of the utility.

Sec. 9-3-99 Establishment of Underground Distribution Areas.

- (a) **Subdivisions.**
 - (1) For purposes of this schedule, a subdivision shall be defined as a division of lands consisting of five (5) or more contiguous lots. Lots directly across a street from each other are considered to be contiguous.

- (2) To qualify as an underground distribution area, the property owner(s) or land developer or subdivider shall have provided a suitable recorded plat of the subdivision with deed restrictions, all satisfactory to the utility, to require all utility service to be supplied by underground lines and prohibiting overhead lines, except for lines exceeding fifteen thousand (15,000) volts and with easements shown.
- (3) An area which qualifies as a subdivision may be established as an underground distribution area in either of the two (2) following ways:
 - a. All new subdivisions not already receiving electric service are defined as underground distribution areas where, by ordinance, the electric distribution systems are required to be underground.
 - b. A group of property owners or land developer or subdivider may request that an area be served by an underground distribution system. Such area shall be specifically defined and of reasonably regular shape.
- (b) **Mobile Home Courts.** A new mobile home court or an expansion of an existing mobile home court may be established as an underground distribution area where:
 - (1) The court consists of five (5) or more established mobile home locations, all of which are contiguous.
 - (2) Occupancy of the mobile homes is to be on a year-round basis.
 - (3) The owner of the mobile home court provides for the utility a written commitment that all utility service will be supplied by underground lines and prohibiting any overhead lines, except for lines exceeding fifteen thousand (15,000) volts.
- (c) **Condominium Developments and Apartment House Complexes.** A new residential condominium development, apartment house complex or an expansion of an existing housing facility may be established as an underground distribution area where:
 - (1) The condominium or apartment complex consists of five (5) or more dwelling units.
 - (2) The developer provides for the utility a written commitment that all utility service will be supplied by underground lines and prohibiting any overhead lines, except for lines exceeding fifteen thousand (15,000) volts.
- (d) **Easements.** The property owner(s) or land developer or subdivider shall have secured for the utility, at no cost to the utility, such easements as the utility may require for the installation, operation and maintenance of its facility, including, but not limited to, easements for its transformers and switches. The property owner(s) or land developer or subdivider shall inform the utility of any known or expected underground obstructions with the cable routes. Any earth fill added to easements to bring the grade to final level shall not contain any large rocks, boulders, debris or rubbish.

NOTE: In subdivisions, easements shall be provided along side lot lines as necessary for underground cables to street light locations approved by appropriate governmental authority.
- (e) **Expansion of Underground Distribution Areas.** An established underground distribution area may be expanded to include such lots or building sites as are contiguous to it which

are not already served by overhead lines. The owners of such lots shall be responsible for seeing that the lots meet the requirements specified above for the underground distribution area to which it is contiguous.

Sec. 9-3-100 Contribution and Charges for Extension.

- (a) **Contribution for Construction within Underground Distribution Area.** All of the provisions of contributions for construction of underground extensions will apply except that the extension allowance will apply to those lots at which dwelling units are occupied or under construction (construction has proceeded above the foundation level) only. The utility may require that the contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer the property owner(s), land developer or subdivider an installment payment plan.
- (b) **Distribution Line to Underground Distribution Area.**
 - (1) Where an extension of the utility's existing distribution system is required in order to reach the underground distribution area, said extension will normally be overhead construction. The extension allowance for the overhead distribution line will apply to those lots on which dwelling units are occupied or under construction (construction beyond the foundation level) only. The utility may require that the contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan.
 - (2) If required by statute or ordinance or if required by the condition in the judgment of the utility, all or a portion of the extension will be underground. A refundable contribution as provided in Section 9-3-100(a) will apply.

Sec. 9-3-101 through Sec. 9-3-109 Reserved for Future Use.

Article I: Modifications to Existing Distribution and Service Facilities

Sec. 9-3-110 Relocation and Rebuilding of Existing Distribution Facilities.

- (a) (1) Where responsibility can be determined by the utility, the customer responsible for relocation, rebuilding or other modification of existing distribution facilities shall pay a contribution based on the following:

Estimated direct cost of new facilities
Less: Accrued depreciation of facilities to be removed
Less: Estimated net salvage of the facilities to be removed
Plus: Estimated cost of removal of existing distribution facilities
Equals: Charge for modifications to existing facilities

- (2) The costs and credits of the above shall be determined from the available records of the utility. The utility shall endeavor to maintain records that permit a reasonable calculation of these costs and credits. The contribution shall be refundable when the extension is less than the embedded allowance as per Article G, Refunds to Customers.
- (b) Where the utility chooses to relocate its distribution system and it is practicable to bring a service drop or lateral to the existing service entrance facilities, the utility will make the necessary changes in the customer's wiring and service equipment without expense to the customer.
- (c) In the event that the utility is ordered by a unit of government to move its distribution facilities, a new service drop will be installed, where practicable, to the existing service location without expense to the customer. If, in the opinion of the utility, it is not practicable to utilize the existing service entrance facilities, the utility will specify a new service location. The utility is not required to furnish new service entrance, cable, conduit or service equipment unless it makes a practice of supplying this equipment. The utility shall, however, run a service drop to the nearest point on each building served from the new location and remove the old service drop without expense to the customer.

Sec. 9-3-111 Replacement of Overhead Distribution Facilities with Underground Distribution Facilities.

A customer requesting the utility to replace existing overhead distribution facilities with underground distribution facilities shall pay the contribution in aid of construction and receive refunds as shown in Section 9-3-110 above.

Sec. 9-3-112 Upgrade of Distribution Facilities Due to Change in Load.

- (a) **Costs.** Customers who request an upgrading of the utility distribution facilities due to a change in the character of their load shall pay for the construction costs incurred by the utility to provide the requested additional facilities.
- (b) **Demand Schedule.** Customers who are served under a demand rate schedule shall receive an embedded cost allowance. The kilowatts of demand to be used in determining the allowance shall be the customer's average billed demand after the upgrade less the customer's average billed demand before the upgrade.
- (c) **Customers Transferring to a Different Energy-Only Classification.** If a customer served under an energy-only subclassification prior to the upgrade qualifies for a different energy-only subclassification after the upgrade, the customer shall receive a cost allowance equal to the difference between the two (2) embedded cost allowances.
- (d) **Customers Transferring to a Demand Classification.** If a customer is served under an energy-only classification prior to the upgrade, the customer shall receive an embedded cost allowance. The kilowatts of demand to be used in determining the allowance shall be the customer's average billed demand after the upgrade less an estimate of the customer's prior average demand.

Sec. 9-3-113 Upgrade of Service Facilities.

- (a) **Overhead Service Drop.** The utility shall not charge the customer to upgrade an overhead service drop with a larger size overhead service drop up to the maximum standard size.
- (b) **Underground Service Lateral.** The utility shall not charge the customer to upgrade an underground service lateral with a larger-size underground service lateral up to the maximum standard size.
- (c) **Overhead Service Drop to Underground Service Lateral.** The utility shall require a contribution from a customer requesting to have an overhead service drop upgraded to an underground service lateral. The contribution shall be equal to the cost of the underground service lateral less the cost of an equivalent overhead service drop.
- (d) **Transformers.** The utility shall not charge the customers to upgrade their transformer to the maximum standard capacity.

Sec. 9-3-114 Extension or Modification of Transmission Facilities to Retail Customers.

Before a utility extends or modifies its transmission facilities to a retail customer, the utility shall require a contract between the utility and the customer which describes the facilities to be

constructed, such as the cost of construction, apportions the responsibility for the construction costs between the utility and the customer and provides a supporting analysis for the construction and the cost apportionment. The utility shall submit the contract to the Commission for approval. The Commission shall review the contract to assess whether existing ratepayers would be adversely affected by the proposed extension or modification. If the Commission does not respond to the utility within twenty (20) working days from the date of receipt, the contract is approved.

Sec. 9-3-115 through Sec. 9-3-119 Reserved for Future Use.

Article J: Temporary and Emergency Service

Sec. 9-3-120 Temporary Service.

The utility will extend its service to fairs, carnivals, and like short-time gatherings and uses (not including short-time uses in the nature of auxiliary, stand-by or seasonal use) under the following rules:

- (a) The customer will agree to reimburse the utility for its expenditures in extending service.
- (b) The cost of extending service includes all items of labor and materials, with the customary overhead charges, necessary to furnish the customer with the service requested. It shall also include any costs involved in the dismantling of materials and their return to stock. Where materials dismantled have a salvage value, the cost of extending service will be credited with such salvage value.
- (c) All energy will be measured at one (1) standard voltage at some convenient point designated by the utility.
- (d) The customer will make the necessary arrangements and provide for the necessary equipment in the event more than one (1) voltage is required.
- (e) The cost of all construction (labor and materials) necessary to distribute energy on the premises occupied by the customer will be borne by the customer.
- (f) The utility may require the customer to make an advance deposit sufficient to cover the costs of extending service and the estimated bill for energy.
- (g) The rates applicable in the area wherein temporary service is rendered shall be applied in determining the customer's bill.

Sec. 9-3-121 Temporary Service for Construction.

- (a) Temporary service shall be given to a customer connection only when constructed in accordance with the sketch as provided by the utility. The post supporting the unit shall be located as near as possible to the location of permanent service to the building. Abnormal conditions involving compliance with the foregoing provision will be cleared with the utility and permission granted by the utility prior to locating the customer connection.
- (b) All temporary service shall be maintained in a safe manner in order to keep the utility harmless from injury to persons or property. The service shall remain temporary only for a reasonable time and must be permanent when the utility directs such action.
- (c) Should the customer elect to receive permanent service, the installation charges for extension of new electric service as provided for in Section 9-3-75 will apply. Credit shall be given for the payment already made for that portion of the temporary service facilities which can be used for permanent service without modification.

Sec. 9-3-122 Emergency Service.

- (a) A customer purchasing electric service from the utility under any of the utility's filed rates for firm service and requesting a reserve line or a separate service connection other than that from which regular service is obtained should consult the utility to determine if such service is available.
- (b) The utility may supply emergency service facilities under the terms of a special contract, providing the customer shall pay all costs associated with such facilities. The utility will then provide the emergency service distribution facilities required.

Sec. 9-3-123 through Sec. 9-3-129 Reserved for Future Use.

Article K: Customer Utilization Equipment

Sec. 9-3-130 General Rules on Customer Utilization Equipment.

- (a) The rules in this Section are designed to assist in maintaining a high standard of electric service for all classes of customers with maximum economy based on electric service rules of the Wisconsin Public Service Commission governing the variation of voltage at customer's service entrances.
- (b) Before installing any utilization equipment, it shall be the customer's responsibility to notify the utility of the planned addition. The utility will advise customers concerning a specific installation on request but not test or investigate any customer's equipment except when necessary to determine the cause of substandard voltage conditions. The utility shall, at all reasonable times, have the right to enter a customer's premises to examine customer's equipment. The utility may refuse to connect service or will suspend service when such equipment does not conform to these rules and has not been corrected after reasonable notice.
- (c) All wiring and other electrical equipment on the premises furnished by the customer shall be installed and maintained by the customer at all times in conformity with the requirements of the Wisconsin State Electrical Code and with the rules and regulations of the utility. Electrical apparatus to be used in connection with and operated by energy furnished by the utility shall be of such design and construction and installed and operated in such manner so as not to interfere unreasonably with the utility's service to other consumers. In the event that such apparatus does not comply with the above requirements, the utility may discontinue service until the conditions causing interference with the utility's service to other customers have been remedied by the customer. The utility may require the installation of a separate power service to serve equipment which does not conform to the rules which govern lighting service or to serve other devices which are likely to interfere with standard voltage regulation.
- (d) Where a customer connects single-phase equipment to a three-phase service, the single-phase equipment shall be connected to prevent unbalance of the loads on the three-phase service in excess of ten percent (10%). A power factor of ninety percent (90%) (or as otherwise specified in the company's tariffs) shall be maintained by the customer. When these requirements cannot be met, the customer shall apply for a separate single-phase service.
- (e) It shall be the customer's responsibility to install any protective devices such as time-delay under-voltage releases, phase reversal relays, devices to protect against unbalanced phase operation of three-phase equipment and any other device necessary to prevent damage to utilization equipment which might result from imperfections in the supply of power.

Sec. 9-3-131 Motors and Motor Control.

- (a) In order to prevent impairment of the service to other customers, it is necessary to establish limits of allowable starting currents for motors. Before selecting motor equipment, the customer should consult the utility to determine the specific voltages available at any location.
- (b) When a motor is used to drive equipment that requires varying torque during each cycle of operation, such as a compressor or reciprocating pump, the combined installation should have enough momentum in its moving parts so that its operation will not interfere unduly with service to other customers.
- (c) Types of motor service available on general service lighting rates, single-phase only are as follows:
 - (1) Single-phase fractional horsepower motors: Automatically controlled and frequently started, whose locked rotor currents do not exceed twenty-three (23) amperes, may be connected to one hundred twenty (120) volt circuits.
 - (2) Single-phase motors, one (1) horsepower or less: Manually controlled or infrequently started, whose locked rotor currents do not exceed fifty (50) amperes, may be connected to one hundred twenty (120) volt circuits. No single-phase motor larger than one (1) horsepower shall be operated on a one hundred twenty (120) volt circuit.
 - (3) Infrequently started single-phase motors of ten (10) horsepower or less may be connected to two hundred forty (240) volt commercial lighting and residential circuits if their locked rotor currents do not exceed the values shown in the next section describing motor service available on power rates.
 - (4) In urban areas, infrequently started three-phase motors of ten (10) horsepower or less, connected through single-phase to three-phase converters may be used on residential and commercial lighting circuits.
 - (5) Single-phase motors above ten (10) horsepower are not permitted in rural areas.
- (d) Types of motor service available on power rates and combined light and power rates, single-phase and three-phase are as follows:
 - (1) Motors with long periods of continuous operation under maximum load conditions and having not more than four (4) starts per hour may be connected if their locked rotor currents do not exceed those listed in the following table. Consult the utility where these conditions cannot be met or where equipment ratings and/or starting characteristics exceed the values in the table below:

Motor Starting Table

Motors Rated	Total Locked Rotor Current Not to Exceed
120 volts, single-phase	50 amperes
240 volts, single-phase	
2 hp or less	60 amperes
2 hp to 6.5 hp	60 amperes plus 20 amperes per hp in excess of 2 hp
6.5 hp to 15 hp	150 amperes plus 10 amperes per hp in excess of 6.5 hp
240 volts, three-phase	
2 hp or less	50 amperes
2 hp to 19.9 hp	50 amperes plus 14 amperes per hp in excess of 2 hp
20 hp to 40 hp	300 amperes plus 4 amperes per hp in excess of 20 hp
50 hp and over	8 amperes per hp

- (2) Motors over ten (10) horsepower rating are to be three-phase.
- (3) New installation of motors of fifty (50) horsepower or larger should be approved by the utility as to motor type, starting and protective equipment and as to availability of an adequate power supply at the proposed location.
- (4) Motors subject to frequent starts, such as elevator and hoist motors, when connected to the secondary distribution system, should have their starting current limited to one hundred (100) amperes.
- (5) For motors of higher voltage rating than shown in the motor starting table, the allowable currents are inversely proportional to the voltages.

Sec. 9-3-132 Miscellaneous Equipment.

- (a) X-ray equipment operated on lighting or combined lighting and power services shall have input currents not exceeding twenty-four (24) amperes without specific approval of the utility.

- (b) All other equipment not specifically provided for in this Section will be subject to approval of the utility on the basis of starting currents specified herein for motors with the same frequency of starting. Customers are advised to consult the utility before connecting any such apparatus.

Sec. 9-3-133 Private Power Plants.

- (a) No generator may be electrically connected to the utility's line or equipment without the written consent of the utility and with adequate physical arrangements to prevent hazard to life and damage to utility property.
- (b) After advance written notice and advance approval by the utility, a customer may install his own standby emergency generating equipment and connect it to his wiring systems, provided the connection is through a double-throw switch or other means which will prevent accidental electrical connection of the generator to the utility's facilities at any time. All cost of installation and equipment shall be borne by the customer. The customer shall not operate such equipment until inspection by the utility has been completed. In the event that any customer wishes to engage in parallel operation with the facilities of the utility, service will not be rendered to such customer until a written contract has been entered upon between the customer and the utility and the conditions of delivery of electric energy are fully outlined therein.

Sec. 9-3-134 through Sec. 9-3-139 Reserved for Future Use

Article L: Contribution in Aid of Construction

Sec. 9-3-140 Payment for Contribution in Aid of Construction.

The utility may require that the required contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan. If a utility offers an installment payment plan to its customers, the installment plan shall be reviewed and placed on file at the Commission.

Sec. 9-3-141 through Sec. 9-3-149 Reserved for Future Use.

Article M: Electric Rates

Sec. 9-3-150 Power Cost Adjustment Clause.

- (a) All metered rates shall be subject to a positive or negative power cost adjustment charge equivalent to the amount by which the current cost of power (per kilowatt-hour of sales) is greater or lesser than the base cost of power purchased (per kilowatt-hour of sales).
- (b) The current cost per kilowatt-hour of energy billed is equal to the cost of power purchased for the most recent month, divided by the kilowatt-hours of energy sold. The monthly adjustment (rounded to the nearest one one-hundredth of a cent) is equal to the current cost less the base cost. The base cost of power (U) is \$0.0392 per kilowatt-hour.
- (c) Periodic changes shall be made to maintain the proper relative structure of the rates and to insure that power costs are being equitably recovered from the various rate classes. The company shall file with the Public Service Commission of Wisconsin within thirty (30) days for changes in the rates to incorporate a portion of the power cost adjustment into the base rates, if after final wholesale rates have been authorized, the monthly adjustment (A) exceeds \$0.0168 per kilowatt-hour.
- (d) For purposes of calculating the power cost adjustment charge, the following formula shall be used:

$$\frac{C}{A = S - U}$$

A is the power cost adjustment rate in dollars per kilowatt-hour rounded to four (4) decimal places applied on a per kilowatt-hour basis to all metered sales of electricity.

S is the total kilowatt-hours sold during the most recent month.

U is the base cost of power which equals the average cost of power purchased per kilowatt-hour of sales for the test year period. This figure remains constant in each subsequent monthly calculation at \$0.0392 per kilowatt-hour until otherwise changed by the Public Service Commission of Wisconsin.

C is the cost of power purchased in dollars in the most recent month. Cost of power purchased for calculation of C are the monthly amounts which would be recorded in the following account of the Uniform System of Accounts:

Class A & B utilities
Account 555

Class C utilities
Account 545

Class D utilities
Account 540

Sec. 9-3-151 Residential Service — Rg-1.

(a) **Application.**

(1) This rate will be applied to residential single-phase customers for ordinary household purposes. Single-phase motors may not exceed five (5) horsepower individual-rated capacity without utility permission.

(2) Customers who do not meet this criteria will be served under the applicable rate.

(b) **Customer Charge.** Five Dollars (\$5.00) per month.

(c) **Energy Charge.** \$0.0520 per kilowatt-hour (kWh).

(d) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly. See schedule PCAC.

(e) **Minimum Monthly Bill.** The minimum monthly bill shall be the customer charge.

(f) **Prompt Payment of Bills.** A charge of no more than one percent (1%) per month will be added to bills not paid within twenty (20) days from date of issuance. The late payment charge shall be applied to the total unpaid balance for utility service, including unpaid payment charges. This charge is applicable to all customers.

Sec. 9-3-152 General Service — Cg-1.

(a) **Application.**

(1) This rate will be applied to single and three- (3) phase customers. This includes commercial, institutional, governmental, farm and other customers. The monthly Maximum Measured Demand of customers served on this rate shall not exceed thirty (30) kilowatts for three (3) or more months in a consecutive twelve (12) month period.

(2) Cg-1 customers shall be transferred into the appropriate demand class as soon as the application conditions of that class have been met.

(b) **Customer Charge.** Five Dollars (\$5.00) per month, single-phase.

(c) **Energy Charge.** \$0.0620 per kilowatt-hour (kWh).

(d) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly. See schedule PCAC.

(e) **Minimum Monthly Bill.** The minimum monthly bill shall be the customer charge.

(f) **Prompt Payment of Bills.** Same as Rg-1.

- (g) **Primary Metering Discount.** Customers metered on the primary side of the transformer shall be given a two percent (2%) discount on the monthly energy charge. The PCAC and the monthly customer charge will not be eligible for the primary metering discount.
- (h) **Determination of Maximum Measured Demand.** The Maximum Measured Demand in any month shall be that demand in kilowatts necessary to supply the average kilowatts in fifteen (15) consecutive minutes of greatest consumption of electricity during each month. Each Maximum Measured Demand shall be determined from readings of permanently installed meters or, at the option of the utility, by any standard methods or meters. Said demand meter shall be reset to zero (0) when the meter is read each month.

Sec. 9-3-153 Small Power Service — Cp-1.

- (a) **Application.**
 - (1) This rate will be applied to customers for all types of service if their monthly Maximum Measured Demand is in excess of thirty (30) kilowatts (kW) per month for three (3) or more months in a consecutive twelve (12) month period unless the customer exceeds the application conditions of the large power time-of-day schedule.
 - (2) Customers billed on this rate shall continue to be billed on this rate until their monthly Maximum Measured Demand is less than thirty (30) kW per month for twelve (12) consecutive months. The utility shall annually offer a customer billed on this rate the option to continue to be billed on this rate for another twelve (12) months if their monthly Maximum Measured Demand is less than thirty (30) kW per month. However, this option shall be offered with the provision that the customer waives all rights to billing adjustments arising from a claim that the bill for service would be less on another rate schedule than under this rate schedule.
- (b) **Customer Charge.** Twenty Dollars (\$20.00) per month.
- (c) **Demand Charge.** Five and 50/100 Dollars (\$5.50) per kW of billed demand.
- (d) **Energy Charge.** \$0.0348 per kilowatt-hour (kWh).
- (e) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly. See schedule PCAC.
- (f) **Prompt Payment of Bills.** Same as Rg-1.
- (g) **Minimum Monthly Bill.** The minimum monthly bill shall be equal to the customer charge, plus One and 25/100 (\$1.25) per kW of the highest monthly Maximum Measured Demand occurring in the currently month or preceding eleven (11) month period.
- (h) **Determination of Billed Demand.** The Billed Demand for small power customers shall be the Maximum Measured Demand.
- (i) **Determination of Maximum Measured Demand.** The Maximum Measured Demand in any month shall be that demand in kilowatts necessary to supply the average kilowatts in fifteen (15) consecutive minutes of greatest consumption of electricity during each month.

Such Maximum Measured Demand shall be determined from readings of permanently installed meters or, at the option of the utility, by any standard methods or meters. Said demand meter shall be reset to zero when the meter is read each month.

- (j) **Discounts.** The monthly bill for service will be subject to the following discounts applied in the sequence listed below:
- (1) **Primary Metering Discount.** Customers metered on the primary side of the transformer shall be given a two percent (2%) discount on the monthly energy charge and demand charge. The PCAC and the monthly customer charge will not be eligible for the primary metering discount.
 - (2) **Transformer Ownership Discount.** Customers who own and maintain their own transformers or substations shall be given a credit of twenty cents (20¢) per kW on the monthly billed demand charge. Customer-owned substation equipment shall be operated and maintained by the customer. Support and substation equipment is subject to utility inspection and approval.

Sec. 9-3-154 Large Power Time-of-Day Service — Cp-2.

- (a) **Application.**
- (1) This rate will be applied to customers for all types of service if their monthly Maximum Measured Demand is in excess of two hundred (200) kilowatts (kW) per month for three (3) or more months in a consecutive twelve- (12) month period.
 - (2) Customers billed on this rate shall continue to be billed on this rate until their monthly Maximum Measured Demand is less than two hundred (200) kW per month for twelve (12) consecutive months. The utility shall annually offer a customer billed on this rate the option to continue to be billed on this rate for another twelve (12) months if their monthly Maximum Measured Demand is less than two hundred (200) kW per month. However, this option shall be offered with the provision that the customer waives all rights to billing adjustments arising from a claim that the bill for service would be less on another rate schedule than under this rate schedule.
- (b) **Customer Charge.** Fifty Dollars (\$50.00) per month.
- (c) **Distribution Demand Charge.** One and 25/100 (\$1.25) per kW of distribution demand.
- (d) **Demand Charge.** Five and 50/100 Dollars (\$5.50) per kW of on-peak billed demand.
- (e) **Energy Charge.**
- (1) **On-peak.** \$0.0365 per kilowatt-hour (kWh).
 - (2) **Off-peak.** \$0.0260 per kWh.
- (f) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly. See schedule PCAC.

- (g) **Minimum Monthly Bill.** The minimum monthly bill shall be equal to the customer charge, plus the customer demand charge.
- (h) **Prompt Payment of Bills.** Same as Rg-1.
- (i) **Pricing Periods.**
 - (1) **On-Peak:** 9:00 a.m. to 9:00 p.m., Monday through Friday, excluding holidays, specified below.
 - (2) **Off-Peak:** All times not specified as on-peak including all day Saturday and Sunday, and the following holidays; New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; or the day nationally designated to be celebrated as such. When a designated holiday occurs on a Sunday, the following Monday will be considered an off-peak day.
- (j) **Discounts.** The monthly bill for service will be subject to the following discounts applied in the sequence listed below:
 - (1) **Primary Metering Discount.** Customers metered on the primary side of the transformer shall be given a two percent (2%) discount on the monthly energy charge, customer demand charge and demand charge. The PCAC and the monthly customer charge will not be eligible for the primary metering discount.
 - (2) **Transformer Ownership Discount.** Customers who own and maintain their own transformers or substations shall be given a credit of twenty cents (20¢) per kW on the monthly customer demand charge. Customer-owned substation equipment shall be operated and maintained by the customer. Support and substation equipment is subject to utility inspection and approval.
- (k) **Determination of Maximum Measured Demand.** The Maximum Measured Demand in any month shall be that demand in kilowatts necessary to supply the average kilowatts in fifteen (15) consecutive minutes of greatest consumption of electricity during each month. Such Maximum Measured Demand shall be determined from readings of permanently installed meters or, at the option of the utility, by any standard methods or meters. Said demand meter shall be reset to zero when the meter is read each month.
- (l) **Determination of On-Peak Billed Demand.** The On-Peak Billed Demand for large power time-of-day service customers shall be equal to the highest Maximum Measured Demand occurring during the on-peak hours of the billing period.

Sec. 9-3-155 Siren and Lighting Service — Ms-1.

- (a) **Application.**
 - (1) This schedule will be applied to municipal street lighting, siren units, field lighting and yard lighting.

- (2) The City shall pay an investment charge and monthly Energy and PCAC charges for each street lighting unit. A monthly investment charge shall be paid by the City for any pole provided by the utility for the sole purpose of streetlighting. The utility will furnish, install, and maintain all street lighting units.
- (3) Yard lighting customers shall pay a monthly investment charge and monthly Energy and PCAC charges for each street lighting unit. A monthly investment charge shall be paid by Yard Lighting customers for any pole provided by the utility for the sole purpose of yard lighting. The utility will furnish, install, and maintain all yard lighting units.
- (4) Customers shall own and maintain field lighting units and shall be charged monthly Energy and PCAC charges for each field lighting unit.
- (5) This rate schedule is closed to new mercury vapor lights.
- (b) **Siren Charge.** Ten Dollars (\$10.00) per month per siren.
- (c) **Street Lighting Units.**

- 175 W MV - \$ 5.25 per lamp per month
- 400 W MV - \$ 5.75 per lamp per month
- 100 W HPS - \$ 5.25 per lamp per month
- 150 W HPS - \$ 6.25 per lamp per month
- 250 W HPS - \$ 7.50 per lamp per month
- 64 W Inc. Blinkers - \$ 5.00 per lamp per month

- (d) **Energy Charge.** \$0.0534 per kilowatt-hour (kWh).
- (e) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly, see schedule PCAC.
- (f) **Yard Lighting Fixed Charges.**

- 175 W MV - \$ 5.50 per lamp per month
- 100 W HPS - \$ 5.50 per lamp per month
- 250 W HPS - \$ 7.50 per lamp per month

- (g) **Prompt Payment of Bills.** Same as Rg-1.

Sec. 9-3-156 Parallel Generation (20 kW or Less) — Net Energy Billing — Pgs-1/

- (a) **Effective In.** All territories served by the utility.
- (b) **Availability.** Available for all single-phase and three- (3) phase customers where a part or all of the electrical requirements of the customer are supplied by the customer's generation

facilities, where such facilities have a total generating capability of twenty (20) kW or less, where such facilities are connected in parallel with the utility, and where such facilities are approved by the utility.

- (c) **Rate.** The customer shall be billed monthly on a net energy basis, and shall pay the fixed charge and energy charge specified in the rate schedule under which he is served. If, in any month, the customer's bill has a credit balance of Twenty-five Dollars (\$25.00) or less, the amount shall be credited to subsequent bills until a debit balance is reestablished. If the credit balance is more than Twenty-five Dollars (\$25.00), the customer can be reimbursed by check upon request. Monthly credits shall be computed by taking the net excess kilowatt-hours produced times the sum of the applicable energy charge plus monthly fuel adjustment clause.
- (d) **Metering and Service Facilities.** A customer who is served under a regular rate schedule shall have any ratchet and/or other device removed from his meter to allow reverse power flow and measurement of net energy used. Customers eligible for net energy billing but with existing metering facilities equipped with ratchets or other devices preventing reverse registration (i.e., time-of-day metering facilities), may request that the utility install the necessary metering to permit such billing.
- (e) **Customer Obligations.** See PgS-2 Sections 10 and 11 (Section 9-3-158).

Sec. 9-3-157 Customer-Owned Generation Systems (Greater Than 20 kW) — Pgs-2,

- (a) **Effective In.** All territories serviced by the utility.
- (b) **Availability.**
 - (1) Available for single-phase and three- (3) phase customers where a part or all of the electrical requirements of the customer are supplied by the customer's generation facilities, where such facilities have a total generating capability of greater than twenty (20) kW and less than or equal to one hundred (100) kW, where such facilities are connected in parallel with the utility, and where such facilities are approved by the utility. Customers not desiring to sell energy under this rate have the right to negotiate a buy-back rate.
 - (2) The energy rate indicated below is the minimum for electrical energy. Customers with generating facilities greater than one hundred (100) kW can negotiate a buy-back rate. Should the utility be unwilling to pay the minimum rate for electrical energy, the utility shall agree to transport such electrical energy to another utility who will pay such minimum rate. The utility shall recover actual costs of such transportation from the generating customer.
- (c) **Rate.**
 - (1) Customers shall receive monthly payment for all electricity delivered to the utility and shall be billed by the utility for metering and associated billing expenses specified in

the latest rates of the wholesale supplier, unless the latest rates of the wholesale supplier do not properly reflect avoided costs. In such event, the commission may determine revised rates.

- (2) The utility shall have on file a copy of the latest customer-owned generation system rates for the wholesale supplier.
- (d) **On-Peak Hours, Off-Peak Hours and Holidays.** On-peak and off-peak hours and holidays are those specified in the wholesale supplier's latest rates.
- (e) **Minimum Charge.** The monthly minimum charge paid by the customer shall be the customer charge.
- (f) **Power Factor.** The customer shall operate on a net power factor of not less than ninety percent (90%).
- (g) **Negotiated Rates.**
 - (1) Customers with generation systems greater than one hundred (100) kW can negotiate a buy-back rate.
 - (2) Customers with generation systems greater than twenty (20) kW and less than or equal to one hundred kW have the right to negotiate buy-back rates. The buy-back rate can not be greater than the full avoided cost.
 - (3) The following are the required procedure guidelines:
 - a. The utility must respond to the customer-owned generating system within thirty (30) days of the initial written receipt of the customer-owned generating system proposal and within thirty (30) days of receipt of a subsequent customer-owned generating system proposal;
 - b. The utility's rejection of the customer-owned generating system proposal must be accompanied by a counter-offer relating to the specific subject matter of the customer-owned generating system proposal; and
 - c. If the utility is unable to respond to the customer-owned generating system proposal within thirty (30) days it shall inform the customer-owned generating system of:
 1. Specific information needed to evaluate the customer-owned generating system proposal.
 2. The precise difficulty encountered in evaluating the customer-owned generating system proposal.
 3. The estimated date that it will respond to the customer-owned generating system proposal.
 - d. The commission may become involved in the utility negotiations upon showing by either the utility or the customer-owned generating system that a reasonable conclusion cannot be reached under the above guidelines. The commission may provide a waiver to the guidelines and order new negotiation requirements so that a reasonable conclusion can be reached.
 - e. A copy of all negotiated buy-back rates shall be sent to the commission. These rates shall not be effective until the contract is placed on file by the commission.

- (h) **Charges for Energy Supplied by the Utility.** Energy supplied by the utility to the customer shall be billed in accordance with the standard applicable rate schedules of the utility.
- (i) **Maintenance Rate.** A customer-owned generation facility may be billed lower demand charges for energy purchased during scheduled maintenance provided written approval is obtained in advance from the utility. Demand charges other than "Customer Demand" shall be prorated if maintenance is scheduled such that the utility does not incur additional capacity costs. Said proration shall be the demand charge times the number of authorized days of scheduled maintenance divided by the number of days in the billing period.
- (j) **Contract Required.** A contract is required between the utility and the customer-owned generation facility. The contract shall specify safety, system protection, and power quality rules that generators must comply with. The contract shall require a minimum of One Hundred Thousand Dollars (\$100,000) liability insurance or proof of financial responsibility for the customer-owned generation system. Contracts with customer-owned generation facilities selling energy under the standard (nonnegotiated) rate have no specific term or length. Contracts with customer-owned generation facilities selling energy under a negotiated rate shall contain performance requirements and be of sufficient length to ensure the utility avoids the costs for which the customer-owned generating facility has been paid.
- (k) **Customer Obligations.**
- (1) **Metering Facilities and Wiring.** The customer shall furnish, install and wire the necessary service entrance equipment, meter sockets, meter enclosure cabinets, or meter connection cabinets that may be required by the utility to properly meter usage and sales to the utility.
 - (2) **Interconnection Costs.** The owner of the generating facility shall be required to pay all interconnection costs, including metering, incurred by the utility. Said costs, including financing costs, shall be paid by the owner within two (2) years of the installation date of the interconnection facilities.
 - (3) **Liability Insurance.** The owner of the generating facility shall be required to have liability insurance on the generating facility of at least One Hundred Thousand Dollars (\$100,000) or be able to prove financial responsibility.
 - (4) **Interconnection and Operation (Safety and Power Quality) Requirements.** Electric service to a customer-owned electric generation installation may be disconnected for failure to comply with these requirements.
 - a. Interconnection of a generating facility with the utility system shall not be permitted until application has been made to and approval received from the electric utility. The utility may withhold approval only for good reason such as failure to comply with applicable utility or governmental rules or laws. The utility shall require a contract specifying reasonable technical connection and operating aspects for the parallel generating facility.
 - b. The utility may require that for each generating facility there be provided between the generator or generators and the utility system, a lockable load-break

disconnect switch. For installations interconnected at greater than six hundred (600) volts a fused cutout switch may be substituted, where practicable. The switches shall be accessible to the utility for the purpose of isolating the parallel generating facility from the utility system when necessary.

- c. The utility shall require a separate distribution transformer for a customer having a generating facility where necessary, for reasons of public or employee safety or where the potential exists for the generating facility causing problems with the service of other customers. Ordinarily this requirement should not be necessary for an induction-type generator with a capacity of five (5) kW or less, or other generating units of ten (10) kW or less that utilize line-commutated inverters.
- d. Where necessary, to avoid the potential for a facility causing problems with the service of other customers, the utility should limit the capacity and operating characteristics of single-phase generators in a manner consistent with its existing limitations for single-phase motors. Ordinarily single-phase generators should be limited to a capacity of ten (10) kW or less.
- e. The utility shall require that each generating facility have a system for automatically isolating the generator from the utility's system upon loss of the utility supply, unless the utility desires that the local generation be continued to supply isolated load. For synchronous and induction generators such protection against continued operation when isolated from the utility system will ordinarily consist of overcurrent protection, fuse or circuit breaker, plus a voltage or frequency controlled contractor which would automatically disconnect the unit whenever its output voltage or frequency drifted outside predetermined limits, such as plus or minus ten percent (10%) of the rated values.
 1. Other suitable protective systems against abnormal voltages of frequencies may be accepted by the utility.
- f. The utility shall require that the customer discontinue parallel generation operation when it so requests and the utility may isolate the generating installation from its system at times:
 1. When considered necessary to facilitate maintenance or repair of utility facilities.
 2. When considered necessary during system emergencies.
 3. When considered necessary during such times as the generating facility is operating in a hazardous manner, or is operating such that it adversely affects service to other customers or to nearby communication systems or circuits.
- g. The owner of the generating facility shall be required to make the equipment available and permit entry upon the property by electric and communication utility personnel at reasonable times for the purposes of testing isolation and protective equipment, and evaluating the quality of power delivered to the utility's system; and testing to determine whether the local generating facility is the source of any electric service or communication systems problems.

- h. The power output of the generating facility shall be maintained such that frequency and voltage are compatible with normal utility service and do not cause that utility service to fall outside the prescribed limits of commission rules and other standard limitations.
 - i. The generating facility shall be operated so that variations from acceptable voltage levels and other service impairing disturbances do not result in adverse effects on the service or equipment of other customers, and in a manner which does not produce undesirable levels of harmonics in the utility power supply.
 - j. The owner of the generating facility shall be responsible for providing protection for the owner's installed equipment and for adhering to all applicable national, state and local codes. The design and configuration of certain generating equipment such as that utilizing line-commutated inverters sometimes requires an isolation transformer as part of the generating installation for safety and for protection of the generating facilities.
- (l) **Utility Obligation.**
- (1) **Metering Equipment.** The utility shall install appropriate metering facilities to record all flows of energy necessary to bill in accordance with the charges and credits of this rate schedule.
 - (2) **Notice to Communication Firms.** Each electric utility shall notify telephone utility and cable television firms in the area when it knows that customer-owned generating facility is to be interconnected with its system. This notification shall be as early as practicable to permit coordinated analysis and testing in advance of interconnection, if considered necessary by the electric or telephone utility or cable television firm.
- (m) **Right to Appeal.** The owner of a generating facility interconnected or proposed to be interconnected with a utility system may appeal to the commission should any requirement of the utility service rules filed in accordance with the provisions of PSC 113.70, Wis. Adm. Code, or the required contract be considered to be excessive or unreasonable. Such appeal will be reviewed and the customer notified of the commission's determination.

Sec. 9-3-158 Other Charges and Billing Provisions — Oc-1.

- (a) **Budget Payment Plan.** A budget payment plan, which is in accordance with Ch. PSC 113, Wis. Adm. Code, is available from the utility. The utility does not use a fixed budget year. The utility will calculate the monthly budgeted amount by spreading the estimate annual bill over eleven months, with the last month consisting of any end of year adjustments.
- (b) **Reconnection Billing.** All customers whose service is disconnected in accordance with the disconnection rules as outlined in Ch. PSC 113, Wis. Adm. Code, shall be required to pay a reconnection charge. The charge shall be Twenty-five Dollars (\$25.00) during

- regular office hours. After regular office hours the minimum reconnection charge of Twenty-five Dollars (\$25.00) applies, plus any overtime labor costs, not to exceed a total maximum charge of Five Dollars (\$5.00).
- (c) **Reconnection of a Seasonal Customer's Service.** Reconnection of a service for a seasonal customer who has been disconnected for less than one (1) year shall be subject to the same reconnection charges outlined above. A seasonal customer shall also be charged for all minimum bills which would have been incurred had the customer not temporarily disconnected service.
 - (d) **Insufficient Fund Charge.** A Fifteen Dollar (\$15.00) charge will be applied to the customer's account when a check rendered for utility service is returned for insufficient funds. This charge may not be in addition to, but may be inclusive of, the water utility's insufficient fund charge when the check was for payment of both electric and water service.
 - (e) **Average Depreciated Embedded Cost.** The embedded cost of the distribution system (excluding the standard transformer and service facilities) is determined by the Public Service Commission for each customer classification. The average depreciated embedded cost by customer classification is as follows:
 - (1) **Residential Service.** Four Hundred Thirty Dollars (\$430.00).
 - (2) **Apartment and Rental Units Separately Metered.** Four Hundred Thirty Dollars (\$430.00) per unit metered.
 - (3) **Subdividers and Residential Developers.** Four Hundred Thirty Dollars (\$430.00) per unit.
 - (4) **General Service.** (Including Multi-Unit Dwellings if Billed on One Meter): Nine Hundred Thirty-one Dollars (\$930.00).
 - (5) **Power Service.** Ninety-two Dollars (\$92.00) per kW and Sixty Dollars (\$60.00) per kW, Cp-1 and Cp-2, respectively, of average billed demand.
 - (6) **Street Lighting.** Three and 50/100 Dollars (\$3.50).

Title 9 ► Chapter 4

Cable Television

9-4-1 Cable Television Ordinance

Sec. 9-4-1 Cable Television Ordinance.

Pursuant to Sec. 66.035, Wis. Stats., the City of Bloomer Common Council enacted Ordinance 98-3 adopting a new Cable Television Ordinance, incorporated herein by reference and on file with the City Clerk-Treasurer.

Title 9 ► Chapter 3

Electric Utility Regulations and Rates

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Article A: General Rules

Sec. 9-3-1 Term of Contract.

- (a) All agreements for service shall be for a period of one (1) year unless otherwise specified in the contract. Contracts are automatically renewed at the end of their term under conditions stated in the various contracts.
- (b) No agent or employee of the utility shall have the power to, or shall, amend, modify, alter or waive any of the rates or rules of the utility or bind the utility by making any representation not incorporated in the contract.
- (c) Contracts shall not be transferred unless authorized by the utility; new occupants of premises previously receiving service must make official application to the utility before commencing the use of service.
- (d) Customers who have been receiving service must notify the utility when discontinuing service; otherwise, they will be liable for the use of the service by their successors should said successors refuse to pay.
- (e) In case of conflict, any rules, regulations or orders of the Public Service Commission shall supercede any conflicting provision of this Chapter.

Sec. 9-3-2 Definition and Classification of Customers.

- (a) **Classification of Customers.**
 - (1) An electric consumer or unit of service shall consist of any contiguous aggregation of space or area occupied for a distinct purpose such as a residence, an apartment, flat, store, office, factory, etc., which is equipped with one (1) or more fixtures for rendering service separate and distinct from other users. The public portions of buildings, such as hallways, toilets, etc., may be treated separately depending on the requirements.
 - (2) Unless otherwise defined, the ultimate use of energy purchased by the customer(s) determines the rate applicable to their installation.
 - (3) Electric customers in general may be classified as follows:
 - a. Residential customers.
 - b. Commercial customers.
 - c. Power customers — standard or large.
 - d. Rural customers.
 - e. Public street and highway lighting customers.
 - f. Interdepartmental.
 - g. Miscellaneous customers.
- (b) **Residential Customers.** A "residential customer" is defined to include *each* separate house, apartment, flat or other living quarters occupied by a person or persons constituting

a distinct household and using energy for general illumination and for operating household appliances. Residence lighting use may be extended to include the use of energy for lighting the land and buildings which are adjacent to, connected with and used exclusively by the residence being served.

- (c) **Commercial Customers.** A "commercial customer" is defined to include *each* separate business enterprise, occupation or institution, taking service through a single meter, occupying for its exclusive use any unit or units of space as an entire building, entire floor, suite of rooms or a single room and using energy for the illumination of such space and for such incidental use as the schedule of rates applicable to the particular installation may permit.
- (d) **Power Customer — Standard or Large.** A "power customer" is defined to include each residence, separate business enterprise or institution occupying, for its exclusive use, any unit or units of space, as an entire building, entire floor, suite of rooms or a single room, and using energy for driving motors or other electrical loads larger than permitted on the utility's other rate schedules.
- (e) **Public Street and Highway Lighting Customers.** A public street or highway lighting customer is defined to include governmental agencies which take service for the purpose of lighting public streets, highways or traffic signs.
- (f) **Interdepartmental Customer.** An interdepartmental customer is defined to include service for pumping water by the municipal water department and/or pumping sewage by the municipal sewage department of a municipality which also operates an electric utility.
- (g) **Miscellaneous Customers.** Customers using electric service for purposes not included in the above classifications are defined as miscellaneous customers.

Sec. 9-3-3 Application of Rates and Combined Metering.

- (a) The schedules of rates apply when electricity is furnished in any billing to one (1) customer at one (1) location for a class of service through one (1) meter. The schedules of rates are based on delivery and billing service to the ultimate user for retail service and does not permit resale or distribution.
- (b) For all extensions of new or increased service, each unit must be separately metered before service will be rendered.
- (c) Where a customer occupies more than one (1) unit of space, each unit will be metered separately and a separate bill will be computed and rendered based on the readings of each individual meter unless a customer makes arrangements with a utility to provide the approved circuits and loops by which the different units can be connected and all energy metered through one (1) meter.
- (d) Where a commercial and one (1) or more residential units are combined so as to obtain electric service through one (1) meter, the commercial rate will be applied.

Sec. 9-3-4 Availability of Service Voltages.

Service may be taken at the following service voltages:

- (a) 120/240 single phase.
- (b) 120/208 single phase.
- (c) 120/240 three (3) phase.
- (d) 120/208 three (3) phase.

Sec. 9-3-5 Dual Voltages.

If a customer requires service at a voltage other than that offered by the utility or at more than one (1) voltage, the customer shall furnish and maintain the additional equipment required. If the customer's service requires two (2) or more transformer settings or points of delivery to a structure, the customer shall also furnish and maintain the additional equipment required.

Sec. 9-3-6 Emergency Systems.

- (a) Where emergency systems and buildings are so wired as to require a separate meter, the energy so metered will be billed as a separate customer. Emergency systems are systems supplying power and illumination essential to safety and life and property where such systems or circuits are legally required by municipal, state, federal or other codes or by any governmental agency having jurisdiction.
- (b) Emergency illumination shall include only the required exit lights and other lights specified as necessary to provide sufficient illumination.

Sec. 9-3-7 through Sec. 9-3-19 Reserved for Future Use.

Article B: Billing

Sec. 9-3-20 Regular Billing.

Bills for service will be rendered monthly unless otherwise specified. The term "month" for billing purposes will be the period between any two (2) consecutive readings of the meters by the utility, such readings to be taken as nearly as practicable every thirty (30) days within the provisions of the Wis. Adm. Code, Section PSC 113.15.

Sec. 9-3-21 Budget Payment Plan.

- (a) A budget payment plan is available to all prospective and existing residential customers and to all commercial accounts for which the primary purpose of the service is to provide for residential living (for example, a residential apartment building). This budget plan is in accordance with the Wis. Adm. Code, Section PSC 113.16(5).
- (b) A budget payment plan may be established at any time of the year. The monthly budget amount shall be calculated by the utility on the basis of the estimated consumption and estimated applicable rates through the end of the budget year. A budget year begins and ends on September 1st and ends on August 31st.
- (c) An applicant for a budget plan shall be informed at the time of application that the budget amount shall be reviewed and changed every six (6) months, if necessary, in order to reflect current circumstances. Existing budget plan customers shall be notified on at least a quarterly basis that budget amounts shall be reviewed every six (6) months, if necessary, in order to reflect current circumstances. Adjustments to the budget amount will be made with the objective that the customer's underbilled or overbilled balance at the end of the budget year shall be less than one (1) month's budget amount. Customers on the budget payment plan shall be notified of adjustments through either a bill insert or message on the bill. When an adjustment is made to a budget payment amount, the customer will be informed of the adjustment at the same time the bill containing the adjustment is rendered.
- (d) Customers who have arrearages shall be allowed to establish a budget payment plan by signing a deferred payment agreement for the arrears. Budget payment plans shall be subject to the late payment charge. In addition, if a budget payment is not paid, the customer shall be notified with the next billing that, if proper payment is not received subsequent to this notification, the next regular billing may effectuate the removal of the customer from the budget plan and reflect the appropriate amount due.
- (e) At the end of a budget year, if an underbilled or overbilled balance exists in a customer's account, the balance shall be handled as follows:
 - (1) A customer's debit balance will be paid in full or, at the customer's option, on a deferred basis.

- (2) A customer's credit balance will be applied against the customer's account or, at the customer's option, a refund shall be made.

Sec. 9-3-22 Estimated Bill.

If the utility cannot gain access to read the meter, the utility may, or if requested by the customer, leave meter reading forms. If no form is left or if the form is not returned in time for the billing operation, an estimated bill will be rendered. In estimating a bill, due consideration will be given to previous month's consumption and also consumption in similar periods of other years. Only in unusual cases or when written approval is received from the customer will more than three (3) consecutive estimated bills be rendered.

Sec. 9-3-23 Billing for Fractional Month Service.

When a customer commences or discontinues service between regular monthly meter reading dates, the utility will bill the customer as follows:

- (a) When a customer discontinues service ten (10) days or less from the previous month's meter readings, the consumption will be added to the previous month's consumption and a new bill calculated and rendered.
- (b) When a customer commenced service ten (10) days or less from the following month's meter reading, the consumption will be included in the following month's billing.
- (c) When a customer commences service more than ten (10) days before the month's regular meter reading or discontinues service more than ten (10) days after the previous month's meter reading, the service will be billed as regular monthly service.

Sec. 9-3-24 Failure of Meters to Register Properly.

In all cases where a utility meter, because of improper adjustment or defective parts, is found to be registering in excess of the two percent (2%) allowable error as prescribed by the Public Service Commission of Wisconsin, correction in the customer's billing will be made as follows:

- (a) The company will refund or charge the customer the difference between the actual billing and the billing corrected for the error for each month when such over-registration or under-registration is known to have existed. In the absence of definite information, adjustment will be made for one-half (1/2) of the entire period since the last test.
- (b) In making the adjustments for errors in meter registrations, due consideration will be given to immediate previous month's consumption, consumption in similar periods of other years, comparative uses and sizes of connected loads and any other relevant facts.

Sec. 9-3-25 Billing for Energy Lost Due to Grounds on Customer's Equipment.

- (a) Where accidental grounds occur on the customer's equipment, the utility will bill the customer for total usage on the meter at the rate currently in effect for his service.
- (b) The utility assumes no responsibility for damages or losses due to grounds on customer installations and reserves the right to disconnect a customer for failure to clear such grounds after reasonable notice.

Sec. 9-3-26 Determination of Demand.

The demand used for billing purposes shall be the greatest fifteen (15) minute integrated load preserved or recorded during the month, subject to modifications as set forth in the applicable rate schedule.

Sec. 9-3-27 Diversion of Service.

- (a) Where the utility has reasonable evidence that a customer is obtaining his supply of electricity, in whole or in part, by means of devices or methods used to stop 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 to disconnection of service.
- (b) When the utility has disconnected the customer for such reason, the utility will reconnect the customer upon the following conditions:
 - (1) The customer will be required to deposit with the utility an amount sufficient to guarantee the payment of the customer's bill for utility service.
 - (2) The customer will be required to pay the utility for any and all damages to its equipment on the customer's premises due to such stoppage or interference with its metering.
 - (3) The customer must further agree to comply with reasonable requirements to protect the utility against further losses.
- (c) When stoppage or interference is in connection with electric service metering, the customer may be required, at the customer's own expense, to place all of the customer's inside service wires up to the meter in rigid conduit and to agree to reimburse the utility for the purchase price and installation costs of a meter socket of a type to be selected by the utility.
- (d) Should the utility subsequently have reasonable evidence that such customer is receiving utility service, either wholly or partly unmetered, either in the customer's name or for the customer's use, the utility reserves the right to discontinue all utility service to such

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customer or for the customer's use and to refuse further service until proper restitution has been made.

Sec. 9-3-28 and Sec. 9-3-29 Reserved for Future Use.

Article D: Other Provisions

Sec. 9-3-40 Reconnection Billing.

All customers whose services are disconnected in accordance with the utility's disconnection rules as outlined in PSC 113, Wis. Adm. Code, shall be required to pay the reconnection charge before service is restored. The minimum charge shall be Fifteen Dollars (\$15.00) during regular office hours. After regular office hours, the minimum reconnection charge of Fifteen Dollars (\$15.00) applies plus any overtime labor costs, not to exceed a total maximum charge of Twenty-five Dollars (\$25.00).

Sec. 9-3-41 Reconnection of a Seasonal Customer's Service.

Reconnection of a service for a seasonal customer who has been disconnected for less than one (1) year shall be subject to the same reconnection charges outlined above. A seasonal customer shall also be charged for all minimum bills which would have been incurred had the customer not temporarily disconnected service.

Sec. 9-3-42 Overbilling of Customers.

- (a) In the event the utility becomes aware of an overbilling of a customer, the utility shall promptly correct the billing error and notify the customer of the circumstances surrounding the overbilling. The utility shall then determine the time period during which the overbilling occurred. In making this determination, the utility shall apply PSC rules and utility rules and tariffs.
- (b) Once the utility has determined the period of overbilling, the utility shall calculate the amount that it has overbilled the customer. The utility shall then make a refund to the customer of the amount of the overbilling, together with interest as calculated pursuant to PSC 113.16(9), Wis. Adm. Code.
- (c) All overbilling disputes arising under this Section shall be taken to the PSC for resolution.

Sec. 9-3-43 Charge for Returned Checks.

A charge of Ten Dollars (\$10.00) will be applied to the customer's account when a check is returned to the utility for insufficient funds.

Sec. 9-3-44 through Sec. 9-3-49 Reserved for Future Use.

Article E: Distribution and Service Facilities

Sec. 9-3-50 General Definitions — Distribution and Service Facilities.

- (a) **Overhead Service.** The overhead service between the last pole or other aerial support of the distribution system and the point of attachment to the customer's service entrance equipment. It is normally located on the customer's property.
- (b) **Underground Service Lateral.** The underground service between the distribution system, including any risers at the pole or other structure, and the service entrance equipment. It is normally located over the customer's property.
- (c) **Distribution Facilities.** All primary and secondary voltage wire or cable and its supports, trenches, connection equipment and enclosures, and control equipment which are used to extend the distribution system from existing facilities to a point of connection with the service facilities. The cost of right-of-way preparation and restoration to the original condition where appropriate shall be included in the cost of distribution facilities.
- (d) **Underground Service Extension.** Consists of a lateral and necessary distribution line, if any. In no case shall it consist of separate segments of underground construction separated by overhead construction. The length of each underground service extension shall be the length of the cable route from the beginning of the trench to the point of termination at the applicant's service facilities.
- (e) **Service Entrance Equipment.** Consists of the meter socket and related overhead masthead or conduit for underground service. This equipment is provided by the customer and is generally located on or in the customer's building.
- (f) **Service Facilities.** The standard transformer, standard overhead service drop or standard underground service lateral and standard meter.

Sec. 9-3-51 Utility Facilities on Customer's Premises.

This rule shall apply to the distribution facilities required to service either a group of customers in multi-tenancy premises or a single customer where, in either case, the utility finds that it is necessary to install portions of such facilities on the premises being served. Such customer or property owner, when requested by the utility, shall make provision on his/her property for the installation of utility-owned facilities required for services in accordance with the following:

- (a) Utility facilities shall consist of those which, in the opinion of the utility, are necessary to furnish adequate service at the utility-owned junction boxes on or adjacent to the enclosure of the utility substation or at customer-owned service entrance facilities. The utility will not supply wiring in or on a building beyond the junction box or on a building beyond the service entrance facilities. The utility will design such installations and will install facilities

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which, in its opinion, are most economical or feasible to the utility, under the conditions met. At each installation the utility shall have the option of extending its primary conductors to two (2) or more substations conveniently located with respect to the customers to be served or to furnish service to all customers from the substation. Where the utility's installation is located in a property owner's building, the applicable provisions of the Wisconsin State Electrical Code shall be observed.

- (b) A customer or property owner shall furnish, own and maintain the necessary indoor conduits, indoor or outdoor enclosures, vaults, building structural supports and accessories as specified by the utility.
- (c) If a customer or property owner requests any changes in the plan proposed by the utility, the customer shall pay the utility, the estimated excess cost of the substituted installation. The utility may require that these costs be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan.

Sec. 9-3-52 Customer's Responsibility for Utility's Equipment.

- (a) The customer shall be responsible for all damage to the utility's equipment and for all loss resulting from interference or tampering therewith caused by the customer or the customer's permittees, including compensation for consumed energy not recorded upon the meter (see PSC 113, Wis. Adm. Code).
- (b) Meters, service entrance switches and service entrance outlets are sealed by the utility and such seals shall not be broken or tampered with in any manner without the consent of the utility except in cases of emergency. The utility should be notified as soon as possible after a seal has been broken.

Sec. 9-3-53 through Sec. 9-3-59 Reserved for Future Use.

Article F: Extension of New Service Facilities

Sec. 9-3-60 Application for New Service.

Each request for extension of new service will require a written application for service in which the applicant agrees to pay any required contribution in aid of construction. The utility may require that the contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan.

Sec. 9-3-61 Wiring Affidavit.

- (a) The contractor or person responsible for the installation of the customer's electric wiring, appliances and other equipment related to each type of service shall deliver a notarized affidavit on a form supplied by the utility attesting to the fact that the work complies with the Wisconsin State Electrical Code and the service rules of the utility. Affidavits must clearly indicate the nature of the work done (such as residential wiring, residential fixtures, garage wiring, range, heaters, motors or other wiring or equipment) and, for those cases involving wiring changes or additions which require the meter(s) to be replaced or relocated, or which require inspection by the utility, the affidavit shall include an itemized copy of the connected load, including lights, motors and appliances. Where such changes require new service entrances at a new location, the existing service entrance should not be disconnected before the new service entrance is ready for connection and operation.
- (b) If, upon inspection by the utility, installations are found to contain discrepancies, such discrepancies shall be corrected before permanent connection of service will be completed. Or, at its option, the utility may mail the customer a written request demanding conformity within a ten (10) day period or any prior service connection made by the utility will be disconnected and terminated.
- (c) The utility normally connects the service entrance wires to the service wires. No one else shall make these connections without the specific approval from the utility, in which case the customer shall assume responsibility for any damage which may result from making these connections. The utility will not be responsible for damage or injury resulting from unauthorized disconnection or reconnection of service wires.

Sec. 9-3-62 Ownership of Extension.

The title to every extension at all times is with the utility. The utility reserves the right at all times to add additional customers to an extension and make new extensions to an existing extension under the provisions of these rules, without procuring the consent of any customer or

customers contributing to the original construction costs, and without incurring any liability for refunding contributions except as additional customers may be added as provided for herein. (See PSC 113, Wis. Adm. Code, Refunds.)

Sec. 9-3-63 Right-of-Way for Extensions.

- (a) **Overhead Facilities.** The applicant(s) for service shall furnish right-of-way easements and permits with clearing rights, without cost to the utility, adequate for the line extensions necessary to serve them and along a route approved by the utility. Clearing shall either:
 - (1) Be done by the applicant(s); or
 - (2) Be done by the utility, in which case the applicant shall, in advance of the clearing work, make a contribution to the utility in an amount equal to the utility's estimate of the cost thereof. Such contribution shall be nonrefundable, except that after completion of the extensions the utility will determine the actual cost of clearing work, recompute the contribution required and will refund the excess, if any, of the contribution held over the contribution required as based on such actual cost.
- (b) **Underground Facilities.**
 - (1) The applicant(s) shall secure for the utility, without cost to the utility, such easements as the utility may require for the installation, maintenance or replacement of the underground lateral and necessary distribution line extension.
 - (2) The applicant shall inform the utility of any known or expected underground obstructions within the cable routes on his property (septic tanks, drainage tile, etc.). Any earth fill added to bring the cable route to final grade prior to the underground construction shall not contain large rocks, boulders, debris or rubbish.
 - (3) In the event of future changes in grade levels by the customer that would materially change the depth of cover over underground conductors or affect transformer locations, the landowner shall notify the utility in advance of grading and shall pay the utility its cost of moving or replacing its equipment to accommodate the change in grade. Such charge will also be made for changes in buildings, structure, foundations or walls or other obstructions.

Sec. 9-3-64 Construction Standards and Facilities Provided by Utility.

The utility shall provide safe, reliable service with extensions that conform, to the extent possible, with each of the following standards:

- (a) **Route.** The utility shall make the extension over the most direct route which is the least expensive and least environmentally degrading. The customer shall provide or shall be

responsible for the cost of all right-of-way easements and permits necessary for the utility to install, maintain or replace distribution facilities. The customer shall either clear and grade such property or pay the utility to clear and grade such property. The customer is responsible for the cost of restoration of the property after the utility has completed installation and backfilling where applicable.

- (b) **Design.** The utility shall design and install facilities to deliver service to the customer and the area at the lowest reasonable cost. The facilities shall comply with accepted engineering and planning practices. The design shall consider reasonable needs for probable growth in the area and local land use planning. Unwarranted excess capacity which would result in unnecessary cost increases to the utility and its customers shall be avoided. The utility shall be responsible for the incremental cost of distribution facilities which are in excess of standard design for the customer and normal area growth.
- (c) **Efficient Use.** The utility's extension rules shall discourage the inefficient use of electricity by appropriately relating costs to the charges made for extensions.
- (d) **Cost Estimates.** The utility shall engineer and estimate the cost of each extension based on reasonable current costs. Current costs may be estimated using job specific costs, average costs per foot or unit or other costing method as appropriate.

Sec. 9-3-65 Point of Termination.

- (a) The applicant for new service may select the point of service with approval of the utility, at which point the utility will deliver service at applicant-owned terminating facilities. The applicant will furnish, own and maintain circuits, meter socket and equipment beyond such point, except for metering equipment.
- (b) It is necessary that a customer's service entrance facilities be located at a point most readily accessible to the utility's distribution system. It is desirable, and often necessary, to avoid crossing adjacent property with service drops or laterals. If the distribution system is established in the rear of the premises, the service entrance must be brought to the rear of the building. Where the distribution system is located on the street or where no distribution system has been established, the customer shall request the utility to specify an acceptable location of the service entrance facilities. The utility will furnish this information in writing upon request.

Sec. 9-3-66 Meters.

- (a) Meters will be furnished and installed by the utility. The customer, however, must furnish the meter socket and all necessary extra wiring to meet the meter connection and must furnish a safe and convenient place for the meters.

- (b) In the event a customer desires an additional meter installed for their own convenience, the installation shall be entirely at the cost of the customer, including the cost of the meter.

Sec. 9-3-67 Metering Facilities.

- (a) Meter sockets shall be installed by the customer on the exterior of the building.
- (b) In rural areas, a yard pole may be furnished by the utility and located at a point central to the buildings to be served. The meter socket shall be installed by the customer on this pole. All service equipment beyond this point is the responsibility of the customer.
- (c) When only a residence is built in the rural area and underground service is used, the meter may be placed on the pole if cleared by the utility prior to installation. A customer-owned yard light may not be installed on this pole unless cleared by the utility.
- (d) Any meter located other than as described above shall be approved in writing by the utility prior to installation or it shall be changed by the customer to conform to the utility standards.

Sec. 9-3-68 Number of Service Drops or Laterals per Customer.

- (a) The utility shall provide standard overhead service drops and standard underground service laterals at no charge to the customers.
- (b) Not more than one (1) service drop or service lateral will be installed to the same building or utilization point except:
 - (1) Where more than one (1) point of delivery is necessary because of voltage regulation, governmental requirements or regulatory orders.
 - (2) In large installations (large power only) where, in the opinion of the utility, more than one (1) service drop or lateral is necessary to meet the load requirements.
 - (3) In row houses and other multiple-occupancy buildings having areas separated by fire walls in compliance with the Wisconsin State Electrical Code.
- (c) If an existing customer with a single-phase service drop or lateral requests three-phase service, the customer shall rewire his equipment to operate from the three-phase service drop or lateral before three-phase service will be extended. The single-phase service drop or lateral will be removed from service after the three-phase service has been extended.

Sec. 9-3-69 Overhead Service Drop.

A standard overhead service drop shall be furnished by the utility to a suitable support on the customer's premises. The utility will provide supplemental information to the customer indicating the equipment that the customer shall install, own and maintain. This material will also indicate

what State Electrical Code provisions and City ordinances must be complied with on the installation of this equipment. A standard overhead is less than or equal to one hundred fifty (150) feet in length.

Sec. 9-3-70 Underground Service.

- (a) A standard underground service lateral shall be furnished by the utility to suitable service equipment on the customer's premises. This equipment shall be installed on the customer's building at a location approved by the utility. A standard underground service is less than or equal to one hundred fifty (150) feet in length.
- (b) The utility will provide supplemental information indicating what equipment the customer shall install, own and maintain for underground service and indicate what provisions of the State Electrical Code and City ordinances must be complied with for the installation of this equipment.

Sec. 9-3-71 Transformers.

The utility shall provide standard design transformers with capacities up to and including five hundred (500) kVA at no charge to the customer. The utility shall require a contribution for transformer costs in excess of the cost for a five hundred (500) kVA transformer. Customers may purchase, own, and maintain their own transformers provided that the equipment complies with utility standards. The utility is not obligated to sell to the customer existing equipment.

Sec. 9-3-72 Nonstandard Service Facilities.

If the proposed extension requires nonstandard service facilities or if the customer requests nonstandard facilities, the utility may require the customer pay a contribution in advance of construction for the portion of the facilities in excess of the cost of standard design facilities.

Sec. 9-3-73 Extraordinary Investment by Utility for Extension.

Proposed extensions may be reviewed for economic considerations. If the cost of an extension exceeds five (5) times the average embedded cost to serve a customer in the same class as the customer for whom the extension is to be made, the utility may require a contract with the customer. Under the terms of the contract, the customer may be required to pay the recurring estimated operation and maintenance expenses associated with that portion of the extension that is in excess of five (5) times the average embedded cost at the time the extension was made.

The reasons and supporting analysis for each contract will be furnished the customer and the Public Service Commission in writing. The utility will inform the customer of the customer's right to ask the Commission for a review of the extension costs and contract provisions. The utility will notify the Public Service Commission in writing when a service extension is denied, including the reasons for denial.

Sec. 9-3-74 Installation Charges and Embedded Cost Credits.

For purposes of implementing these installation charges, the following definitions shall apply:

- (a) **Customer Classification.** Customer classifications are based on usage characteristics. Each classification has a distinct installation charge and embedded cost credit. For definitions of distribution and service facilities installed in new installations see Section 9-3-50. Examples of customer classifications are as follows:
 - (1) Residential — Urban, rural and farm.
 - (2) Commercial — Urban and rural.
 - (3) Large power.
 - (4) Street lighting.
- (b) **Total Cost of Installation.** The total cost of extension shall be defined as the cost of the extension of primary and secondary lines (excluding the necessary service drop or service lateral and individual transformer or increased transformer capacity); reconstruction of existing main feeders, including changing from single-phase to three-phase or construction of new feeders made necessary solely by addition of such customers; the cost of tree trimming or right-of-way clearing; securing easements; moving conflicting facilities; and all other costs incident to furnishing service. The customer is responsible for the cost of restoration of the property after the utility has completed installation and backfilling where applicable. This definition applies to the overhead and underground distribution system. If it is found to be advisable for the utility to install facilities in excess of that required to serve the new customer applying for service, the added cost of these facilities will not be used in determining the cost of the extension.
- (c) **Installation Charge.** The installation charge is the total cost of installation less the average depreciated embedded cost of the distribution system (excluding the transformer and service facilities). Seasonal customers shall received one-half (1/2) the average embedded cost allowance of a year-round customer for the same customer classification.
- (d) **Average Depreciated Embedded Cost.** The embedded cost of the distribution system (excluding the transformer and service facilities) is determined by the Public Service Commission for each customer classification. The average depreciated embedded cost by customer classification is as follows:
 - (1) **Residential** (urban, rural and farm): Eighteen Dollars (\$18.00) determined by dividing the original cost less the estimated accrued depreciation of the distribution

system and less customer contributions and advances for construction allocated to this customer classification by the number of customers in the group.

- (2) **Commercial** (including multi-unit dwellings if billed on one (1) meter): Forty-six Dollars (\$46.00) determined the same way as Residential.
- (3) **Large Power**: Five and 80/100 Dollars (\$5.80) per kW (Cp-1) or Four and 65/100 Dollars (\$4.65 per kW (Cp-2), of average billed demand. When there is an upgrade, the average billed demand is the difference between the averaged billed demand before and after the upgrade. The embedded allowance is determined by dividing the original cost less the estimated accrued depreciation of the distribution system and less customer contributions and advances for construction allocated to this customer classification by the estimated average billed demand of these customers.
- (4) **Street Lighting**: The dollar amount per fixture is determined by dividing the overall depreciated cost of the distribution facilities allocated to the street lighting class, less credits for past customer contributions and advances for construction, by the total number of lighting fixtures in that classification. The following is the average depreciated embedded cost per lighting fixture: Ninety-five cents (95¢).
- (5) **Apartment and Rental Units Separately Metered**: The owner of an apartment or rental unit applying for an extension of service shall receive an average depreciated embedded cost credit at Eighteen Dollars (\$18.00) per unit metered.
- (6) **Subdividers and Residential Developers**: Eighteen Dollars (\$18.00) per unit (same as residential) energized within five (5) years from the installation of the contributed extension:

NOTE: All average depreciated embedded costs (by rate class) shall be subject to review by the Public Service Commission of Wisconsin as part of each general rate case proceeding.

Sec. 9-3-75 Total Cost of Installation by Customer Classification.

- (a) **Residential (urban, rural and farm), commercial (urban and rural), street lighting and large power classes** will be charged the total installation cost less the average depreciated embedded cost as defined in Section 9-3-74(d).
- (b) **Residential and Commercial Developers and Subdividers** of single- and two-family subdivisions shall pay, as a minimum, a partially refundable contribution which is the estimated cost of distribution facilities to be installed for the area being developed. The average depreciated embedded cost is refundable as structures are built and connected to the electric utility facilities, as defined in Section 9-3-74(d).
- (c) **Installation charges for multi-family residential housing units** will be the total installation cost less the average depreciated embedded cost, as defined in Section 9-3-74(d) per each living unit in the multi-family building.

- (d) **Other installation charges.** In addition to the installation charges provided above, the utility may require the customer to pay, in advance of construction, the estimated direct costs for those distribution service facilities which:
- (1) Are in excess of standard utility design and construction;
 - (2) Follow a route different than the most direct route as in PSC 113.81, as determined by the utility; or
 - (3) Require abnormally high installation costs due to abnormal soil conditions, including trenching in rocky soil, frozen ground or other similar conditions;
 - (4) Winter construction will normally apply between December 1 and April 1.
- All such payments for these conditions are subject to partial refund as additional customers connect.

Sec. 9-3-76 Adjustments to Estimates of the Total Cost of Installation.

Section 9-3-75 explains the method for estimating the total cost of installation. The utility shall adjust its estimate of construction costs to reflect the costs that are actually incurred. Upon completion of an installation which differs from the utility's original cost estimate, a recalculation of the customer contribution shall be made.

Sec. 9-3-77 through Sec. 9-3-79 Reserved for Future Use.

Article G: Refunds of Customer Contributions by Type of Customer

Sec. 9-3-80 Eligibility for Refunds.

- (a) The utility shall make refunds to a customer who made a contribution for an extension (a contributed extension) when the utility makes an extension from the contributed extension to a second customer which does not require a contribution from the second customer (a noncontributed extension).
- (b) In all cases, refunds to the customer making the original contributions shall be limited to the first five (5) years from the installation date. The utility shall make the refund to the customer who made the original contribution or the current property owner of record unless it has a written record from that customer assigning the refund rights to another customer.

Sec. 9-3-81 Application for the Refund.

- (a) When additional customers are connected to an existing extension which required an installation charge from the original customer for whom the extension was first made, that original customer may receive a refund paid by the utility.
- (b) If the cost of adding a new customer to an existing extension is less than the average depreciated embedded cost to serve the new customers, the new customer will not be charged. The original contributor of the extension shall be refunded the difference between the average depreciated embedded cost and the cost of adding the new customer.
- (c) If the cost of additional distribution facilities exceeds the average depreciated embedded cost of a customer classification, the construction will be considered a new extension. In this case no refund is due the original contributor.
- (d) The original contributor or successive owner shall receive refunds, if any, for only the first five (5) years from the date the original extension is energized.
- (e) Refunds shall be made to the original contributing customer(s) by the utility within twenty (20) days after the additional customer's cost of installation is determined.
- (f) The amount of the refund shall be based on the embedded cost allowance in effect at the time the contributed extension was installed or the current embedded cost allowance, whichever is greater. In no case shall the total refund exceed the total installation charge.

Sec. 9-3-82 through Sec. 9-3-89 Reserved for Future Use.

Article H: Service Extensions

Sec. 9-3-90 Overhead Service Extensions; Applicability.

- (a) The rules of Sections 9-3-90 through 9-3-92 apply to the extension of overhead electric service to all classes of retail customers requesting new service in all areas served by the utility.
- (b) The utility will extend electric service to a new customer(s) or existing customer(s) furnished by means of extending its overhead distribution system, except that three-phase service may be furnished by means of phase conversion equipment from a single-phase line.

Sec. 9-3-91 Contributions for Overhead Extensions.

The charge for all overhead extensions shall be the total cost of installation as defined in Section 9-3-75, less the average depreciated embedded cost [see Section 9-3-74(d)].

Sec. 9-3-92 Combination Single-Phase and Three-Phase Construction.

In the event an extension is partially or completely supported on structures used for supporting transmission circuits or in the event the extension is built to serve both single-phase customers and three-phase customers, the utility will compute and apportion among the customers served the extension contribution requirements and contribution refund rights in a fair and equitable manner consistent with the pertinent facts and will retain in its files a memorandum of such computation and apportionment. The contribution requirement of the single-phase customers shall not be greater than would have been the case if an extension (complying with present engineering standards) had been constructed to only serve single-phase customers.

Sec. 9-3-93 General Rules on Underground Service Extensions.

The utility will extend utility-standard underground service to all classes of retail customers requesting new service in all areas served by the utility.

Sec. 9-3-94 Stipulations on Availability of Underground Service Extensions.

- (a) Underground service extensions to be furnished by the utility are limited to those which may be placed in locations where grade levels and other conditions are satisfactory to the utility, such as across residential or farm yards or commercial premises or along driveways.

The route of the underground construction must be clear of any trees, brush, fences or other surface obstructions that would interfere with normal operation of trenching equipment. Trench backfill shall consist of the original soil and shall not be power tamped. Lawn and landscaping restoration shall be the applicant's responsibility.

- (b) Underground service extension in locations such as beneath undeveloped land, quarries, gravel pits, swamps and water will not be furnished except by written approval of the utility for each installation.
- (c) The utility will not install an underground service extension where engineering, operating, construction, safety or legal problems would, in the utility's judgment, make it inadvisable to perform the installation, unless these problems can be resolved by the payment of contributions and/or the charges as provided for in these extension rules.
- (d) Notification must be given to the utility sufficiently in advance of construction so that a sequence of construction can be provided for and the work coordinated with other utilities involved.
- (e) If the trench cannot, for any reason, be dug prior to the freezing of the soil, the utility may temporarily install secondary voltage conductors in suitable mechanical protection on top of the ground and dig the trench when the ground is thawed.
- (f) The utility shall not be prevented from installing underground electric equipment where necessary by reason of physical conditions or congestion in the area, when this type of construction is the most economical type for the conditions.

Sec. 9-3-95 Contributions for Underground Extensions.

The charge for all underground extensions shall be the total cost of the installation as defined in Section 9-3-75, less the average depreciated embedded cost as defined in Section 9-3-74(d).

Sec. 9-3-96 Contribution for Added Costs Due to Unusual Conditions.

- (a) For unusual construction costs, a contribution is required which may be subject to a partial refund as additional customers attach. The cost shall include:
 - (1) An amount equal to the estimated cost of boring or pavement cutting required where conductors must be installed in rocky soil, frozen ground or other similar conditions.
 - (2) An amount equal to the cost of any special requirements, such as municipal requirements, rearrangement of facilities due to a change of plans or the need for an underground service extension different from or more elaborate than the utility's standard underground construction.

- (3) An amount equal to the estimated extra cost of trenching through any area where normal plowing and trenching methods cannot be used (for example, ledge rock, boulders, landfill, etc.).
- (b) Upon completion of the construction, if the actual amount of such extra cost is actually less than the estimated amount, the utility will refund the difference between the estimated and actual costs.

Sec. 9-3-97 Combination of Overhead and Underground Extension.

In accepting an application for underground electric service under this schedule, the utility does not undertake to avoid the construction of overhead lines in the neighborhood which may be necessary to serve customers who demand and have the right to receive service from overhead lines. However, in order to avoid duplication of facilities, applicants for electric service whose premises can be served from an underground distribution system that has previously been installed adjacent to the applicant's premises shall be required to be served by an underground lateral from such system and shall pay the contributions and charges required in these extension rules.

Sec. 9-3-98 General Rules on Underground Distribution Areas.

- (a) The utility will install a utility-standard single-phase underground electric distribution system in accordance with this schedule where required by ordinance or when requested by and agreed to by the property owner(s) or developer or subdivider of the land area to be served. [However, all lines exceeding fifteen thousand (15,000) volts in such areas may be overhead.]
- (b) Electric distribution facilities provided for under this rule are only for providing service to permanent buildings.
- (c) The utility will own and maintain the underground conductors and appurtenances, and the character and location of such facilities shall be at the discretion of the utility.

Sec. 9-3-99 Establishment of Underground Distribution Areas.

- (a) **Subdivisions.**
 - (1) For purposes of this schedule, a subdivision shall be defined as a division of lands consisting of five (5) or more contiguous lots. Lots directly across a street from each other are considered to be contiguous.

- (2) To qualify as an underground distribution area, the property owner(s) or land developer or subdivider shall have provided a suitable recorded plat of the subdivision with deed restrictions, all satisfactory to the utility, to require all utility service to be supplied by underground lines and prohibiting overhead lines, except for lines exceeding fifteen thousand (15,000) volts and with easements shown.
- (3) An area which qualifies as a subdivision may be established as an underground distribution area in either of the two (2) following ways:
 - a. All new subdivisions not already receiving electric service are defined as underground distribution areas where, by ordinance, the electric distribution systems are required to be underground.
 - b. A group of property owners or land developer or subdivider may request that an area be served by an underground distribution system. Such area shall be specifically defined and of reasonably regular shape.
- (b) **Mobile Home Courts.** A new mobile home court or an expansion of an existing mobile home court may be established as an underground distribution area where:
 - (1) The court consists of five (5) or more established mobile home locations, all of which are contiguous.
 - (2) Occupancy of the mobile homes is to be on a year-round basis.
 - (3) The owner of the mobile home court provides for the utility a written commitment that all utility service will be supplied by underground lines and prohibiting any overhead lines, except for lines exceeding fifteen thousand (15,000) volts.
- (c) **Condominium Developments and Apartment House Complexes.** A new residential condominium development, apartment house complex or an expansion of an existing housing facility may be established as an underground distribution area where:
 - (1) The condominium or apartment complex consists of five (5) or more dwelling units.
 - (2) The developer provides for the utility a written commitment that all utility service will be supplied by underground lines and prohibiting any overhead lines, except for lines exceeding fifteen thousand (15,000) volts.
- (d) **Easements.** The property owner(s) or land developer or subdivider shall have secured for the utility, at no cost to the utility, such easements as the utility may require for the installation, operation and maintenance of its facility, including, but not limited to, easements for its transformers and switches. The property owner(s) or land developer or subdivider shall inform the utility of any known or expected underground obstructions with the cable routes. Any earth fill added to easements to bring the grade to final level shall not contain any large rocks, boulders, debris or rubbish.

NOTE: In subdivisions, easements shall be provided along side lot lines as necessary for underground cables to street light locations approved by appropriate governmental authority.
- (e) **Expansion of Underground Distribution Areas.** An established underground distribution area may be expanded to include such lots or building sites as are contiguous to it which

are not already served by overhead lines. The owners of such lots shall be responsible for seeing that the lots meet the requirements specified above for the underground distribution area to which it is contiguous.

Sec. 9-3-100 Contribution and Charges for Extension.

- (a) **Contribution for Construction within Underground Distribution Area.** All of the provisions of contributions for construction of underground extensions will apply except that the extension allowance will apply to those lots at which dwelling units are occupied or under construction (construction has proceeded above the foundation level) only. The utility may require that the contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer the property owner(s), land developer or subdivider an installment payment plan.
- (b) **Distribution Line to Underground Distribution Area.**
 - (1) Where an extension of the utility's existing distribution system is required in order to reach the underground distribution area, said extension will normally be overhead construction. The extension allowance for the overhead distribution line will apply to those lots on which dwelling units are occupied or under construction (construction beyond the foundation level) only. The utility may require that the contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan.
 - (2) If required by statute or ordinance or if required by the condition in the judgment of the utility, all or a portion of the extension will be underground. A refundable contribution as provided in Section 9-3-100(a) will apply.

Sec. 9-3-101 through Sec. 9-3-109 Reserved for Future Use.

Article I: Modifications to Existing Distribution and Service Facilities

Sec. 9-3-110 Relocation and Rebuilding of Existing Distribution Facilities.

- (a) (1) Where responsibility can be determined by the utility, the customer responsible for relocation, rebuilding or other modification of existing distribution facilities shall pay a contribution based on the following:

Estimated direct cost of new facilities
Less: Accrued depreciation of facilities to be removed
Less: Estimated net salvage of the facilities to be removed
Plus: Estimated cost of removal of existing distribution facilities
Equals: Charge for modifications to existing facilities

- (2) The costs and credits of the above shall be determined from the available records of the utility. The utility shall endeavor to maintain records that permit a reasonable calculation of these costs and credits. The contribution shall be refundable when the extension is less than the embedded allowance as per Article G, Refunds to Customers.
- (b) Where the utility chooses to relocate its distribution system and it is practicable to bring a service drop or lateral to the existing service entrance facilities, the utility will make the necessary changes in the customer's wiring and service equipment without expense to the customer.
- (c) In the event that the utility is ordered by a unit of government to move its distribution facilities, a new service drop will be installed, where practicable, to the existing service location without expense to the customer. If, in the opinion of the utility, it is not practicable to utilize the existing service entrance facilities, the utility will specify a new service location. The utility is not required to furnish new service entrance, cable, conduit or service equipment unless it makes a practice of supplying this equipment. The utility shall, however, run a service drop to the nearest point on each building served from the new location and remove the old service drop without expense to the customer.

Sec. 9-3-111 Replacement of Overhead Distribution Facilities with Underground Distribution Facilities.

A customer requesting the utility to replace existing overhead distribution facilities with underground distribution facilities shall pay the contribution in aid of construction and receive refunds as shown in Section 9-3-110 above.

Sec. 9-3-112 Upgrade of Distribution Facilities Due to Change in Load.

- (a) **Costs.** Customers who request an upgrading of the utility distribution facilities due to a change in the character of their load shall pay for the construction costs incurred by the utility to provide the requested additional facilities.
- (b) **Demand Schedule.** Customers who are served under a demand rate schedule shall receive an embedded cost allowance. The kilowatts of demand to be used in determining the allowance shall be the customer's average billed demand after the upgrade less the customer's average billed demand before the upgrade.
- (c) **Customers Transferring to a Different Energy-Only Classification.** If a customer served under an energy-only subclassification prior to the upgrade qualifies for a different energy-only subclassification after the upgrade, the customer shall receive a cost allowance equal to the difference between the two (2) embedded cost allowances.
- (d) **Customers Transferring to a Demand Classification.** If a customer is served under an energy-only classification prior to the upgrade, the customer shall receive an embedded cost allowance. The kilowatts of demand to be used in determining the allowance shall be the customer's average billed demand after the upgrade less an estimate of the customer's prior average demand.

Sec. 9-3-113 Upgrade of Service Facilities.

- (a) **Overhead Service Drop.** The utility shall not charge the customer to upgrade an overhead service drop with a larger size overhead service drop up to the maximum standard size.
- (b) **Underground Service Lateral.** The utility shall not charge the customer to upgrade an underground service lateral with a larger-size underground service lateral up to the maximum standard size.
- (c) **Overhead Service Drop to Underground Service Lateral.** The utility shall require a contribution from a customer requesting to have an overhead service drop upgraded to an underground service lateral. The contribution shall be equal to the cost of the underground service lateral less the cost of an equivalent overhead service drop.
- (d) **Transformers.** The utility shall not charge the customers to upgrade their transformer to the maximum standard capacity.

Sec. 9-3-114 Extension or Modification of Transmission Facilities to Retail Customers.

Before a utility extends or modifies its transmission facilities to a retail customer, the utility shall require a contract between the utility and the customer which describes the facilities to be

constructed, such as the cost of construction, apportions the responsibility for the construction costs between the utility and the customer and provides a supporting analysis for the construction and the cost apportionment. The utility shall submit the contract to the Commission for approval. The Commission shall review the contract to assess whether existing ratepayers would be adversely affected by the proposed extension or modification. If the Commission does not respond to the utility within twenty (20) working days from the date of receipt, the contract is approved.

Sec. 9-3-115 through Sec. 9-3-119 Reserved for Future Use.

Article J: Temporary and Emergency Service

Sec. 9-3-120 Temporary Service.

The utility will extend its service to fairs, carnivals, and like short-time gatherings and uses (not including short-time uses in the nature of auxiliary, stand-by or seasonal use) under the following rules:

- (a) The customer will agree to reimburse the utility for its expenditures in extending service.
- (b) The cost of extending service includes all items of labor and materials, with the customary overhead charges, necessary to furnish the customer with the service requested. It shall also include any costs involved in the dismantling of materials and their return to stock. Where materials dismantled have a salvage value, the cost of extending service will be credited with such salvage value.
- (c) All energy will be measured at one (1) standard voltage at some convenient point designated by the utility.
- (d) The customer will make the necessary arrangements and provide for the necessary equipment in the event more than one (1) voltage is required.
- (e) The cost of all construction (labor and materials) necessary to distribute energy on the premises occupied by the customer will be borne by the customer.
- (f) The utility may require the customer to make an advance deposit sufficient to cover the costs of extending service and the estimated bill for energy.
- (g) The rates applicable in the area wherein temporary service is rendered shall be applied in determining the customer's bill.

Sec. 9-3-121 Temporary Service for Construction.

- (a) Temporary service shall be given to a customer connection only when constructed in accordance with the sketch as provided by the utility. The post supporting the unit shall be located as near as possible to the location of permanent service to the building. Abnormal conditions involving compliance with the foregoing provision will be cleared with the utility and permission granted by the utility prior to locating the customer connection.
- (b) All temporary service shall be maintained in a safe manner in order to keep the utility harmless from injury to persons or property. The service shall remain temporary only for a reasonable time and must be permanent when the utility directs such action.
- (c) Should the customer elect to receive permanent service, the installation charges for extension of new electric service as provided for in Section 9-3-75 will apply. Credit shall be given for the payment already made for that portion of the temporary service facilities which can be used for permanent service without modification.

Sec. 9-3-122 Emergency Service.

- (a) A customer purchasing electric service from the utility under any of the utility's filed rates for firm service and requesting a reserve line or a separate service connection other than that from which regular service is obtained should consult the utility to determine if such service is available.
- (b) The utility may supply emergency service facilities under the terms of a special contract, providing the customer shall pay all costs associated with such facilities. The utility will then provide the emergency service distribution facilities required.

Sec. 9-3-123 through Sec. 9-3-129 Reserved for Future Use.

Article K: Customer Utilization Equipment

Sec. 9-3-130 General Rules on Customer Utilization Equipment.

- (a) The rules in this Section are designed to assist in maintaining a high standard of electric service for all classes of customers with maximum economy based on electric service rules of the Wisconsin Public Service Commission governing the variation of voltage at customer's service entrances.
- (b) Before installing any utilization equipment, it shall be the customer's responsibility to notify the utility of the planned addition. The utility will advise customers concerning a specific installation on request but not test or investigate any customer's equipment except when necessary to determine the cause of substandard voltage conditions. The utility shall, at all reasonable times, have the right to enter a customer's premises to examine customer's equipment. The utility may refuse to connect service or will suspend service when such equipment does not conform to these rules and has not been corrected after reasonable notice.
- (c) All wiring and other electrical equipment on the premises furnished by the customer shall be installed and maintained by the customer at all times in conformity with the requirements of the Wisconsin State Electrical Code and with the rules and regulations of the utility. Electrical apparatus to be used in connection with and operated by energy furnished by the utility shall be of such design and construction and installed and operated in such manner so as not to interfere unreasonably with the utility's service to other consumers. In the event that such apparatus does not comply with the above requirements, the utility may discontinue service until the conditions causing interference with the utility's service to other customers have been remedied by the customer. The utility may require the installation of a separate power service to serve equipment which does not conform to the rules which govern lighting service or to serve other devices which are likely to interfere with standard voltage regulation.
- (d) Where a customer connects single-phase equipment to a three-phase service, the single-phase equipment shall be connected to prevent unbalance of the loads on the three-phase service in excess of ten percent (10%). A power factor of ninety percent (90%) (or as otherwise specified in the company's tariffs) shall be maintained by the customer. When these requirements cannot be met, the customer shall apply for a separate single-phase service.
- (e) It shall be the customer's responsibility to install any protective devices such as time-delay under-voltage releases, phase reversal relays, devices to protect against unbalanced phase operation of three-phase equipment and any other device necessary to prevent damage to utilization equipment which might result from imperfections in the supply of power.

Sec. 9-3-131 Motors and Motor Control.

- (a) In order to prevent impairment of the service to other customers, it is necessary to establish limits of allowable starting currents for motors. Before selecting motor equipment, the customer should consult the utility to determine the specific voltages available at any location.
- (b) When a motor is used to drive equipment that requires varying torque during each cycle of operation, such as a compressor or reciprocating pump, the combined installation should have enough momentum in its moving parts so that its operation will not interfere unduly with service to other customers.
- (c) Types of motor service available on general service lighting rates, single-phase only are as follows:
 - (1) Single-phase fractional horsepower motors: Automatically controlled and frequently started, whose locked rotor currents do not exceed twenty-three (23) amperes, may be connected to one hundred twenty (120) volt circuits.
 - (2) Single-phase motors, one (1) horsepower or less: Manually controlled or infrequently started, whose locked rotor currents do not exceed fifty (50) amperes, may be connected to one hundred twenty (120) volt circuits. No single-phase motor larger than one (1) horsepower shall be operated on a one hundred twenty (120) volt circuit.
 - (3) Infrequently started single-phase motors of ten (10) horsepower or less may be connected to two hundred forty (240) volt commercial lighting and residential circuits if their locked rotor currents do not exceed the values shown in the next section describing motor service available on power rates.
 - (4) In urban areas, infrequently started three-phase motors of ten (10) horsepower or less, connected through single-phase to three-phase converters may be used on residential and commercial lighting circuits.
 - (5) Single-phase motors above ten (10) horsepower are not permitted in rural areas.
- (d) Types of motor service available on power rates and combined light and power rates, single-phase and three-phase are as follows:
 - (1) Motors with long periods of continuous operation under maximum load conditions and having not more than four (4) starts per hour may be connected if their locked rotor currents do not exceed those listed in the following table. Consult the utility where these conditions cannot be met or where equipment ratings and/or starting characteristics exceed the values in the table below:

Motor Starting Table

Motors Rated	Total Locked Rotor Current Not to Exceed
120 volts, single-phase	50 amperes
240 volts, single-phase	
2 hp or less	60 amperes
2 hp to 6.5 hp	60 amperes plus 20 amperes per hp in excess of 2 hp
6.5 hp to 15 hp	150 amperes plus 10 amperes per hp in excess of 6.5 hp
240 volts, three-phase	
2 hp or less	50 amperes
2 hp to 19.9 hp	50 amperes plus 14 amperes per hp in excess of 2 hp
20 hp to 40 hp	300 amperes plus 4 amperes per hp in excess of 20 hp
50 hp and over	8 amperes per hp

- (2) Motors over ten (10) horsepower rating are to be three-phase.
- (3) New installation of motors of fifty (50) horsepower or larger should be approved by the utility as to motor type, starting and protective equipment and as to availability of an adequate power supply at the proposed location.
- (4) Motors subject to frequent starts, such as elevator and hoist motors, when connected to the secondary distribution system, should have their starting current limited to one hundred (100) amperes.
- (5) For motors of higher voltage rating than shown in the motor starting table, the allowable currents are inversely proportional to the voltages.

Sec. 9-3-132 Miscellaneous Equipment.

- (a) X-ray equipment operated on lighting or combined lighting and power services shall have input currents not exceeding twenty-four (24) amperes without specific approval of the utility.

- (b) All other equipment not specifically provided for in this Section will be subject to approval of the utility on the basis of starting currents specified herein for motors with the same frequency of starting. Customers are advised to consult the utility before connecting any such apparatus.

Sec. 9-3-133 Private Power Plants.

- (a) No generator may be electrically connected to the utility's line or equipment without the written consent of the utility and with adequate physical arrangements to prevent hazard to life and damage to utility property.
- (b) After advance written notice and advance approval by the utility, a customer may install his own standby emergency generating equipment and connect it to his wiring systems, provided the connection is through a double-throw switch or other means which will prevent accidental electrical connection of the generator to the utility's facilities at any time. All cost of installation and equipment shall be borne by the customer. The customer shall not operate such equipment until inspection by the utility has been completed. In the event that any customer wishes to engage in parallel operation with the facilities of the utility, service will not be rendered to such customer until a written contract has been entered upon between the customer and the utility and the conditions of delivery of electric energy are fully outlined therein.

Sec. 9-3-134 through Sec. 9-3-139 Reserved for Future Use

Article L: Contribution in Aid of Construction

Sec. 9-3-140 Payment for Contribution in Aid of Construction.

The utility may require that the required contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan. If a utility offers an installment payment plan to its customers, the installment plan shall be reviewed and placed on file at the Commission.

Sec. 9-3-141 through Sec. 9-3-149 Reserved for Future Use.

Article M: Electric Rates

Sec. 9-3-150 Power Cost Adjustment Clause.

- (a) All metered rates shall be subject to a positive or negative power cost adjustment charge equivalent to the amount by which the current cost of power (per kilowatt-hour of sales) is greater or lesser than the base cost of power purchased (per kilowatt-hour of sales).
- (b) The current cost per kilowatt-hour of energy billed is equal to the cost of power purchased for the most recent month, divided by the kilowatt-hours of energy sold. The monthly adjustment (rounded to the nearest one one-hundredth of a cent) is equal to the current cost less the base cost. The base cost of power (U) is \$0.0392 per kilowatt-hour.
- (c) Periodic changes shall be made to maintain the proper relative structure of the rates and to insure that power costs are being equitably recovered from the various rate classes. The company shall file with the Public Service Commission of Wisconsin within thirty (30) days for changes in the rates to incorporate a portion of the power cost adjustment into the base rates, if after final wholesale rates have been authorized, the monthly adjustment (A) exceeds \$0.0168 per kilowatt-hour.
- (d) For purposes of calculating the power cost adjustment charge, the following formula shall be used:

$$\frac{C}{A = S - U}$$

A is the power cost adjustment rate in dollars per kilowatt-hour rounded to four (4) decimal places applied on a per kilowatt-hour basis to all metered sales of electricity.

S is the total kilowatt-hours sold during the most recent month.

U is the base cost of power which equals the average cost of power purchased per kilowatt-hour of sales for the test year period. This figure remains constant in each subsequent monthly calculation at \$0.0392 per kilowatt-hour until otherwise changed by the Public Service Commission of Wisconsin.

C is the cost of power purchased in dollars in the most recent month. Cost of power purchased for calculation of C are the monthly amounts which would be recorded in the following account of the Uniform System of Accounts:

Class A & B utilities
Account 555

Class C utilities
Account 545

Class D utilities
Account 540

Sec. 9-3-151 Residential Service — Rg-1.

(a) **Application.**

(1) This rate will be applied to residential single-phase customers for ordinary household purposes. Single-phase motors may not exceed five (5) horsepower individual-rated capacity without utility permission.

(2) Customers who do not meet this criteria will be served under the applicable rate.

(b) **Customer Charge.** Five Dollars (\$5.00) per month.

(c) **Energy Charge.** \$0.0520 per kilowatt-hour (kWh).

(d) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly. See schedule PCAC.

(e) **Minimum Monthly Bill.** The minimum monthly bill shall be the customer charge.

(f) **Prompt Payment of Bills.** A charge of no more than one percent (1%) per month will be added to bills not paid within twenty (20) days from date of issuance. The late payment charge shall be applied to the total unpaid balance for utility service, including unpaid payment charges. This charge is applicable to all customers.

Sec. 9-3-152 General Service — Cg-1.

(a) **Application.**

(1) This rate will be applied to single and three- (3) phase customers. This includes commercial, institutional, governmental, farm and other customers. The monthly Maximum Measured Demand of customers served on this rate shall not exceed thirty (30) kilowatts for three (3) or more months in a consecutive twelve (12) month period.

(2) Cg-1 customers shall be transferred into the appropriate demand class as soon as the application conditions of that class have been met.

(b) **Customer Charge.** Five Dollars (\$5.00) per month, single-phase.

(c) **Energy Charge.** \$0.0620 per kilowatt-hour (kWh).

(d) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly. See schedule PCAC.

(e) **Minimum Monthly Bill.** The minimum monthly bill shall be the customer charge.

(f) **Prompt Payment of Bills.** Same as Rg-1.

- (g) **Primary Metering Discount.** Customers metered on the primary side of the transformer shall be given a two percent (2%) discount on the monthly energy charge. The PCAC and the monthly customer charge will not be eligible for the primary metering discount.
- (h) **Determination of Maximum Measured Demand.** The Maximum Measured Demand in any month shall be that demand in kilowatts necessary to supply the average kilowatts in fifteen (15) consecutive minutes of greatest consumption of electricity during each month. Each Maximum Measured Demand shall be determined from readings of permanently installed meters or, at the option of the utility, by any standard methods or meters. Said demand meter shall be reset to zero (0) when the meter is read each month.

Sec. 9-3-153 Small Power Service — Cp-1.

- (a) **Application.**
 - (1) This rate will be applied to customers for all types of service if their monthly Maximum Measured Demand is in excess of thirty (30) kilowatts (kW) per month for three (3) or more months in a consecutive twelve (12) month period unless the customer exceeds the application conditions of the large power time-of-day schedule.
 - (2) Customers billed on this rate shall continue to be billed on this rate until their monthly Maximum Measured Demand is less than thirty (30) kW per month for twelve (12) consecutive months. The utility shall annually offer a customer billed on this rate the option to continue to be billed on this rate for another twelve (12) months if their monthly Maximum Measured Demand is less than thirty (30) kW per month. However, this option shall be offered with the provision that the customer waives all rights to billing adjustments arising from a claim that the bill for service would be less on another rate schedule than under this rate schedule.
- (b) **Customer Charge.** Twenty Dollars (\$20.00) per month.
- (c) **Demand Charge.** Five and 50/100 Dollars (\$5.50) per kW of billed demand.
- (d) **Energy Charge.** \$0.0348 per kilowatt-hour (kWh).
- (e) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly. See schedule PCAC.
- (f) **Prompt Payment of Bills.** Same as Rg-1.
- (g) **Minimum Monthly Bill.** The minimum monthly bill shall be equal to the customer charge, plus One and 25/100 (\$1.25) per kW of the highest monthly Maximum Measured Demand occurring in the currently month or preceding eleven (11) month period.
- (h) **Determination of Billed Demand.** The Billed Demand for small power customers shall be the Maximum Measured Demand.
- (i) **Determination of Maximum Measured Demand.** The Maximum Measured Demand in any month shall be that demand in kilowatts necessary to supply the average kilowatts in fifteen (15) consecutive minutes of greatest consumption of electricity during each month.

Such Maximum Measured Demand shall be determined from readings of permanently installed meters or, at the option of the utility, by any standard methods or meters. Said demand meter shall be reset to zero when the meter is read each month.

- (j) **Discounts.** The monthly bill for service will be subject to the following discounts applied in the sequence listed below:
- (1) **Primary Metering Discount.** Customers metered on the primary side of the transformer shall be given a two percent (2%) discount on the monthly energy charge and demand charge. The PCAC and the monthly customer charge will not be eligible for the primary metering discount.
 - (2) **Transformer Ownership Discount.** Customers who own and maintain their own transformers or substations shall be given a credit of twenty cents (20¢) per kW on the monthly billed demand charge. Customer-owned substation equipment shall be operated and maintained by the customer. Support and substation equipment is subject to utility inspection and approval.

Sec. 9-3-154 Large Power Time-of-Day Service — Cp-2.

- (a) **Application.**
- (1) This rate will be applied to customers for all types of service if their monthly Maximum Measured Demand is in excess of two hundred (200) kilowatts (kW) per month for three (3) or more months in a consecutive twelve- (12) month period.
 - (2) Customers billed on this rate shall continue to be billed on this rate until their monthly Maximum Measured Demand is less than two hundred (200) kW per month for twelve (12) consecutive months. The utility shall annually offer a customer billed on this rate the option to continue to be billed on this rate for another twelve (12) months if their monthly Maximum Measured Demand is less than two hundred (200) kW per month. However, this option shall be offered with the provision that the customer waives all rights to billing adjustments arising from a claim that the bill for service would be less on another rate schedule than under this rate schedule.
- (b) **Customer Charge.** Fifty Dollars (\$50.00) per month.
- (c) **Distribution Demand Charge.** One and 25/100 (\$1.25) per kW of distribution demand.
- (d) **Demand Charge.** Five and 50/100 Dollars (\$5.50) per kW of on-peak billed demand.
- (e) **Energy Charge.**
- (1) **On-peak.** \$0.0365 per kilowatt-hour (kWh).
 - (2) **Off-peak.** \$0.0260 per kWh.
- (f) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly. See schedule PCAC.

- (g) **Minimum Monthly Bill.** The minimum monthly bill shall be equal to the customer charge, plus the customer demand charge.
- (h) **Prompt Payment of Bills.** Same as Rg-1.
- (i) **Pricing Periods.**
 - (1) **On-Peak:** 9:00 a.m. to 9:00 p.m., Monday through Friday, excluding holidays, specified below.
 - (2) **Off-Peak:** All times not specified as on-peak including all day Saturday and Sunday, and the following holidays; New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; or the day nationally designated to be celebrated as such. When a designated holiday occurs on a Sunday, the following Monday will be considered an off-peak day.
- (j) **Discounts.** The monthly bill for service will be subject to the following discounts applied in the sequence listed below:
 - (1) **Primary Metering Discount.** Customers metered on the primary side of the transformer shall be given a two percent (2%) discount on the monthly energy charge, customer demand charge and demand charge. The PCAC and the monthly customer charge will not be eligible for the primary metering discount.
 - (2) **Transformer Ownership Discount.** Customers who own and maintain their own transformers or substations shall be given a credit of twenty cents (20¢) per kW on the monthly customer demand charge. Customer-owned substation equipment shall be operated and maintained by the customer. Support and substation equipment is subject to utility inspection and approval.
- (k) **Determination of Maximum Measured Demand.** The Maximum Measured Demand in any month shall be that demand in kilowatts necessary to supply the average kilowatts in fifteen (15) consecutive minutes of greatest consumption of electricity during each month. Such Maximum Measured Demand shall be determined from readings of permanently installed meters or, at the option of the utility, by any standard methods or meters. Said demand meter shall be reset to zero when the meter is read each month.
- (l) **Determination of On-Peak Billed Demand.** The On-Peak Billed Demand for large power time-of-day service customers shall be equal to the highest Maximum Measured Demand occurring during the on-peak hours of the billing period.

Sec. 9-3-155 Siren and Lighting Service — Ms-1.

- (a) **Application.**
 - (1) This schedule will be applied to municipal street lighting, siren units, field lighting and yard lighting.

- (2) The City shall pay an investment charge and monthly Energy and PCAC charges for each street lighting unit. A monthly investment charge shall be paid by the City for any pole provided by the utility for the sole purpose of streetlighting. The utility will furnish, install, and maintain all street lighting units.
- (3) Yard lighting customers shall pay a monthly investment charge and monthly Energy and PCAC charges for each street lighting unit. A monthly investment charge shall be paid by Yard Lighting customers for any pole provided by the utility for the sole purpose of yard lighting. The utility will furnish, install, and maintain all yard lighting units.
- (4) Customers shall own and maintain field lighting units and shall be charged monthly Energy and PCAC charges for each field lighting unit.
- (5) This rate schedule is closed to new mercury vapor lights.
- (b) **Siren Charge.** Ten Dollars (\$10.00) per month per siren.
- (c) **Street Lighting Units.**

- 175 W MV - \$ 5.25 per lamp per month
- 400 W MV - \$ 5.75 per lamp per month
- 100 W HPS - \$ 5.25 per lamp per month
- 150 W HPS - \$ 6.25 per lamp per month
- 250 W HPS - \$ 7.50 per lamp per month
- 64 W Inc. Blinkers - \$ 5.00 per lamp per month

- (d) **Energy Charge.** \$0.0534 per kilowatt-hour (kWh).
- (e) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly, see schedule PCAC.
- (f) **Yard Lighting Fixed Charges.**

- 175 W MV - \$ 5.50 per lamp per month
- 100 W HPS - \$ 5.50 per lamp per month
- 250 W HPS - \$ 7.50 per lamp per month

- (g) **Prompt Payment of Bills.** Same as Rg-1.

Sec. 9-3-156 Parallel Generation (20 kW or Less) — Net Energy Billing — Pgs-1/

- (a) **Effective In.** All territories served by the utility.
- (b) **Availability.** Available for all single-phase and three- (3) phase customers where a part or all of the electrical requirements of the customer are supplied by the customer's generation

facilities, where such facilities have a total generating capability of twenty (20) kW or less, where such facilities are connected in parallel with the utility, and where such facilities are approved by the utility.

- (c) **Rate.** The customer shall be billed monthly on a net energy basis, and shall pay the fixed charge and energy charge specified in the rate schedule under which he is served. If, in any month, the customer's bill has a credit balance of Twenty-five Dollars (\$25.00) or less, the amount shall be credited to subsequent bills until a debit balance is reestablished. If the credit balance is more than Twenty-five Dollars (\$25.00), the customer can be reimbursed by check upon request. Monthly credits shall be computed by taking the net excess kilowatt-hours produced times the sum of the applicable energy charge plus monthly fuel adjustment clause.
- (d) **Metering and Service Facilities.** A customer who is served under a regular rate schedule shall have any ratchet and/or other device removed from his meter to allow reverse power flow and measurement of net energy used. Customers eligible for net energy billing but with existing metering facilities equipped with ratchets or other devices preventing reverse registration (i.e., time-of-day metering facilities), may request that the utility install the necessary metering to permit such billing.
- (e) **Customer Obligations.** See PgS-2 Sections 10 and 11 (Section 9-3-158).

Sec. 9-3-157 Customer-Owned Generation Systems (Greater Than 20 kW) — Pgs-2,

- (a) **Effective In.** All territories serviced by the utility.
- (b) **Availability.**
 - (1) Available for single-phase and three- (3) phase customers where a part or all of the electrical requirements of the customer are supplied by the customer's generation facilities, where such facilities have a total generating capability of greater than twenty (20) kW and less than or equal to one hundred (100) kW, where such facilities are connected in parallel with the utility, and where such facilities are approved by the utility. Customers not desiring to sell energy under this rate have the right to negotiate a buy-back rate.
 - (2) The energy rate indicated below is the minimum for electrical energy. Customers with generating facilities greater than one hundred (100) kW can negotiate a buy-back rate. Should the utility be unwilling to pay the minimum rate for electrical energy, the utility shall agree to transport such electrical energy to another utility who will pay such minimum rate. The utility shall recover actual costs of such transportation from the generating customer.
- (c) **Rate.**
 - (1) Customers shall receive monthly payment for all electricity delivered to the utility and shall be billed by the utility for metering and associated billing expenses specified in

the latest rates of the wholesale supplier, unless the latest rates of the wholesale supplier do not properly reflect avoided costs. In such event, the commission may determine revised rates.

- (2) The utility shall have on file a copy of the latest customer-owned generation system rates for the wholesale supplier.
- (d) **On-Peak Hours, Off-Peak Hours and Holidays.** On-peak and off-peak hours and holidays are those specified in the wholesale supplier's latest rates.
- (e) **Minimum Charge.** The monthly minimum charge paid by the customer shall be the customer charge.
- (f) **Power Factor.** The customer shall operate on a net power factor of not less than ninety percent (90%).
- (g) **Negotiated Rates.**
 - (1) Customers with generation systems greater than one hundred (100) kW can negotiate a buy-back rate.
 - (2) Customers with generation systems greater than twenty (20) kW and less than or equal to one hundred kW have the right to negotiate buy-back rates. The buy-back rate can not be greater than the full avoided cost.
 - (3) The following are the required procedure guidelines:
 - a. The utility must respond to the customer-owned generating system within thirty (30) days of the initial written receipt of the customer-owned generating system proposal and within thirty (30) days of receipt of a subsequent customer-owned generating system proposal;
 - b. The utility's rejection of the customer-owned generating system proposal must be accompanied by a counter-offer relating to the specific subject matter of the customer-owned generating system proposal; and
 - c. If the utility is unable to respond to the customer-owned generating system proposal within thirty (30) days it shall inform the customer-owned generating system of:
 1. Specific information needed to evaluate the customer-owned generating system proposal.
 2. The precise difficulty encountered in evaluating the customer-owned generating system proposal.
 3. The estimated date that it will respond to the customer-owned generating system proposal.
 - d. The commission may become involved in the utility negotiations upon showing by either the utility or the customer-owned generating system that a reasonable conclusion cannot be reached under the above guidelines. The commission may provide a waiver to the guidelines and order new negotiation requirements so that a reasonable conclusion can be reached.
 - e. A copy of all negotiated buy-back rates shall be sent to the commission. These rates shall not be effective until the contract is placed on file by the commission.

- (h) **Charges for Energy Supplied by the Utility.** Energy supplied by the utility to the customer shall be billed in accordance with the standard applicable rate schedules of the utility.
- (i) **Maintenance Rate.** A customer-owned generation facility may be billed lower demand charges for energy purchased during scheduled maintenance provided written approval is obtained in advance from the utility. Demand charges other than "Customer Demand" shall be prorated if maintenance is scheduled such that the utility does not incur additional capacity costs. Said proration shall be the demand charge times the number of authorized days of scheduled maintenance divided by the number of days in the billing period.
- (j) **Contract Required.** A contract is required between the utility and the customer-owned generation facility. The contract shall specify safety, system protection, and power quality rules that generators must comply with. The contract shall require a minimum of One Hundred Thousand Dollars (\$100,000) liability insurance or proof of financial responsibility for the customer-owned generation system. Contracts with customer-owned generation facilities selling energy under the standard (nonnegotiated) rate have no specific term or length. Contracts with customer-owned generation facilities selling energy under a negotiated rate shall contain performance requirements and be of sufficient length to ensure the utility avoids the costs for which the customer-owned generating facility has been paid.
- (k) **Customer Obligations.**
- (1) **Metering Facilities and Wiring.** The customer shall furnish, install and wire the necessary service entrance equipment, meter sockets, meter enclosure cabinets, or meter connection cabinets that may be required by the utility to properly meter usage and sales to the utility.
 - (2) **Interconnection Costs.** The owner of the generating facility shall be required to pay all interconnection costs, including metering, incurred by the utility. Said costs, including financing costs, shall be paid by the owner within two (2) years of the installation date of the interconnection facilities.
 - (3) **Liability Insurance.** The owner of the generating facility shall be required to have liability insurance on the generating facility of at least One Hundred Thousand Dollars (\$100,000) or be able to prove financial responsibility.
 - (4) **Interconnection and Operation (Safety and Power Quality) Requirements.** Electric service to a customer-owned electric generation installation may be disconnected for failure to comply with these requirements.
 - a. Interconnection of a generating facility with the utility system shall not be permitted until application has been made to and approval received from the electric utility. The utility may withhold approval only for good reason such as failure to comply with applicable utility or governmental rules or laws. The utility shall require a contract specifying reasonable technical connection and operating aspects for the parallel generating facility.
 - b. The utility may require that for each generating facility there be provided between the generator or generators and the utility system, a lockable load-break

disconnect switch. For installations interconnected at greater than six hundred (600) volts a fused cutout switch may be substituted, where practicable. The switches shall be accessible to the utility for the purpose of isolating the parallel generating facility from the utility system when necessary.

- c. The utility shall require a separate distribution transformer for a customer having a generating facility where necessary, for reasons of public or employee safety or where the potential exists for the generating facility causing problems with the service of other customers. Ordinarily this requirement should not be necessary for an induction-type generator with a capacity of five (5) kW or less, or other generating units of ten (10) kW or less that utilize line-commutated inverters.
- d. Where necessary, to avoid the potential for a facility causing problems with the service of other customers, the utility should limit the capacity and operating characteristics of single-phase generators in a manner consistent with its existing limitations for single-phase motors. Ordinarily single-phase generators should be limited to a capacity of ten (10) kW or less.
- e. The utility shall require that each generating facility have a system for automatically isolating the generator from the utility's system upon loss of the utility supply, unless the utility desires that the local generation be continued to supply isolated load. For synchronous and induction generators such protection against continued operation when isolated from the utility system will ordinarily consist of overcurrent protection, fuse or circuit breaker, plus a voltage or frequency controlled contractor which would automatically disconnect the unit whenever its output voltage or frequency drifted outside predetermined limits, such as plus or minus ten percent (10%) of the rated values.
 1. Other suitable protective systems against abnormal voltages of frequencies may be accepted by the utility.
- f. The utility shall require that the customer discontinue parallel generation operation when it so requests and the utility may isolate the generating installation from its system at times:
 1. When considered necessary to facilitate maintenance or repair of utility facilities.
 2. When considered necessary during system emergencies.
 3. When considered necessary during such times as the generating facility is operating in a hazardous manner, or is operating such that it adversely affects service to other customers or to nearby communication systems or circuits.
- g. The owner of the generating facility shall be required to make the equipment available and permit entry upon the property by electric and communication utility personnel at reasonable times for the purposes of testing isolation and protective equipment, and evaluating the quality of power delivered to the utility's system; and testing to determine whether the local generating facility is the source of any electric service or communication systems problems.

- h. The power output of the generating facility shall be maintained such that frequency and voltage are compatible with normal utility service and do not cause that utility service to fall outside the prescribed limits of commission rules and other standard limitations.
 - i. The generating facility shall be operated so that variations from acceptable voltage levels and other service impairing disturbances do not result in adverse effects on the service or equipment of other customers, and in a manner which does not produce undesirable levels of harmonics in the utility power supply.
 - j. The owner of the generating facility shall be responsible for providing protection for the owner's installed equipment and for adhering to all applicable national, state and local codes. The design and configuration of certain generating equipment such as that utilizing line-commutated inverters sometimes requires an isolation transformer as part of the generating installation for safety and for protection of the generating facilities.
- (l) **Utility Obligation.**
- (1) **Metering Equipment.** The utility shall install appropriate metering facilities to record all flows of energy necessary to bill in accordance with the charges and credits of this rate schedule.
 - (2) **Notice to Communication Firms.** Each electric utility shall notify telephone utility and cable television firms in the area when it knows that customer-owned generating facility is to be interconnected with its system. This notification shall be as early as practicable to permit coordinated analysis and testing in advance of interconnection, if considered necessary by the electric or telephone utility or cable television firm.
- (m) **Right to Appeal.** The owner of a generating facility interconnected or proposed to be interconnected with a utility system may appeal to the commission should any requirement of the utility service rules filed in accordance with the provisions of PSC 113.70, Wis. Adm. Code, or the required contract be considered to be excessive or unreasonable. Such appeal will be reviewed and the customer notified of the commission's determination.

Sec. 9-3-158 Other Charges and Billing Provisions — Oc-1.

- (a) **Budget Payment Plan.** A budget payment plan, which is in accordance with Ch. PSC 113, Wis. Adm. Code, is available from the utility. The utility does not use a fixed budget year. The utility will calculate the monthly budgeted amount by spreading the estimate annual bill over eleven months, with the last month consisting of any end of year adjustments.
- (b) **Reconnection Billing.** All customers whose service is disconnected in accordance with the disconnection rules as outlined in Ch. PSC 113, Wis. Adm. Code, shall be required to pay a reconnection charge. The charge shall be Twenty-five Dollars (\$25.00) during

- regular office hours. After regular office hours the minimum reconnection charge of Twenty-five Dollars (\$25.00) applies, plus any overtime labor costs, not to exceed a total maximum charge of Five Dollars (\$5.00).
- (c) **Reconnection of a Seasonal Customer's Service.** Reconnection of a service for a seasonal customer who has been disconnected for less than one (1) year shall be subject to the same reconnection charges outlined above. A seasonal customer shall also be charged for all minimum bills which would have been incurred had the customer not temporarily disconnected service.
 - (d) **Insufficient Fund Charge.** A Fifteen Dollar (\$15.00) charge will be applied to the customer's account when a check rendered for utility service is returned for insufficient funds. This charge may not be in addition to, but may be inclusive of, the water utility's insufficient fund charge when the check was for payment of both electric and water service.
 - (e) **Average Depreciated Embedded Cost.** The embedded cost of the distribution system (excluding the standard transformer and service facilities) is determined by the Public Service Commission for each customer classification. The average depreciated embedded cost by customer classification is as follows:
 - (1) **Residential Service.** Four Hundred Thirty Dollars (\$430.00).
 - (2) **Apartment and Rental Units Separately Metered.** Four Hundred Thirty Dollars (\$430.00) per unit metered.
 - (3) **Subdividers and Residential Developers.** Four Hundred Thirty Dollars (\$430.00) per unit.
 - (4) **General Service.** (Including Multi-Unit Dwellings if Billed on One Meter): Nine Hundred Thirty-one Dollars (\$930.00).
 - (5) **Power Service.** Ninety-two Dollars (\$92.00) per kW and Sixty Dollars (\$60.00) per kW, Cp-1 and Cp-2, respectively, of average billed demand.
 - (6) **Street Lighting.** Three and 50/100 Dollars (\$3.50).

Title 9 ► Chapter 4

Cable Television

9-4-1 Cable Television Ordinance

Sec. 9-4-1 Cable Television Ordinance.

Pursuant to Sec. 66.035, Wis. Stats., the City of Bloomer Common Council enacted Ordinance 98-3 adopting a new Cable Television Ordinance, incorporated herein by reference and on file with the City Clerk-Treasurer.

TITLE 10

Motor Vehicles and Traffic

- Chapter 1** Traffic and Parking
- Chapter 2** Bicycles
- Chapter 3** Snowmobiles
- Chapter 4** All-Terrain Vehicles and Off-Road Motor
Vehicle Operation
- Chapter 5** Abandoned and Junked Vehicles

Title 10 ► Chapter 1

Traffic and Parking

Article A **General Provisions**

- 10-1-1** State Traffic Laws Adopted
- 10-1-2** State Administrative Code Provisions Adopted
- 10-1-3** Official Traffic Signs and Control Devices;
 Prohibited Signs, Signals and Markers
- 10-1-4** Registration Record of Vehicle as Evidence
- 10-1-5** School Bus Warning Lights
- 10-1-6** Blue Warning Lights on Police Vehicles
- 10-1-7** Accident Reports
- 10-1-8** Official Traffic Map
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Article B **Street Traffic Regulations**

- 10-1-20** Operators to Obey Traffic Control Devices
- 10-1-21** Speed Limits
- 10-1-22** Through Highways Designated
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 Temporary Snow Removal

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Article E Enforcement and Penalties

10-1-80	Penalties
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Article A: General Provisions

Sec. 10-1-1 State Traffic Laws Adopted.

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the City of Bloomer, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01 Negligent Operation of Vehicle Off Highway
 - 941.03 Highway Obstruction
 - 943.11 Entry into Locked Vehicle
 - 943.23 Operating Motor Vehicles Without Owners Consent
 - 947.045 Drinking in Motor Vehicle on Highway
- (c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1999-2000 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

Sec. 10-1-2 State Administrative Code Provisions Adopted.

- (a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the

penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

Wis. Adm. Code — TRANS 6	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code — TRANS 12	Leasing of Vehicles by Private Carriers
Wis. Adm. Code — TRANS 18	Protective Headgear Standards and Specifications
Wis. Adm. Code — TRANS 22	Standards and Specifications - Design and Mounting SMV Emblem
Wis. Adm. Code — TRANS 305	Standards for Motor Vehicle Equipment

(b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the City a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.

(c) **Safety Checks.**

(1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.

(2) **Authority of Officer.** Any law enforcement officer of the City is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.

(3) **Vehicle to be Removed From Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.

(d) **Penalty.**

(1) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided

in Section 10-1-80, together with the costs of prosecution and applicable penalty assessment.

- (2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-" to each statute or Administrative Code section number.

Sec. 10-1-3 Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers.

- (a) **Duty of Street, Water and Sewer Administrator to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 10-1-1, require the erection of traffic control devices for enforcement, the Street, Water and Sewer Administrator with the cooperation of the Police Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Street, Water and Sewer Administrator, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the City of Bloomer.
- (b) **Prohibited Signs and Markers in Highways.** No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the City any sign, signal, marker, mark or monument unless permission is first obtained from the Street, Water and Sewer Administrator or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (c).
- (c) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Street, Water and Sewer Administrator may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Street, Water and Sewer Administrator to the Common Council for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

State Law Reference: Sections 346.41 and 349.09, Wis. Stats.

Sec. 10-1-4 Registration Record of Vehicle as Evidence.

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and specifically Section 10-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

Sec. 10-1-5 School Bus Warning Lights.

- (a) (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, 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.
- (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (100) feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.
- (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers from either side where the curb and sidewalk are laid on one (1) side of the road only.
- (4) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district when the passengers are to be loaded or unloaded at a location at which there are:
- a. No traffic signals;
 - b. Sidewalk and curb are laid on both sides of the street or highway; and
 - c. Such persons must cross the street or highway before being loaded or after being unloaded.
- (5) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than twenty (20) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than twenty (20) feet from the other bus, display

its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.

- (b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of a right-of-way between the roadway and the school grounds designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

Sec. 10-1-6 Blue Warning Lights on Police Vehicles.

- (a) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
- (b) If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Sec. 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500) feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

Sec. 10-1-7 Accident Reports.

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by Sec. 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 of Sections 346.70(4)(f) and 346.73, Wis. Stats., specifically that accident reports filed with this Section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by Sec. 346.73, Wis. Stats.

State Law Reference: Sec. 346.70, Wis. Stats.

Sec. 10-1-8 Official Traffic Map.

- (a) **Official Traffic Map Established.** There is hereby established an Official Traffic Map for the City of Bloomer upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossings and all other restrictions or limitations contained in this Code of Ordinances, as from time-to-time amended or modified by the City of Bloomer when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.
- (b) **Limitations Prohibited.** When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this Section a violation of the restrictions, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this Code of Ordinances.
- (c) **Map to Be Maintained.** A copy of the Official Traffic Map shall be maintained and displayed in the office of the Police Department and the City Hall.
- (d) **Additions to Map.** The Common Council may from time to time make additions to or deletions from the Official Traffic Map and the Street, Water and Sewer Administrator, with the assistance of the Chief of Police, shall keep such Official Traffic Map current.

Sec. 10-1-9 through Sec. 10-1-19 Reserved for Future Use.

Article B: Street Traffic Regulations

Sec. 10-1-20 Operators to Obey Traffic Control Devices.

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

Sec. 10-1-21 Speed Limits.

- (a) **State Speed Limits Adopted.** The provisions of Sections 346.57, 346.58 and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set forth herein except as hereinafter specified pursuant to Sec. 349.11(3)(c), Wis. Stats.
- (b) **Speed Limits Increased.** Speed limits are increased as follows upon the following designated streets or portions thereof:
 - (1) **School Zones.** No increases per state law.
 - (2) **School Crossings.** No increases per state law.
 - (3) **Residential Zones.** No increases per state law.
 - (4) **Outlying Districts — Speed Limits Increased.**
 - a. Thirty (30) mph on 17th Avenue from three hundred thirteen (313) feet east from Smith Street to eighty (80) feet west of Thompson Street.
 - b. Forty-five (45) mph on 17th Avenue from eighty (80) feet west of Thompson Street to the west City limits.
 - c. Forty-five (45) mph on Martin Road from a point ninety (90) feet south of 18th Avenue to the south City limits.
 - d. Thirty-five (35) mph on Duncan Road from fifty-six (56) feet west of Vine Street west to the west City limits.
 - e. Forty-five (45) mph on Chippewa Road (CTH "F") from one hundred fifty (150) feet north of center curb on CTH "Q" southerly to south City limits.
 - f. Thirty-five (35) mph on Woodard Road from the north line of 170th Avenue to the south line of 20th Avenue.
 - g. Thirty-five (35) mph on North Industrial Drive from Riggs Street to State Hwy. 40/Main Street.
 - h. Thirty-five (35) mph on Main Street from one hundred ninety (190) feet north of the center of Martin Road to the north City limits.

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- i. Thirty-five (35) mph on 20th Avenue from the easterly corporate limits of the City to the east line of County Trunk Highway "SS".
 - j. Thirty-five (35) mph on Riggs Street from a point two hundred (200) feet north of its intersection with 4th Avenue to North Industrial Drive.
 - k. Forty-five (45) mph on North Duncan Road from its intersection with Duncan Road north to City limits.
- (c) **School Zones — Speed Limits Decreased.** With the approval of the Wisconsin Department of Transportation the speed limits are decreased as hereinafter set forth on the following streets or portions thereof:
- (1) Fifteen (15) mph on 17th Avenue from its intersection with Queen Street easterly to its intersection with Main Street when passing the school at those times when children are going to or from school or playing within the sidewalk area at or about the school.
 - (2) Fifteen (15) mph on 14th Avenue from its intersection with Oak Street easterly to its intersection with Main Street when passing the school at those times when children are going to or from school or playing within the sidewalk area at or about the school.
 - (3) Fifteen (15) mph on 15th Avenue from its intersection with Oak Street easterly to its intersection with Main Street when passing the school house at those times when children are going to or from school or playing within the sidewalk area at or about the school.
 - (4) Fifteen (15) mph on Newman Street between 14th Avenue and 15th Avenue when passing the school house at those times when children are going to or from school or playing within the sidewalk area at or about the school.
 - (5) Fifteen (15) mph on Oak Street from its intersection with 16th Avenue southerly to its intersection with 17th Avenue when passing the school at those times when children are going to or from school or playing within the sidewalk area at or about the school.
 - (6) Fifteen (15) mph on 13th Avenue from its intersection with Larson Street westerly to its intersection with Main Street when passing the school at those times when children are going to or from school or playing within the sidewalk area at or about the school.
 - (7) Fifteen (15) mph on Main Street from its intersection with 14th Avenue northerly to the 1100 block of Main Street when passing the school at those times when children are going to or from school or playing within the sidewalk area at or about the school.
 - (8) Fifteen (15) mph on Priddy Street from its intersection with 18th Avenue northerly to its intersection with 17th Avenue when passing the school at those times when children are going to or from school or playing within the sidewalk area at or about the school.
- (d) **School Crossings — Speed Limits Decreased.** With the approval of the Wisconsin Department of Transportation, the speed limits are decreased as hereinafter set forth on the following streets or portions thereof:
- (1) Fifteen (15) mph on 13th Avenue at its intersection with Main Street when children are present.
 - (2) Fifteen (15) mph on Main Street at its intersection with 13th Avenue when children are present.

- (3) Fifteen (15) mph on 15th Avenue at its intersection with Newman Street when children are present.
 - (4) Fifteen (15) mph on 14th Avenue at its intersection with Newman Street when children are present.
 - (5) Fifteen (15) mph on 17th Avenue at its intersection with Main Street when children are present.
 - (6) Fifteen (15) mph on Priddy Street at its intersection with 17th Avenue when children are present.
 - (7) Fifteen (15) mph on 17th Avenue at its intersection with Priddy Street when children are present.
 - (8) Fifteen (15) mph on 17th Avenue at its intersection with Oak Street when children are present.
 - (9) Fifteen (15) mph on Oak Street at its intersection with 17th Avenue when children are present.
 - (10) Fifteen (15) mph on 17th Avenue at its intersection with Duncan Road when children are present.
 - (11) Fifteen (15) mph on 17th Avenue three hundred thirty (330) feet east of its intersection with Oak Street when children are present.
- (e) **Outlying Areas - Speed Limits Decreased.** With the approval of the Wisconsin Department of Transportation, the speed limits are decreased as hereinafter set forth on the following streets or portions thereof:
- (1) Forty-five (45) mph on 17th Avenue from the west City limits easterly to eighty (80) feet west of west curb line of Thompson Street.
 - (2) Thirty (30) mph on 17th Avenue to a point three hundred eighty-three (383) feet west of Riggs Street.
 - (3) Forty-five (45) mph on Martin Road from south City limits northerly to the north curb line of 20th Avenue.
 - (4) Forty-five (45) mph on Chippewa Road from the south City limits to a point one hundred fifty (150) feet north of center curb of County Trunk Highway "Q".
 - (5) Thirty-five (35) mph on Duncan Road from the west City limits two hundred fifty-four (254) feet west of Vine Street.
 - (6) Thirty-five (35) mph on Woodard Road from the north line of 170th Avenue to the south line of 20th Avenue.
 - (7) Twenty-five (25) mph on Woodard Road from the south line of 20th Avenue to the south line of State Highway 40.
 - (8) Twenty-five (25) mph on Main Street to a point one hundred thirty-seven (137) feet north of Martin Road.
 - (9) Thirty-five (35) mph on Main Street from the north City limits to a point one hundred ninety (190) feet north of the center of Martin Road.
 - (10) Twenty-five (25) mph on South Main Street to a point two hundred forty-three (243) feet north of 26th Avenue.

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- (11) Twenty-five (25) mph on 13th Avenue from the east City limits.
- (12) Twenty-five (25) mph on Riggs Street to a point two hundred (200) feet north of its intersection with 4th Avenue.
- (13) Thirty-five (35) mph on North Industrial Drive from State Hwy. 40/Main Street to Riggs Street.
- (14) Forty-five (45) mph on 170th Avenue from CTH F to 82nd Street (Woodard Road).
- (15) Thirty-five (35) mph on south Main Street from south City limits northerly to a point two hundred forty-three (243) feet north of 26th Avenue.

Sec. 10-1-22 Through Highways Designated.

- (a) In the interest of public safety and pursuant to authority granted by Wisconsin law, the following highways or portions thereof are declared to be through highways:
 - (1) Main Street from the north City limits south to the north curb line of 17th Avenue.
 - (2) Main Street from the north curb of 17th Avenue to the south City limits.
 - (3) 18th Avenue from the east curb line of Main Street to the west curb line of Martin Road.
 - (4) 15th Avenue from the west curb line of Main Street to the east curb line of Oak Street.
 - (5) 14th Avenue from the west curb line of Main Street to the east curb line of Oak Street.
 - (6) 13th Avenue from the west curb line of Main Street to the east line of Oak Street.
 - (7) 15th Avenue from the east curb line of Main Street to the west curb line of Martin Road.
 - (8) 14th Avenue from the east curb line of Main Street to the west curb line of Kranzfelder Street.
 - (9) 9th Avenue from the north City limits to the west curb line of Oak Street.
 - (10) 9th Avenue from the east curb line of Oak Street to the west curb line of Main Street.
 - (11) Oak Street from south curb line of 5th Avenue to north curb line of 9th Avenue.
 - (12) Oak Street from south curb line of 9th Avenue to the north curb line of 17th Avenue.
 - (13) 13th Avenue from the east curb line of Martin Road east to the City limits.
 - (14) 17th Avenue from the east curb line of Martin Road east to City limits.
 - (15) Larson Street from south curb line of 15th Avenue to north curb line of 17th Avenue.
 - (16) Martin Road from City limits, north to the east curb line of Main Street.
 - (17) Duncan Road from the west curb line of Oak Street, westerly to the City limits.
 - (18) Priddy Street from the south curb line of 17th Avenue to the south City limits.

Sec. 10-1-23 Designation of Location of Stop Signs.

- (a) In the interests of public safety stop signs shall be installed at the following locations to control traffic on the highways over which the City of Bloomer has exclusive jurisdiction.
 - (1) At southwest corner of intersection of 6th Avenue with Priddy Street for traffic on 6th Avenue entering Priddy Street.

- (2) At northeast corner of 6th Avenue with Priddy Street for traffic on 6th Avenue entering Priddy Street.
- (3) At northwest corner of intersection of Riggs Street with 7th Avenue for traffic on Riggs entering 7th Avenue.
- (4) At southwest corner of intersection of 7th Avenue with Priddy Street for traffic on 7th Avenue entering Priddy Street.
- (5) At northeast corner of intersection of 7th Avenue with Priddy Street for traffic on 7th Avenue entering Priddy Street.
- (6) At southwest corner of intersection of 7th Avenue with Oak Street or traffic on 7th Avenue entering Oak Street.
- (7) At northeast corner of intersection of 7th Avenue with Oak Street for traffic on 7th Avenue entering Oak Street.
- (8) On Ruff Place at intersection with 9th Avenue.
- (9) On Thompson Street at intersection with 9th Avenue.
- (10) On Smith Street at intersection with 9th Avenue.
- (11) At northwest corner of intersection of Riggs Street with 9th Avenue for traffic entering 9th Avenue.
- (12) At southeast corner of intersection of Queen Street with 9th Avenue for traffic entering 9th Avenue.
- (13) At northwest corner of intersection of 9th Avenue with Priddy Street for traffic entering 9th Avenue.
- (14) At northeast corner of intersection of 9th Avenue with Priddy Street traffic on 9th Avenue entering by Priddy Street.
- (15) At southeast corner of intersection of 9th Avenue with Priddy Street for traffic on Priddy Street entering 9th Avenue.
- (16) At southwest corner of intersection of 9th Avenue with Oak Street for traffic on 9th Avenue entering Oak Street.
- (17) At northwest corner of intersection of 9th Avenue with Oak Street for traffic on Oak Street entering 9th Avenue.
- (18) At northeast corner of intersection of 9th Avenue with Oak Street for traffic on 9th Avenue entering Oak Street.
- (19) At northwest corner of 9th Avenue with Newman Street for traffic on Newman Street entering 9th Avenue.
- (20) At southeast corner of intersection of 9th Avenue with Newman Street for traffic on Newman Street entering 9th Avenue.
- (21) On 9th Avenue at intersection with Main Street.
- (22) At northeast corner of intersection of 9th Avenue with Martin Road for traffic on 9th Avenue entering Martin Road.
- (23) At northeast corner of intersection of Main Street with Martin Road (traffic island) for traffic on Martin Road entering Main Street North or South.
- (24) At southwest corner of intersection of 8th Avenue with Oak Street for traffic on 8th Avenue entering Oak Street.

- (25) At northeast corner of intersection of 8th Avenue with Oak Street for traffic on 8th Avenue entering Oak Street.
- (26) At southwest corner of intersection of 10th Avenue with Oak Street for traffic on 10th Avenue entering Oak Street.
- (27) At southwest corner of intersection of 11th Avenue with Oak Street for traffic on 11th Avenue entering Oak Street.
- (28) At southwest corner of intersection of 11th Avenue with Martin Road for traffic on 11th Avenue entering Martin Road.
- (29) At northeast corner of intersection of 11th Avenue with Martin Road for traffic on 11th Avenue entering Martin Road.
- (30) At southwest corner of intersection of 12th Avenue with Oak Street for traffic on 12th Avenue entering Oak Street.
- (31) At northeast corner of intersection of 12th Avenue with Oak Street for traffic on 12th Avenue entering Oak Street.
- (32) At northeast corner of intersection of 12th Avenue with Martin Road for traffic on 12th Avenue entering Martin Road.
- (33) At northwest corner of intersection of Ivy Street with Martin Road for traffic on Ivy Street entering Martin Road.
- (34) On 13th Avenue at its intersection with Oak Street.
- (35) At northwest corner of intersection of 13th Avenue with Newman Street for traffic on Newman Street entering 13th Avenue.
- (36) At southeast corner of intersection of 13th Avenue with Newman Street for traffic on Newman Street entering 13th Avenue.
- (37) At southwest corner of intersection of 13th Avenue with Main Street for traffic on 13th Avenue entering Main Street.
- (38) At southwest corner of intersection of 13th Avenue with Martin Road for traffic on 13th Avenue entering Martin Road.
- (39) At northeast corner of intersection of 13th Avenue with Martin Road for traffic on 13th Avenue entering Martin Road.
- (40) On Grove Street at its intersection with 13th Avenue.
- (41) On 14th Avenue at its intersection with Oak Street.
- (42) At northwest corner of intersection of 14th Avenue with Newman Street for traffic on Newman Street entering 14th Avenue.
- (43) At southeast corner of intersection of 14th Avenue with Newman Street for traffic on Newman Street entering 14th Avenue.
- (44) At southwest corner of intersection of 14th Avenue with Main Street for traffic on 14th Avenue entering Main Street.
- (45) At northeast corner of intersection of 14th Avenue with Main Street for traffic on 14th Avenue entering Main Street.
- (46) At northwest corner of intersection of 14th Avenue with Larson Street for traffic on Larson Street entering 14th Avenue.

- (47) At southeast corner of intersection of 14th Avenue with Larson Street for traffic on Larson Street entering 14th Avenue.
- (48) At southwest corner of intersection of 14th Avenue with Martin Road for traffic on 14th Avenue entering Martin Road.
- (49) At northeast corner of intersection of 14th Avenue with Martin Road for traffic on 14th Avenue entering Martin Road.
- (50) On 15th Avenue at its intersection with Oak Street.
- (51) At northwest corner of intersection of 15th Avenue with Newman Street for traffic on Newman Street entering 15th Avenue.
- (52) At southeast corner of intersection of 15th Avenue with Newman Street for traffic on Newman Street entering 15th Avenue.
- (53) At the intersection of 15th Avenue with Main Street for traffic in both directions on 15th Avenue and on Main Street.
- (54) At northwest corner of intersection of 15th Avenue with Larson Street for traffic on Larson Street entering 15th Avenue.
- (55) At southeast corner of intersection of 15th Avenue with Larson Street for traffic on Larson Street entering 15th Avenue.
- (56) At southwest corner of intersection of 15th Avenue with Martin Road for traffic on 15th Avenue entering Martin Road.
- (57) At northwest corner of intersection of 15th Avenue with Martin Road for traffic on 15th Avenue entering Martin Road.
- (58) At northeast corner of intersection of 15th Avenue with Martin Road for traffic on 15th Avenue entering Martin Road.
- (59) At southeast corner of intersection of 15th Avenue with Martin Road for traffic on 15th Avenue entering Martin Road.
- (60) On 16th Avenue at its intersection with Main Street.
- (61) At southwest corner of intersection of 16th Avenue with Larson Street for traffic on 16th Avenue entering Larson Street.
- (62) At northeast corner of intersection of 16th Avenue with Larson Street for traffic on 16th Avenue entering Larson Street.
- (63) At southwest corner of intersection of 17th Avenue with Main Street for traffic on 17th Avenue entering Main Street.
- (64) At southeast corner of intersection of Main Street with 17th Avenue (on Main Street).
- (65) At northwest corner of intersection of Main Street with 17th Avenue.
- (66) On Larson Street at its intersection with 17th Avenue.
- (67) At southwest corner of intersection of 17th Avenue with Martin Road for traffic on 17th Avenue entering Martin Road.
- (68) At northeast corner of intersection of 17th Avenue with Martin Road for traffic on 17th Avenue entering Martin Road.
- (69) On Edwards Street at its intersection with 17th Avenue.

- (70) On Dettloff Street at its intersection with 17th Avenue.
- (71) On 18th Avenue at its intersection with Main Street.
- (72) At northwest corner of intersection of 18th Avenue with Kranzfelder Street for traffic on Kranzfelder Street entering 18th Avenue.
- (73) At southeast corner of intersection of 18th Avenue with Kranzfelder Street for traffic on Kranzfelder Street entering 18th Avenue.
- (74) At northwest corner of intersection of 18th Avenue with Jackson Street for traffic on Jackson Street entering 18th Avenue.
- (75) At southeast corner of intersection of 18th Avenue with Jackson Street entering 18th Avenue.
- (76) On Ivy Street at its intersection with 18th Avenue.
- (77) At northwest corner of intersection of 18th Avenue with Martin Road for traffic on 18th Avenue entering Ivy Street.
- (78) At southwest corner of intersection of 18th Avenue with Martin Road for traffic on 18th Avenue entering Martin Road.
- (79) At northeast corner of intersection of 18th Avenue with Martin Road for traffic on 18th Avenue entering Martin Road.
- (80) At southwest corner of intersection of 19th Avenue with Kranzfelder Street for traffic on Kranzfelder Street entering 19th Avenue.
- (81) At northeast corner of intersection of 19th Avenue with Kranzfelder Street for traffic on Kranzfelder Street entering 19th Avenue.
- (82) At southwest corner of intersection of 19th Avenue with Ivy Street for traffic on 19th Avenue entering Ivy Street.
- (83) At northeast corner of intersection of 19th Avenue with Ivy Street for traffic on 19th Avenue entering Ivy Street.
- (84) At northeast corner of intersection of 20th Avenue with Kranzfelder Street for traffic on 20th Avenue entering Kranzfelder Street.
- (85) On 20th Avenue at its intersection with Martin Road.
- (86) On 21st Avenue at its intersection with South Main Street.
- (87) At southwest corner of intersection of 21st Avenue with Hanson Street for traffic on Hanson Street entering 21st Avenue.
- (88) At northeast corner of intersection of 21st Avenue with Hanson Street for traffic on Hanson Street entering 21st Avenue.
- (89) On 21st Avenue at its intersection with Martin Road.
- (90) On South Main Court at its intersection with South Main Street.
- (91) On Hanson Street at its intersection with South Main Street.
- (92) On Future Street at its intersection with Lake Shore Drive.
- (93) On Lake Shore Drive at its intersection with Duncan Road.
- (94) On York Street at its intersection with Duncan Road.
- (95) On X-Ray Drive at its intersection with Duncan Road.

- (96) On Wilson Street at its intersection with Duncan Road.
- (97) On Vine Street at its southeast corner of its intersection with Duncan Road.
- (98) On Thompson Street at its intersection with Duncan Road.
- (99) On Future Street at its intersection with Duncan Road.
- (100) On Riggs Street at its intersection with Duncan Road.
- (101) On 15th Avenue, for east and west traffic, at its intersection with Duncan Road.
- (102) At southwest corner of intersection of Duncan Road with Oak Street for traffic on Duncan Road entering Oak Street.
- (103) At northeast corner of intersection of Duncan Road with Oak Street for traffic on Duncan Road entering Oak Street.
- (104) On Duncan Road at its intersection with 17th Avenue.
- (105) On 15th Avenue at its intersection with Vine Street.
- (106) On 15th Avenue at its intersection with Thompson Street.
- (107) On Vine Street at its intersection with Freeway Drive.
- (108) On 16th Avenue at its intersection with Duncan Road.
- (109) On 19th Avenue at its intersection with 17th Avenue.
- (110) On Smith Street at its intersection with 17th Avenue.
- (111) On Riggs Street at its intersection with 17th Avenue.
- (112) On Queen Street at its intersection with 17th Avenue.
- (113) At northwest corner of intersection of Priddy Street with 17th Avenue for traffic on Priddy Street entering 17th Avenue.
- (114) At southeast corner of intersection of Priddy Street with 17th Avenue for traffic on Priddy Street entering 17th Avenue.
- (115) At northwest corner of intersection of Oak Street with 17th Avenue for traffic on Oak Street entering 17th Avenue.
- (116) At southeast corner of intersection of Oak Street with 17th Avenue for traffic on Oak Street entering 17th Avenue.
- (117) At West high school entrance and exit at its intersection with 17th Avenue.
- (118) On East high school exit at its intersection with 17th Avenue.
- (119) On 18th Avenue at its intersection with Priddy Street.
- (120) On 19th Avenue at its intersection with Priddy Street.
- (121) On 21st Avenue at its intersection with Priddy Street.
- (122) On West truck stop driveway north of the intersection of York Street with 17th Avenue.
- (123) On Woodard Road at its northwest intersection with 17th Avenue.
- (124) On York Street at its intersection with 17th Avenue.
- (125) On Woodard Road at its southeast corner of its intersection with 17th Avenue.
- (126) On West 20th Avenue at its intersection with Woodard Road.
- (127) On West 21st Avenue at its intersection with Woodard Road.
- (128) On West 22nd Avenue at its intersection with Woodard Road.

- (129) On West 26th Avenue at its intersection with Woodard Road.
- (130) On Riggs Street at its southeast corner of its intersection with 9th Avenue.
- (131) On Riggs Street at its northwest corner of its intersection with 9th Avenue.
- (132) On Zera Street at its intersection with York Street.
- (133) On Vine Street at its intersection with Lake Shore Drive.
- (134) On Vine Street at its northwest corner of its intersection with Duncan Road.
- (135) On 26th Avenue at its intersection with South Main Street.
- (136) On 18th Avenue at its intersection with York Street.
- (137) On Fairway Street at its intersection with 13th Avenue.
- (138) On 15th Avenue at its intersection with Martin Road left turn northbound traffic on Martin Road.
- (139) On Martin Road at its intersection with 15th Avenue right turn westbound traffic on 15th Avenue.
- (140) On 4th Avenue at its intersection with Riggs Street.
- (141) On 5th Avenue at its intersection with Riggs Street eastbound traffic.
- (142) On 5th Avenue at its intersection with Riggs Street westbound traffic.
- (143) On Riggs Street at its intersection with 7th Avenue southbound traffic.
- (144) On Riggs Street at its intersection with 7th Avenue northbound traffic.
- (145) On Riggs Street at its intersection with 9th Avenue southbound traffic.
- (146) At intersection of 8th Avenue with Thompson Street.
- (147) At intersection of 9th Avenue with Ivy Street.
- (148) At intersection of 10th Avenue with Priddy Street.
- (149) At west intersection of 10th Avenue with Ivy Street.
- (150) At east intersection of 10th Avenue with Ivy Street.
- (151) At west intersection of 11th Avenue with Priddy Street.
- (152) At east intersection of 11th Avenue with Priddy Street.
- (153) At intersection of 12th Avenue with Newman Street.
- (154) At intersection of Larson Street with 13th Avenue.
- (155) At intersection of 14th Avenue with Grove Street.
- (156) At west intersection of Kranzfelder Street with 16th Avenue.
- (157) At north intersection of Kranzfelder Street with 17th Avenue.
- (158) At south intersection of Kranzfelder Street with 17th Avenue.
- (159) At intersection of Jackson Street with 17th Avenue.
- (160) At intersection of Asplund Court with 17th Avenue.
- (161) At intersection of 19th Avenue with South Main Street.
- (162) At intersection of Jackson Street with 19th Avenue.
- (163) At west intersection of 20th Avenue with Ivy Street.
- (164) At east intersection of 20th Avenue with Ivy Street.
- (165) At intersection of Smith Court with 15th Avenue.
- (166) At intersection of Riggs Street with 15th Avenue.

- (167) At intersection of York Street with Freeway Drive.
- (168) At intersection of X-Ray Drive with Freeway Drive.
- (169) At intersection of Wilson Street with Freeway Drive.
- (170) At north intersection of Thompson Street with 16th Avenue.
- (171) At south intersection of Thompson Street with 16th Avenue.
- (172) At intersection of Smith Street with 16th Avenue.
- (173) At intersection of Queen Street with 16th Avenue.
- (174) At intersection of Priddy Street with 16th Avenue.
- (175) At intersection of 18th Avenue with Riggs Street.
- (176) At east intersection of 19th Avenue with Riggs Street.
- (177) At west intersection of 19th Avenue with Riggs Street.
- (178) At intersection of 11th Avenue with Ivy Street.
- (179) At intersection of Ruff Place with 8th Avenue.
- (180) At intersection of 11th Avenue with Newman Street.
- (181) At intersection of 12th Street with Ivy Street.
- (182) At intersection of Grove Street with 17th Avenue.
- (183) At intersection of Jackson Street with 9th Avenue.
- (184) At intersection of Jackson Street with 10th Avenue.
- (185) At intersection of 17th Avenue with Cotting Street.
- (186) At intersection of 21st Avenue with Kranzfelder Street.
- (187) At intersection of 22nd Avenue with Westbrook Drive.
- (188) At intersection of 5th Avenue at southeast corner of 8th Avenue.
- (189) At intersection of 5th Avenue at northeast corner of 8th Avenue.
- (190) At intersection of 5th Avenue at 9th Avenue.
- (191) At west intersection of 21st Avenue with Hanson Street.
- (192) At east intersection of 21st Avenue with Hanson Street.
- (193) At west intersection of 20th Avenue with Hanson Street.
- (194) At intersection of 15th Avenue with Freeway Drive.
- (195) At intersection of 21st Avenue and Ivy Street.
- (196) At west intersection of 8th Avenue and Newman Street.
- (197) At the intersection of Westbrook Court with Town Road.
- (198) On Westbrook Drive at Westbrook Court.
- (199) On 18th Avenue at Edwards Street.
- (200) At intersection of Queen Street with 19th Avenue.
- (201) At intersection of 20th Avenue and Riggs Street.
- (202) At intersection of 16th Avenue and Duncan Road.
- (203) At northwest corner of 26th Avenue and Westbrook Court.
- (204) At northwest corner of 26th Avenue and Westbrook Drive.
- (205) At east intersection of 20th Avenue with Hanson Street.
- (206) At the southeast corner of Martin Road with 15th Avenue for traffic exiting Martin Road and entering 15th Avenue.

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- (207) At the southeast corner of Martin Road with 15th Avenue for traffic exiting Martin Road and entering 15th Avenue.
- (208) At the northwest corner of North Duncan Road with Duncan Road for traffic exiting North Duncan Road and entering Duncan Road.

Sec. 10-1-24 Yield Signs.

The City of Bloomer is authorized to erect yield right-of-way signs conforming to the Wisconsin Official Traffic Control Device Manual at the following intersections on highways in the exclusive jurisdiction of the City of Bloomer provided that if the intersected highway is part of a through highway designated under Section 10-1-13, the provisions of Sec. 349.07(7)(a), Wis. Stats., apply:

- (a) At east intersection of 16th Avenue with Duncan Road.

Sec. 10-1-25 One-Way Highways.

The following highways or portions thereof maintained by the City of Bloomer are hereby designated one-way highways and no person shall drive or operate a vehicle on any such highway or portion thereof except in the one (1) direction designated below:

- (a) In a northerly direction on Newman Street from its intersection with Main Street to its intersection with 15th Avenue.

Sec. 10-1-26 U-Turns Prohibited.

U-turns are prohibited at the following locations:

- (a) On 13th, 14th, 15th, 16th and 17th Avenues between their intersections with Main Street.
- (b) On Main Street between its intersection with 13th, 14th, 15th, 16th and 17th Avenues.

Sec. 10-1-27 through Sec. 10-1-39 Reserved for Future Use.

Article C: Parking Regulations

Sec. 10-1-40 Restrictions on Parking; Posted Limitations.

- (a) **Forty-eight (48) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the City of Bloomer for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the City where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he may recover the possession thereof.
- (b) **Posted Limitations.**
- (1) The Common Council may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The City shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
 - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
 - (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346. The Common Council shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
 - (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

- (5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

Sec. 10-1-41 Parking Restrictions During Temporary Snow Removal or Street Maintenance.

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a City roadway or any part thereof, the Public Works Department and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking -Street Maintenance Work." Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (b) **Temporary Parking Restrictions for Special Events.** For the period of time during which a community event is being held and upon proper resolution of the Common Council, all or any portion of a street, adjacent to the area at which the community event is being held, may be designated as a temporary no-parking zone. All such temporary no-parking zones shall be properly designated by an official no-parking sign placed or erected pursuant to the authority and direction of the Common Council. The operator of any motor vehicle shall not park or allow such vehicle to stand in such temporary no-parking zone.
- (c) **Parking During Special Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Public Works and/or Police Departments of the City indicating no parking due to special snow removal work.

Cross-Reference Section 10-1-46, Seasonal All-Night Winter Parking Restrictions.

Sec. 10-1-42 Stopping or Parking Prohibited in Certain Specified Places.

- (a) **Parking Prohibited at All Times.** No person shall at any time park or leave standing any vehicle whether attended or unattended and whether temporarily or otherwise, in any of the following locations:
 - (1) Within an intersection.
 - (2) On a crosswalk.
 - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area"

means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.

- (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
 - (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
 - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - (8) In any place or manner so as to obstruct, block or impede traffic.
 - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (11) Upon any bridge.
 - (12) Upon any street or highway within the City limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
 - (13) Upon any terrace or sidewalk in the City at any time.
 - (14) In a loading zoning.
 - (15) Within four (4) feet of the entrance to an alley, private road or driveway.
 - (16) In any municipal park when said park is closed to the public.
- (b) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.
- (d) **Parking Vehicle for Repair or to Display for Sale Prohibited.**
- (1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the City of Bloomer for the purpose of repairing said vehicle

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or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.

- (2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:
 - a. Consent to display the vehicle has been given by the owner or lessee of the premises; and
 - b. The owner of the vehicle is on the premises or resides there; and
 - c. The vehicle displayed for sale is parked entirely on the premises; and
 - d. The premises contains only one (1) vehicle displayed for sale; and
 - e. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet.

Cross-Reference Title 10, Chapter 5

State Law Reference: Sec. 346.52, Wis. Stats.

Sec. 10-1-43 Parking Reserved for Vehicles of Disabled.

When official traffic signs indicating such restriction have been erected in accordance with Section 10-1-3 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

Sec. 10-1-44 Unattended Motorized Machinery.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him/her to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

Sec. 10-1-45 Angle Parking.

- (a) The Common Council shall from time to time have certain streets or portions of streets marked with white lines to designate parallel or diagonal parking places. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the City except

as provided herein in designated angle parking stalls. All vehicles shall park parallel to, and within one (1) foot of, the curb except where streets and parking lots are so marked for angle parking.

- (b) No person shall at any time park any vehicle:
- (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
 - (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
 - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

Sec. 10-1-46 Seasonal All-Night Parking Restrictions.

When signs have been erected at or reasonably near the corporate limits as provided in Sec. 349.13, Wis. Stats., no person shall park, stop or leave standing any vehicle upon the City streets between the hours of 2:30 a.m. and 6:00 a.m. from the first (1st) of November through the first (1st) of April of any year except upon permission granted each day by the Bloomer Police Department upon daily request thereto. For violations of this restriction, forfeitures in the amount of Five Dollars (\$5.00) shall be assessed.

Sec. 10-1-47 Parking Prohibited During Certain Periods.

No person shall park or leave standing any vehicle upon any of the following highways or parts of highways at the times indicated, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers or property.

- (a) On the west side of Main Street from 9th Avenue to 17th Avenue between 2:00 a.m. and 6:00 a.m.
- (b) On the east side of Main Street from 9th Avenue to 17th Avenue between 2:00 a.m. and 6:00 a.m.
- (c) On the west side of Oak Street from its intersection with 17th Avenue South to its end on school days between 8:00 a.m. and 4:00 p.m.
- (d) On the south side of 17th Avenue from its intersection with Priddy Street one hundred fifty (150) feet east on school days between 8:00 a.m. and 4:00 p.m.
- (e) On the north side of 15th Avenue from its intersection with Newman Street East three hundred twenty-five (325) feet on school days between 8:00 a.m. and 4:00 p.m.
- (f) On the east side of Main Street from its intersection with 13th Avenue North for two hundred sixty (260) feet on school days between 8:00 a.m. and 4:00 p.m.
- (g) On both sides of 14th Avenue from its intersection with Main Street to its intersection with Larson Street between 2:00 a.m. and 6:00 a.m.

- (h) On both sides of 15th Avenue from its intersection with Main Street to its intersection with Larson Street between 2:00 a.m. and 6:00 a.m.
- (i) On the south side of 15th Avenue from its intersection with Main Street east one hundred eighty-seven (187) feet between 2:00 and 6:00 a.m.
- (j) During the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except on duly designated state holidays, in either of the two (2) designated and signed "Physical Therapy Patient" parking spaces on 16th Avenue immediately adjacent to the Bloomer Community Memorial Hospital. Said parking spaces shall be reserved during the hours and days in question for use by persons requiring physical therapy services, which are being presented to them at the Bloomer Community Memorial Hospital.

Sec. 10-1-48 Parking, Stopping or Standing Prohibited.

No person shall park, stop or leave standing any vehicle, for any purpose upon the following highways or parts of highways at any time between:

- (a) On the south side of 20th Avenue fifty (50) feet on both sides of the east and west driveways of Nelson Filter Division.
- (b) On the west side of Martin Road south of its intersection with 15th Avenue.

Sec. 10-1-49 No Parking Except for Authorized Vehicles.

Except as herein permitted, no person shall park, stop or leave standing any vehicle in the following places unless authorized by permit issued by the Police Department or by an Official Traffic Control sign:

- (a) On the north side of 17th Avenue from its intersection with Oak Street easterly two hundred thirty-six (236) feet.
- (b) On the south side of 15th Avenue from its intersection with Larson Street West for seventy-four (74) feet.
- (c) On the east side of Main Street one hundred thirty-two (132) feet north of 17th Avenue.

Sec. 10-1-50 Limited Time Parking.

When official traffic control devices are erected in any block giving notice thereof, no person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than the following time periods on any day on any of the following highways or parts thereof:

- (a) **Two (2) Hour Parking.**
 - (1) On the south side of the Post Office parking lot owned by the City of Bloomer.
 - (2) Six (6) center west stalls of the Municipal Parking Lot owned by the City adjacent to 16th Avenue and Larson Street. This provision shall also be applicable to temporary public parking stalls designated due to construction.

(b) **Ninety (90) Minute Parking.**

- (1) On the east side of Oak Street from its intersection with 17th Avenue southerly to its end from 8:00 a.m. to 5:00 a.m., excepting Sundays and holidays.
- (2) On Main Street from its intersection with 17th Avenue and State Highway 40 directly north of the present post office to the intersection of Main Street with 13th Avenue.
- (3) On 16th Avenue from its intersection with Larson Street and its intersection with Main Street.
- (4) On 15th Avenue from its intersection with Larson Street and its intersection with Newman Street.
- (5) On 14th Avenue from its intersection with Larson Street and its intersection with Newman Street.
- (6) On the west side of Larson Street from its intersection with 15th Avenue southerly fifty-five (55) feet.

(c) **Fifteen (15) Minute Parking.**

- (1) On the east side of Priddy Street from its intersection with 17th Avenue southerly two hundred eighty-eight (288) feet on school days from 8:00 a.m. to 4:00 p.m.

(d) **Five (5) Minute Parking.**

- (1) On the south side of 17th Avenue from its intersection with Oak Street westerly one hundred seventy (170) feet on school days from 8:00 a.m. to 4:00 p.m.

Sec. 10-1-51 Parking Reserved for Vehicles of Disabled.

When official traffic signs, indicating such restriction have been erected, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating, the vehicle as one used by a physically disabled person.

Sec. 10-1-52 Unlawful Removal of Parking Citations.

No person other than the owner or operator thereof shall remove a City parking citation from a motor vehicle.

Sec. 10-1-53 Operation of Motor Vehicles in Public Parking Lots.

- (a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.

- (b) **Traffic Regulations Applicable.** All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

Sec. 10-1-54 Removal of Illegally Parked Vehicles.

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Traffic Officer.** Any law enforcement officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, is authorized to remove such vehicle to a position where parking is permitted.
- (d) **Removal by Private Service.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

Sec. 10-1-55 Inoperable, Wrecked or Discarded Vehicles.

- (a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than forty-eight (48) hours after notification thereof by the Police Department. Any such vehicle not removed within forty-eight (48) hours is declared to be a public nuisance and may be removed as provided in Section 10-1-54.
- (b) **Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the City of Bloomer.

Cross-Reference: Section 10-5-1.

Sec. 10-1-56 Traffic and Parking Regulations on School District Grounds.

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Bloomer Public School District located within the City of Bloomer:

(a) **Parking Sticker Required.**

- (1) No person shall between the hours of 7:30 a.m. to 4:00 p.m. park or leave standing any motor vehicle without an authorized sticker attached properly to the vehicle that has been issued by the Bloomer School District Administrator or his/her designee, in the High School parking lot signed sticker required parking only. The sticker shall be displayed in the bottom left hand corner of the windshield of each vehicle.
- (2) The Bloomer School District Administrator shall erect signs to designate which areas of the school district grounds shall require vehicles to have parking stickers.

(b) **Speed Limits.** No person shall, at any time, operate a motor vehicle upon any School District grounds at a speed in excess of fifteen (15) miles per hour.

(c) **Vehicles Prohibited at Specified Times.** No person shall, at any time, operate a motor vehicle other than a school bus or emergency vehicle, in or upon any drive designated for buses only during the hours of 7:00 a.m. to 9:00 a.m., and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.

(d) **State Traffic Forfeiture Laws Adopted.** All provisions of Chapters 340 to 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this Section as if fully set forth herein. Such statutory sections shall be designated as part of this Code by adding the prefix "10-1-56-" to each state statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section.

(e) **Miscellaneous Rules.**

- (1) No person shall operate a motor vehicle on such school premises at a rapid or sudden acceleration with the intent of squealing tires or leaving tire marks.
- (2) No person shall operate a motor vehicle on such premises across parking lot islands or parking lot dividers.

Sec. 10-1-57 through Sec. 10-1-59 Reserved for Future Use.

Article D: Miscellaneous Provisions

Sec. 10-1-60 Disturbance of the Peace with a Motor Vehicle.

- (a) **Unnecessary Noise Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the City of Bloomer.
- (b) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the City.
- (c) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- (d) **Disorderly Conduct with a Motor Vehicle.**
 - (1) **Conduct Prohibited.** No person shall, within the City of Bloomer, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
 - (2) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, 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.
- (e) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- (f) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:

- (1) Public park property;
 - (2) Cemetery properties;
 - (3) School District property;
 - (4) Medical facilities;
 - (5) Funeral homes;
 - (6) Service stations;
 - (7) Grocery stores;
 - (8) Restaurants;
 - (9) Financial institutions; and
 - (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.
- (g) **Stopping and Parking Prohibited.** It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this Section may be cited and/or removed or towed by the property owner at the vehicle owner's expense.

Sec. 10-1-61 Motor Vehicles on Pedestrian Ways and Overpasses.

No person shall operate or park any motor vehicle on any sidewalk, pedestrian way or pedestrian overpass within the City of Bloomer except municipal or county maintenance vehicles.

Sec. 10-1-62 School Crossing Guards.

Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the School District or Police Department to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.

State Law Reference: Sec. 349.215, Wis. Stats.

Sec. 10-1-63 Driving Over Curbing or Safety Islands Prohibited.

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the City of Bloomer.
- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device

Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island. Persons causing damage to curbing by driving over such curbing shall be responsible for the cost of such repairs.

Sec. 10-1-64 Use of Compression (Jake) Brakes Prohibited.

When signs are erected, no person shall use motor vehicle brakes within the City of Bloomer that are in any way activated or operated by the compression of an engine of any such motor vehicle or any unit or part thereof.

Sec. 10-1-65 Sound-Producing Devices in Vehicles; Impoundment; Seizure and Forfeiture.

(a) Sound-Producing Devices; Impoundment; Seizure and Forfeiture.

- (1) In this Section, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.
- (2) A law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a City ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other City ordinance prohibiting excessive noise, is authorized to impound any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has two (2) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other City ordinance prohibiting excessive noise. The City authorizes the impoundment of a vehicle for not more than five (5) working days to permit the City authorities or their authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.
- (3) The City may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. Upon disposition of the forfeiture action for the violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.

- (4) The City may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
 - (5) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
 - (6) Notwithstanding Subsections (a)(1)-(5) above, the City authorizes a law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise, to seize any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has three (3) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise.
 - (7) The City may impound a vehicle violating Subsection (a)(6) vehicle for not more than five (5) working days to permit the City or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.
 - (8) Any seized sound-producing device under Subsection (a)(6) shall be treated in substantially the manner provided in Sec. 973.075(3), 973.076 and 973.077, Wis. Stats., for property realized through the commission of any crime, except that the sound-producing device shall remain in the custody of the applicable law enforcement agency; a district attorney or City Attorney, whichever is applicable, shall institute the forfeiture proceedings; and, if the sound-producing device is sold by the law enforcement agency, all proceeds of the sale shall be retained by the City.
 - (9) The City may, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
 - (10) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
- (b) **Vehicle Owner's Liability for Radios or Other Electric Sound Amplification Devices.**
- (1) a. The owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., shall be presumed liable for the violation as provided in this Section.
 - b. Notwithstanding Subsection (b)(1), no owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., may be convicted under this Section if the person

operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this Section or under Sec. 346.94(16), Wis. Stats.

- (2) Any member of the public who observes a violation of Sec. 346.94(16), Wis. Stats., may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:
 - a. The time and the approximate location at which the violation occurred.
 - b. The license number and color of the motor vehicle involved in the violation.
 - c. Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.
 - (3) a.
 1. Within twenty-four (24) hours after observing the violation, a member of the public may deliver a report containing all of the information in Subsection (b)(2) to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in Subsection (b)(2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.
 2. Within forty-eight (48) hours after receiving a report containing all of the information in Subsection (b)(2), the traffic officer shall investigate the violation and may prepare a uniform traffic citation under Sec. 345.11 and, within seventy-two (72) hour after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.
 - b. If with reasonable diligence the owner cannot be served under paragraph (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least fourteen (14) years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any traffic officer employed by the authority issuing the citation and shall be performed within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a traffic officer under paragraph (a)1.
 - c. If with reasonable diligence the owner cannot be served under paragraph (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address. Service under this paragraph shall be performed by posting the certified mail within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a traffic officer under paragraph (a)1. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under paragraphs (a) and (b) has been attempted.
- (4) Defenses to the imposition of liability under this Section include:
 - a. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

- b. If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this Section or under Sec. 346.94 (16), Wis. Stats.
 - c. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the authority issuing the citation with the information required under Sec. 343.46(3), Wis. Stats., then the lessee and not the lessor shall be liable under this Section or under Sec. 346.94(16), Wis. Stats.
 - d. If the vehicle is owned by a dealer, as defined in Sec. 340.01(11) (intro.), Wis. Stats., but including the persons specified in Sec. 340.01 (11)(a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this Section or under the applicable provision of Sec. 346.94(16), Wis. Stats.
 - e. Notwithstanding Sec. 346.94(16)(b)6., Wis. Stats., this Section does not apply to the operation of a motorcycle.
- (c) **Authority to Regulate Radios or Other Electric Sound Amplification Devices.**
- (1) Notwithstanding Sec. 346.94(16), Wis. Stats., the City provides that, except as provided in Sec. 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of fifty (50) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. Any person violating this Subsection may be required to forfeit not less than Forty Dollars (\$40.00) nor more than Eighty Dollars (\$80.00) for the first violation and not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for the second or subsequent violation within a year.
 - (2) Subsection (c)(1) may not apply to any of the following:
 - a. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
 - b. The operator of a vehicle of a public utility, as defined in Sec. 11.40(1)(a), Wis. Stats.

- c. The operator of a vehicle that is being used for advertising purposes.
- d. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
- e. The activation of a theft alarm signal device.
- f. The operator of a motorcycle being operated outside of a business or residence district.

Sec. 10-1-66 through Sec. 10-1-79 Reserved for Future Use.

Article E: Enforcement and Penalties

Sec. 10-1-80 Penalties.

- (a) **Penalty.** The penalty for violation of any provision of this Chapter shall be a deposit as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.
- (b) **Other Sanctions.**
- (1) **By Court.** 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, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
 - (2) **By Municipality.** No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the City, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- (c) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 350, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- (d) **Forfeitures for Parking Violations.**
- (1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 350, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
 - (2) **Penalty for Other Parking Violations.** The forfeiture for violation of parking regulations in Sections 10-1-40 through 10-1-57 shall be Five Dollars (\$5.00).

- (e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for the first offense and not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00) for the second offense within two (2) years.

Sec. 10-1-81 Enforcement.

- (a) **Enforcement Procedures.**

- (1) **How Enforced.** This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (2) **Applicable Court Procedures.** Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

- (b) **Citations.**

- (1) **Uniform Citation and Complaint.** The Wisconsin Uniform Municipal Citation described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- (2) **Parking Citations.** The City Prosecuting Attorney and Chief of Police shall recommend to the Common Council a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

- (c) **Deposits and Stipulations.**

- (1) **Uniform Traffic Offenses.**

- a. **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with

the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b), Wis. Stats., whenever the provisions of Sec. 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11, Wis. Stats.

- b. ***Delivery or Mailing of Deposit and Stipulation.*** Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26, Wis. Stats., or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Common Council. Deposits, including those for parking or nonmoving violations, shall be brought or mailed to the Clerk of Court as directed by the arresting officer.

(2) ***Non-moving Traffic Offenses.***

- a. ***Direct Payment of Penalty Permitted.*** Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.
- b. ***Court Prosecution.*** If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within fifteen (15) days of the date of the citation, the Chief of Police shall forward a copy of the citation to the City Attorney for prosecution.
- c. ***Registration Suspension.*** If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the City may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.
- d. ***Bond.*** Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.

- (3) ***Notice of Demerit Points and Receipt.*** Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.

(4) **Registration Suspension Program.**

- a. The City may participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
- b. The Chief of Police is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The Chief of Police is authorized to perform, on behalf of the City, all functions required of a local authority under said Statutes and Code including, but not limited to:
 1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
 3. Determining the method by which the City will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
 4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- c. The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection.
- d. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- e. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The City's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

State Law Reference: Sec. 345.28, Wis. Stats.; Chapter Trans. 128, Wis. Adm. Code.

Title 10 ► Chapter 2

Bicycles and Play Vehicles

10-2-1	Definitions
10-2-2	Lighting and Other Equipment
10-2-3	Rules of the Road
10-2-4	Regulation of Skateboards, Roller Skates and Roller Skis
10-2-5	General Bicycle Regulations
10-2-6	Bicycle Registration
10-2-7	Bicycle Penalties
10-2-8	Play Vehicle Penalties

Sec. 10-2-1 Definitions.

As used in this Chapter:

- (a) **Bicycle** means every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.
- (b) **Bicycles' Lane** means that portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route** means any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
- (d) **Bicycle Way** means any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
- (e) **Carrier** means any device attached to a bicycle designed for carrying articles.
- (f) **Right-of-Way** means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (g) **Play Vehicles** means any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

Sec. 10-2-2 Lighting and Other Equipment.

No person shall operate a bicycle upon a highway during hours of darkness unless equipped as required in Sec. 347.81, Wis. Stats.

Sec. 10-2-3 Rules of the Road.

The provisions of Chapters 346 and 347, Wis. Stats., and applicable City ordinances shall govern the operation of bicycles where appropriate. Every person driving a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic ordinances of the City applicable to the driver of the vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

Sec. 10-2-4 Regulation of Skateboards, Roller Skates and Roller Skis.

- (a) **Regulations.** It shall be unlawful for any person in the City of Bloomer to operate or ride a skateboard, roller skates, or roller skis ("play vehicles") in any of the following places:
 - (1) On any sidewalk in a business district. For purposes of this Section, a business district shall be defined as any area primarily commercial in nature.
 - (2) In any public parking ramp or parking lot.
 - (3) On private property, unless permission has been received from the owner, lessee or person in charge of that property.
- (b) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, or other play vehicles shall yield the right-of-way to other pedestrians using City sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.
- (c) **Play Vehicles Not To Be Pulled By Moving Vehicles.** No person riding upon any coaster, roller skates, skateboard, roller ski's, sled, toboggan or play vehicle shall attach the same or himself to any vehicle upon a roadway.

Sec. 10-2-5 General Bicycle Regulations.

- (a) **Parental Responsibility.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Sections 10-2-3, 10-2-4 and this Section.
- (b) **Street Operation.**
 - (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. On one-way roadways, the operator of the bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three (3) feet between his bicycle and the vehicle.

- (2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.
 - (3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself or the bicycle to any other moving vehicle upon a street or highway.
 - (4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
 - (5) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.
 - (6) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street.
 - (7) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
 - (8) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.
- (c) **Bicycle Parking.** No bicycle shall be parked in front of or adjacent to any commercial establishment unless the bicycle is parked on the sidewalk parallel to the street and as close as possible to the curb. No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.
- (d) **Required Equipment.** Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.
- (e) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself/herself or his/her bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.
- (f) **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- (g) **Operation on Sidewalks.**
- (1) No person over the age of ten (10) shall ride or propel any bicycle, upon any public sidewalk or thoroughfare of the City set apart for pedestrians in the business district, except bicycles having wheels sized twenty (20) inches or under. This exception shall not apply to twenty (20) inch or under bicycles designed or modified to BMX specifications.
 - (2) No person shall ride or propel any bicycle upon any public street, alley, boulevard or sidewalk of the City in such manner as to interfere with the rights of other persons using such street, alley, boulevard, or sidewalk.

- (h) **Bicycle Operation While Hearing Obstructed.** No person may operate a bicycle upon a highway while such operator is using any audio device attached directly to ear or ears of such operator that materially impairs the ability of such operator to hear traffic signals or warnings.
- (i) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.
- (j) **Riding Bicycle on Bicycle Lane.**
 - (1) Unless two-way traffic is authorized by the Common Council on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.
 - (2)
 - a. Unless otherwise provided under Subsection (k)(2)b below, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.
 - b. A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his bicycle into the lane and then mounting it.
 - (3) Every person operating a bicycle upon a bicycle lane shall exercise due care and given an audible signal when passing a bicycle rider proceeding in the same direction.
 - (4) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.
- (k) **Riding Bicycle on Bicycle Way.**
 - (1) Every person operating a bicycle upon a bicycle way shall:
 - a. Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.
 - b. Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.
 - (2) Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.
 - (3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

Sec. 10-2-6 Bicycle Registration and Licensing.

- (a) **Registration Required.** It shall be unlawful for any resident of the City to operate a bicycle upon any of the streets, alleys, or public highways of the City of Bloomer, unless said bicycle is properly registered and tagged as herein provided.

- (b) **Fee.** Registration shall be made by filing with the City Police Department the name and address of the owner together with a complete description of the bicycle on forms provided by the City and paying a registration fee of Two and 50/100 Dollars (\$2.50). Registrations shall be serially numbered and kept on file by the City Police Department or City Clerk-Treasurer as a public record.
- (c) **Identification Tag.** Upon such registration, the said officer shall cause an identification tag to be affixed to the bicycle registered, serially numbered to correspond to the registration number. Such tag shall remain affixed to the bicycle unless removed by said officer for cause or for retagging upon reregistration. In case of theft or loss, a duplicate tag shall be issued upon payment of a fee covering the cost of such tag.
- (d) **Expiration.** Registration shall be non-expiring as long as the bicycle's ownership remains unchanged.
- (e) **Restrictions and Suspension.** No bicycle shall be registered which is in unsafe mechanical condition. City police officers shall have the authority to suspend the registration of and remove the identification tag from any bicycle operated contrary to any state law or the City code or operated while in an unsafe mechanical condition, such suspension and removal to continue for a period not to exceed ten (10) days, provided that such registration shall not be reinstated or such identification tag be replaced while such bicycle is in unsafe mechanical condition. Such suspension and removal shall be in addition to other penalties provided hereunder.
- (f) **Removal of Identification Tag Prohibited.** No person shall wilfully remove, deface or destroy any such identification tag or any bicycle frame number.
- (g) **Report Change of Information.** Within ten (10) days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of service or operation, the person in whose name the bicycle has been registered shall report such information to the City Police Department. In case of change of ownership, the registration shall thereupon be changed to show the name of the new owner. In case of dismantling and taking out of service or operation, the registration shall be cancelled and identification tag returned to the City Police Department.

Sec. 10-2-7 Bicycle Penalties.

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Municipal Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.
- (b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and,

- in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
 - (1) First offense in one (1) year: A warning letter sent to the parent or guardian.
 - (2) Second offense in the same year: Vehicle license stickers shall be invalidated by the Chief of Police for a period of not longer than fifteen (15) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
 - (3) Third offense in the same year. Vehicle license stickers shall be invalidated by the Chief of Police for a period of not less than fifteen (15) days nor more than thirty (30) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
 - (4) Fourth and subsequent offense in the same year: Mandatory referral to Chippewa County Juvenile Court Intake Worker.
 - (d) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
 - (e) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Sec. 10-2-8 Play Vehicle Penalties.

- (a) Any person fourteen (14) years of age and over who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the deposit schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the costs of prosecution.
- (b) Any person under fourteen (14) years of age who shall violate any provisions of this Chapter may receive an officer's report warning notice along with the following additional actions:
 - (1) First offense in one (1) year: A warning letter sent to the parent or guardian.
 - (2) Second or third offense in the same year: The play vehicle may be impounded by law enforcement authorities.
 - (3) Fourth and subsequent offense in the same year: Mandatory referral to Chippewa County Juvenile Court Intake Worker.
 - (4) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Title 10 ► Chapter 3

Snowmobiles

10-3-1	State Snowmobile and All-Terrain Vehicles Laws Adopted
10-3-2	Applicability of Traffic Regulations to Snowmobiles
10-3-3	Operation of Snowmobiles in City
10-3-4	Accidents and Accident Reports
10-3-5	Snowmobile Routes and Trails Designated
10-3-6	Penalty
10-3-7	Enforcement

Sec. 10-3-1 State Snowmobile and All-Terrain Vehicles Laws Adopted.

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections 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.

350.01	Definitions
350.02	Operation of Snowmobiles on or in the Vicinity of Highways
350.03	Right-of-Way
350.04	Snowmobile Races, Derbies and Routes
350.045	Public Utility Exemption
350.047	Local Utility Exemption
350.05	Operation by Youthful Operators Restricted
350.055	Safety Certification Program Established
350.06	Firearms and Bows
350.07	Driving Animals
350.08	Owner Permitting Operation
350.09	Head Lamps, Tail Lamps and Brakes, Etc.
350.10	Miscellaneous Provisions for Snowmobile Operation
350.101	Intoxicated Snowmobiling
350.102	Preliminary Breath Screening Test

10-3-1

350.1025	Application of Intoxicated Snowmobiling Law
350.104	Chemical Tests
350.106	Report Arrest to Department
350.107	Officer's Action After Arrest for Operating a Snowmobile While Under Influence of Intoxicant
350.12	Registration of Snowmobiles
350.125	Completion of Application for Registration by Snowmobile Dealers
350.13	Uniform Trail Signs and Standards
350.15	Accidents and Accident Reports
350.17	Enforcement
350.18	Local Ordinances
350.19	Liability of Landowners
350.99	Parties to a Violation

Sec. 10-3-2 Applicability of Traffic Regulations to Snowmobiles.

No person shall operate a snowmobile upon any street, highway or alley within the City of Bloomer in violation of the traffic regulation provisions of Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), (6), (6m) and (9), Wis. Stats.

Sec. 10-3-3 Operation of Snowmobiles in City.

- (a) **Operation Restrictions.** Operation of snowmobiles on the designated snowmobile route shall be subject to the following restrictions:
- (1) **Stop/Yield.** Each snowmobile shall stop at each street or highway to be crossed and yield the right-of-way to all motor vehicles approaching on each such street or highway.
 - (2) **Yielding Right-of-Way.** Travel on right-of-ways of City streets and highways shall be limited to those which are posted and snowmobiles shall, at all times, yield the right-of-way, when crossing streets and highways, to all vehicular traffic.
 - (3) **Street Operating Rules.** When traveling on the roadways of streets and highways, operators shall obey the following requirements:
 - a. Snowmobiles are to be operated on the extreme right side of the roadway;
 - b. Left turns shall be made as safely as possible from any position depending on snow cover and other prevailing conditions;

- c. Operators are to yield right-of-way to other vehicular traffic and pedestrians.
- d. Speed limit of ten (10) miles per hour.
- (4) **Speed.** When traveling adjacent to the roadways of streets or highways on their right-of-ways and on private property and over public waters, snowmobiles shall be operated at no more than ten (10) miles per hour and yield the right-of-way when traveling within one hundred (100) feet of person who is not in or on a snowmobile.
- (5) **Statutory Requirements.** Operation of snowmobiles shall comply with such other and further conditions as are imposed upon operators under Sec. 350.02, Wis. Stats.
- (b) **Age of Operators.** No person under the age of twelve (12) years may operate a snowmobile unless accompanied by a parent or guardian or a person eighteen (18) years of age or older. Persons between twelve (12) and sixteen (16) years of age must possess a valid snowmobile safety certificate or be accompanied by a person over eighteen (18) years of age or a person over fourteen (14) years of age holding a valid snowmobile safety certificate.
- (c) **Pursuit of Animals.** No operator shall violate Sec. 350.01, Wis. Stats., by driving or pursuing any animal with a snowmobile.
- (d) **Proper Lighting.** Each snowmobile operator on the designated route shall see to it that his/her snowmobile is equipped with proper, operating head lamps, tail lights and brakes and other required equipment all in accord with Sec. 350.09, Wis. Stats.
- (e) **Miscellaneous Regulations.** No person shall operate a snowmobile in the following manner:
 - (1) At a rate of speed that is unreasonable or improper under the circumstances.
 - (2) In any careless way so as to endanger the person or property of another.
 - (3) In such a way that the exhaust of the motor makes an excessive or unusual noise.
 - (4) Without a functioning muffler.
 - (5) On the private property of another without the consent of the owner or lessee.
 - (6) Between the hours of 10:30 p.m. and 7:00 a.m. when within one hundred fifty (150) feet of a dwelling at a rate of speed exceeding ten (10) miles per hour.
 - (7) On the frozen surface of public waters within one hundred (100) feet of a person not in or upon a vehicle or within one hundred (100) feet of a fishing shanty unless operated at a speed of ten (10) miles per hour or less.
 - (8) On a slide, ski or skating area except for purposes of servicing the area, crossing at places where marked or after stopping and yielding the right-of-way.
 - (9) On or across a cemetery, school or church property without consent of the owner.
- (f) **Intoxicated Snowmobiling Prohibited.** The restrictions of Sec. 350.101, Wis. Stats., are hereby incorporated by reference and it shall be a violation of this Section to engage in operation of a snowmobile while under the influence of an intoxicant to a degree which renders the operator to be incapable of safe snowmobile operation. In addition, Sections 350.102 through 350.107, Wis. Stats., are incorporated herein by reference for enforcement purposes against intoxicated use of a snowmobile.

- (g) **Non Assumption of Liability.** By enacting this Section designating a snowmobile route through the City, portions of which cross private properties, or frozen surfaces, the City is assuming no responsibility for any property damage or personal injuries sustained by any persons as a result of the operation of snowmobiles across those properties.

Sec. 10-3-4 Accidents and Accident Reports.

- (a) If he can do so without serious danger to his own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the City shall stop his/her 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/her name and address and identification of his/her snowmobile to any person injured and to the owner of any property damaged in the accident.
- (b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred Dollars (\$200.00), every operator of a snowmobile involved in such accident shall, as soon as possible, notify the 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.
- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant on the snowmobile at the time of the accident capable of making the report, he shall make such report.
- (d) "Snowmobile Accident" means a collision, accident or other casualty involving a snowmobile.

Sec. 10-3-5 Snowmobile Routes and Trails Designated.

- (a) **Definitions.** When used in this Section, these terms shall be defined as follows:
- (1) **Alley.** Every highway primarily intended to provide access to the rear of a property fronting upon another highway and not for the use of through traffic.
 - (2) **Dwelling.** A place of human habitation, including but not limited to houses, apartment houses, rooming houses and motels.
 - (3) **Highway.** All public ways and thoroughfares and bridges on the same, including the entire width between the boundary lines of every way open to the use of the public as a matter of right for purposes of vehicular traffic.
 - (4) **Public Waters.** Those navigable waters found within the corporate limits of the City.
 - (5) **Roadway.** That portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder.
 - (6) **Street.** An improved City highway.

(b) **Designation of Route.**

- (1) **Route Designated.** The following shall constitute the officially designated snowmobile route through the City of Bloomer:
- a. Commencing at a point on the South line of the Southwest 1/4 of the Northeast 1/4 of Section 9, Township 30 North, Range 9 West and immediately to the West of the current corporate limits of the City; thence westerly along and immediately to the South of the northerly right-of-way line of 20th Avenue to a point located approximately at the junction of the West line of the Southwest 1/4 of the Northeast 1/4 of Section 9; then North 500 feet, more or less, across private property; then continuing on private property in the Southeast 1/4 of the Northwest 1/4 of Section 9 in a northwesterly direction to the intersection of 18th Avenue and Martin Road; then northwesterly along and to the East of the East right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha Railway through private properties across the right-of-ways of 15th and 14th Avenues and then to the North right-of-way line of 13th Avenue; then westerly along and immediately to the South of the North right-of-way line of 13th Avenue across the right-of-way of the aforementioned railway line, Larson Street, Main Street, Newman Street and Oak Street; then westerly across and through private properties to the shoreline of Lake Como; then approximately across Lake Como to a point along its shoreline immediately South of the line dividing Lots 4 and 5 of Block 4, MacAuley's Addition; then northerly along and immediately to the East of the West line of said Lot 4, a private parcel of real estate, and across the right-of-way of 9th Avenue; then continuing northerly on private property, to the East of the right-of-way line of Smith Street across the right-of-way of 7th Avenue; then continuing northerly across private properties located in the Northwest 1/4 of the Southeast 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 5; then continuing in a northerly direction across private properties in the Northwest 1/4 of the Northeast 1/4 of Section 5 to a point due West of the North right-of-way line of North Industrial Drive; then East through private properties to the West right-of-way line at the intersection of Riggs Street and North Industrial Drive; then continuing easterly along and immediately South of the North right-of-way line of North Industrial Drive to the West right-of-way line of State Highway 40, the termination of the designated snowmobile route.
 - b. Commencing at a point on the South line of the Southwest 1/4 of Section 9, Township 30 North, Range 9 West; thence northeasterly across real estate owned by the City of Bloomer to the west right of way line of County Trunk Highway "Q"; thence northwesterly along the right-of-way line of County Trunk Highway "Q" and along a designated route on property owned by the City and devoted to

use as a cemetery, located to the southwest of the intersection between County Trunk Highways "Q" and "F"; thence southwesterly along with south right of way line of County Trunk Highway "F" to the City limits of the City of Bloomer, adjacent to the right of way of U.S. Highway 53, the termination of the designated snowmobile route.

- (2) **Additional Routes Prohibited.** No additional snowmobile routes other than that set forth in Subsection (b)(1) above shall be designated by the City.
 - (3) **Routes on Private Property.** It shall be the responsibility of the Bloomer Snow Hawks Snowmobile Club to make the necessary arrangements for crossing private properties listed on the designated route. The failure or refusal of any property owner affected by the route designated under Subsection (b)(1) above to grant permission shall cause the designation of the route, in its entirety, to be revoked. The City assumes no responsibility to acquire permission for use of private property for snowmobile route purposes.
 - (4) **Signage.** Signs designating the route shall be placed along it in accord with Sec. 350.13, Wis. Stats.
- (c) **Operation of Snowmobiles in City Limited to Designated Route.** Snowmobiles shall not be operated upon any street, highway or alley, nor upon any public property in the City subject to the following express exceptions:
- (1) Upon the designated route.
 - (2) Upon a street, highway or alley right-of-way providing the most direct route between a snowmobile operator's place of residence in the City and the designated route. The sole reason for allowing the use of streets, highways or alleys other than those incorporated into the designated route for snowmobile operation purposes shall be limited strictly to access to and from the designated route for snowmobile operators whose places of residence are in the City. At all times when operating on other than the designated route, snowmobile operators shall comply with speed and right-of-way limitations as set forth at Section 350.02 and 350.03, Wis. Stats.
- (d) **Rules of Operation.** Snowmobiles operated on designated snowmobile routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapter 346, Wis. Stats., and Title 10 of this Code of Ordinances, which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by such laws is required or prohibited by this Section.
- (e) **Declaring Trails Closed.** Due to weather conditions or emergency, the Mayor or Chief of Police may declare snowmobile trails closed within the City.

Cross-Reference: Section 10-4-2.

Sec. 10-3-6 Penalty.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, provided no person shall forfeit an amount in excess of

the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

Sec. 10-3-7 Enforcement.

- (a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., 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 Title 10, Chapter 1, of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10-3-1 of this Chapter.
- (c) **Other Violations.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Sections 66.12 and 66.114, Wis. Stats. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.12, Wis. Stats.
- (d) **Police Department to Receive Stipulations and Penalties.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices.
- (e) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Common Council.

Title 10 ► Chapter 4

All-Terrain Vehicles and Off-Road Motor

10-4-1	State All-Terrain Vehicle Laws Adopted
10-4-2	Unauthorized Operation of Motor Vehicles on Public or Private Property
10-4-3	Mini-Bikes and Self-Propelled Vehicles Regulated

Sec. 10-4-1 State All-Terrain Vehicle Laws Adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

23.33(2)	Registration
23.33(3)	Rules of operation [including Subsections (a) through (i)]
23.33(4)	Operation on or near highway [including Subsections (a) through (e)]
23.33(5)(a)(c)	Age restrictions
23.33(6)	Equipment requirements [including Subsections (a) through (e)]
23.33(7)	Accidents [including Subsections (a) and (b)]
23.33(1)	Definitions [including Subsections (a) through (n)]

Sec. 10-4-2 Unauthorized Operation of Motor Vehicles on Public or Private Property.

(a) **Purpose.**

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and
- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and

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- (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
 - (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.
- (b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:
- (1) **Unauthorized** shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
 - (2) **Off-Road** shall mean any location which:
 - a. Is not a paved or maintained public street or alley; or
 - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - c. Is a private trail for use only by the owner or his/her permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
 - (3) **Operation** shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
 - (4) **Motor Vehicle** shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
 - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
- (c) **Unauthorized Off-road Operation Prohibited.**
- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
 - (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Common Council, it shall be unlawful to operate

any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the City streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

Sec. 10-4-3 Mini-Bikes and Self-Propelled Vehicles Regulated.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Mini-Bike.** Any motorized vehicle primarily used for transportation or sport, including, but not limited to, motorcycles, off-the-road trail bikes and motorized bicycles.
 - (2) **Self-Propelled Vehicles.** Any motorized vehicle primarily used for off-the-road use, including but not limited to, go-carts, all-terrain vehicles and all other vehicles not registered pursuant to Chapter 341, Wis. Stats., but not snowmobiles.
 - (3) **Motorized Vehicle.** Any self-propelled device in, upon or by which any person or property is or may be transported.
 - (4) **Highway.** All public ways and thoroughfares and bridges on the same. It includes the entire highway right-of-way width, not limited to the actual traveled portion, but also includes the shoulders, ditches and other areas adjacent thereto.
- (b) **Operation of Mini-Bikes and Self-Propelled Vehicles.** No person shall operate a mini-bike or self-propelled vehicle in the City of Bloomer in the following manner:
- (1) At a rate of speed that is unreasonable or imprudent under the circumstances.
 - (2) In any careless way so as to endanger the person or property of another.
 - (3) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other controlled substances.
 - (4) In such a way that the exhaust of the motor makes an excessive or unusual noise.
 - (5) Without a functioning muffler.
 - (6) Upon any public highway, street or alley, or upon any sidewalk or parkway in the City of Bloomer unless such vehicle is registered as required by Chapter 341, Wis. Stats., and its operation and operator are specifically permitted to operate the said vehicle by the Wisconsin Statutes.
 - (7) Upon any slide, ski or skating area, except for the purposes of serving the area or crossing the places where marked.
 - (8) Upon any lands owned, operated or leased by the City of Bloomer.
 - (9) Upon a cemetery, burial ground, school or church property, without the express consent of the owner.
- (c) **Liability of Parent or Guardian.** No parent or guardian of any child under the age of eighteen (18) years shall authorize or permit such child to violate any of the provisions of this Section. Any child under the age of eighteen (18) years who shall operate a mini-bike

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or self-propelled device shall be presumed to be operating said vehicle under the authority of a parent or guardian.

- (d) **Penalties.** Any person who shall violate this Section shall, upon conviction thereof, forfeit for each offense not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), 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 not to exceed thirty (30) days.

Title 10 ► Chapter 5

Abandoned and Junked Vehicles

10-5-1	Abandoned Vehicles; Definitions
10-5-2	Removal and Impoundment of Vehicles
10-5-3	Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
10-5-4	Disposal of Abandoned Vehicles
10-5-5	Report of Sale or Disposal
10-5-6	Owner Responsible for Impoundment and Disposal Costs
10-5-7	Conflict with Other Code Provisions
10-5-8	Junked Vehicles and Appliances on Private Property

Sec. 10-5-1 Abandoned Vehicles; Definitions.

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the City of Bloomer 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 City of Bloomer 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 forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) **Vehicle** shall mean a motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
 - (2) **Unattended** shall mean unmoved from its location with no obvious sign of continuous human use.
 - (3) **Street** shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
- (1) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said forty-eight (48) hours.

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- (2) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by the Chief of Police or designee.
- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with City zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

Sec. 10-5-2 Removal and Impoundment of Vehicles.

Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 10-5-3.

Sec. 10-5-3 Removal, Storage, Notice or Reclaimer of Abandoned Vehicles.

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-5-1.
- (b) **Removal.**
 - (1) Any police officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the City of Bloomer which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
 - (2) Upon removal of the vehicle, the police officer shall notify the Chief of Police or his/her designee of the abandonment and of the location of the impounded vehicle.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by the Chief of Police or his/her 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 Chief of Police or his/her designee determines an abandoned vehicle to have a value of less than One Hundred Dollars (\$100.00), 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

provided, 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. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as having value in excess of One Hundred Dollars (\$100.00). 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 Chief of Police or his/her designee to prove an ownership or secured party interest in said vehicle.

- (d) **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, of the following:
- (1) That the vehicle has been deemed abandoned and impounded by the City of Bloomer;
 - (2) The "determined value" of the abandoned vehicle;
 - (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
 - (4) 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 Dollars (\$100.00) 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
 - (5) 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.

Sec. 10-5-4 Disposal of Abandoned Vehicles.

Any abandoned vehicle impounded by the City 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. A Class I Notice, including the description of the vehicles, 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.

Sec. 10-5-5 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/her designee shall advise the State of Wisconsin Department of Transportation,

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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 enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the City for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the City shall be made available to any interested person or organization which makes a written request for such list to the Police Department. The Police Department may charge a reasonable fee for the list.

Sec. 10-5-6 Owner Responsible for Impoundment and Disposal Costs.

- (a) 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 City against the owner.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

Sec. 10-5-7 Conflict with Other Code Provisions.

In the event of any conflict between this Section and any other provisions of this Municipal Code, this Chapter shall control.

Sec. 10-5-8 Junked Vehicles and Appliances on Private Property.

- (a) **Storage of Automobiles Restricted.** No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, appliances or construction debris shall be stored unenclosed upon private residential property within the City of Bloomer for a period exceeding thirty (30) days unless it is in connection with an authorized business enterprise maintained in such a manner as to not constitute a public nuisance and in compliance with City zoning regulations.
- (b) **Definitions.**
 - (1) The term "disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers" as used in this Section is defined as follows: motor vehicles,

- recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.
- (2) The term "unlicensed - motor vehicles, truck bodies, tractors or trailers" as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.
 - (3) The term "motor vehicle" is defined in Sec. 340.01(35), Wis. Stats.
 - (4) The term "inoperable appliance" is defined as any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.
- (c) **Exceptions.** This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner in a properly zoned area, in such a manner as to not constitute a nuisance, when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided such vehicles are stored in compliance with the Ordinances of the City. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Common Council may issue a one-time temporary permit permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.
- (d) **Enforcement.**
- (1) Whenever the Police Department shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the City, they shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicles or appliance is not removed within five (5) days, the Police Department shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
 - (2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Chief of Police or designee shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by the Chief of Police or his/her duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.
- (e) **Penalty.** Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-7. Each motor vehicle or appliance involved shall constitute a separate offense.

State Law Reference: Sec. 342.40, Wis. Stats.

TITLE 11

Offenses and Nuisances

Chapter 1	State Statutes Adopted
Chapter 2	Offenses Against Public Safety and Peace
Chapter 3	Offenses Against Property
Chapter 4	Offenses Involving Alcoholic Beverages
Chapter 5	Offenses by Juveniles
Chapter 6	Public Nuisances
Chapter 7	Regulation of Lewd and Sexually-Explicit Conduct
Chapter 8	Noise Control

Title 11 ► Chapter 1

State Statutes Adopted

11-1-1 Offenses Against State Laws Subject to Forfeiture

11-1-2 Penalties; Attempt; Parties to Acts

Sec. 11-1-1 Offenses Against State Laws Subject to Forfeiture.

The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City of Bloomer. With the exception of Sec. 938.342, Wis. Stats., the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code. The penalty for truancy and high school dropouts shall be governed by the provisions of Sec. 938.342, Wis. Stats., as adopted herein.

29.288	Throwing Refuse in Waters
50.58	Careless Smoking
118.07	Safety Requirements
118.08	School Zones; Crossings
118.09	Safety Zones
118.10	School Safety Patrols
118.105	Control of Traffic on School Premises
118.11	School Fences
118.123	Reports and Records
118.163	Truancy and School Dropout Violations
134.65	Cigarette and Tobacco Products Retailer License
134.66	Restrictions on Sale or Gift of Cigarettes or Tobacco Products
167.10	Fireworks Regulated
175.25	Illegal Storage of Junked Vehicles
938.125	Jurisdiction — Juveniles Alleged to Have Violated Civil Laws or Ordinances
938.17	Jurisdiction — Juveniles — Traffic, Boating, Snowmobile and All-Terrain Vehicle Violations and Over Civil Law and Ordinance Violations

938.342	Disposition — Truancy and School Dropout Ordinance Violations
938.343	Disposition — Juvenile Adjudged to Have Violated a Civil Law or an Ordinance
938.344	Disposition — Certain Intoxicating Liquor, Beer and Drug Violations
938.345	Disposition — Juvenile Adjudged in Need of Protection or Services
938.983	Purchase or Possession of Tobacco Products Prohibited
939.05(2)(b)	Aiding and Abetting
939.22	Words and Phrases Defined
940.19(1)	Battery
940.291	Failure of a Police Officer to Render Aid
940.42	Misdemeanor Intimidation of Witness's
940.44	Intimidation of Victims
941.01	Negligent Operation of a Vehicle
941.10	Negligent Handling of Burning Materials
941.12(2),(3)	Interfering With or Failing to Assist in Firefighting
941.13	False Alarms and Interference with Firefighting
941.20(1)	Reckless Use of Weapon
941.23	Carrying Concealed Weapon
941.235	Carrying a Firearm in a Public Building
941.24	Possession of Switchblade Knife
941.35	Emergency Telephone Calls
941.36	Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
941.37(1),(2)	Obstructing Emergency or Rescue Personnel
942.01	Defamation
942.03	Giving False Information for Publication
942.05	Opening Letters
942.20(1),(2)	Theft
943.01(1)	Criminal Damage to Property
943.11	Entry Into Locked Vehicle
943.125	Entry Into Locked Coin Box
943.13	Trespass to Land
943.14	Trespass to Dwellings
943.145	Criminal Trespass to a Medical Facility
943.15	Entry Into Locked Site
943.20(3)(a)	Theft of Property
943.21(3)	Fraud on Innkeeper or Restaurant Keeper
943.22	Cheating Tokens

- 943.23(1)(4)(5) Operating Vehicle Without Owner's Consent
- 943.24 I.O.W.C.
- 943.34(1)(a) Receiving Stolen Property
- 943.37 Alteration of Property Identification Marks
- 943.38(3) Forgery
- 943.41 Credit Card Crimes
- 943.46 Theft of Cable Services
- 943.50(1)-(3),
(4)(a) Retail Theft
- 943.55 Removal of a Shopping Cart
- 943.70 Computer Theft
- 944.15 Fornication
- 944.17 Sexual Gratification
- 944.20 Lewd and Lascivious Behavior
- 944.21 Obscene Material or Performance
- 944.23 Making Lewd, Obscene or Indecent Drawings
- 944.30 Prostitution
- 944.31 Patronizing Prostitutes
- 944.33 Pandering
- 944.36 Solicitation of Drinks Prohibited
- 945.01 Definitions Relating to Gambling
- 945.02 Gambling
- 945.04 Permitting Premises to be Used for Commercial Gambling
- 946.40 Refusing to Aid Officer
- 946.41 Resisting or Obstructing Officer
- 946.42(2) Escape
- 946.46 Encouraging Violation of Probation or Parole
- 946.69 Falsely Assuming to Act as Public Officer or Employee
- 946.70 Impersonating Peace Officer
- 946.72(2) Tampering with Public Records and Notices
- 947.01 Disorderly Conduct
- 947.012 Unlawful Use of Telephone
- 947.013 Harassment
- 947.047 Littering Shores
- 947.06 Unlawful Assemblies
- 948.01 Definitions Relating to Crimes Against Children
- 948.09 Sexual Intercourse With a Child Age 16 or Older
- 948.10 Exposing a Sex Organ
- 948.11(1)(b),
(2)(b) Exposing a Child to Harmful Material
- 948.21 Neglecting a Child

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948.40	Contributing to the Delinquency of a Child
948.50	Strip Search by School Employee
948.51(1),(2), (3)(a)	Hazing
948.60	Possession of a Dangerous Weapon by a Child
948.61(1),(2)	Dangerous Weapons on School Premises
948.63	Receiving Property From a Child
951.01	Definitions Relating to Crimes Against Animals
951.015	Construction and Application
951.02	Mistreating Animals
951.03	Dognapping or Catnapping
951.04	Leading Animal from Motor Vehicle
951.05	Transportation of Animals
951.06	Use of Poisonous and Controlled Substances
951.07	Use of Certain Devices Prohibited
951.08	Instigating Fights Between Animals
951.09	Shooting at Caged or Staked Animals
951.10	Sale of Baby Rabbits, Chicks and Other Fowl
951.11	Artificially Colored Animals; Sale
951.13	Providing Proper Food and Drink to Confined Animals
951.14	Providing Proper Shelter
951.15	Animals; Neglected or Abandoned; Police Powers
951.16	Investigation of Animal Cruelty Complaints
951.17	Reimbursement for Expenses
961.01 through	Uniform Controlled Substances Act
961.61	

Sec. 11-1-2 Penalties; Attempt; Parties to Acts.

- (a) **Penalty.** In addition to the general penalty provisions of this Code in Section 1-1-7 or any other penalty imposed for violation of any Section of this Title, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated juvenile who violates Section 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin
- (b) **Statutes.** Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

(c) **Attempt.**

- (1) Whoever attempts to commit an act prohibited by Title 11 of the Code of Ordinances of the City of Bloomer may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.
- (2) An attempt to commit an act prohibited by the ordinances in Title 11 requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he/she does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he/she formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

(d) **Parties to Acts Prohibited in Title 11.**

- (1) Whoever is concerned in the commission of an act prohibited by Title 11 of this Code of Ordinances, is a principle and may be charged with and convicted of the commission of said act although he/she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
- (2) A person is concerned in the commission of an act prohibited by these ordinances if he/she:
 - a. Directly commits the act; or
 - b. Intentionally aids and abets the commission of it; or
 - c. Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his/her mind and no longer desires that the act be committed and notifies the other parties concerned of his/her withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

Title 11 ► Chapter 2

Offenses Against Public Safety and Peace

11-2-1	Regulation of Firearms, Explosives, and Other Missiles
11-2-2	Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited
11-2-3	Safe Use and Transportation of Firearms and Bows
11-2-4	Sale and Discharge of Fireworks Restricted
11-2-5	Obstructing Streets and Sidewalks Prohibited
11-2-6	Loitering Prohibited
11-2-7	Disorderly Conduct
11-2-8	Unauthorized Presence on School Property
11-2-9	Failure to Obey Lawful Order; Resisting an Officer
11-2-10	Possession of Controlled Substances; Marijuana
11-2-11	Crossing a Police Line
11-2-12	Harassment
11-2-13	Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited
11-2-14	Gambling, Lotteries, Fraudulent Devices and Practices Prohibited
11-2-15	Obstructing Emergency or Rescue Personnel
11-2-16	Improper Use of Lodging Establishments
11-2-17	Possession, Manufacture and Delivery of Drug Paraphernalia

Sec. 11-2-1 Regulation of Firearms, Explosives, and Other Missiles.

- (a) **Discharge of Firearms Regulated.** No person, except a law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun, BB gun, or pneumatic pellet gun of any description in his/her possession or under his/her control within the City of Bloomer, provided that this Section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Common Council, or the firing or discharging of BB guns upon private premises by persons over sixteen (16) or under the direct personal supervision of a parent or guardian.
- (b) **Hunting Prohibited.** Hunting within the City of Bloomer is prohibited.

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- (c) **Shooting Into City Limits.** No person shall in the territory adjacent to the City discharge any firearm in such manner that the discharge shall enter or fall within the City of Bloomer.
- (d) **Shooting Ranges.** This Section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Common Council, upon the recommendation of the Chief of Police, where proper safety precautions are taken.
- (e) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the City without first obtaining a permit to do so from the Common Council.
- (f) **Throwing or Shooting of Arrows, Stones, or Other Missiles Prohibited.**
 - (1) It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow or other means within three hundred (300) feet of any inhabited dwelling or building or any public park, square or enclosure.
 - (2) This Subsection shall not apply:
 - a. To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
 - b. To a supervised archery range approved by the Common Council.
 - c. Within the interior of a single family dwelling.
 - d. To private archery practice provided such targets are placed in front of a building in such a manner as to prevent stray arrows from crossing or entering adjacent properties.
- (g) **Definitions.** For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

**Sec. 11-2-2 Carrying Concealed Weapons Prohibited;
Certain Weapons Prohibited.**

- (a) **Concealed Weapons Prohibited.**
 - (1) **Prohibition.** No person shall, within the City of Bloomer, wear or in any manner carry under his clothes or conceal upon or about his/her person any deadly or dangerous weapon, provided this Subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.
 - (2) **Dangerous Weapon Defined.** "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
- (b) **Weapons in Public Establishments.** No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public

except a bona fide weapons repair, display, or sales establishment, unless such dangerous weapon is so stored and secured (other than on the person) so as not to be readily accessible to any person or patron. This Subsection shall not apply to law enforcement officers or others duly authorized by law acting within the scope of their duties. This Subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell, or trade firearms to or from a retailer.

(c) **Specific Concealed Weapons Prohibited.**

- (1) No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his/her person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the City of Bloomer.
- (2) Any weapon involved in an offense under this Subsection above, may be seized and may be forwarded, within forty-eight (48) hours of seizure, to the Crime Laboratory, Division of the Wisconsin Department of Justice for examination. After examination by the Crime Laboratory, the weapon shall be returned to the City of Bloomer Police Department. If the weapon is owned by a person convicted under this Subsection, it may be confiscated by the Bloomer Police Department. If it is owned by a person other than the person convicted, the trial judge may decide whether such weapon shall be returned to its rightful owner or confiscated by the City of Bloomer Police Department.

(d) **Possession, Sale, and Manufacture of Certain Weapons Prohibited.**

- (1) No person shall sell, manufacture, purchase, possess or carry metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, a "numchuk" (also called a "nunchaku") or any similar weapon, a "cestus" or similar material weighted with metal or other substance and worn on the hand, a "churkin" (also called a "suriken") or any similar object intended to injure a person when thrown, a "sucbai" or similar weapon, a "manrikigusari" or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person within the City of Bloomer.
- (2) For the purpose of this Section, the following definitions shall apply:
 - a. **Numchuk or Nunchaku.** An instrument consisting of two (2) or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.
 - b. **Churkin.** A round throwing knife consisting of several sharp points protruding from a rounded disc.
 - c. **Sucbai.** A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited

instrument may or may not have spikes or short pointed protrusions from either end.

- (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.
- (e) **Reckless Use of Weapons.**
- (1) **Acts Prohibited.**
 - a. No person shall endanger another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow.
 - b. No person shall operate or go armed with a firearm, air gun, knife or bow and arrow while he/she is under the influence of an intoxicant.
 - c. No person shall intentionally point a firearm, air gun, knife or bow and arrow at or toward another person.
 - (2) **Reckless Conduct Defined.** "Reckless conduct" consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take chances of perpetrating an injury.

Sec. 11-2-3 Safe Use and Transportation of Firearms and Bows.

- (a) **Definitions.** In this Section:
- (1) **Aircraft** has the meaning given under Sec. 114.002(3), Wis. Stats.
 - (2) **Encased** means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
 - (3) **Firearm** means a weapon that acts by force of gunpowder.
 - (4) **Highway** has the meaning given under Sec. 340.01(22), Wis. Stats.
 - (5) **Motorboat** has the meaning given under Sec. 30.50(6), Wis. Stats.
 - (6) **Roadway** has the meaning given under Sec. 340.01(54), Wis. Stats.
 - (7) **Unloaded** means any of the following:
 - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
 - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
 - c. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
 - (8) **Vehicle** has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.
- (b) **Prohibitions; Motorboats and Vehicles; Highways and Roadways.**
- (1) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the

firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

- (2) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
- (3) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
- (4) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet from the center of a road.
- (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture pursuant to Section 1-1-6.

(c) **Exceptions.**

- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:
 - a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
 - b. A member of the U.S. armed forces.
 - c. A member of the National Guard.
- (2) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
- (3) Subsections (b)(2) and (3) do not apply to the holder of a permit under Sec. 29.09, Wis. Stats., who is hunting from a standing automobile in accordance with that Subsection.

Sec. 11-2-4 Sale and Discharge of Fireworks Restricted.

No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the City unless he/she shall be authorized by a fireworks permit as provided in Title 7, Chapter 6, of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Sec. 167.10(1), Wis. Stats., and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

State Law Reference: Sec. 167.10, Wis. Stats.

Sec. 11-2-5 Obstructing Streets and Sidewalks Prohibited.

- (a) **Obstructing Streets.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City of Bloomer in such a manner as to:
- (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
 - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
 - (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- (b) **Obstructing Public Ways.**
- (1) No person shall obstruct or interfere with by any means any vehicular, railroad or pedestrian traffic on any public walk, highway, street, alley, railroad track or public thoroughfare for the purpose of disrupting the orderly movement of such traffic or to impede intentionally or unintentionally the flow of the vehicular, train or pedestrian traffic on a public walk, highway, street, alley, railroad track or public thoroughfare or at any public building or premises, parking lot or structure.
 - (2) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets and sidewalks is a violation of this Section.
- (c) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Bloomer.
 - (3) **Obstruct.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
 - (4) **Sidewalk.** Any sidewalk owned or maintained by the City. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.
- (d) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand

in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

Sec. 11-2-6 Loitering Prohibited.

(a) Public Property Loitering Prohibited.

- (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any law enforcement officer.
- (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) No person shall loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious conduct or any unlawful act.
- (4) No person shall loiter in or about any school or public place at or near which children or students attend or normally congregate. As used in this Subsection, "loiter" means to delay, to linger or to idle in or about any said school or public place without a lawful purpose for being present.

(b) Private Property Loitering Prohibited.

- (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps or entrance of any business place of private residence without the expressed consent of the owner thereof, or at any time other than usual business hours. Under this Subsection, business place shall include public building at such times that the same shall be closed for the usual and normal business conduct thereat.
- (2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the expressed consent of the owner thereof, whether such be parked upon a public street, alley, parking lot, driveway or private premises.
- (4) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.

(c) Loitering or Prowling Prohibited.

- (1) No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight

upon appearance of a police or peace officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

- (2) No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.
 - (3) No person shall lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.
 - (4) No person shall loiter in or about a restaurant, tavern or other public building. As used in this Subsection, "loiter" means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.
- (d) **Loitering by Underage Persons Where Alcohol Beverage is Dispensed.**
- (1) ***Underage Persons and Intoxicants.*** No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
 - (2) ***Permitting Loitering Prohibited.*** No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) ***Loiter.*** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) ***Nuisance.*** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Bloomer.
- (f) **Soliciting.** No person shall loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing,

soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, that such person repeatedly beckons to stop or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or produce another to commit an act of prostitution. No arrest shall be made for a violation of this Subsection unless the law enforcement officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this Subsection:

- (1) **Public Place** is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.
- (2) **Known Prostitute or Panderer** means a person who, within five (5) years previous to the date of arrest for violation of this Section, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

Sec. 11-2-7 Disorderly Conduct.

- (a) **Disorderly Conduct Prohibited.** No person within the City of Bloomer shall:
 - (1) In any public or private place engage in violent, noisy, riotous, 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 annoy or disturb any other person;
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation;
 - (3) With intent to annoy another, make a telephone call, whether or not conversation ensues;
 - (4) Indecently expose his or her person;
 - (5) Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner.
- (b) **Violent and Abusive Behavior; Non-Verbal Gestures.** No person in any public or private place may engage in any 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. Such prohibited conduct also includes non-verbal gestures, signals or gang signs if said conduct tends to cause or

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provoke an immediate disturbance of public order or tends to disturb or annoy any other person.

- (c) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the City, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.
- (d) **Disturbance of Meetings.** No person may disrupt or disturb any congregation, audience, public meeting or lawful assembly of persons of any kind, or in concert with others disturb or disrupt such meeting.

Sec. 11-2-8 Unauthorized Presence on School Property.

(a) **Unauthorized Presence.**

- (1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him/her from attending any school located within the City or any person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise "authorized person," shall be present within any school building or upon any school grounds without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.
- (2) Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection (a)(1), shall be guilty of trespass.
- (3) "Authorized person" shall include:
 - a. Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;
 - b. Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;
 - c. Any person utilizing a designated area for attending an athletic or other organized school event.

(b) **Disorderly Conduct on Public School Property.**

- (1) No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (2) Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the School System's published rules

- and regulations shall be considered in violation of this Section. The published rules and regulations of the School System are incorporated as if fully set forth herein.
- (3) All entrances to the school buildings referred to in Subsection (a) shall be posted by the School Board with a notice stating "Entry Into School Building by Unauthorized Person Prohibited."
- (4) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a City summons that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.
- (c) **Loitering Near School Prohibited.** No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the City of Bloomer or upon any Bloomer School District grounds or within adjacent posted school zones on any day when such schools are in session.
- (d) **Possession of Intoxicating Liquor and Fermented Malt Beverages.** No person shall possess intoxicating liquor or fermented malt beverages while on any school property.
- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
- (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Bloomer.

Sec. 11-2-9 Failure to Obey Lawful Order; Resisting an Officer.

- (a) **Lawful Orders.** It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.
- (b) **Resisting or Interfering with Officer Prohibited.** It shall be unlawful for any person to resist or in any way interfere with any police officer or member of the Police Department or any person called to assist such officer, or to threaten, resist or interfere with such officer or person or to advise or encourage any other person to resist or interfere with such officer or person in the discharge of his/her duty, or to in any way interfere with or hinder or prevent him/her from discharging his/her duty as such officer or assistant, or to offer or

endeavor to do so, or to in any manner assist any person in the custody of any law enforcement officer to escape or to attempt to escape from such custody, or to try to persuade any person to escape from the custody of such officer, or to rescue or attempt to rescue any person so in custody or to fail to obey the order or direction of such officer while such officer is acting in his/her official capacity in carrying out his/her duties.

Sec. 11-2-10 Possession of Controlled Substances; Marijuana.

- (a) **Possession of Controlled Substances.** It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in schedule I and II under Chapter 961, Wis. Stats., which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his/her professional practice, or except as otherwise authorized by this Code of Ordinances.
- (b) **Possession of Marijuana.**
 - (1) No person shall possess twenty-five (25) grams or less of marijuana, as defined in Sec. 961.01, Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 961, Wis. Stats.
 - (2) For purposes of this Section, "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 the State of Wisconsin.
 - 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 the State of Wisconsin.
 - (3) This Section does not apply to any person who is charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

State Law Reference: Chapter 961, Wis. Stats.

Sec. 11-2-11 Crossing a Police Line.

No individual shall cross a police or fire line that has been so designated by banner, signs or other similar identification.

Sec. 11-2-12 Harassment.

- (a) **Harassment.** No person, with intent to harass or intimidate another person, shall do any of the following; each instance shall be considered a separate violation:
- (1) Strike, shove, kick or otherwise subject the person to physical contact or attempts or threatens to do the same.
 - (2) Engage in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.
- (b) **Harassing or Obscene Telephone Calls.** Whoever commits any of the following acts shall be subject to the general penalty as provided in this Code of Ordinances:
- (1) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
 - (2) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
 - (3) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
 - (4) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
 - (5) Knowingly permits any telephone under his/her control to be used for any purpose prohibited by this Section;
 - (6) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

State Law Reference: Sec. 947.013, Wis. Stats.

Sec. 11-2-13 Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited.

No person shall have or permit on any premises owned or occupied by him/her any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

Sec. 11-2-14 Gambling, Lotteries, Fraudulent Devices and Practices Prohibited.

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the City, except as provided by state law. Any law enforcement officer of the City may seize

anything devised solely for unlawful gambling or found in actual use for gambling within the City and dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling.

Sec. 11-2-15 Obstructing Emergency or Rescue Personnel.

- (a) **Definitions.** For the purposes of this Section, the following definitions apply to the terms as used herein:
- (1) **Ambulance.** An emergency vehicle, including any motor vehicle, boat or aircraft, whether privately or publicly owned, which is designated, constructed or equipped to transport patients.
 - (2) **Ambulance Service Provided.** A person engaged in the business of transporting sick, disabled or injured persons by ambulance to or from facilities or institutions providing health services.
 - (3) **Ambulance Attendant.** A person who is responsible for the administration of emergency care procedures, proper handling and transporting of the sick, disabled or injured persons, including but not limited to, ambulance attendants and ambulance drivers.
 - (4) **Person.** Any individual, firm, partnership, association, corporation, trust, foundation, company, any governmental agency other than the U.S. government, or any group of individuals, however named, concerned with the operation of an ambulance.
 - (5) **Authorized Emergency Vehicle** means any of the following:
 - a. Police vehicles, whether publicly or privately owned;
 - b. Conservation wardens' vehicles or foresters' trucks, whether publicly or privately owned;
 - c. Vehicles of a fire department or fire patrol;
 - d. Privately owned motor vehicles being used by deputy state fire marshals or by personnel of a full-time or part-time fire department or by members of a volunteer fire department while en route to a fire or on an emergency call pursuant to orders of their chief or other commanding officer;
 - e. Such emergency vehicles of municipal or county departments or public service corporations as are designated or authorized by the local authorities to be authorized emergency vehicles.
 - f. Such emergency vehicles of state departments as are designated or authorized by the heads of such departments to be authorized emergency vehicles;
 - g. Such ambulances, publicly owned, as are designated or authorized by local authorities to be authorized emergency vehicles;
 - h. Such ambulances which are privately owned and are operated by owners or their agents and which vehicles are authorized by the sheriff or others designated by

the county board to be operated as emergency vehicles. The sheriff or others designated by the county board may make such authorization which shall be in writing and which shall be effective throughout the state until rescinded. The sheriff or others designated by the county board may designate any owner of ambulances usually kept in the county to operate such vehicles as authorized emergency vehicles. Such written authorization shall at all times be carried on each ambulance used for emergency purposes. The sheriff shall keep a file of such authorizations in his office for public inspection, and all other persons permitted to issue authorizations shall file a copy of all authorizations issued with the sheriff who shall keep them on file;

- (6) **Emergency Medical Personnel.** Any emergency medical personnel, ambulance attendant, peace officer or fire fighter, or other person operating or staffing an ambulance or an authorized emergency vehicle.
 - (7) **Bonafide Emergency or Bonafide Request for Emergency Services.** Those circumstances wherein the caller reasonably believes that person(s) and or property may be in actual or potential danger of injury, and in the case of person(s), in danger of illness.
- (b) **Prohibitions.** It is the intent of the City of Bloomer, in its adoption of this provision, to protect against the foregoing activities in a manner consistent with that provided by Sec. 941.37, Wis. Stats. The following acts are prohibited and perpetration thereof subjects the violator to penalty as provided by Section 1-1-7:
- (1) Knowingly obstructing any emergency medical personnel in the performance of duties relating to an emergency or rescue;
 - (2) Intentionally interfering with any medical personnel in the performance of duties relating to an emergency or rescue, when it is reasonable that the interference may endanger another's safety;
 - (3) Knowingly making any telephone call to any emergency medical personnel, police agency or fire department for any purpose other than to report a bona fide emergency or to make a bona fide request for emergency services.

Sec. 11-2-16 Improper Use of Lodging Establishments.

- (a) **Definitions.** In this Section:
- (1) **Alcohol Beverages** has the meaning given in Sec. 125.02(1), Wis. Stats.
 - (2) **Controlled Substances** has the meaning given in Sec. 961.01(4), Wis. Stats.
 - (3) **Lodging Establishment** has the meaning given in Sec. 101.22(1m)(n), Wis. Stats.
 - (4) **Underage Person** has the meaning given in Sec. 125.02(20m), Wis. Stats.
- (b) **Improper Activities.** Any person who procures lodging in a lodging establishment, and permits or fails to take action to prevent any of the following activities from occurring in the lodging establishment, is subject to the penalties provided in Section 1-1-7.

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- (c) **Denial of Lodging.** An owner or employee of a lodging establishment may deny lodging to an adult if the owner or employee reasonably believes that consumption of an alcohol beverage by an underage person, not accompanied by his or her parent, legal guardian or spouse, who has attained the legal drinking age, or illegal use of a controlled substance, may occur in the area of the lodging establishment procured.
- (d) **Deposits.** An owner or employee of a lodging establishment may require a cash deposit or use of a credit card at the time of application for lodging.

Sec. 11-2-17 Possession, Manufacture and Delivery of Drug Paraphernalia by a Minor Prohibited.

- (a) **Definition.** In this Section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance, as defined in Ch. 961, Wis. Stats., in violation of this Section. It includes but is not limited to:
 - (1) Kits used, intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - (2) Kits used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, or preparing controlled substances.
 - (3) Isomerization devices used, intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance.
 - (4) Testing equipment used, intended for use, or designed for use, in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
 - (5) Scales and balances used, intended for use, or designed for use, in weighing or measuring controlled substances.
 - (6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
 - (7) Separation gins and sifters used, intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
 - (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use, in compounding controlled substances.
 - (9) Capsules, balloons, envelopes, or other containers used, intended for use, or designed for use, in packaging small quantities of controlled substances.

- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
 - (11) Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting controlled substances into the human body.
 - (12) Objects used, intended for use, or designed for use, in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil, into the human body, including but not limited to:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs;
 - m. Ice pipes or chillers.
- (b) **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of such other considerations a court may deem relevant:
- (1) Statements by an owner or by anyone in control of the object concerning its use.
 - (2) Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.
 - (3) The proximity of the object in time and space to a direct violation of this Section.
 - (4) The proximity of the object to controlled substances.
 - (5) The existence of any residue of controlled substance on the object.
 - (6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
 - (7) Oral or written instructions provided with the object concerning its use.
 - (8) Descriptive materials accompanying the object which explain or depict its use.
 - (9) National and local advertising concerning its use.
 - (10) The manner in which the object is displayed for sale.

- (11) Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise.
 - (12) The existence and scope of legitimate uses for the object in the community;
 - (13) Expert testimony concerning its use.
- (c) **Prohibited Uses.**
- (1) **Possession of Drug Paraphernalia.** No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this Subsection.
 - (2) **Manufacture or Delivery of Drug Paraphernalia.** No person may deliver, or possess with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this Subsection.
 - (3) **Delivery of Drug Paraphernalia by a Minor to Minor.** Any person who is under eighteen (18) years of age, who violates Subsection (c)(2) by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than the violator, is guilty of a special offense.
 - (4) **Exemption.** This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 961, Wis. Stats.
- (d) **Penalties.** Any person who violates Subsection (c)(1), (2) or (3), shall upon conviction, be subject to disposition under Sec. 938.344(2e), Wis. Stats.

Title 11 ► Chapter 3

Offenses Against Property

11-3-1	Destruction of Property Prohibited
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Sec. 11-3-1 Destruction of Property Prohibited.

- (a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy, or unlawfully remove or interfere with any property belonging to the City of Bloomer, the Bloomer School District, or to any private person without the consent of the owner or proper authority, nor shall any person or organization place or permit to be placed any sign, poster, advertisement, notice, or other writing upon any utility ornamental light pole belonging to the City without the consent of proper authority. Any signs, posters, advertisements, notices, or other writings so placed shall be removed by law enforcement authorities and the placing person or organization cited for violation of this Section.
- (b) **Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
- (c) **Penalty Provisions.**
 - (1) Any person seventeen (17) years of age or over who violates this Section is subject to a penalty as provided in Section 1-1-7, restitution to the injured party, and the costs of prosecution.

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- (2) Any person twelve (12) years of age to sixteen (16) years of age shall be subject to a forfeiture not to exceed Twenty-five Dollars (\$25.00) and any other applicable penalty provided by Sec. 938.344, Wis. Stats., as that Section may exist, be amended or changed.
- (d) **Victim Remedies.** Any person or entity injured by a violation of this Section by a minor child shall be advised of the rights and remedies available under Sec. 895.035, Wis. Stats.

Sec. 11-3-2 Littering Prohibited.

- (a) **Littering Prohibited.** No person or persons shall or shall permit or allow any other person to deposit, discharge, release or abandon any solid waste as that term is defined at Sec. 144.01(15), Wis. Stats., on any City street, alley, park or other municipal or governmental property, nor on property owned by another person, nor in or upon the surface of any body of water in the City of Bloomer.
- (b) **Litter From Conduct of Commercial Enterprise.**
 - (1) **Scope.** The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) **Litter to be cleaned up.** Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
 - (3) **Litter picked up at litterer's expense.** If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the City shall arrange to have the same picked up by City crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the City Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.
- (c) **Depositing of Materials Prohibited.** It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Common Council, law enforcement officer, Building Inspector or Street Foreman to the provisions of this Code of Ordinances, or upon any private property without

the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

(d) **Handbills.**

(1) **Scattering Prohibited.** It shall be unlawful to deliver any handbills or advertising material to any premises in the City except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

(2) **Papers in Public Places Prohibited.** It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

(e) **Citation Method of Enforcement.** The Wisconsin Uniform Municipal Citation described and defined in the Wisconsin Statutes shall be used for enforcement of this Section. The Police Department shall be responsible for enforcement of this Section.

State Law Reference: Sec. 144.01(15), Wis. Stats.

Sec. 11-3-3 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/her control in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing 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/her agent and is securely locked or fastened.

Sec. 11-3-4 Theft of Library Material.

(a) **Definitions.** For the purposes of this Section, certain words and terms are defined as follows:

(1) **Archives.** A place in which public or institutional records are systematically preserved.

(2) **Library.** Means any public library, library of an educational or historical organization or society or museum, and specifically the public libraries within the City of Bloomer and school libraries.

- (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, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, 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. The failure to return library material after its proper return date, after written notice from the library and City Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.
- (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 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 law enforcement 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 law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Section entitles 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 book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library. Any person convicted of violating this Subsection shall be subject to the penalties as set forth in Section 1-1-7.
- (f) **Return Demanded.** No person shall fail, on demand, to return any book periodical, pamphlet, picture or other articles or property belonging to or in charge of the Public Library according to the rules or regulations duly made and adopted by the Library Board and no person shall remove from the library any book, periodical, pamphlet, picture or other articles or property without first having it charged as provided by such rules and regulations. Any person convicted of violating any provision of this Subsection shall be subject to the penalties as set forth in Section 1-1-7.

State Law Reference: Sec. 943.61, Wis. Stats.

Sec. 11-3-5 Damage to Public Property.

- (a) **Damaging Public Property.** No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the City of Bloomer.
- (b) **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 City.
- (c) **Damaging Fire Hydrants and Water Mains.** No person shall, without the authority of City authorities, operate any valve connected with the street or water supply mains, or open any fire hydrant connected with the water distribution system, except for the purpose of extinguishing a fire. No person shall injure or impair the use of any water main or fire hydrant.

Sec. 11-3-6 Retail Theft.

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains 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 may be penalized as provided in Subsection (d).
- (b) 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) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a law enforcement officer, or to his/her 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/she shall not be interrogated or searched against his/her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the merchant or his/her 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) If the value of the merchandise does not exceed One Hundred Dollars (\$100.00), any person violating this Section shall forfeit not more than One Thousand Dollars (\$1,000.00).

If the value of the merchandise exceeds One Hundred Dollars (\$100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

State Law Reference: Sec. 943.50, Wis. Stats.

Sec. 11-3-7 Issuance of Worthless Checks.

- (a) **Violations.** Whoever issues any check or other order for the payment of money less than One Thousand Dollars (\$1,000.00) 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, the 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) **Exceptions.** This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.
- (d) **Returned Check Fee.** In the event a person issues a check to the City, and does not have sufficient funds or credit such that the check is returned unpaid, such person shall pay the check or other order and shall also pay a fee of Twenty Dollars (\$20.00), representing the cost of additional administrative expense which results from non-payment of the original obligation.
- (e) **Penalties.**
 - (1) In addition to any other penalties provided for under Section 1-1-7, a judge may order a violator of this Section to pay restitution to a victim. In determining the method of payment the Court shall consider the financial resources and future ability of the violator to pay. The court shall provide for payment of an amount equal to the pecuniary loss caused by the offense. Upon the application of an interested party, the Court shall schedule and hold an evidentiary hearing to determine the value of the victim's pecuniary loss resulting from the offense. A victim may not be compensated under this Section and under Sec. 943.245, Wis. Stats.
 - (2) In this Section, "pecuniary loss" means:
 - a. All special damages, but not general damages, substantiated by evidence in the record, which a person could recover against the violator in a civil action arising

out of the facts or events constituting the violator's criminal activities, including, without limitation because of enumeration, the money equivalent of loss resulting from property taken, destroyed, broken or otherwise harmed and out-of-pocket losses, such as medical expenses; and

- b. Reasonable out-of-pocket expenses incurred by the victim resulting from the filing of charges or cooperating in the investigation and prosecution of the offense.

Sec. 11-3-8 Trespass.

- (a) **Trespass to Land.** No person shall enter or remain on any land after having been notified by the owner or occupant not to remain on the premises.
- (b) **Trespass Without Consent.** Without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, it shall be unlawful for any person to intentionally:
 - (1) Enter any enclosed or cultivated or improved land of another; or
 - (2) Enter a structure of another. For the purposes of this Section the term "structure" shall be defined as including any building, dwelling or other man-made structure situated upon real property located in the City.

Sec. 11-3-9 Regulation of Smoking.

- (a) **State Statute Adopted.** The provisions of Chapter 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Section as is 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 Section. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Section.
- (b) **Smoking Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the City.** In recognition of a need to protect the health and comfort of the public and City employees from the detrimental effects of smoking, pursuant to the authority granted to the City by Sec. 101.123(2)(c), Wis. Stats., smoking as defined by Sec. 101.123(1)(h), Wis. Stats., is hereby prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the City of Bloomer, except in designated areas.
- (c) **State Statutes Adopted.** The provisions contained in Sec. 120.12(20), Wis. Stats., regulating smoking on school premises are adopted by reference and made a part of this Section as though set forth in full.

Sec. 11-3-10 Theft Prohibited.

- (a) **Acts.** Whoever does any of the following may be penalized as provided in Section 1-1-7 of this Code of Ordinances:
- (1) Intentionally takes and carries away, uses, transfers, conceals or retains possession of movable property of another without his/her consent and with intent to deprive the owner permanently of possession of such property.
 - (2) By virtue of his/her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his/her authority, and with intent to convert to his/her own use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his/her possession or custody by virtue of his/her office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his/her own use within the meaning of this Subsection.
 - (3) Having a legal interest in movable property, intentionally and without consent, take such property out of the possession of the pledgee or such other person having a superior right of possession with intent thereby to deprive the pledgee or other person permanently of the possession of such property.
 - (4) Obtains title to property of another by intentionally deceiving him/her with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
 - (5) Intentionally fails to return any personal property which is in his/her possession or under his/her control by virtue of a written lease or written rental agreement, within ten (10) days after the lease or rental agreement has expired.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Property.** All forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a choice in action or other intangible rights.
 - (2) **Movable Property.** Property whose physical location can be changed, without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on or affixed to or found in land.
 - (3) **Value.** The market value at the time of the theft or the cost to the victim of replacing the property within the reasonable time after the theft, whichever is less, if the property stolen is a document evidencing a choice in action or other intangible right; value means either the market value of the chose in action or other right or the

intrinsic value of the document, whichever is greater. If the thief gave consideration for or had a legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

- (4) **Property of Another.** Includes property in which the actor is a co-owner and property of a partnership of which the actor is a member unless the actor and the victim are husband and wife.

Sec. 11-3-11 Fraud on Residential Landlords Prohibited.

- (a) **Prohibited Acts.** Any person who, with intent to defraud, does any of the following shall be guilty of violating this Section:
- (1) Intentionally absconds without paying rent that has been contractually agreed upon in an oral or written lease with a landlord. Prima facie evidence of intentionally absconding will be established if a tenant fails to pay rent due prior to the vacating of the rental premise by the tenant, and the non-payment of said rent continues for a period of five (5) days after vacation of the premise; or
 - (2) Issues any check, money order or any other form of bank or monetary draft as a payment of rent, where such document lacks sufficient funds, where the account is closed, or where such draft is unredeemable in any other form or fashion. Prima facie evidence of intention to defraud will be established if a tenant fails, within five (5) days of a written demand by the landlord or agent, to pay in full the total amount of the draft presented as rent payment plus any bank charges to the landlord attributable to the unredeemability of the draft.
- (b) **Applicability.** This Section shall apply to rental agreements between residential landlords and tenants only. The words and terms used in this Section shall be defined and construed in conformity with the provisions of Chapter AG 134, Wis. Adm. Code, Chapter 704, Wis. Stats., and Sec. 990.001(1), Wis. Stats. The act of service by a landlord of a legal eviction notice or notice to terminate tenancy shall not, in itself, act as a bar to prosecution under this Section.
- (c) **Procedure.** An officer may issue a citation only when the complainant provides the following:
- (1) The name and current address of the tenant, a copy of the subject lease agreement, or sworn testimony of the terms of the subject oral lease.
 - (2) The amount of rent due, the date it was due, the date the tenant actually vacated the premise, and testimony that the rent remained unpaid for not less than five (5) days after vacating and that the tenant did not notify or attempt to notify the complainant of the tenant's new address, or that the tenant knowingly gave the complainant a false address.
 - (3) As to an unredeemable payment, the document used for attempting rent payment, the written demand for payment of the full amount plus bank charges, proof that the

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tenant received the written demand, and testimony that at least five (5) days have elapsed since the demand was received and no payment has been made.

State Law Reference: Chapter 704 and Sec. 990.001(1), Wis. Stats.; Ch. AG 134, Wis. Adm. Code.

Sec. 11-3-12 Graffiti.

- (a) **Definition.** "Graffiti" is any drawing, figure, inscription, symbol, or other marking which is scratched, painted, drawn in pen or marker, or placed by some other permanent or semi-permanent means upon sidewalks, streets, public or private structures or any other place in public view without the express permission or consent of the property owner.
- (b) **Public Nuisance.** Graffiti is hereby declared to be a public nuisance, as defined under Title 11, Chapter 6 of this Code, affecting peace and safety.
- (c) **Prohibitions.** No person shall write, spray, scratch or otherwise affix graffiti upon any property whether private or public without the consent of the owner or owners of said property. Any person who shall affix graffiti to any property without the consent of the owner shall be liable for the costs of removing or covering such graffiti in addition to any fines imposed for violating this Section. The parents of any unemancipated minor child who affixed graffiti shall be held liable for the cost of removing or covering said graffiti in accordance with Sec. 895.035, Wis. Stats.
- (d) **Removal By Property Owner.**
 - (1) Every owner of a structure or property defaced by graffiti shall cover or remove the graffiti within fifteen (15) days in compliance with written notice served upon them by the Police Department to remove or cover such graffiti.
 - (2) In the event any owner fails to comply with the above-mentioned notice, the Police Department may have the graffiti covered or removed, and in such event, all costs, fees and expenses will be assessed to said owners real estate taxes pursuant to Sec. 66.60(16), Wis. Stats.

Sec. 11-3-13 Cemetery Regulations.

- (a) **Purpose and Definition.** In order to protect cemetery areas within the City from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this Section shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the City of Bloomer.
- (b) **Authority to Establish Rules and Regulations.** The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The

cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.

(c) **Specific Regulations.**

- (1) ***Disturbing Cemetery Property.*** No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property except the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.
- (2) ***Protection of Cemetery Property.*** No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb, any animals, birds or waterfowl, wild or domestic within any cemetery in any matter except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery. No picnic, parties, or similar gatherings are permitted.
- (3) ***Motor Vehicles.*** Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- (4) ***Speed Limit.*** No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) miles per hour unless otherwise posted.
- (5) ***Parking.*** No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- (6) ***Littering Prohibited.*** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.

- (7) **Pets.** Pets, including animals of any species, and horses are prohibited in any cemetery.
- (8) **Sound Devices.** No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.
- (9) **Authorized Notices.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any cemetery, except cemetery regulations and other signs authorized by the owner. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.
- (10) **Loitering Prohibited.** No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
- (11) **Alcoholic Beverages Prohibited.** No person shall consume or have in his/her possession any open container containing an alcohol beverage upon any cemetery property within the City unless the property is specifically named as being part of a licensed premises.
- (12) **Play Vehicles Prohibited.** No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this Section, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
- (13) **Presence After Hours Prohibited.** No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

Title 11 ► Chapter 4

Offenses Involving Alcoholic Beverages

- 11-4-1** Outside Consumption
- 11-2-2** Sale to Underage or Intoxicated Persons Restricted
- 11-4-3** Underage Persons' Presence in Places of Sale; Penalty
- 11-4-4** Underage Persons; Prohibitions; Penalties
- 11-4-5** Defense of Sellers
- 11-4-6** Persons Who Have Attained the Legal Drinking Age;
False or Altered Identification Cards
- 11-4-7** Possession of Alcohol Beverages on School Grounds
- 11-4-8** Adult Permitting or Encouraging Underage Violation
- 11-4-9** Solicitation of Drinks Prohibited

Sec. 11-4-1 Outside Consumption.

(a) **Alcoholic Beverages in Public Areas.**

- (1) **Regulations.** It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, municipal building, library, cemetery or drives or other public area within the following described territory in the City of Bloomer or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his/her possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, park, municipal building, library, public alley or public parking lot within the City of Bloomer.
- (2) **Private Property Held Out For Public Use.** It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the City unless the property is specifically named as being part of a licensed premises.
- (3) **Exceptions.**
 - a. The provisions of this Section may be waived by the Common Council for duly authorized events.
 - b. Any organization which has been issued a Temporary Fermented Malt Beverage and/or Temporary Wine License for a designated area and event pursuant to this

Code of Ordinances, provided that the provisions of this Chapter and Title 7, Chapter 2, are fully complied with.

(b) **Definitions.**

- (1) As used in this Section, the term "alcoholic beverage" shall include 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 or degerminated grains or sugar, which contain one-half (1/2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purposes.
- (2) As used in this Section, the term "public area" shall be construed to mean any location within the City 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.
- (3) As used in this Chapter "underage person" shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

Cross-Reference: Section 7-2-16.

Sec. 11-4-2 Sale to Underage or Intoxicated Persons Restricted.

(a) **Sales of Alcohol Beverages to Underage Persons.**

- (1) 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.
- (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
- (3) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.
- (4) No adult may intentionally encourage or contribute to a violation of Subsection (a)(1) or (b).

- (b) **Penalties.** For purposes of determining previous violations, the thirty (30) month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one (1) violation occurs at the same time, all those violations shall be counted as one (1) violation. A person who commits a violation of Subsection (a) above may be:

- (1) Required to forfeit not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within thirty (30) months of the violation; or
 - (2) Fined not more than Five Hundred Dollars (\$500.00) if the person has committed a previous violation within thirty (30) months of the violation.
 - (3) Fined not more than One Thousand Dollars (\$1,000.00) if the person has committed two (2) previous violations within thirty (30) months of the violation.
 - (4) Fined not more than Ten Thousand Dollars (\$10,000.00) if the person has committed three (3) or more previous violations within thirty (30) months of the violation.
 - (5) In addition to the forfeitures provided in Subsections (b)(1)-(4) above, a court shall suspend any license issued under this Chapter to a person violating this Subsection for:
 - a. Not more than three (3) days, if the court finds that the person committed a violation within twelve (12) months after committing one (1) previous violation;
 - b. Not less than three (3) days nor more than ten (10) days, if the court finds that the person committed a violation within twelve (12) months after committing two (2) other violations; or
 - c. Not less than fifteen (15) days nor more than thirty (30) days, if the court finds that the person committed the violation within twelve (12) months after committing three (3) other violations.
- (c) **Exception.** A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to Subsection (b)(5) but is not subject to Subsection (b)(1)-(4) or Sec. 125.11, Wis. Stats.
- (d) **Sale of Alcohol Beverages to Intoxicated Persons.**
- (1) **Restrictions.**
 - a. No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
 - b. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
- (e) **Penalties.** Any person who violates Subsection (d)(1) above shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

State Law Reference: Section 125.07, Wis. Stats.

Sec. 11-4-3 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, knowingly attempt to enter, or be on any premises for which a license or permit for the retail sale of alcohol 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. This Subsection 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.
- (2) An underage person who enters or is on a "Class A" or Class "A" premises for the purpose of purchasing other than alcohol 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, indoor golf simulator facilities, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums or public facilities as defined in Sec. 125.51(5)(b)1.d, Wis. Stats., which are owned by a county or municipality, or centers for the visual. or performing arts.
- (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 Chapters 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
- (5) Ski chalets, golf courses and golf clubhouses, racetracks licensed under Chapter 562, Wis. Stats., curling clubs, private soccer clubs 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 alcohol beverages, but the presumption may be rebutted by competent evidence.
- (7) Premises operating under both a "Class C" license and a restaurant permit.
- (8) An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol 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 Subsection. (An underage person may enter and remain on Class "B" or "Class B" premises under this Subsection only if the City adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this Subsection and the City Police Department issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present under this Subsection on the date specified in the authorization. Before issuing the authorization, the City Police Department 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 City. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.)

- (9) A person who is at least eighteen (18) years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.
 - (10) An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the Police Department, in advance, of the times underage persons will be allowed on the premises under this Subsection.
 - (11) An underage person who enters or remains in a dance hall attached to Class "B" or "Class B" licensed premises if the dance hall is separate from any room where alcohol beverages are sold, if there is a separate entrance to the dance hall and if no alcohol beverages are furnished or consumed by any person in the dance hall where the underage person is present.
 - (12) An underage person who enters and remains on premises for which a temporary Class "B" license is issued under Sec. 125.26, Wis. Stats., if the licensee is authorized by the official or body of the City that issued the license to permit underage persons to be on the premises under Sec. 125.26(6), Wis. Stats., and if the licensee permits underage persons to be on the premises.
- (b) **Penalties.** A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of Subsection (a) above is subject to a forfeiture of not more than Five Hundred Dollars (\$500.00).

Sec. 11-4-4 Underage Persons; Prohibitions; Penalties.

- (a) **Prohibitions.** Any underage person who does any of the following is guilty of a violation:
- (1) Procures or attempts to procure alcohol beverages from a licensee or permittee.
 - (2) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
 - (3) Enters, knowingly attempts to enter or is on licensed premises in violation of Section 11-4-3(a).
 - (4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.
- (b) **Adult to Accompany.** Except as provided in Subsection (c) below, any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverage is guilty of a violation.

- (c) **Exceptions.** An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:
 - (1) A brewer.
 - (2) A fermented malt beverages wholesaler.
 - (3) A permittee other than a Class "B" or "Class B" permittee.
 - (4) A facility for the production of alcohol fuel.
 - (5) A retail licensee or permittee under the conditions specified in Sec. 125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
 - (6) A campus, if the underage person is at least eighteen (18) years of age and is under the immediate supervision of a person who has attained the legal drinking age.
- (d) **Penalties for Subsection (a) Violations.** Any person violating Subsection (a) is subject to the following penalties:
 - (1) For a first (1st) violation, a forfeiture of not more than Two Hundred Fifty Dollars (\$250.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.
 - (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Three Hundred Dollars (\$300.00) not more than Five Hundred Dollars (\$500.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)(1), Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.
 - (3) For a violation committed within twelve (12) months of two (2) previous violations, either a forfeiture of not less than Five Hundred Dollars (\$500.00) nor more than Seven Hundred Fifty Dollars (\$750.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.
 - (4) For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work or any combination of these penalties.
- (e) **Penalties for Subsection (b) Violations.** Any person violating Subsection (b) above is subject to the following penalties:
 - (1) For a first (1st) violation, a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.

- (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Two Hundred Dollars (\$200.00) nor more than Three Hundred Dollars (\$300.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)2, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.
 - (3) For a violation committed within twelve (12) months of two (2) previous violations, either a forfeiture of not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.
 - (4) For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.
- (f) **Multiple Violations From an Incident.** For purposes of Subsections (a) or (b) above, all violations arising out of the same incident or occurrence shall be counted as a single violation.
- (g) **Work Programs.**
- (1) A supervised work program ordered under Subsections (d) or (e) above shall be administered by the county department under Sec. 46.215 or 46.22, Wis. Stats., or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work. Community service work ordered under Subsection (d) or (e), other than community service work performed under a supervised work program, shall be administered by a public agency or nonprofit charitable organization approved by the court. The court may use any available resources, including any community service work program, in ordering the child to perform community service work under Subsection (d) or (e).
 - (2) The supervised work program or other community service work shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from a member of the staff of the county department, community agency, public agency or nonprofit charitable organization or other qualified person. The supervised work program or other community service work may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

- (h) **Disclosure of License Revocation Information.** When a court revokes or suspends a person's operating privilege under Subsections (d) or (e), the Wisconsin 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 Subsection may not disclose the information to any other person or agency.
- (i) **Applicability of Statutory Proceedings.** A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 938.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under Sec. 938.344(3), Wis. Stats.
- (j) **Alcohol Abuse Programs.**
 - (1) In this Subsection, "defendant" means a person found guilty of violating Subsections (a) or (b) who is eighteen (18), nineteen (19), or twenty (20) years of age.
 - (2) After ordering a penalty under Subsections (d) or (e), the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order under this Subsection shall require the defendant to do any of the following:
 - a. Submit to an alcohol abuse assessment that conforms to the criteria specified under Sec. 938.547(4), Wis. Stats., and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol abuse assessment and shall specify the date by which the assessment must be completed.
 - b. Participate in an outpatient alcohol abuse treatment program at an approved treatment facility, if an alcohol abuse assessment conducted under Subsection (j)(2)a recommends treatment.
 - c. Participate in a court-approved alcohol abuse education program.
 - (3) If the approved treatment facility, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant has submitted to an assessment under Subsection (j)(2)a and that the defendant does not need treatment or education, the court shall notify the defendant of whether or not the penalty will be reinstated.
 - (4) If the defendant completes the alcohol abuse treatment program or court-approved alcohol abuse education program, the approved treatment facility or court-approved alcohol abuse education program shall, with the written informed consent of the defendant, notify the agency primarily responsible for providing services to the defendant that the defendant has complied with the order and the court shall notify the defendant of whether or not the penalty will be reinstated. If the court had ordered the suspension of the defendant's operating privilege under Subsection (d) or (e), the court may order the secretary of transportation to reinstate the operating privilege of the defendant if he or she completes the alcohol abuse treatment program or court-approved alcohol abuse education program.

- (5) If an approved treatment facility or court-approved alcohol abuse education program, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant is not participating in the program or that the defendant has not satisfactorily completed a recommended alcohol abuse treatment program or an education program, the court shall hold a hearing to determine whether the penalties under Subsection (d) or (e) should be imposed.

Sec. 11-4-5 Defense of Sellers.

- (a) **Defenses.** In determining whether or not a licensee or permittee has violated Sections 11-4-2(a) or 11-4-3(a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages maybe considered, including any circumstances listed below. In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this Section:
 - (1) That the purchaser falsely represented 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.
 - (4) That the underage person supported the representation under Subsection (a)(1) above with documentation that he/she had attained the legal drinking age.
- (b) **Book Kept by Licensees and Permittees.**
 - (1) Every retail alcohol beverage licensee or permittee may keep a book for the purposes of Subsection (a) above. The licensee or permittee or his or her employee may require any of the following persons to sign the book:
 - a. A person who has shown documentary proof that he or she has attained the legal drinking age if the person's age is in question.
 - b. A person who alleges that he or she is the underage person's parent, guardian or spouse and that he or she has attained the legal drinking age, if the licensee or permittee or his or her employee suspects that he or she is not the underage person's parent, guardian or spouse or that he or she has not attained the legal drinking age.
 - (2) The book may show the date of the purchase of the alcohol beverage, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchase and the purchaser's signature.

State Law Reference: Section 125.07(6) and (7), Wis. Stats.

Sec. 11-4-6 Persons Who Have Attained the Legal Drinking Age; False or Altered Identification Cards.

- (a) (1) Any person who has attained the legal drinking age, other than one authorized by Sec. 125.08 or Sec. 343.50, Wis. Stats., who makes, alters or duplicates an official identification card may be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (2) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (b) Any underage person who does any of the following is subject to the penalties specified under Section 11-4-4(d) or (e):
 - (1) Intentionally carries 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) Makes, alters or duplicates an official identification card.
 - (3) Presents false information to an issuing officer in applying for an official identification card.

State Law Reference: Sec. 125.09(3), Wis. Stats.

Sec. 11-4-7 Possession of Alcohol Beverages on School Grounds Prohibited.

- (a) The following definitions shall be applicable in this Subsection:
 - (1) **Motor vehicle.** A motor vehicle owned, rented or consigned to a school.
 - (2) **School.** A public, parochial or private school which provides an educational program for one (1) 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.** The person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
 - (4) **School Premises.** Premises owned, rented or under the control of a school.
- (b) Except as provided by Subsection (c) no person may possess or consume alcohol 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) Alcohol 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.
- (d) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00), except that Sec. 938.344, Wis. Stats., and Section 11-4-4(d) and (e) of this Code of Ordinances provide the penalties applicable to underage persons.

Cross-Reference: Section 11-6-5.

Sec. 11-4-8 Adult Permitting or Encouraging Underage Violation.

- (a) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.
- (b) No adult may intentionally encourage or contribute to a violation of Section 11-4-4(a) or (b).
- (c) A person who violates this Section is subject to a forfeiture of not more than Five Hundred Dollars (\$500.00).

State Law Reference: Sec. 125.07(1)(a)3 and 4, Wis. Stats.

Sec. 11-4-9 Solicitation of Drinks Prohibited.

Any licensee, permittee or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the City who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in Sec. 125.02(1), Wis. Stats., or any other drink from a customer on the premises, or any entertainer or employee who solicits such drinks from any customer is deemed in violation of this Section.

Title 11 ► Chapter 5

Offenses by Juveniles

11-5-1	Curfew
11-5-2	Possession of Controlled Substances by Juveniles
11-5-3	Petty Theft by Juveniles
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11-5-6	Possession, Manufacture and Delivery of Drug Paraphernalia by a Minor Prohibited
11-5-7	Truancy
11-5-8	Unlawful Sheltering of Minors
11-5-9	Purchase or Possession of Tobacco Products
11-5-10	Smoking by Minors on Public Property
11-5-11	Criminal Gang Activity Prohibited
11-5-12	Enforcement and Penalties

Sec. 11-5-1 Curfew.

(a) **Curfew Established.**

- (1) It shall be unlawful for any juvenile under age seventeen (17) to be on foot, bicycle or in any type of vehicle on any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building or any other public place in the City of Bloomer between the hours of 11:00 p.m. to 6:00 a.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, or between the hours of 12:00 midnight to 6:00 a.m. on Friday and Saturday, unless accompanied by his or her parent, legal guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor.
- (2) The fact that said individual, unaccompanied by parent, legal guardian or other person having legal custody, is found upon any such public place during the aforementioned hours shall be prima facie evidence that said juvenile is there unlawfully and that no reasonable excuse exists therefor.

(b) **Exceptions.**

- (1) This Section shall not apply to a juvenile:
 - a. Who is performing an errand as directed by his/her parent, legal guardian or person having lawful custody.

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- b. Who is on his/her own premises or in the areas immediately adjacent thereto.
 - c. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
 - d. Who is returning home from a supervised school, church or civic function, but not later than sixty (60) minutes after the ending of such function.
 - e. Who is in a public place because of an emergency.
- (2) These exceptions shall not, however, permit a juvenile to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- (c) **Parental Responsibility.** It shall be unlawful for any parent, legal guardian or other person having the lawful care, custody and control of any person under age eighteen (18) to allow or permit such person to violate the provisions of (a) or (b) above. The fact that prior to the present offense a parent, legal guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, legal guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any juvenile under age eighteen (18) to violate this Section.
- (d) **Detaining a Juvenile.** Pursuant to Chapter 938, Wis. Stats., law enforcement officers are hereby authorized to detain any juvenile violating the above provisions and other provisions in this Chapter until such time as the parent, legal guardian or person having legal custody of the juvenile shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the juvenile and shall sign a release for him or her, or such juvenile may be taken directly from the scene of his/her apprehension to his/her home. If such juvenile's parents or relative living nearby cannot be contacted to take custody of such juvenile and it is determined by the apprehending officer that the juvenile's physical or mental condition is such as would require immediate attention, the law enforcement officer may make such necessary arrangements as may be necessary under the circumstances for the juvenile's welfare.
- (e) **Warning and Penalty.**
- (1) **Warning.** The first time a parent, legal guardian, or person having legal custody of a juvenile who is taken into custody by a law enforcement officer as provided in Subsection (d) above, such parent, legal guardian, or person having such legal custody shall be advised as to the provisions of this Section and further advised that any violation of this Section occurring thereafter by this juvenile or any other juvenile under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
 - (2) **Penalty.** Any parent, legal guardian, or person having legal custody of a juvenile described in Subsection (a) above who has been warned in the manner provided in

Subsection (d)(1) herein and who thereafter violates this Section shall be subject to a penalty as provided in Section 1-1-7 of this Code of Ordinances. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this Section because of the disobedience of the juvenile, the action shall be dismissed and the juvenile shall be referred to the court assigned to exercise jurisdiction under Chapter 938, Wis. Stats. Any juvenile under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00), together with the costs of prosecution.

Sec. 11-5-2 Possession of Controlled Substances by Juveniles.

It shall be unlawful for any juvenile to possess a controlled substance contrary to the Uniform Controlled Substances Act, Ch. 961, Wis. Stats.

Sec. 11-5-3 Petty Theft by Juveniles.

It shall be unlawful for any juvenile with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

Sec. 11-5-4 Receiving Stolen Goods.

It shall be unlawful for a person under the age of seventeen (17) to intentionally receive or conceal property he/she knows to be stolen.

Sec. 11-5-5 City Jurisdiction Over Juveniles.

- (a) **Adoption of State Statutes.** Secs. 938.02, and 938.17(2), Wis. Stats., are hereby adopted and by reference made a part of this Section as if fully set forth herein.
- (b) **Definition of Adult and Juvenile.**
 - (1) **Adult** means a person who is eighteen (18) years of age or older, except that for purposes of prosecuting a person who is alleged to have violated any civil law or municipal ordinance, "adult" means a person who has attained seventeen (17) years of age.
 - (2) **Juvenile** means a person who is less than eighteen (18) years of age, except that for purposes of prosecuting a person who is alleged to have violated a civil law or

municipal ordinance, "juvenile" does not include a person who has attained seventeen (17) years of age.

- (c) **Provisions of Ordinance Applicable to Juveniles.** Subject to the provisions and limitations of Sec. 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against juveniles may be brought on behalf of the City of Bloomer and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- (d) **No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.
- (e) **Additional Prohibited Acts.** In addition to any other provision of the City of Bloomer Code of Ordinances, no juvenile shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Ch. 125, Wis. Stats.
- (f) **Penalty for Violations of Subsection (d).** Any juveniles who shall violate the provisions of Subsection (d) shall be subject to the same penalties as are provided in Section 1-1-7 of this Code of Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Cross Reference: Section 11-4-7.

Sec. 11-5-6 Possession, Manufacture and Delivery of Drug Paraphernalia by a Minor Prohibited.

- (a) **Definition.** In this Section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance, as defined in Ch. 961, Wis. Stats., in violation of this Section. It includes but is not limited to:
 - (1) Kits used, intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - (2) Kits used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, or preparing controlled substances.
 - (3) Isomerization devices used, intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance.
 - (4) Testing equipment used, intended for use, or designed for use, in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.

- (5) Scales and balances used, intended for use, or designed for use, in weighing or measuring controlled substances.
 - (6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
 - (7) Separation gins and sifters used, intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
 - (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use, in compounding controlled substances.
 - (9) Capsules, balloons, envelopes, or other containers used, intended for use, or designed for use, in packaging small quantities of controlled substances.
 - (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
 - (11) Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting controlled substances into the human body.
 - (12) Objects used, intended for use, or designed for use, in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil, into the human body, including but not limited to:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongos;
 - m. Ice pipes or chillers.
- (b) **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of such other considerations a court may deem relevant:
- (1) Statements by an owner or by anyone in control of the object concerning its use.
 - (2) Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.
 - (3) The proximity of the object in time and space to a direct violation of this Section.

- (4) The proximity of the object to controlled substances.
 - (5) The existence of any residue of controlled substance on the object.
 - (6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
 - (7) Oral or written instructions provided with the object concerning its use.
 - (8) Descriptive materials accompanying the object which explain or depict its use.
 - (9) National and local advertising concerning its use.
 - (10) The manner in which the object is displayed for sale.
 - (11) Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise.
 - (12) The existence and scope of legitimate uses for the object in the community;
 - (13) Expert testimony concerning its use.
- (c) **Prohibited Uses.**
- (1) **Possession of Drug Paraphernalia.** No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this Subsection.
 - (2) **Manufacture or Delivery of Drug Paraphernalia.** No person may deliver, or possess with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this Subsection.
 - (3) **Delivery of Drug Paraphernalia by a Minor to Minor.** Any person who is under eighteen (18) years of age, who violates Subsection (c)(2) by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than the violator, is guilty of a special offense.
 - (4) **Exemption.** This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 961, Wis. Stats.
- (d) **Penalties.** Any person who violates Subsection (c)(1), (2) or (3), shall upon conviction, be subject to disposition under Sec. 938.344(2e), Wis. Stats.

Sec. 11-5-7 Truancy.

- (a) **Definitions.** For the purpose of this Section, the following definitions shall be applicable:
- (1) **Acceptable Excuse.** The meaning as defined in Sections 118.15 and 118.16(4), Wis. Stats.
 - (2) **Act of Commission or Omission.** Anything that contributes to the truancy of a juvenile, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act would be to cause the child to be truant.
 - (3) **Dropout.** The meaning given in Sec. 118.153(1)(b), Wis. Stats.
 - (4) **Habitual Truant.** A pupil who is absent from school without an acceptable excuse under Sec. 118.15 and 118.16(4), Wis. Stats., for part of or all of five (5) or more days in which school is held during a school semester.
 - (5) **Truancy.** Any absence of part or all of one (1) 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 legal guardian of the absent pupil. Intermittent attendance carried on for the purpose of defeating the intent of Sec. 118.15, Wis. Stats., shall also be considering truancy.
 - (6) **Truant.** A pupil who is absent from school without an acceptable excuse under Sec. 118.15 and 118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.
- (b) **Prohibition Against Habitual Truant.** Any person attending school in the City between the ages of six (6) and eighteen (18) years, subject to the exceptions found under Sec. 118.15, Wis. Stats., is prohibited from becoming a habitual truant as the term is defined in this Section. Any law enforcement officer in this City is authorized to issue a citation to any such person who is determined to be a habitual truant under the terms of this Section.
- (c) **Truancy.** No person under eighteen (18) years of age shall be a truant from the school the person is supposed to be attending.
- (d) **Preconditions to Issuance of Citation.** Prior to the issuance of any citation, the district school Attendance Officer shall provide evidence to the Police Department that appropriate school personnel in the school in which the juvenile is enrolled has within the school year during which the truancy occurred:
- (1) Met with or attempted to meet with the juvenile's parent or legal guardian to discuss the juvenile's truancy.
 - (2) Provided an opportunity for educational counseling to the juvenile and considered curriculum modifications.
 - (3) Evaluated the juvenile to determine whether learning problems are the cause of the truancy and, if so, taken steps to overcome the learning problems.
 - (4) Conducted an evaluation to determine whether social problems are the cause of the juvenile's truancy and, if so, taken appropriate action or made appropriate referrals.

- (e) **Form of Citation.** Any citation issued shall be returnable in Court in the same manner as all other ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation.
- (f) **Habitual Truancy Disposition.** Upon a finding the juvenile is habitually truant pursuant to Sec. 118.163(1)(a) and 938.342(1g), Wis. Stats., and is in violation of Subsection (b) of this Section, the following dispositions are available to the Court:
- (1) **Suspension of Operating Privileges.** Suspend the juvenile's operating privileges as defined in Sec. 340.01(40), Wis. Stats., for not less than thirty (30) days nor more than three hundred sixty-five (365) days. The court shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice setting forth the reason for and duration of the suspension.
 - (2) **Counseling, Service or Work Program.** Order the juvenile to participate in counseling, community service or a supervised work program under Secs. 938.342(1g)(b) and 938.34(5g), Wis. Stats. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.
 - (3) **In-House Restraint.** Order the juvenile to remain at home except for the hours in which the juvenile 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 a juvenile to leave home if the juvenile is accompanied by a parent or legal guardian.
 - (4) **Educational Programs.** Order the juvenile to attend an educational program as set forth in Sec. 938.34(7d), Wis. Stats.
 - (5) **Revocation of Work Permits.** Order the Department of Workplace Development to revoke a work permit to the juvenile under Secs. 103.70 and 103.72, Wis. Stats.
 - (6) **Teen Court Program.** Order the juvenile to be placed in a teen court program if all of the following conditions apply:
 - a. The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the person and the community;
 - b. The person admits or pleads no contest to the allegations that the person was truant in open court with the person's parent, legal guardian or legal custodian present;
 - c. The person has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.
 - (7) **School Attendance Order.** Order the person to attend school.
 - (8) **Forfeiture.** Impose a forfeiture of not more than Five Hundred Dollars (\$500.00) plus costs, subject to Sec. 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parent or guardian of the person, or both.

- (9) **Other Conditions.** Order the person to comply with any other reasonable conditions that are consistent with this Subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other juveniles or adults.
- (10) **Supervision.** Place the person under formal or informal supervision, as described in Sec. 938.34(2), Wis. Stats., for up to one (1) year.
- (11) **Parental Counseling.** The court may, in addition to or instead of the dispositions under Subsection (f)(1)–(10), order the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.
- (g) **Required School Attendance; Truancy Dispositions.**
- (1) **Violations.** Any person having under his/her control a juvenile who is between the ages of six (6) and eighteen (18), subject to the exceptions found in Sec. 118.15, Wis. Stats., shall cause the juvenile to attend school regularly during the full period and hours that the public or private school in which the juvenile shall be enrolled is in session until the end of the school term, quarter, or semester of the school year in which the juvenile becomes eighteen (18) years of age. If the Court finds that a person under eighteen (18) years of age violated this Subsection or Subsection (c) above, the Court shall enter an order making one or more of the following dispositions:
- Order the person to attend school.
 - Impose a forfeiture of not more than Fifty Dollars (\$50.00) plus costs for a first violation, or a forfeiture of One Hundred Dollars (\$100.00) plus costs for any second or subsequent violation committed within twelve (12) months of a previous violation, subject to Sec. 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than Five Hundred Dollars (\$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.
- (2) **Exceptions.**
- A person will not be found in violation of this Subsection if that person can prove that he/she is unable to comply with the provisions of this Section because of the disobedience of the juvenile. The juvenile shall be referred to the Court assigned to exercise jurisdiction under Chapter 938, Wis. Stats.
 - A person will not be found in violation of this Subsection if he/she has a juvenile under his/her control and the child has been sanctioned under Sec. 49.50(7)(h), Wis. Stats.
- (3) **Proof Required for Exactng a Penalty.** Before a person may be found guilty of violating this Section, the school attendance officer must present evidence to the Court that the activities under Sec. 118.16(5), Wis. Stats., have been completed by the school system. If that evidence has been presented to the Court and if the Court finds

a person guilty of violating this Section, a forfeiture may be assessed as hereinafter provided.

(h) **Contributing to Truancy.**

- (1) Except as provided in Subsection (h)(2) below, any person eighteen (18) years of age or older, who, by an act or omission, knowingly encourages or contributes to the truancy, as defined in Subsection (h)(4), of a juvenile shall be subject to a forfeiture pursuant to Section 1-1-7.
- (2) Subsection (h)(1) above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats.
- (3) An act or omission contributes to the truancy of a child, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the juvenile to be a truant.
- (4) "Truancy" means any absence of part or all of one (1) 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 legal guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of Sec. 118.15, Wis. Stats.

(i) **Parent or Legal Guardian Liability for Truancy.**

- (1) Unless the juvenile is excepted or excused under Sec. 118.15, Wis. Stats., or has graduated from high school, any person having under control a juvenile who is between the ages of six (6) and eighteen (18) years shall cause the juvenile to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the juvenile should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes eighteen (18) years of age.
- (2) a. A person found to have violated Subsection (i)(1) above, after evidence is provided by a school official that the activities under Sec. 118.16(5), Wis. Stats., have been completed, shall be subject to a forfeiture pursuant to Section 1-1-7.
b. Subsection (i)(2)a above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats., nor does it apply if the person proves that he or she is unable to comply with Subsection (i)(1) because of the disobedience of the juvenile.

Sec. 11-5-8 Unlawful Sheltering of Minors.

(a) No person shall intentionally shelter or conceal a minor child who:

- (1) Is a "runaway child", meaning a child who has run away from his or her parent, legal guardian or legal or physical custodian; or
- (2) Is a child who may be taken into custody pursuant to Sec. 938.19, Wis. Stats.

- (b) Subsection (a) applies when the following conditions are present:
 - (1) The person knows or should have known that the child is a child described in either Subsection (a)(1) or (a)(2); and
 - (2) The child has been reported to a law enforcement agency as a missing person or as a child described in Subsection (a)(1) or (a)(2).
- (c) Subsection (a) does not apply to any of the following:
 - (1) A person operating a runaway home in compliance with Sec. 48.227, Wis. Stats.; or
 - (2) A person who shelters or conceals a child at the request or with the consent of the child's parent, legal guardian or legal or physical custodian except if the sheltering or concealment violates Sec. 946.71 or 946.715, Wis. Stats.; or
 - (3) A person who immediately notifies a law enforcement agency, county department of public welfare or social services, or the intake worker of the court exercising jurisdiction under Ch. 938, Wis. Stats., that he or she is sheltering or concealing such child and provides the person or agency notified with all information requested.

Sec. 11-5-9 Purchase or Possession of Tobacco Products.

- (a) **Definition of Tobacco Products.** For the purposes of this Section, "tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
- (b) **Prohibition Against Sale of or Availability of Cigarettes and Tobacco Products.**
 - (1) **Prohibition.** It shall be a violation of this Section for any retailer to sell or give cigarettes or tobacco products to any person under the age of eighteen (18) except as provided in Sec. 938.983(3), Wis. Stats. A vending machine operator is not liable for the purchase of cigarettes or tobacco products from his/her vending machine by a person under eighteen (18) years of age if the vending machine operator was unaware of the purchase.
 - (2) **Vending Machine Requirements.** The maintenance or keeping by retailers of vending machines dispensing cigarettes or tobacco products within the City of Bloomer limits shall be in strict conformity with the requirements of Sec. 134.66(2)(c), Wis. Stats., the provisions of which are incorporated herein by reference.
 - (3) **Vending Machine Placement.** No retailer shall place a vending machine dispensing cigarettes or tobacco products within five hundred (500) feet of any school. The operator of any such vending machine which is located within five hundred (500) feet of a school as of the effective date of this Section and which is so placed pursuant to a written agreement binding upon the vending machine operator may leave it there subject to the requirement, however, that he/she shall cause said vending machine(s) to be removed no later than May 1, 1993, or the date of expiration of the written agreement related thereto, whichever occurs first.

- (4) **Restrictions on Manufacturers.** No manufacturer, distributor, jobber, sub-jobber, or retailer, or their employees or agents, may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of eighteen (18).
 - (5) **Notice Requirements.** Retailers and vending machine operators shall comply with the posting and notice requirements set forth at Sec. 134.66(2)(b), Wis. Stats.
 - (6) **Conformity With State Law.** It is the intention of the City that this Subsection shall conform strictly with Sec. 134.66(2)(a), (c), (cm) and (d), Wis. Stats. Should any provision herein set forth fail to meet with this qualification upon court review, the offending provision shall be considered to be severed from the remainder of this Section, which shall remain in full force and effect as if the offending provision were never adopted.
- (c) **Prohibition Against Use and Purchase of Cigarettes and Tobacco Products to Persons Under the Age of Eighteen (18) Years.**
- (1) **Definitions.** The definitions set forth at Sec. 938.983(1), Wis. Stats., are incorporated herein by reference.
 - (2) **Purchase Prohibitions.** No person under the age of eighteen (18) years may do any of the following:
 - a. Buy or attempt to buy any cigarette or tobacco product, except in accord with Sec. 938.983(3), Wis. Stats.
 - b. Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
 - c. Possess any cigarette or tobacco product.
 - (3) **Seizure of Tobacco Product.** A law enforcement officer in whose presence a violation of Subsection (c)(2) occurs shall seize any cigarette or tobacco product involved therein.
 - (4) **Conformity With State Law.** It is the intention of the City that this Subsection shall conform strictly with Secs. 938.983 and 134.66, Wis. Stats. Should any provision herein set forth fail to meet with this qualification upon court review, the offending provision shall be considered to be severed from the remainder of this Section, which shall remain in full force and effect as if the offending provision were never adopted.
 - (5) **Sale Exemption.** A person under eighteen (18) years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his/her working hours if employed by a retailer licensed under Sec. 134.65(1), Wis. Stats.

State Law Reference: Secs. 134.66, 778.25(1)(a) and 938.983, Wis. Stats.

Sec. 11-5-10 Smoking by Minors on Public Property.

No person under the age of eighteen (18) years shall carry or possess a lighted cigar, cigarette, pipe, or any other lighted smoking equipment or tobacco product restricted by state law on public

property within five hundred (500) feet of a school grounds within the City of Bloomer between the hours of 7:00 a.m. and 5:00 p.m.

Sec. 11-5-11 Criminal Gang Activity Prohibited.

- (a) **Authority.** This Section is adopted pursuant to the authority granted by Sec. 66.051 and Chapter 938, Wis. Stats.
- (b) **Definitions.** For purposes of this Section, the following terms are defined:
 - (1) **Criminal Gang** means an ongoing organization, association or group of three (3) or more persons, whether formal or informal, that has as one of its primary activities, the commission of one (1) or more criminal or unlawful acts, or acts that would be criminal or unlawful if the actor were an adult, specified in Sec. 939.22(21)(a) to (s), Wis. Stats., or in any of the Municipal Code sections referred to in Subsection (b)(2) below; that has a common name or common identifying sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.
 - (2) **Pattern of Criminal Gang Activity** has the same meaning as the definition in Sec. 939.22(21), Wis. Stats., the list of offenses in Subsections (a) to (s) of that Section to Title 11 of this Code of Ordinances.
 - (3) **Unlawful Act** includes a violation of any of the Municipal Code sections referred to in Subsection (b)(2) above or any criminal act or act that would be criminal if the actor were an adult.
- (c) **Unlawful Activity.**
 - (1) It is unlawful for any person to engage in criminal gang activity.
 - (2) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to commit or attempt to commit any violation of the provisions of this Section, or any one (1) or more of those sections of the Municipal Code referred to in Subsection (b)(2) above.
 - (3) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to participate in criminal gang activity.
 - (4) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to join a criminal gang.

Sec. 11-5-12 Enforcement and Penalties.

- (a) **Citation Process.** For violations of Sections 11-5-2 through 11-5-11, juveniles may be cited by the citation process on a form approved by the City Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.

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- (b) **Penalties.** Violations of Sections 11-5-2 through 11-5-11 by a person under the age of eighteen (18) shall be punishable according to Section 1-1-7 of this Code of Ordinances and Sections 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this Section shall prevent the juvenile officer, in his/her discretion, from referring cases directly to the District Attorney's office.

Title 11 ► Chapter 6

Public Nuisances

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Sec. 11-6-1 Public Nuisances Prohibited.

No person shall erect, create, cause, continue, maintain or permit to exist any public nuisance within the City of Bloomer. Any person who shall cause, create or maintain a nuisance, or who shall, in any way, aid or contribute to the causing, creating or maintenance thereof, shall be guilty of a violation of this Section and shall be liable for all costs and expenses attendant upon the removal and correction of such a nuisance and to the penalty provided in Sec. 1-1-7.

Sec. 11-6-2 Definitions.

As used in this Chapter:

- (a) **Public Nuisance.** A thing, act, occupation, condition or use of property which shall continue for such length of time as to:
- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - (2) In any way render the public insecure in life or in the use of property;
 - (3) Greatly offend the public morals or decency;
 - (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.
- (b) **Human Health Hazard.** A substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.

- (c) **Immediate Human Health Hazard.** A condition that exists, or has the potential to exist, which should, in the opinion of City enforcement officials or other authorities, be abated or corrected immediately, or at least within a twenty-four (24) hour period, to prevent possible severe damage to human health or the environment.
- (d) **Pollution.** The contaminating or rendering unclean or impure the air, land or waters in the City, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
- (e) **Toxic and Hazardous Materials.** Any chemical or biological material that is stored, used or disposed of in such quantity or manner that it is or has the potential to create a public health hazard.

Sec. 11-6-3 Public Nuisances Affecting Health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 11-6-2:

- (a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- * (b) **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 twenty-four (24) hours after death.
- (c) **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.
- (d) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) **Garbage Cans.** Garbage cans which are not fly-tight.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- (g) **Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes, fertilizers and toxic pesticides, or other substances harmful to human beings.
- (h) **Noxious Odors, Etc.** Any use of property, substances or things within the City 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 City.
- (i) **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 City.

- (j) **Animals at Large.** All animals running at large.
- (k) **Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood and other refuse.
- (l) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
- (m) **Animal Waste.** Accumulations of the bodily waste from all domestic animals and fowl that are handled, stored or disposed of in a manner that creates a health hazard to any persons within the City.
- (n) **Toxic and Hazardous Materials.** Any chemical and/or biological material that is stored, used or disposed of in such quantity or manner that it is or has the potential to create a public health hazard.
- (o) **Wastewater.** The presence of wastewater or sewage effluent from buildings on the ground surface, backing up into the building and/or running into a surface water body caused by a damaged, malfunctioning, improperly constructed or inadequately maintained private on-site waste disposal system or private sewage lateral connected to a public sewer system. Also any wastewater or sewage effluent that is not handled and disposed of in compliance with applicable City, county and/or State codes.
- (p) **Hazardous Conditions.** All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley, or sidewalk.
- (q) **Groundwater Pollution.** Addition of any chemical or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include, but are not limited to, the chemical and/or biological substances listed in Ch. NR 809, Wis. Adm. Code, titled, "Safe Drinking Water".

Sec. 11-6-4 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 Section 11-6-2:

- (a) **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.
- (b) **Gambling Devices.** All gambling devices and slot machines, except as permitted by state law.
- (c) **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 the ordinances of the City.

- (d) **Continuous Violation of City Ordinances.** Any place or premises within the City where City ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) **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 City.

Sec. 11-6-5 Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 11-6-2:

- (a) **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.
- (b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the ordinances of the City relating to materials and manner of construction of buildings and structures within the City.
- (c) **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.
- (d) **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.
- (e) **Tree Limbs.** All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (f) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (g) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the City.
- (h) **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.
- (i) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (j) **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 City.

- (k) **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 City or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- (l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (m) **Abandoned Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) **Flammable Liquids.** Repeated or continuous violations of the ordinances of the City or laws of the State relating to the storage of flammable liquids.
- (o) **Unremoved Snow.** All snow and ice not removed shall be sprinkled with sand or other chemical removers, as provided in this Code.

Cross-Reference: Title 11, Chapter 8 Noise Control

Sec. 11-6-6 Abatement of Public Nuisances.

- (a) **Coordination With State and County Agencies.** Where nuisances, as specified in Sections 11-6-2 through 11-6-5 involve a noncompliance with a State enforced Administrative Code, the City enforcement authority shall coordinate and/or refer this matter to the appropriate State agency for abatement and/or correction. If the nuisance continues without adequate enforcement from the State agency to cause its abatement and/or correction, then City officials may initiate action under this to bring about abatement and/or correction in coordination with other county and/or State enforcement agencies.
- (b) **Summary Abatement.**
 - (1) **Notice to Owner.** If the inspecting officer determines that a public nuisance exists within the City and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than twenty-four (24) hours or greater than seven (7) days and shall state that unless such nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof

to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.

- (2) **Abatement by City.** If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- (c) **Abatement by Court Action.** If the inspecting officer determines 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, the inspector shall file a written report of such findings with the Mayor who, upon direction of the Common Council, shall cause an action to abate such nuisance to be commenced in the name of the City in Chippewa County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.
- (d) **Court Order.** Except where necessary under Subsection (a), no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (e) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin.

Sec. 11-6-7 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 City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

Sec. 11-6-8 Enforcement; Penalty.

- (a) **Enforcement.** The Chief of Police, Fire Inspector, Street, Water and Sewer Administrator, Building Inspector and/or other pertinent enforcement authorities 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 such provisions are not violated. No action shall be taken under Section 11-6-6 to abate a public nuisance unless the official has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
- (b) **General Penalty.** Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 1-1-7.

Title 11 ► Chapter 7

Regulation of Lewd and Sexually Explicit Conduct

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Article A: Introduction

Sec. 11-7-1 Statement of Findings and Intent.

- (a) **Intent.** It is the intent of this Chapter to regulate sexually oriented businesses and related activities to promote the health, safety and general welfare of the citizens of the City of Bloomer and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to this intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene materials.
- (b) **Findings.**
- (1) It is a lawful purpose of the Common Council to enact rules and regulations as are necessary for the preservation of health and to prevent the spread of AIDS and other communicable or sexually transmitted diseases in the City of Bloomer. It has been found by localities through the State of Wisconsin, particularly Milwaukee, Racine, Waukesha, Delafield, Kenosha and West Allis, as well as communities around the country, including Indianapolis, Indiana; Austin, Texas; Chattanooga, Tennessee; Newport News, Virginia; Marion County, Indiana; Detroit, Michigan; and Seattle, Washington; as well as other communities around the country, that sexually oriented adult entertainment establishments are predisposed to the creation of unsafe and unsanitary conditions; that operators and employees of such businesses tend to participate in sex-related offenses on the premises, creating substantial law enforcement problems, and that the operational characteristics of such businesses have a deleterious effect on surrounding areas, resulting in neighborhood blight and reduced property values, especially when such businesses are concentrated in one (1) area. Many of such establishments install movie viewing booths with doors in which patrons view videotapes, movies, films and other forms of entertainment characterized by their emphasis on depicting, describing or relating to specified sexual activities or specified anatomical areas, and that such booths have been and are being used by patrons to engage in sexual acts resulting in unsanitary, unhealthy and unsafe conditions in said booths and establishments. This Chapter is intended to establish standards in order to prevent the spread of AIDS and other communicable or sexually transmitted diseases, and to eliminate the deleterious effects described above in the City of Bloomer.

- (2) The Common Council recognizes that "Class B" licensed premises are the most likely location to conduct a live nude dancing business and that this sexually oriented adult entertainment activity could lead to the exploitation of human sexuality. Such exploitation takes the form of employing or permitting persons to perform or exhibit their nude or semi-nude bodies to other patrons as an inducement to the patrons to purchase alcohol beverages. The result of such exploitation is both direct and secondary criminal activity, moral degradation and disturbance of the peace and good order of the community. In addition, this commercial exploitation of such nude and semi-nude acts is adverse to the public's interest in the quality of life, commercial activity and total community environment of the City of Bloomer.
 - (3) The Common Council also recognizes that it lacks authority to regulate obscenity in light of Sec. 66.051(3), Wis. Stats., and does not intend by adopting this Chapter to regulate obscenity, since nudity in and of itself is not obscene; it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars or taverns.
 - (4) Based on evidence concerning the adverse secondary effects of adult uses on communities stated above, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); and *Barnes V. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *California v. LaRue*, 409 U.S. 109 (1972); *Iacobucci v. City of Newport, Ky.*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Key, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); and *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11th Cir. 1984), and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the Common Council finds that:
 - a. Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located.
 - b. Studies of the relationship between sexually oriented businesses and neighborhood property values have found a negative impact on both residential and commercial property values.
 - c. Sexually oriented businesses may contribute to an increased public health risk through the spread of sexually transmitted diseases.
- (c) **Exemptions.** The provisions of this Chapter do not apply to the following establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic, social or political merit are offered on a regular basis; and in which the predominant business or attraction is not the offering of entertainment which is intended for the sexual interests or titillation of customers; and

where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this Chapter seeks only to minimize and prevent the secondary effects of adult oriented establishments or sexually oriented businesses on the community. Negative secondary effects have not been associated with these establishments.

Sec. 11-7-2 Definitions.

The following definitions are applicable in this Chapter:

- (a) **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
 - (b) **Adult Bath House.** An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this Article.
 - (c) **Adult Body Painting Studio.** An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this Chapter, an adult body painting studio shall not be deemed to include a tattoo parlor.
 - (d) **Adult Bookstore or Adult Video Store.** An establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein. This includes an establishment having as its stock in trade, for sale, rent, trade, lease, inspection or viewing books, films, video cassettes, motion pictures, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas, and in conjunction therewith have facilities for the presentation of adult entertainment, including adult-oriented videotapes, films, motion pictures or other offered entertainment for observation by patrons therein. This also includes a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."
- NOTE:** A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an "adult

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bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas." A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

- (e) **Adult Cabaret.** A nightclub, dance hall, bar, restaurant, or similar commercial establishment that regularly features:
 - (1) Persons who appear in a state of nudity or semi-nudity; or
 - (2) Live performances that are characterized by "specified sexual activities"; or
 - (3) Films, motion pictures, videocassettes, slides, or other photographic or computer reproductions or depictions that are characterized by the depiction or description of "specified sexual activities" or "nudity".
- (f) **Adult Entertainment.** Any exhibition of any motion pictures, live performance, display or dance of any type, which has a significant or substantial portion of such performance or is distinguished or characterized by an emphasis on, any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, as defined herein, appearing unclothed, or the removal of articles of clothing to reveal specified anatomical areas.
- (g) **Adult Mini-Motion Picture Theater.** An enclosed building with a capacity for less than fifty (50) patrons, including establishments that have coin operated video or motion picture booths, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.
- (h) **Adult Modeling Studio.** An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially nude by means of photography, painting, sketching, drawing or otherwise.
- (i) **Adult Motel.** A hotel, motel, or similar commercial establishment which:
 - (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and which may have a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (j) **Adult Motion Picture Theater.** An enclosed building with a capacity of fifty (50) or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.

- (k) **Adult Motion Picture Theater (Outdoor).** A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activity or specified anatomical areas, as defined herein, for observation by patrons.
- (l) **Adult Novelty Shop.** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activities or specified anatomical areas, as defined herein, or stimulating such activity.
- (m) **Adult Oriented or Sexually Oriented Establishment.** An establishment which includes, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion theaters, adult theaters, adult bath houses, adult body painting studios, adult motels, adult novelty shops or adult cabarets, sexual encounter centers, sexually-oriented businesses, escort agencies, establishments featuring live sexually explicit performances, and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult oriented establishment further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
- (n) **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the "exposure of specified anatomical areas" or by "specified sexual activities."
- (o) **Booth, Room or Cubicle.** Such enclosures as are specifically offered to the public or members of an adult oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, booth, room, or cubicle does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, and are not open to any persons other than employees; nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Chapter 50, Wis. Stats.
- (p) **Breast.** A portion of the human female mammary gland (commonly referred to as the female breast) including the nipple and the areola (the darker colored area of the breast surrounding the nipple) and an outside area of such gland wherein such outside area is:

- (1) Reasonably compact and contiguous to the areola; and
 - (2) Contains at least the nipple and the areola and one-fourth (1/4) of the outside surface area of such gland.
- (q) **Buttocks.** (For a short general description see the last sentence of this Subsection). The area at the rear of the human body (sometimes referred to as the gluteus maximus) which lies between two (2) imaginary straight lines running parallel to the ground when a person is standing, the first or top such line being one-half (1/2) below the top of the vertical cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the second or bottom such line being one-half (1/2) inch above the lowest point of the curvature of the fleshy protuberance (sometimes referred to as the gluteal fold), and between two (2) imaginary straight lines, one on each side of the body (the "outside line"), which outside lines are perpendicular to the ground and to the horizontal lines described above and which perpendicular outside lines pass through the outermost point(s) at which each nate meets the outer side of each leg. Notwithstanding the above, buttocks shall not include the leg, the hamstring muscle below the gluteal fold, the tensor fasciae latae muscle or any of the above-described portion of the human body that is between either:
- (1) The left inside perpendicular line and the left outside perpendicular line; or
 - (2) The right inside perpendicular line and the right outside perpendicular line.
- For the purpose of the previous sentence the left inside perpendicular line shall be an imaginary straight line on the left side of the anus:
- (1) That is perpendicular to the ground and to the horizontal lines described above; and
 - (2) That is one-third (1/3) of the distance from the anus to the left outside line; and
- The right inside perpendicular line shall be an imaginary straight line on the right side of the anus:
- (1) That is perpendicular to the ground and to the horizontal lines described above; and
 - (2) That is one-third (1/3) of the distance from the anus to the left outside line; and
- The right inside perpendicular line shall be an imaginary straight line on the right side of the anus:
- (1) That is perpendicular to the ground and to the horizontal lines described above; and
 - (2) That is one-third (1/3) of the distance from the anus to the right outside line. (The above description can generally be described as covering one-third (1/3) of the buttocks centered over the cleavage for the length of the cleavage.)
- (r) **Church.** A building whether situated within the City or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.
- (s) **Customer.** Any person who:
- (1) Is allowed to enter an adult oriented establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
 - (2) Enters an adult oriented business and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or

- (3) Is a member of and on the premises of an adult oriented establishment operating as a private club.
- (t) **Community.** The State of Wisconsin.
- (u) **Day Care Center.** A facility licensed by the State of Wisconsin pursuant to Sec. 48.65, Wis. Stats., whether situated within the City or not.
- (v) **Door, Curtain or Portal Partition.** A nontransparent closure device which prevents activity taking place within a booth, room or cubicle from being seen or viewed from outside the booth, room or cubicle.
- (w) **Employee.** Any and all persons, including independent contractors, who work in or at or render any services directly or indirectly related to the operation of an adult oriented establishment.
- (x) **Entertainer.** Any person who provides entertainment within an adult oriented establishment as defined in this Chapter, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor, including:
- (1) Any person who appears in a state of nudity or semi-nudity in a sexually oriented business; or
 - (2) Any person who engages in live performances that are characterized by "specified sexual activities".
- (y) **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (z) **Escort Agency.** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (aa) **Establishment.** Includes any of the following:
- (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The additions of any sexually oriented business to any other existing sexually oriented business; or
 - (4) The relocation of any sexually oriented business; or
 - (5) A sexually oriented business or premises on which the sexually oriented business is located.
- (bb) **Harmful to Minors.** That quality of any description or representation, in whatever form, of nudity, specified sexual activities or specified anatomical areas, 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 are to be determined by applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors.

- (cc) **Knowingly.** Having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:
 - (1) The character and content of any material described herein which is reasonably suspect under this Section; and
 - (2) The age of a 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.
- (dd) **Knowledge of Minor's Age.** Means:
 - (1) Knowledge or information that the person is a minor; and
 - (2) Reason to know, or a belief or grounds for belief, which warrants further inspection or inquiry of the age of the minor.
- (ee) **Manager.** The operator or agent licensed under this Chapter who shall not be licensed as a massage technician.
- (ff) **Massage.** Any process or procedure consisting of rubbing, stroking, kneading or tapping, by physical or mechanical means, upon the external parts or tissues of the body of another for consideration.
- (gg) **Massage Establishment.** A place of business wherein private massage is practiced, used or made available as a principal use of the premises.
- (hh) **Massage Room.** The area where private massage is performed.
- (ii) **Massage Technician.** A person who practices, administers or uses massage for a consideration, and who holds a valid license under this Chapter.
- (jj) **Minor.** Any person under the age of eighteen (18) years.
- (kk) **Nudity.** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernible turgid state.
- (ll) **Operator.** Any person operating, conducting, maintaining or owning any sexually-oriented establishment, adult-oriented establishment or massage establishment.
- (mm) **Patron.** Any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any consideration therefor.
- (nn) **Premises.** The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the owner or operator of the business.
- (oo) **Residential.** Pertaining to the use of land, whether situated within the City or not, for premises such as homes, townhouses, duplexes, condominiums, apartments and mobile

homes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking and eating therein. A premises which is designed primarily for living, sleeping, working and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boarding houses, nursing homes and hospitals shall not be considered to be residential.

- (pp) **Sadomasochistic Abuse.** Flagellation or torture by 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.
- (qq) **School.** A building, whether situated within the City or not, where persons regularly assemble for the purpose of instruction or education, together with playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:
 - (1) Public and private schools used for primary or secondary education in which any regular kindergarten or grades one (1) through twelve (12) classes are taught; and
 - (2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).
- (rr) **Semi-Nude or Semi-Nudity.** The exposure of a bare female breast with less than one-fourth (1/4) of the breast surface area, contiguous to and containing the areola, completely and opaquely covered (see definition of breast in this Section). Each female person may determine which one-fourth (1/4) of her breast surface area contiguous to and containing the areola is to be covered.
- (ss) **Sexual Conduct.** The commission of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus, lewd exhibition of human genitals, or passionate kissing and petting of a sexual nature.
- (tt) **Sexual Encounter Center.** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- (uu) **Sexual Intercourse.** Physical sexual contact between individuals that involves the genitalia of at least one (1) person including, but not limited to, heterosexual intercourse, sodomy, fellatio, or cunnilingus.
- (vv) **Specified Anatomical Areas.** Less than completely and opaquely covered:
 - (1) Human genitals, pubic region;
 - (2) Buttock; or
 - (3) Female breast below a point immediately above the top of the areola.
 - (4) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

- (ww) **Specified Sexual Activities.** Simulated or actual:
- (1) Showing of human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts, whether covered or uncovered.
 - (4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.
- (xx) **Substantial.** As used in various definitions, shall mean fifty percent (50%) or more of a business' stock in trade, display space, floor space or retail sales in any one (1) month during the license year.
- (yy) **Waiting Area.** An area adjacent to the main entrance that is separate from any area where massages are given.

Sec. 11-7-3 Public Indecency Prohibited.

- (a) Any person who, within the City of Bloomer municipal limits, knowingly or intentionally, in a public place, commits public indecency by doing one of the following:
- (1) Engaging in specified sexual activities, including, but not limited to, public passionate kissing or petting of a sexual nature;
 - (2) Displaying specified anatomical areas; or
 - (3) Appearing in a state of nudity.
- (b) In addition to any other actions allowed by law or taken by the Common Council and/or Committee thereof, including the action of applicable license revocation or non-renewal, anyone who violates any of the provisions of this Section shall forfeit not less than Two Hundred Fifty Dollars (\$250.00), and not more than Two Thousand Dollars (\$2,000.00), for each offense, together with costs, and if such forfeiture and costs are not paid, such person so convicted shall be subject to such other penalties available by law.

Sec. 11-7-4 Exposing Minors to Harmful Materials.

- (a) 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, or specified sexual activities and which is harmful to minors.
- (b) 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 specified anatomical areas or shows specified sexual activities and which is harmful to others.
- (2) Any book, pamphlet, magazine, printed matter however produced, or sound recording which contains any material enumerated in Subsection (b)(1) hereof, or explicit and detailed verbal descriptions or narrative accounts of specified sexual activities and which, taken as a whole is harmful to minors.
- (c) It shall be unlawful for any person knowingly to admit a minor to any premises whereon there is exhibited nudity or specified sexual activities which is harmful to minors unless such minor is accompanied by his/her parent or legal guardian.
- (d) Any person violating this Section shall be subject to the penalty provisions of Section 1-1-7.

Sec. 11-7-5 through Sec. 11-7-19 Reserved for Future Use.

Article B: Entertainment Featuring Live Sexually Explicit Performances

Sec. 11-7-20 Prohibitions Applicable to Premises Holding Alcohol Beverage Licenses.

- (a) It shall be unlawful for any owner or operator of premises holding a Class "A," "Class A," Class "B," or "Class B," or "Class C" Alcohol Beverage license to permit any person to expose to public view on the licensed premises any specified anatomical area as defined in this Chapter, or to employ any device which is intended to give the appearance of or simulate such specified anatomical areas or publicly display or perform any specified sexual activities on the licensed premises.
- (b) Any licensee who permits a violation of Subsection (a) above shall be subject to revocation of all alcohol beverage licenses issued by the City to the licensee.

Sec. 11-7-21 Sexually Explicit Live Adult Entertainment.

- (a) This Section applies only to premises offering live performances by persons appearing in a state displaying some portions of specified anatomical areas not covered by fully opaque coverings. Appearance in public in a state of nudity is prohibited by Section 11-7-3.
- (b) No person shall open premises to the public offering live performances by persons appearing in a state of partial nudity displaying some portions of specified anatomical areas not covered by fully opaque coverings, whether such persons are paid for such performance or not, unless the person opening the premises has obtained a license from the Common Council pursuant to Section 11-7-22 and is in full compliance with other City regulations, including zoning regulations.
- (c) No person, employee, entertainer or patron shall be permitted to have any physical contact with any entertainer on the premises during any performance. All performance shall only occur on a stage, or on a table that is elevated at least eighteen (18) inches above the immediate floor level and, to prevent actual physical contact between the entertainer and any other person, employee or patron, shall not be less than five (5) feet from any area occupied by any patron. Patrons shall not have any physical contact with, and shall not be less than five (5) feet from, any entertainer during the payment of a tip or gratuity.

Sec. 11-7-22 Annual Adult Entertainment License.

- (a) **Application.** Applications for an annual adult entertainment license shall be made to the City Clerk-Treasurer. The City Clerk-Treasurer shall notify the Police Department and Fire Inspector of the license application, publish a Class I notice of such application and have

the license application submitted to the Common Council within thirty (30) days of application. Investigating officials shall submit written reports and recommendations to the Common Council. A public hearing shall be held on the application, preceded by a Class II notice. The Common Council may take any testimony regarding the granting or denial of such license.

- (b) **Action.** The Common Council shall either approve, modify or reject the application; the reasons for the action taken shall be specified in the written record of the Common Council.
- (c) **Probationary Period.** If license issuance is approved by a majority of the Common Council, an initial applicant shall be granted a probationary license by the City Clerk-Treasurer. An annual license shall be granted if, upon the expiration of the six (6) month probationary period, no violations under this Article occur and the applicant corrects any deficiencies or problems that the applicant is directed to correct. If, however, for any reason, the application is denied by the Common Council, the Common Council shall specify the findings made that support that denial.
- (d) **License Term.** The license granted under this Article shall expire on June 30th of each year and each license shall be subject to revocation as hereinafter provided.
- (e) **Form of License.** The City Clerk-Treasurer shall be responsible for, following Common Council action, issuing all licenses under this Section. All such licenses shall specify the nature of the holder and the license and the date for which it is applicable, as well as any conditions that may be imposed by the City. All such licenses shall be open to public inspection and posted in public view on the premises for which issued.
- (f) **Fee.** All such license applications shall be accompanied by a fee of Five Hundred Dollars (\$500.00). If for any reason the license is denied, one-half (1/2) of the license fee shall be returned to the applicant. If the license is granted, the entire fee will be kept by the City.
- (g) **Number of Licenses Limited.** No more than three (3) annual adult entertainment licenses, issued under this Article, shall be issued within the City of Bloomer at one (1) time, and no more than one (1) license shall be issued to any one (1) individual, partnership or corporation.

Sec. 11-7-23 Renewals.

The holder of an annual license granted under this Article shall submit an application for renewal at least sixty (60) days before the expiration of the license; failure to comply with this application schedule shall mean that the license shall lapse and any new application shall be reviewed as a new application. Such license may be renewed pursuant to the provisions of Section 11-7-22 as that Section applies to notice being given by the City Clerk-Treasurer and provisions for publication and action by the Common Council.

Sec. 11-7-24 Regulations.

Any license holder governed by this Article shall comply with the following regulations:

- (a) No dancing shall be permitted by any performers under the auspices of the management, whether paid or not, within six (6) feet from any location from which patrons are directly served, while so entertaining the patrons.
- (b) No dancer, performer, or any individual, who is performing, singing, or dancing, shall have either direct or indirect (i.e., lap dancing) physical contact with any patron, in violation of Sec. 944.36, Wis. Stats.
- (c) While dancing is in progress, the establishment shall be adequately illuminated so as to permit safe ingress and egress from the premises.
- (d) Good order shall be maintained at all times. Without limitation due to enumeration, a lack of "good order" for purposes of this Article shall be deemed to include persistent loud noises to the annoyance or detriment of surrounding property owners, patrons urinating in public, profane language and/or fighting.
- (e) The premises shall close and all patrons shall vacate the premises between midnight and 10:00 a.m. Sunday through Friday, and midnight to noon on Saturday.
- (f) The license holder shall insure that building capacity limits as set by the Fire Department and/or Building Code are complied with at all times.
- (g) The license holder shall comply with all applicable State Statutes and regulations and all county and City ordinances.
- (h) The management, license holder and employees shall obey all reasonable orders or directions of any law enforcement officer.
- (i) The performance of any dance by performers under the auspices of the management shall be given only on a raised portion of the floor separated by a railing or other device from the patrons so as to deter patrons from participating in the dance.
- (j) No license holder, personally or through an agent or employee, shall advertise, allow or produce nude entertainment or performances in violation of this Section or in violation of any City Ordinance or State Statute.
- (k) The license holder shall not permit any person to publicly perform specified sexual activities on the licensed premises.
- (l) The licensee shall not permit any person to touch any performer's specified anatomical areas during a public performance.
- (m) The use of simulated sexual organs during dances or performances is prohibited.
- (n) No license holder shall permit any amateur dancing, entertainment, or performances on the license holder's premises in violation of this Section or any applicable State or Federal laws.

Sec. 11-7-25 Location.

- (a) No establishment licensed under this Article shall permit any performance or entertainment governed by this Article to occur within five hundred (500) feet of any area zoned for

11-7-25

residential, church, school, nursing home, public park, or day care center uses, or other establishment licensed under this Article. No establishment licensed under this Article shall be located within five hundred (500) feet of any other establishment licensed under this Article, within five hundred (500) feet of any business holding an alcohol beverage license, or as otherwise limited by the City's Zoning Code.

- (b) For purposes of this Section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment to the nearest property line of another adult-oriented establishment, school, place of worship, residential district or business holding an alcohol beverage license.

Sec. 11-7-26 Penalty.

In addition to any other actions allowed by law or taken by the Common Council, including the action of license revocation or non-renewal, anyone who violates any of the provisions of this Article shall be subject to a forfeiture as prescribed by Section 1-1-7, for each and every offense, together with the costs of prosecution. If such forfeiture and costs are not paid, such person so convicted shall be subject to any civil penalties or other penalties available by law. Citations may be issued to the license holder or to his/her employees, operators or agents.

Sec. 11-7-27 License Suspension, Revocation or Non-Renewal.

- (a) **In General.** Any adult entertainment license granted herein may be revoked, suspended, or not be renewed by the Common Council as follows:
 - (1) If the applicant has made or recorded any statement required by this Article knowing it to be false or fraudulent or intentionally deceptive.
 - (2) For the violation of any provision of this Article, except for establishment license matters involving a violation of Zoning, Property Maintenance or Building Codes, in such case the license shall be revoked after the second (2nd) conviction thereof in any license year.
 - (3) After one (1) conviction of any establishment personnel of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron of the property or of an offense involving substance scheduled in Subchapter II of Ch. 961, Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.
- (b) **Notice of Hearing.** No license shall be revoked, suspended, or not renewed by the Common Council except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Common Council. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof.

- (c) **Hearing.** The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the Common Council if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the Common Council shall prepare findings of fact and conclusions of law as to what, if any, action the Common Council will take with respect to the license. The Common Council shall provide the complainant and licensee with a copy of the report.

Sec. 11-7-28 License Transfer.

Any license granted under the provisions of this Article shall not be transferable. All license applications shall be original or for a renewal.

Sec. 11-7-29 through Sec. 11-7-39 Reserved for Future Use.

Article C: Adult Oriented Establishments

Sec. 11-7-40 Intent of Article.

It is the purpose of this Article to regulate adult oriented establishment businesses (hereinafter referred to as adult oriented establishments) to promote the health, safety, morals, and the general welfare of the citizens of the City of Bloomer, to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with such establishments, and to establish reasonable and uniform regulations to prevent the serious health hazards associated with unsafe and unsanitary conditions known to exist in those establishments and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those establishments.

Sec. 11-7-41 Adult Oriented Establishment License Required.

- (a) Except as provided in Subsection (d) below, no adult oriented establishment shall be operated or maintained within the corporate limits of the City of Bloomer without first obtaining a license to operate issued by the City of Bloomer.
- (b) A license may be issued only for one (1) adult oriented establishment located at a fixed and certain place per filed application. Each oriented establishment must have a license.
- (c) No license or interest in a license may be transferred to any person, partnership, or corporation except as set forth in Section 11-7-49. No more than one (1) license shall be issued to any one (1) individual, partnership or corporation.
- (d) All adult oriented establishments existing at the time of the original passage of this Chapter must submit an application for a license within ninety (90) days of the passage of this Chapter. If an application is not received within said ninety (90) day period, then such existing adult oriented establishment shall cease operations.

Sec. 11-7-42 Application for License.

- (a) **License Procedure.** Any person, partnership, or corporation desiring to secure an adult oriented establishment license shall make application to the City Clerk-Treasurer. The application shall be filed in triplicate with and dated by the City Clerk-Treasurer. A copy of the application shall be distributed within ten (10) days of receipt thereof to the Police Department, Fire Inspector, Building Inspector, and to the applicant. The procedures prescribed in Section 11-7-22(a) through (c) shall be applicable to adult entertainment licenses under this Article.
- (b) **Required Information.** The application for a license shall be upon a form provided by the City Clerk-Treasurer. An applicant for a license, which shall include all partners or limited

partners of a partnership applicant, all officers or directors of a corporate applicant, all members of any limited liability company applicant, and any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:

- (1) Name, including all aliases, address and date of birth of applicant;
 - (2) Written proof that the individual is at least eighteen (18) years of age;
 - (3) All residential addresses of the applicant for the past ten (10) years;
 - (4) The business, occupation, or employment of the applicant for ten (10) years immediately preceding the date of application;
 - (5) The exact nature of the adult entertainment to be conducted;
 - (6) Whether the applicant previously operated in this or any other state, county or municipality under an adult oriented establishment license or similar business license; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation (the applicant shall provide the name of the municipality/state where such license was suspended or revoked);
 - (7) All criminal and traffic convictions, whether federal or State, or municipal Ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except traffic offenses;
 - (8) Fingerprints made by a law enforcement agency and two (2) portrait photographs of at least two (2) inches by two (2) inches of the applicant;
 - (9) The address of the adult oriented establishment to be operated by the applicant;
 - (10) Proof of right to occupy under Section 11-7-43(d); and
 - (11) If the applicant is a corporation, the application shall specify the name of the corporation, the date and State of incorporation, and the name and address of the registered agent of the corporation.
- (c) **Failure to Provide Information.** Failure or refusal of the applicant to provide any information for the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application, or refusal to submit to or cooperate with any investigation required by this Section, shall constitute an admission by the applicant of ineligibility for such license and shall be grounds for denial thereof.

Sec. 11-7-43 Standards for Issuance of a License.

- (a) **General Requirements.** To receive a license to operate an adult establishment, an applicant must meet the following standards:
- (1) If the applicant is an individual:
 - a. The applicant shall be at least eighteen (18) years of age;
 - b. Subject to Chapter 111, Wis. Stats., the applicant shall not have been convicted of or pleaded nolo contendere, or have charges pending or deferred prosecution,

- to a felony or any crime involving moral turpitude, prostitution or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application; and
- c. The applicant shall not have been found to have previously violated this Article within five (5) years immediately preceding the date of the application.
- (2) If the applicant is a corporation:
 - a. All officers, directors, and others required to be named under Section 11-7-42(b) shall be at least eighteen (18) years of age;
 - b. Subject to Chapter 111, Wis. Stats., no officer, director, or other person required to be named under Section 11-7-42(b) shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application; and
 - c. No officer, director or other person required to be named under Section 11-7-42(b) shall have been found to have previously violated this Article within five (5) years immediately preceding the date of the application.
 - (3) If the applicant is a partnership, joint venture, limited liability company or any other type of organization where two (2) or more persons have a financial interest:
 - a. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age;
 - b. Subject to Chapter 111, Wis. Stats., no person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application; and
 - c. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this Article within five (5) years immediately preceding the date of the application.
- (b) **Investigation.** No license shall be issued unless the City of Bloomer Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the City Clerk-Treasurer no later than fourteen (30) days after the application.
 - (c) **Inspection.** The Fire Inspector and/or Police Department shall inspect the premises proposed to be licensed to verify compliance with their respective Codes, and shall report compliance findings to the City Clerk-Treasurer within thirty (30) days of the date of application.
 - (d) **Proof.** No license shall be issued unless the applicant provides proof of one (1) of the following:
 - (1) Ownership of a properly zoned building or parcel of real property upon which a building can be constructed. Proper zoning includes permissible non-conforming use status.

- (2) A lease on a building which is properly zoned to house a venture. Proper zoning includes permissible non-conforming use status.
- (3) An option to purchase property which is properly zoned for the venture.
- (4) An option to lease property which is properly zoned for the venture. Proper zoning includes permissible non-conforming use status.

Sec. 11-7-44 License Fee.

A non-refundable adult oriented establishment license application fee of Five Hundred Dollars (\$500.00) shall be submitted with the application for a license.

Sec. 11-7-45 Display of License or Permit.

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

Sec. 11-7-46 Renewal of License or Permit.

- (a) Every license issued pursuant to this Article will terminate on June 30 of the period for which the license is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the City Clerk-Treasurer. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the City Clerk-Treasurer. A copy of the application for renewal shall be distributed by the City Clerk-Treasurer to the Police Department, Fire Inspector and the applicant. The application for renewal shall be upon a form provided by the City Clerk-Treasurer and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.
- (b) A license renewal fee of Five Hundred Dollars (\$500.00) shall be submitted with the application for renewal.
- (c) If the Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the City Clerk-Treasurer.

Sec. 11-7-47 Denial of Application.

- (a) Whenever an initial application is denied, the City Clerk-Treasurer shall, within fourteen (14) days of the denial, advise the applicant in writing of the reasons for such action. If

the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held at the next regularly scheduled meeting of the Common Council.

- (b) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this Article shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the City Clerk-Treasurer.

Sec. 11-7-48 Transfer of License.

Licenses may not be transferred. All license applications shall be original or for a renewal.

Sec. 11-7-49 Physical Layouts of Adult Oriented Establishments.

Any adult oriented establishment having available for customers, patrons or members any booth, room, or cubicle for the private viewing of any motion picture, videotape or compact disc in which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas must comply with the following requirements:

- (a) **Access.** Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment and shall be unobstructed by any door, lock or other control-type devices.
- (b) **Construction.** Every booth, room or cubicle shall meet the following construction requirements:
 - (1) Each booth, room or cubicle shall be separated from adjacent booths, rooms, cubicles and any non-public areas by a wall.
 - (2) Have at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.
 - (3) All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet, and be light colored, non-absorbent, smooth textured and easily cleanable.
 - (4) The floor must be light colored, non-absorbent, smooth textured and easily cleanable.
 - (5) The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten (10) foot candles at all times, as measured from the floor.
- (c) **Occupants.** Only one (1) individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of specified sexual activity, cause any bodily discharge or litter while in the booth. No person shall alter, damage or deface any portion of any such booth, room or cubicle in such a manner that it no longer complies with the provisions of this Section.

Sec. 11-7-50 Responsibilities of Operators.

- (a) An operator, licensed under this Article, shall maintain a register of all employees, showing the name and aliases used by the employee, home address, birth date, sex, telephone numbers, Social Security Number, and date of employment and termination. The above information on each employee shall be maintained in the register on the premises of a period of three (3) years following termination.
- (b) The operator shall make the register of employees available immediately for inspection by law enforcement officers upon demand of a member of a law enforcement agency at all times.
- (c) Every act or omission by an employee constituting a violation of the provisions of this Article shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- (d) Any act or omission of any employee constituting a violation of the provisions of this Article shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.
- (e) No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or to allow any minor to view sexually-explicit live adult entertainment or materials containing depictions of specified sexual activities or specified anatomical areas as defined herein.
- (f) The operator shall maintain the premises in a clean and sanitary manner at all times.
- (g) The operator shall ensure compliance of the establishment and its patrons with the provisions of this Article.
- (h) The operator shall ensure there is conspicuously posted inside each booth, room or cubicle an un-mutilated and undefaced sign or poster supplied by the licensee and approved by the Common Council which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.
- (i) The operator shall ensure there is conspicuously displayed at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the City pertaining to sexually transmitted diseases.
- (j) The operator shall ensure there are posted regulations concerning booth occupancy on signs, with lettering at least one (1) inch high, that are placed in conspicuous areas of the establishment and in each of the booths, rooms or cubicles.
- (k) It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult oriented establishment at any time the adult oriented establishment is open for business.
- (l) It shall be the duty of the operator of each adult oriented establishment to ensure that an attendant is stationed at each public entrance to the adult oriented establishment at all times.

during regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the adult oriented establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

- (1) A valid operator's, commercial operator's, or chauffeur's driver's license; or
 - (2) Personal identification card issued by the State of Wisconsin reflecting that such person is eighteen (18) years of age or older.
- (m) No adult oriented establishment regulated by this Chapter may remain open between the hours of 2:00 a.m. and 8:00 a.m., except on Saturday and Sunday, when the closing hours shall be between 2:30 a.m. and 8:00 a.m.

Sec. 11-7-51 Registration of Employees.

- (a) All operators, employees, and independent contractors working in any adult oriented establishment hereunder shall, prior to beginning employment or contracted duties, register with the City Clerk-Treasurer. Such registration shall include the following:
 - (1) Name, address, birth date, any aliases used, telephone numbers, date of employment and name of employer; and
 - (2) Photographs and fingerprinting.
- (b) Upon registration, the licensee, subject to design approval by the City Clerk-Treasurer, will provide to each registered employee an identification card containing the employee's photograph identifying the employee as such, which shall be kept available for production upon request of all inspecting officers while on duty at such adult oriented establishment.
- (c) All registrations hereunder are valid for a period of one (1) year.
- (d) The registration fee of Fifty Dollars (\$50.00) shall be paid per registration, which shall be paid to the City to cover costs of investigation and administration.

Sec. 11-7-52 Exclusions.

All private schools and public schools, as defined in Chapter 115, Wis. Stats., located within the City of Bloomer are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

Sec. 11-7-53 Penalty.

In addition to any other actions allowed by law or taken by the Common Council, including the action of a license revocation, suspension or non-renewal, anyone who violates any of the provisions of this Chapter shall be subject to a forfeiture as prescribed by Section 1-1-7, for each

and every offense, together with the costs of prosecution. If such forfeiture and costs are not paid, such person so convicted shall be subject to any civil penalties or other penalties available by law.

Sec. 11-7-54 License Suspension, Revocation or Non-Renewal of Licenses.

- (a) **In General.** Any license granted herein may be revoked, suspended, or not renewed by the Common Council as follows:
- (1) If the applicant has made or recorded any statement required by this Section knowing it to be false or fraudulent or intentionally deceptive;
 - (2) For the violation of any provision of this Article, except for establishment license matters involving a violation of Building, Property Maintenance or Zoning Codes, in such case the license shall be revoked after the second (2nd) conviction thereof in any license year;
 - (3) After one (1) conviction by any establishment personnel of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron of the property or of an offense involving substance in Subsection II of Ch. 961, Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.
 - (4) If the licensee, operator or employer becomes ineligible to obtain a license.
 - (5) If an operator employs an employee who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without being registered with the City Clerk-Treasurer.
 - (6) If any cost or fee required to be paid by this Section is not paid.
 - (7) If any intoxicating liquor or fermented malt beverage, narcotic or controlled substance is served or consumed on the premises of the adult oriented establishment.
 - (8) If any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any material depicting specified sexual activities or specified anatomical areas.
- (b) **Notice of Hearing.** No license shall be revoked, suspended, or not renewed by the Common Council except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Common Council. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof.
- (c) **Hearing.** The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf if such is required, and the hearing shall be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the Common Council shall prepare findings of fact and conclusions as to what, if any, action the Common Council will take with

respect to the license. The Common Council shall provide the complainant and licensee with a copy of the report.

Sec. 11-7-55 through Sec. 11-7-59 Reserved for Future Use.

Article D: Houses of Prostitution

Sec. 11-7-60 Owners and Keepers.

No person shall keep or maintain or in any way be connected with, or contribute to the support of any prostitution house or house of ill fame or shall knowingly own, or be interested therein as proprietor or landlord thereof.

Sec. 11-7-61 Inmate or Frequenter.

Any person engaging in prostitution of or found at or frequenting either of the places described in this Article shall be deemed a disorderly person and shall be subject to the penalty hereinafter provided.

Sec. 11-7-62 Prostitution.

It shall be unlawful for any person to commit or offer or agree to commit a lewd act or an act of prostitution.

Title 11 ► Chapter 8

Noise Control

11-8-1	Loud and Unnecessary Noise; General Policy
11-8-2	Excessive Noise Declared a Nuisance
11-8-3	Exemptions
11-8-4	Variances
11-8-5	Appeals
11-8-6	Lot Line Noise
11-8-7	Immediate Threats to Health and Welfare

Sec. 11-8-1 Loud and Unnecessary Noise; General Policy.

- (a) **Short Title.** This Chapter may be cited as the "Noise Control Ordinance."
- (b) **Findings, Policy and Scope.** Excessive sound is a serious hazard to the public health and welfare, safety, and the quality of life. A substantial body of science and technology exists by which excessive sound may be substantially abated. The people have a right to an environment free from excessive sound that may jeopardize their health, welfare, or safety, or degrade the quality of life. It is the policy of the City of Bloomer to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life. This Chapter shall apply to the control of all sound originating within the limits of the City of Bloomer.
- (c) **Definitions.** All acoustical terminology shall be that contained in ANSI S1.1, "Acoustical Terminology.", and as follows:
 - (1) **ANSI.** American National Standards Institute or its successor bodies.
 - (2) **A-Weighted Sound Level.** The sound pressure level in decibels, as measured with a sound level meter, using the A-weighted network. A level so read is designed db(A) or dBA.
 - (3) **Ambient Noise.** The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.
 - (4) **Amplitude.** The absolute value of the maximum displacement from zero (0) value during one (1) period of oscillation.
 - (5) **Construction.** Any safe preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

- (6) **Cycle.** A complete sequence of values of a periodic quantity that occur during a period.
- (7) **Day.** Shall mean the hours between 7:00 a.m. and 10:00 p.m.
- (8) **Decibel.** A standard unit of measuring sound pressure levels that is equal to 1/10 of a bel and is a unit of level when the base of the logarithm is the tenth root of ten (10), and the quantities concerned are proportional to power; abbreviated "dB."
- (9) **Demolition.** Any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- (10) **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- (11) **Emergency Work.** Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- (12) **Fluctuating Sound.** A fluctuating sound is a sound whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.
- (13) **Frequency.** The reciprocal of the primitive period of a function periodic in time. The unit is the cycle per unit time and must be specified; typically this unit will be Hertz (Hz), i.e. cycles per second.
- (14) **Impulsive Sound.** An impulsive sound is characterized by brief excursions of sound pressure (acoustic impulses) which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is usually less than one (1) second.
- (15) **Intermittent Sound.** An intermittent sound is a sound whose sound pressure level equals the ambient environmental level two (2) or more times during the period of observations. The period of time during which the level of the sound remains at an essentially constant value different from that of the ambient is on the order of one (1) second or more.
- (16) **Microbar.** A unit of pressure commonly used in acoustics that is equal to one (1) dyne per square centimeter.
- (17) **Muffler or Sound Dissipative Device.** A device for abating the sound of escaping gases of an internal combustion engine.
- (18) **Night.** Shall mean the hours between 10:00 p.m. and 7:00 a.m.
- (19) **Non-Steady Sound.** A non-steady sound is a sound whose level shifts significantly during the period of observation.
- (20) **Period of Observation.** The period of observation is the time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the sound being measured and should also be at least ten (10) times as long as the response time of the instrumentation. The greater the variance in indicated sound level, the longer must be the observation time for a given expected accuracy of the measurement.
- (21) **Person.** Any person, person's firm, association, co-partnership, joint venture, corporation, or any entity public or private in nature.

- (22) **Public Right-of-Way.** Any street, avenue, boulevard, highway, sidewalk, or alley or similar place which is owned or controlled by a governmental entity.
- (23) **Pure Tone.** A sound having a single frequency.
- (24) **Real Property Boundary.** An imaginary line along the ground surface and its vertical extension which separates the real property owned by one (1) person from that owned by another person, but not including intra-building real property divisions.
- (25) **Sound.** An oscillation in pressure, particle displacement, particle velocity, or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (26) **Sound Analyzer.** A device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.
- (27) **Sound Level Meter.** An instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner.
- (28) **Sound Pressure Level.** The sound pressure level, in decibels of sound, is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure must be explicitly stated.
- (29) **Spectrum.** A spectrum is a function of time and is a description of its resolution into components, each of different frequency and usually of different amplitude and phase and is also used to signify a continuous range of components each of different amplitude and phase. A spectrum is used to signify a continuous range of components usually wide in extent within which waves have some specified characteristics such as "audio-frequency spectrum" and is also applied to functions of variables other than time.
- (30) **Steady Sound.** A sound whose level remains essentially constant (i.e., fluctuations are negligibly small) during the period of observation.

Sec. 11-8-2 Excessive Noise Declared a Nuisance.

Excessive noise, as defined in this Chapter, is hereby declared to be a public nuisance and may be subject to summary abatement procedures as described herein. Such abatement may be in addition to administrative proceedings, forfeitures, and penalties as provided in this Chapter. It shall be the duty of the Police Department, upon complaint of a nuisance, to determine if excessive noise exists as defined in this Chapter and to take the appropriate action as specified herein. Conditions of excessive noise which are specifically exempted or for which a variance permit has been issued in conformity with provisions of this Chapter shall be exempt from the above provisions.

Sec. 11-8-3 Exemptions.

The following activities shall be exempt from the regulations of this Chapter:

- (a) **Construction Sites, Public Utility Projects, Public Works.** The daytime criteria, as set forth in Tables I and II, shall not apply to construction sites, public utilities, and public works projects and operations during daytime hours Monday through Saturday, inclusive; provided, however, that noise production shall be minimized through proper equipment operations and maintenance. Stationary equipment on construction projects lasting more than ten (10) days within residential districts shall be shielded or located to prevent unnecessary noise.
- (b) **Emergency Operations.** Emergency short-term operations which are necessary to protect the health and welfare of the citizens (such as emergency utility and street repair, fallen tree removal, snow removal, or emergency fuel oil delivery) shall be exempt from the criteria as set forth in Tables I and II, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.
- (c) **Noises Required by Law.** The provisions of Tables I and II shall not apply to any noise required specifically by law for the protection, health, welfare, or safety of people or property.
- (d) **Lawn Mowers, Garden Tools, Etc.** Power equipment such as lawn mowers, hand tools, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property, is kept in good repair and maintenance, and which equipment, when new, would not comply with the standards set forth in this Chapter shall be exempt. No person shall operate such equipment, with the exception of snow removal equipment, between 10:00 p.m. and 7:00 a.m.
- (e) **Residential Air Conditioners.** Noise emitted by residential air conditioners shall be judged by the criteria set forth in Section 11-8-6.
- (f) **Airplanes and Railroad Operations.** Aircraft and railroad operations which are controlled specifically by federal law and enforcement shall be exempt.
- (g) **Bells, Chimes.** Bells, chimes, church bells, and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than fifteen (15) minutes in any given hour shall be exempt from the daytime noise limitations of Section 11-8-6.
- (h) **Exemptions.** These provisions shall not apply to:
 - (1) Activities covered by the variance and exemption provisions of this Chapter.
 - (2) Non-stationary farming equipment.

Sec. 11-8-4 Variances.

The Common Council shall have the authority, consistent with this Chapter, to grant special variances in accordance with the following provisions.

(a) **Special Variance Permits.**

- (1) **General.** A special variance permit may be issued upon request provided that the work producing such noise is necessary to promote the public health or welfare and reasonable steps are taken to keep such noise at the lowest practical level.
- (2) **Special Community Events.** A special variance permit may be issued for special events, such as circuses, 4th of July celebrations, and similar community events, which are limited in duration and are generally acceptable to the people of the community provided that precautions are taken to maintain the noises produced at the lowest practical level.
- (3) **Procedure.** Any person seeking a special variance permit pursuant to this Chapter shall file an application with the Police Department thirty (30) days prior to the commencement of the event or activity for which the variance permit is requested. The Police Department, however, may waive the time limit when compliance therewith is impractical. The application for a special variance permit must be made in writing to the Police Department and shall contain all the following pertinent information:
 - a. Dates required.
 - b. Time and place of operation.
 - c. Equipment operation involved.
 - d. Necessity for such permit.
 - e. Steps to be taken to minimize noise.
 - f. Name of responsible person who will be present at the operation site while the noise is produced.
- (4) **Issuance.** Special variance permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of these special variance permits shall terminate it and subject the person holding it to those provisions of this Chapter regulating the source of sound or activity for which the special variance is granted.
- (5) **Extension or Modification.** Application for extension of time limits specified in special variance permits or for modification of other substantial conditions shall be treated like applications for initial special variances.

(b) **Conditional Variances.**

- (1) **Grounds.** It may not be technically or economically feasible for certain commercial or industrial sources of sound to comply with the standards set forth herein. Therefore, the Common Council may grant variances from this Section if it finds that strict compliance is unreasonable because:
 - a. Conditions are beyond the control of the person granted such variance.
 - b. Special circumstances exist which would render strict compliance impractical due to special physical conditions or cause.

- c. Strict compliance would result in substantial curtailment or closing down of a business, plant, or operation.
- d. Control technology is unavailable or available only at prohibitive cost.
- e. No other alternative facility or method is available.
- (2) **Limitations; Modifications.** Variances granted pursuant to Subsection (b)(1)d or e may be limited in time and may be modified or revoked in the event the impediments in Subsection (b)(1)d or e are removed at some future time.
- (3) **Application for New Sources.** The owner, or an authorized agent, of any source of sound may apply to the Common Council for a conditional variance. For a new source, the application shall be made not less than one hundred twenty (120) days prior to commencement of sound producing operations.
- (4) **Hearing.** The application shall state upon which of the permitted exceptions it is grounded and inform the Common Council as to why the source of sound or activity for which the variance is sought should be allowed. The Common Council may find a controversy exists regarding the object of the application and hold a public hearing after notice thereof. Any person who may be affected by the variance may testify orally or may file a written statement setting forth information for the Council's consideration. Those who appear may be required to submit such additional information as the Common Council may reasonably require.
- (5) **Findings.** The Common Council shall file findings of facts, conclusions of law, and a decision with the Clerk-Treasurer within thirty (30) days after the hearing, or receipt of application if no hearing is held.
- (6) **Compliance With Conditions.** Conditional variances shall not be issued until the applicant has agreed to the conditions therein. The Common Council may require the applicant to post a performance bond prior to issuing the variance. The variance shall be voidable upon written notice and hearing at the option of the Common Council in the event any of the stated conditions are violated.

Sec. 11-8-5 Appeals.

Appeals of an adverse decision of the Common Council shall be made to the Zoning Board of Appeals.

Sec. 11-8-6 Lot Line Noise.

- (a) **Regulated.** No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set for the zone categories in Table I, provided, however, that when sound is emitted from an industrial zone into a residential zone or commercial zone, or from a commercial zone into a residential zone, the limits set forth in Table II shall apply.

- (b) **Zones.** The following general zones as defined in the City's Zoning Code.
 - (1) Residential, Agricultural and Other.
 - (2) Commercial.
 - (3) Industrial.
- (c) **Measurement.**
 - (1) Measurement shall be made at or beyond the property line of the property on which such noise is generated or at or within the property line of the property on which such noise is perceived, as appropriate. Measurement shall be done four (4) feet above the ground and at least three (3) feet from large reflecting surfaces such as building walls.
 - (2) Measurement of sound shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 - 1971) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 - 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order.
 - (3) When a sound level meter is used, it shall be set to the A-weighting scale and in the FAST response mode. A windscreen shall be mounted on the microphone and the noise limitations shall be the A-scale levels set forth in Tables I and II. An octave band analyzer may be employed when there is a concentration of sound energy within a limited number of bands, but its use shall not be restricted to such situations. When an octave band analyzer is used, a standard octave band analysis shall be conducted that spans the frequency range set forth in Tables I and II.

Sec. 11-8-7 Immediate Threats to Health and Welfare.

- (a) **Immediate Order.** The Chief of Police may order an immediate halt to any sound which exposes any person, except those excluded in sub. (b), to sound levels in excess of those shown in Tables III and IV. Within five (5) days following issuance of such an order, the City may apply to the appropriate court for an injunction to replace the order.
- (b) **Exemptions.** No order shall be issued if the only persons exposed to sound levels in excess of those listed in Tables III and IV are exposed as a result of:
 - (1) Trespass.
 - (2) Invitation upon private property by the person causing or permitting the sound.
 - (3) Employment by the person or a contractor of the person causing or permitting the sound.
 - (4) A temporary City-authorized or recognized community or civic event.
- (c) **Compliance Requirements.** Any person subject to an order issued pursuant to sub. (a) shall comply with such order until:
 - (1) The sound is brought into compliance with the order, as determined by the Chief of Police.

- (2) A judicial order has superseded the Chief of Police order.
- (d) **Penalty.** Any person who violates an order issued pursuant to this Chapter shall, upon conviction, be subject to a penalty pursuant to Section 1-1-7. Each day of violation of said order shall constitute a separate offense.

TABLE I

**Maximum Permissible Sound Pressure
(Levels in Decibels re .0002 Microbars)**

7:00 a.m. to 10:00 p.m.

Octave Band Center Frequency (Hz)	Residential	Commercial	Industrial
31.5	70	80	86
63	69	79	85
125	64	73	80
250	58	65	75
500	52	59	69
1000	47	53	63
2000	42	47	58
4000	38	42	54
8000	35	40	51
A-scale levels	57 dB (A)	63 dB (A)	72 dB (A)

10:00 p.m. to 7:00 a.m.

Octave Band Center Frequency	Residential	Commercial	Industrial
31.5	69	72	81
63	68	71	80
125	62	66	75
250	54	60	70
500	48	54	64
1000	42	49	58
2000	36	44	53
4000	31	40	49
8000	29	37	46
A-scale levels (for monitoring purposes)	52 dB (A)	58 dB (A)	67 dB (A)

TABLE II**Maximum Permissible Sound Pressure
(Levels in Decibels re .002 Microbars)****7:00 a.m. to 10:00 p.m.**

Octave Band Center Frequency (Hz)	Ind. into Commercial	Ind. into Residential	Commercial into Residential
31.5	80	79	75
63	79	78	74
125	74	73	69
250	69	67	64
500	63	61	58
1000	57	55	52
2000	52	50	47
4000	48	46	43
8000	45	43	40
A-scale levels (for monitoring purposes)	66 dB (A)	64 dB (A)	61 dB (A)

10:00 p.m. to 7:00 a.m.

Octave Band Center Frequency (Hz)	Ind. into Commercial	Ind. into Residential	Commercial into Residential
31.5	75	74	72
63	74	73	71
125	69	68	65
250	64	63	57
500	58	57	51
1000	52	51	45
2000	47	46	39
4000	43	42	34
8000	40	39	32
A-scale levels (for monitoring purposes)	61 dB (A)	60 dB (A)	55 dB (A)

TABLE III

**Continuous Sound Levels
Which Pose an Immediate Threat to Health and Welfare
(Measured at 50 Feet or 15 Meters)**

Sound Level Limit (dBA)	Duration
90	24 hours
93	12 hours
96	6 hours
99	3 hours
102	1.5 hours
105	45 minutes
108	22 minutes

TABLE IV

**Impulsive Sound Levels
Which Pose an Immediate Threat to Health and Welfare
(Measured at 50 Feet or 15 Meters)**

Sound Level Limit (dBA)	Number of Repetitions Per 24 Hours
145	1
135	10
125	100

TITLE 12

Parks and Recreation

Chapter 1 Parks and Navigable Waters

Title 12 ► Chapter 1

Parks and Navigable Waters

12-1-1	Park Regulations
12-1-2	Operation of Remote or Radio-Controlled Airborne Toys or Devices Prohibited
12-1-3	Turf Protection on Public Property
12-1-4	Park Hours
12-1-5	Reservation of Park Space or Park Shelters
12-1-6	Smoking on City Beach Prohibited

Sec. 12-1-1 Park Regulations.

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City of Bloomer from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the City.
- (b) **Definitions.**
- (1) **Parks.** Includes all existing, proposed and future municipal property set aside for active or passive use of leisure time.
 - (2) **Park Facilities.** Any park area, equipment or structure that has been set aside with a specific use intended.
 - (3) **Playgrounds.** An area, either within a larger park area or a small area set aside for the purpose of promoting imaginative and creative play of school children and providing a means of physical exercise through the use of play apparatus.
 - (4) **Swimming Areas.** Any open swimming area developed with the intent for use for swimming purposes and under the supervision of a professional lifeguard.
 - (5) **Green Belts.** Areas of municipally owned lands that are intended to serve an environmental control function such as erosion control, flood control and groundwater preservation which land is not generally desirable for public development, but may include any special interest activities which may lend themselves to the area, such as trails.
 - (6) **Open Spaces.** Areas of municipally owned lands maintained in their natural state, thus supporting native plants and animals.

- (7) **Public Property.** All municipally owned parks, park facilities, playgrounds, swimming areas, green belts, open spaces, streets, parking facilities and easements for public use.

(c) **Specific Regulations.**

- (1) **Littering Prohibited.** Depositing rubbish or litter in any park or public property is prohibited. No person shall place or deposit any filth, ashes, embers, dirt, garbage, rubbish, paper or other litter, refuse or offensive matter in or on any park or other public property. This provision shall not prevent the proper use of rubbish burners or other receptacles where they are provided by the City.
- (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the Common Council, or designated committee thereof.
- (3) **Bill Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Common Council or designated committee thereof.
- (4) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park.
- (5) **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park.
- (6) **Trapping.** "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in City parks unless authorized by the Common Council.
- (7) **Making of Fires.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (8) **Protection of Park Property.** No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
- (9) **Motorized Vehicles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is

specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Common Council authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.

- (10) **Snowmobiles.** No person shall operate a snowmobile in a City park except in designated areas. Snowmobiles shall only be operated on designated trails.
- (11) **Speed Limit.** No person shall operate any vehicle in a City park in excess of fifteen (15) miles per hour unless otherwise posted.
- (12) **Glass Beverage Bottles in Parks Prohibited.** No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcoholic beverages.
- (13) **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.
- (14) **Parking in Parks.** No person shall park any motor vehicle in any park in the City except in a designated parking area.
- (15) **Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Common Council is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped.
- (16) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (17) **Golfing and Sporting Activities.** No golfing or practicing golf in City parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (18) **Arrows.** No person shall use or shoot any bow and arrow in any City park, except in authorized areas.
- (19) **Fees and Charges.** The Common Council shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (20) **Camping.** Camping in all City parks is prohibited.
- (21) **Firearms; Hunting.** Possessing or discharging of any firearm or weapon of any kind is prohibited in all City parks.
- (22) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
- (23) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.

Cross-Reference: Section 11-4-1.

Sec. 12-1-2 Operation of Remote or Radio-Controlled Airborne Toys or Devices Prohibited.

It shall be unlawful for any person to fly, operate or make use of any remote or radio-controlled model airplane, helicopter, or any other airborne device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

Sec. 12-1-3 Turf Protection on Public Property.

Except as authorized by the Common Council, no person shall dig into the turf of any City-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Common Council, the use of metal detectors and digging for buried objects on City parks or recreational property, except beaches where no vegetation is present, is prohibited.

Sec. 12-1-4 Park Hours.

- (a) **Park Hours.** Subject to certain exceptions listed in Subsection (b) below, all City parks shall be closed from 10:00 p.m. to 5:00 a.m. the following day. Closing hours shall not be applicable for Council-authorized events.
- (b) **Park Closing and Opening Dates.** The Chief of Police or Common Council will have full authority to open and close any park, facility or area because of weather conditions, physical condition, construction or when, in the interest of public safety, it is deemed necessary.

Sec. 12-1-5 Reservation of Park Space.

- (a) **Policy on Reservation.** The City-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the City. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof, excluding camping areas, in the City to the end that the general welfare of the City is protected.
- (b) **Reservation of Park Space.** A person or group, firm organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the City Clerk-Treasurer for a permit for exclusive use of the same. The City

Clerk-Treasurer shall issue permits for exclusive use of a portion of a park or park shelter, while the Common Council shall issue permits for the exclusive use of City parks. Park facilities are reserved on a first-requested, first-reserved basis.

- (c) **Application.** Applications shall be filed with the City Clerk-Treasurer at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:
- (1) The name, address and telephone number of the applicant.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
 - (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
 - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
 - (5) The anticipated number of persons to use the said park, area or facility.
 - (6) Any additional information which the Common Council or City Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Action on Application.** The Common Council shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (e) **Reasons for Denial.** Applicants may be denied for any of the following reasons:
- (1) If it is for a use which would involve a violation of Federal or State law or any provision of this Code.
 - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) If the application does not contain the information required by Subsection (c) above.
 - (4) The application is made less than the required days in advance of the scheduled exclusive use.
 - (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
 - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the City.
 - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
 - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (f) **Indemnification.** Prior to granting any permit for exclusive use of the park, the City may require the permittee to file evidence of good and sufficient sureties, insurance in force or

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other evidence of adequate financial responsibility, running to the City and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the City and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

- (g) **Permit Not Required For City Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the City.
- (h) **Permit Revocation.** The Common Council and/or Chief of Police after granting a permit may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
- (i) **Form of Permit.** Each permit shall be in a form prescribed by the Common Council and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (j) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-5-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.
- (k) **Care of Facilities.** Persons reserving City facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of City officials. Inadequate cleaning shall result in the permit holders being billed for such cleanup costs.

Sec. 12-1-6 Smoking on City Beach Prohibited.

No person shall smoke tobacco products, including but not limited to, cigars, cigarettes or pipe tobacco on the City Beach on Lake Como, which shall be further defined as the sand mat adjacent to and alongside of Lake Como, adjacent to the area of the lake designated for swimming purposes, further defined as being located in the City Park. Signs advising of this prohibition shall be posted. The penalty for violation of this Section shall be a forfeiture of Ten Dollars (\$10.00) for each offense.

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Zoning

- | | |
|------------------|---|
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Zoning Code

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Article A: Introduction

Sec. 13-1-1 Authority.

This Chapter is adopted under the authority granted by Sections 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

State Law Reference: Sec. 62.23(7), Wis. Stats.

Sec. 13-1-2 Title.

This Chapter shall be known as, referred to and cited as the "Zoning Code, City of Bloomer, Wisconsin" and is hereinafter referred to as the "Code" or "Chapter."

Sec. 13-1-3 General Purpose.

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the City of Bloomer, Wisconsin.

Sec. 13-1-4 Intent and Purposes.

The general intent and purposes in view of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the City into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the City and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;

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- (g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the City;
- (i) Preserve and protect the beauty of the City of Bloomer;
- (j) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (k) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (m) Further the maintenance of safe and healthful water conditions;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) Provide for and protect a variety of suitable commercial and industrial sites;
- (p) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the City of Bloomer;
- (r) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

Sec. 13-1-5 Abrogation and Greater Restrictions.

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

Sec. 13-1-6 Interpretation; Standard Industrial Classifications.

- (a) In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Bloomer.
- (b) Uses allowed in Commercial and Industrial Districts may be cross-referenced with the Standard Industrial Classification. The SIC number is shown in [].

Sec. 13-1-7 Severability and Non-Liability.

- (a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- (c) The City does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Common Council, its agencies or employees for any flood damages, or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

Sec. 13-1-8 Repeal and Effective Date.

All other ordinances or parts of ordinances of the City inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

Sec. 13-1-9 through Sec. 13-1-19 Reserved for Future Use.

Article B: General Provisions

Sec. 13-1-20 Jurisdiction and General Provisions.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the City of Bloomer. The provisions of this Chapter shall be held to be the minimum requirements for carrying out the intent and purpose of this Chapter.
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- (c) **District Regulations to be Complied With.** Within the City, the use of any land; the size, shape and placement of lots; the use, size, height, location and types of structures thereon; and the provision of open spaces shall be in compliance with the regulations established herein and made applicable to the district or districts in which such land or structure is located.
- (d) **Yard Reduction or Joint Use.**
 - (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this 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) No yard or other open space allocated to a structure or parcel of land shall be used to satisfy yard, other open spaces or minimum lot area requirements for any other structure or parcel.
- (e) **Lots Abutting More Restrictive District.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.
- (f) **Relationship with Other Laws.** Where the conditions imposed by any part of this Chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Chapter or any other laws, ordinances, resolutions, rules or regulations of any kind, the regulations which are more restrictive (or impose higher standards or requirements) shall be enforced.

Sec. 13-1-21 Use Regulations.

Only the following uses and their essential services may be allowed in any district:

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.

- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.
 - (2) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval in accordance with Article E of this Chapter.
 - (3) Conditional uses authorized by the Common Council shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
 - (4) Conditional uses authorized by the Common Council shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Common Council approval and the procedures required in Article E of this Chapter.
- (d) **Classification of Unlisted Uses.** Any use not specifically listed as a permitted use or a conditional use in the districts established in Article C shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of question as to the classification of an unlisted use, the question shall be submitted to the Zoning Board of Appeals for determination, following a recommendation from the Plan Commission, in accordance with the following procedure:
 - (1) **Application.** Application for determination for classification of an unlisted use shall be made in writing to the Zoning Administrator and shall include a detailed description of the proposed use and such other information as may be required by the Zoning Board of Appeals to facilitate the determination.
 - (2) **Investigation.** The Zoning Board of Appeals shall make or have made such investigations as it deems necessary in order to compare the nature and characteristics of the proposed use with those of the uses specifically listed in the Chapter and to recommend its classification.
 - (3) **Determination.** The determination of the Zoning Board of Appeals shall be rendered in writing within sixty (60) days from the application and shall include findings supporting the conclusion. The Zoning Board of Appeals shall determine if the classification of the unlisted use is a permitted use, conditional use or prohibited use in one (1) or more of the districts established in Article C.
 - (4) **Effective Date of Determination.** At the time of this determination of the classification of the unlisted use by the Zoning Board of Appeals, the classification of the unlisted use shall become effective.

Sec. 13-1-22 Site Regulations.

- (a) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of fifty (50) feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located. (See Section 13-1-103).
- (b) **Principal Structures.** All principal structures shall be located on a lot. As a general rule, no more than one (1) principal structure shall be located on a single lot; however, in its sound discretion, the Plan Commission may permit more than one (1) principal structure per lot where more than one (1) principal structure is deemed by it to be appropriate for the orderly development of the lot in question. When additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings. The Plan Commission may permit as a planned unit development more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (c) **Dedicated Street.** All lots shall abut a public street or approved private road or way which is constructed to applicable standards. 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.
- (d) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Common Council, upon the recommendation of the Plan Commission, 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 Plan Commission, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Common Council.
- (e) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the

owner of the abutting property and with the approval of the Common Council, upon the recommendation of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

- (f) **Decks.** For purposes of this Chapter, decks, porches and fireplace chases shall be considered a part of a building or structure.
- (g) **Vacated Streets.** Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding.
- (h) **Obstruction of Unplatted Lands.** All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land platting.
- (i) **Dwelling Units.** No cellar, basement or unfinished home, garage, tent, recreational vehicle, trailer or accessory building shall, at any time, be used as a dwelling unit. Basements shall not be used as dwelling units, except where specifically designed for such use through proper damp-proofing, fire-protecting walls and other requirements as may be imposed by the building and housing codes.
- (j) **Temporary Uses.** Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator. The Zoning Administrator may impose conditions on such temporary uses.
- (k) **Unclassified or Unspecified Uses.** Unclassified or unspecified uses may be permitted by the Board of Appeals after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the District.
- (l) **Screening Regulations.** Any use required by this Chapter to be screened in accordance with this Section shall be confined within an opaque fence or wall eight (8) feet high or a visual screen consisting of evergreen or evergreen type hedges or shrubs, spaced at intervals of not more than six (6) feet located and maintained in good condition or in any way out of view of the public.
- (m) **Number of Tenants.** No owner of any dwelling shall lease or enter any lease of any one (1) dwelling unit to more than five (5) persons not related by blood, marriage, adoption or legal guardianship, living together as a single housekeeping unit and using common cooking facilities, or more than ten (10) persons living together as a single housekeeping unit and using common cooking facilities in a foster home wherein the foster parents have been licensed by the State Department of Health and Social Services.

Sec. 13-1-23 Modifications.

- (a) **Height.** The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:

- (1) **Agricultural Structures.** Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
 - (2) **Special Structures,** such as elevator penthouses, gas tanks, grain elevators, scenery lots, 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, 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, radio and television receiving and transmitting antennas, are exempt from the height limitations of this Chapter. This does not include earth station dish antennas.
 - (5) **Public or Semipublic Facilities.** Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, government offices and stations, may be erected to a height of sixty (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.
 - (6) **Architectural Projections,** such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Chapter.
- (b) **Yards.** The yard requirements stipulated elsewhere in this Chapter may be modified as follows:
- (1) **Architectural Projections.** Chimneys, flues, sills, eaves, belt courses, ornaments, etc., may project into any required yard, but such projection shall not exceed two (2) feet.
 - (2) **Essential Services,** utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.
 - (3) **Landscaping and Vegetation** are exempt from the yard requirements of this Chapter.
 - (4) **On Lots Having Double Frontage** (through lots), the required front yard shall be provided on both street sides.
- (c) **Average Building Setbacks.** In Residential and Business Districts, except for corner lots, required setbacks shall be modified in the following cases:
- (1) **Average Front Yards.** The required front yards may be decreased in any residential or business district to the average of the existing street yards of the abutting principal structures on each side. Where fifty percent (50%) or more of the frontage on a block is occupied by principal structures having setbacks less than that required by this Chapter, setback on each remaining lot shall be determined in accordance with the following rule. The front building line of a proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Chapter.

- (2) **Additions.** Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.
- (d) **Corner Yards.** On a corner lot, the width of the yard along the side street shall not be less than any required front yard on such street, provided, the building width of a lot of record shall not be reduced to less than twenty-eight (28) feet nor closer than five (5) feet to any side lot line. In no case shall the side yard abutting a street be reduced to less than ten (10) feet.

Sec. 13-1-24 through Sec. 13-1-39 Reserved for Future Use.

Article C: Zoning Districts

Sec. 13-1-40 Districts Established.

For the purpose and administration of this Chapter, the City of Bloomer, Wisconsin, is hereby organized into the following zoning districts:

- (a) **Residential Districts.**
 - (1) R-1 Single-Family Residence District.
 - (2) R-2 Two-Family Residence District.
 - (3) R-3 Multiple-Family Residence District.
- (b) **Commercial Districts.**
 - (1) C-1 Central Business District.
 - (2) C-2 General Commercial District.
- (c) **Industrial Districts.**
 - (1) I-1 Light Industrial District.
 - (2) I-2 Heavy Industrial District.
- (d) **PUD Planned Unit Development District.** PUD Planned Unit Development District, upon application as granted by the Common Council on a case-by-case basis in accord with Section 13-1-60.

Sec. 13-1-41 Zoning Map.

The boundaries of the aforesaid zoning districts are hereby established as shown on the "City of Bloomer Official Zoning Map". The official map and all notations, references and other information show thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. An official copy of this map, together with a copy of this Chapter, shall be kept at the office of the City Clerk-Treasurer and shall be certified by the Mayor and attested by the City Clerk-Treasurer. Any changes in zoning district boundaries shall be recorded on the map.

Sec. 13-1-42 District Boundaries.

- (a) The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.
- (b) Where the district boundaries are not otherwise indicated and where property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to

be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.

- (c) In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

Sec. 13-1-43 Zoning of Rights-of-Way.

All streets, alleys, public ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting them. Where the centerline serves as a district boundary, the zoning of the right-of-way shall be deemed to be the same as that of the abutting property up to such centerline, unless otherwise specifically designated.

Sec. 13-1-44 R-1 Single-Family Residence District.

- (a) **Purpose.** The R-1 Single-Family Residence District is intended to provide a quiet, pleasant and relatively low density living area protected from excessive traffic and nuisances, such as gas noise, odors, vibration, and uses which are incompatible with the provisions of this Chapter for this district.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-1 District:
 - (1) Single-family detached dwellings, including manufactured homes but excluding all mobile homes.
 - (2) Public parks and playgrounds.
 - (3) Community living arrangement which has a capacity for eight (8) or fewer persons being served by the program, subject to state licensing requirements.
 - (4) Family day care home, limited to not more than eight (8) children. Family day care homes shall be subject to state licensing requirements.
 - (5) Accessory building or use, including a private detached garage or carport, and paved parking areas customarily incidental to the above uses, but not involving the conduct of a business.
- (c) **Conditional Uses.**
 - (1) Elementary, junior and senior high schools.
 - (2) Fire stations.
 - (3) Churches and cemeteries.
 - (4) Museums, libraries and community centers not conducted for profit.
 - (5) Nursing homes, homes for the elderly and hospitals.
 - (6) Golf courses.
 - (7) Group day care homes licensed for nine (9) or more children, subject to all state licensing requirements.

- (8) Community living arrangements which have a capacity for nine (9) or more persons being served by the program, subject to state licensing requirements.
 - (9) Private lodges and clubs.
 - (10) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, and microwave radio towers.
- (d) **Dimensional Requirements.**
- (1) **Lot Size.**
 - a. Minimum Lot Area. Ten thousand (10,000) square feet.
 - b. Minimum Lot Width. Ninety (90) feet.
 - (2) **Setbacks and Required Yards for Principal Building.**
 - a. Minimum Front Yard. Thirty (30) feet.
 - b. Minimum Side Yard. Eight (8) feet, twenty (20) feet aggregate.
 - c. Minimum Rear Yard. Twenty-five (25) feet.
 - (3) **Setbacks and Required Yards for Accessory Buildings.** (See Article K). Side/rear yard setbacks are three (3) feet for all accessory buildings [except twenty (20) feet for garages facing an alley].
 - (4) **Maximum Building Height.**
 - a. Principal Building. Thirty-five (35) feet.
 - b. Accessory Building. Fourteen (14) feet.

Sec. 13-1-45 R-2 Two-Family Residence District.

- (a) **Purpose.** This District is intended to provide for two-family dwellings, such as duplexes, flats or apartment conversions in large older, single-family dwellings.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-2 District:
 - (1) Single-family detached dwellings, including manufactured homes but excluding all mobile homes.
 - (2) Two-family dwellings.
 - (3) Publicly owned or operated park, playground, or community buildings provided that any building shall be located not less than thirty-five (35) feet from any side lot lines.
 - (4) Public utility distribution lines, including, but not limited to, electric, gas, water, television cable, and telephone distribution lines and other related accessories subject to approval by the City Public Works Department.
 - (5) Accessory building or use, including a private garage, carport and paved parking areas customarily incident to the above uses, but not involving the conduct of a business.
 - (6) Signs in conformance with Article H of the Chapter.
 - (7) Parking as required in Article G of this Chapter.
 - (8) Home occupations as required in Section 13-1-92.

- (9) Day care centers limited to not more than eight (8) children, subject to state licensing requirements.
 - (10) Community living arrangement which as a capacity for eight (8) or fewer persons being served by the program, subject to state licensing requirements.
- (c) **Conditional Uses.**
- (1) Public and private schools, provided that any such building shall be located not less than thirty (30) feet from any side lot lines.
 - (2) Churches and other religious institutions, provided that any such building shall be located not less than thirty (30) feet from any side lot line.
 - (3) Private lodges and clubs.
 - (4) Nursing homes, homes for the elderly and hospitals.
 - (5) Public utility offices, transmission lines, antennas and towers, including, but not limited to, electric, gas, petroleum and telephone transmission lines, antennas and towers, whether installation is above or below ground, and other related accessories, substations, municipal water towers, and pump houses.
 - (6) Golf courses.
 - (7) Day care centers for nine (9) or more children, subject to state licensing requirements.
 - (8) Institutions of an educational, eleemosynary or philanthropic nature, but not a penal or mental institution.
 - (9) Boarding and lodging houses.
 - (10) Community living arrangement which has a capacity for nine (9) or more persons being served by the program, subject to state licensing requirements.
- (d) **Dimensional Requirements.**
- (1) **Lot Size.**
 - a. Minimum Lot Area. Ten thousand (10,000) square feet.
 - b. Minimum Lot Width. Ninety (90) feet.
 - (2) **Setbacks.**
 - a. Minimum Front Yard. Thirty (30) feet.
 - b. Minimum Side Yard. Eight (8) feet; twenty (20) feet aggregate.
 - c. Minimum Rear Yard. Twenty-five (25) feet.
 - (3) **Setbacks and Required Yards for Accessory Building.** (See Article K). Side/rear yard setbacks are three (3) feet for all accessory buildings [except twenty (20) feet for garages facing an alley].
 - (4) **Building Size.** Minimum required floor area of principal building: One family - nine hundred (900) square feet; two family - one thousand six hundred (1,600) square feet.
 - (5) **Maximum Building Height.**
 - a. Principal Building. Thirty-five (35) feet.
 - b. Accessory Building. Fourteen (14) feet.

Sec. 13-1-46 R-3 Multiple-Family Residence District.

- (a) **Purpose.** The R-3 Multiple-Family Residence District is intended to provide a living environment similar in all respects to the R-3 District, although with a higher population density and greater diversity of housing types.
- (b) **Permitted Uses.**
- (1) Single-family detached dwellings, including manufactured homes but excluding all mobile homes.
 - (2) Two-family dwellings.
 - (3) Multiple-family dwellings.
 - (4) Community living arrangement for fifteen (15) persons or less, subject to state licensing requirements.
 - (5) Bed and breakfast establishments subject to the following provisions:
 - a. The bed and breakfast establishment shall be owner-occupied.
 - b. Bed and breakfast establishments shall require a permit in accordance with Ch. HSS 197, Wis. Adm. Code.
 - c. Off-street parking provisions shall be required.
 - (6) Public parks and playgrounds.
- (c) **Permitted Accessory Uses.**
- (1) Private garages and carports and accessory buildings and structures incidental to residential uses.
 - (2) Home occupations (see Section 13-1-92).
 - (3) Parking (see Article G).
 - (4) Signs (see Article H).
- (d) **Conditional Uses.** (See Article D).
- (1) Community living arrangements which have a capacity for sixteen (16) persons or more, subject to state licensing requirements.
 - (2) Elementary, junior and senior high schools.
 - (3) Fire stations.
 - (4) Churches.
 - (5) Museums, libraries, and community centers not conducted for profit.
 - (6) Nursing homes, homes for the elderly and hospitals.
 - (7) Golf courses.
 - (8) Group day care homes licensed for nine (9) or more children, subject to all state licensing requirements.
 - (9) Private lodges and clubs.
 - (10) Boarding houses.
 - (11) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, microwave radio towers, sewage disposal plants, municipal incinerators power plants, shops and storage yards.

(e) **Dimensional Requirements.**

(1) **Lot Size.**

a. **Minimum Lot Area.**

1. Single-family dwelling. Ten thousand (10,000) square feet.
2. Two-family dwelling. Ten thousand (10,000) square feet.
3. Multiple-family dwelling. Lots shall have the minimum of the larger of twelve thousand (12,000) square feet or:

Dwelling Type	Minimum Lot Area
Multiple-family, 1 bedroom	2,000 SF per unit
Multiple-family, 2 bedroom	2,500 SF per unit
Multiple-family, 3 bedroom	3,500 SF per unit

b. **Minimum Lot Width.** Ninety (90) feet.

(2) **Setbacks and Required Yards for Principal Building.**

- a. **Minimum Front Yard.** Thirty (30) feet.
- b. **Minimum Side Yard.** Eight (8) feet; twenty (20) feet aggregate.
- c. **Minimum Rear Yard.** Twenty-five (25) feet.

(3) **Setbacks and Required Yards for Accessory Building.** (See Article K).

- a. Side/rear yard setbacks are three (3) feet for all accessory buildings.

(4) **Maximum Building Height.**

- a. **Principal Building.** Thirty-five (35) feet.
- b. **Accessory Building.** Twenty (20) feet.

* A building may be erected to a height of fifty (50) feet if the setback from all required yard lines is increased a distance of one (1) foot for each foot of additional height above thirty-five (35) feet.

Sec. 13-1-47 C-1 Central Business District.

(a) **Purpose.** The C-1 Central Business District is intended to provide for the orderly and appropriate regulations to ensure compatibility of the diverse uses typical of the "downtown" area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the "center" of the City.

(b) **Permitted Uses.**

- (1) Retail sales establishments.
- (2) Financial institutions.

- (3) Personal and business service establishments.
- (4) Commercial and professional offices.
- (5) Hotels and motels.
- (6) Restaurants, cafes, taverns and bars.
- (7) Theaters and bowling alleys.
- (8) Auditoriums and community centers.
- (9) Government offices, post offices and libraries.
- (10) Medical and dental clinics.
- (11) Clubs and lodges.
- (12) Newspaper and magazines publishers.
- (13) Day care centers, provided all state requirements are met.
- (14) Churches.
- (15) Multiple-family dwellings. Parking shall be required in accordance with Article G.
- (16) Replacement of single- and two-family dwellings which have been damaged by fire, explosion, flood, or other calamity. Parking shall be required in accordance with Article G.

(c) **Permitted Accessory Uses.**

- (1) Garages for storage and vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Off-street parking lots.
- (3) Signs (see Article H).

(d) **Conditional Uses.** (See Article D).

- (1) Gasoline service stations.
- (2) Automobile and other vehicle sales.
- (3) Rest homes and nursing homes.
- (4) Warehouses for local wholesale and retail establishments or for personal property.
- (5) Transmitting towers, receiving towers, relay and microwave towers.
- (6) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, sewage disposal plants, municipal incinerators, power plants, shops and storage yards.

(e) **Dimensional Requirements.**

(1) **Lot Size.**

- a. Minimum Lot Area. Two thousand (2,000) square feet.
- b. Minimum Lot Width. Twenty-five (25) feet.

(2) **Setbacks and Required Yards for Principal Buildings.**

- a. Minimum Front Yard. None required.
- b. Minimum Side Yard. None required, except when adjacent or abutting a residential district, a side yard setback of ten (10) feet shall be required.
- c. Minimum Rear Yard. None required, except when adjacent or abutting a residential district, a rear yard setback of twenty-five (25) feet shall be required.

- (3) **Setbacks and Required Yards for Accessory Building.** (See Article K).
 - a. Non required, however, side and rear yard setbacks are five (5) feet for all accessory buildings when adjacent or abutting a residential district.
- (4) **Maximum Building Height.**
 - a. All buildings. Forty-five (45) feet.

Sec. 13-1-48 C-2 General Commercial District.

- (a) **Purpose.** The C-2 General Commercial District is intended to provide for individual or small groups of retail and customer service establishments. This type of district is generally located away from the traditional central business district and provides such amenities as increased open space and off-street parking and loading facilities, making such retail centers more compatible with the character of adjacent residential districts.
- (b) **Permitted Uses.**
 - (1) Retail sales establishments.
 - (2) Financial institutions.
 - (3) Personal and business service establishments.
 - (4) Commercial and professional offices.
 - (5) Automotive sales and equipment service establishments, including gasoline service stations.
 - (6) Hotels and motels.
 - (7) Restaurants, cafes, taverns and bars.
 - (8) Theaters and bowling alleys.
 - (9) Auditoriums and community centers.
 - (10) Government offices, post offices and libraries.
 - (11) Clubs and lodges.
 - (12) Veterinary hospitals and clinics, provided that no service, including the boarding of animals, is offered outside of an enclosed building.
 - (13) Medical and dental clinics.
 - (14) Wholesale establishments.
 - (15) Day care centers, provided all state requirements are met.
 - (16) Rest homes and nursing homes.
 - (17) Boarding houses.
 - (18) Multiple-family dwellings.
 - (19) Replacement of single- and two-family dwellings which have been damaged by fire, explosion, flood, or other calamity.
 - (20) Mini Warehouses. Outdoor storage is limited to boats and recreational vehicles. All such outdoor storage shall be screened. The screening required shall consist of a fence or wall not less than five (5) feet high. The fence or wall shall be constructed in a manner and of such material to impair direct vision of the outdoor storage area.

(c) **Permitted Accessory Uses.**

- (1) Parking (see Article G).
- (2) Signs (see Article H).
- (3) Accessory buildings and structures.

(d) **Conditional Uses.** (See Article D).

- (1) Hospitals.
- (2) Recreational establishments, including drive-in theaters, golf courses, golf or baseball driving ranges, archery fields, miniature golf courses or similar uses.
- (3) Recreational vehicle camps, when such camps provide not less than one thousand eight hundred (1,800) square feet of lot area for each cabin, recreational vehicle or tent, and when such camp is clearly bounded by a fence or hedge. The requirements of Ch. HSS178, Wis. Adm. Code, and all other applicable codes shall be minimum standards and may be supplemented by the Planning Commission.
- (4) Kennels.
- (5) Animal hospitals, including the outside boarding of animals.
- (6) Automobile body repair shops.
- (7) Transmitting towers, receiving towers, relay and microwave towers, including broadcast facilities and studios.
- (8) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, sewage disposal plants, municipal incinerators, power plants, shops and storage yards.
- (9) Lumber and building supply yards, providing that not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials or equipment.

(e) **Dimensional Requirements.**

- (1) **Lot Size.**
 - a. Minimum Lot Area. Ten thousand (10,000) square feet.
 - b. Minimum Lot Width. Ninety (90) feet.
- (2) **Setbacks and Required Yards for Principal Building.**
 - a. Minimum Front Yard. Thirty (30) feet.
 - b. Minimum Side Yard. Eight (8) feet.
 - c. Minimum Rear Yard. Twenty-five (25) feet.
- (3) **Setback and Required Yards for Accessory Building.** (See Article K).
 - a. Side and rear yard setbacks are three (3) feet for all accessory buildings.
- (4) **Maximum Building Height.**
 - a. Principal Building. Thirty-five (35) feet.
 - b. Accessory Building. Twenty (20) feet.

* A building may be erected to a height of forty-five (45) feet if the setback from all required yard lines is increased a distance of one (1) foot for each foot of additional height above thirty-five (35) feet.

- (f) **Visual Screening Requirement.** When adjoining or abutting a residential district, a visual screening may be required. Such visual screening shall consist of a single row hedge planting or solid wooden fence not less than six (6) feet in height.

Sec. 13-1-49 I-1 Light Industrial District.

- (a) **Purpose.** This District is intended to provide for manufacturing, industrial and related uses of a limited nature and size in situations where such uses are not in basic industrial grouping and where the relative proximity to other uses requires more restrictive regulations.

- (b) **Permitted Uses.**

- (1) Manufacturing, assembly, fabrication and processing plants of a limited scope and not involving operational characteristics which would adversely affect surrounding uses or be basically incompatible with the surrounding environmental character and not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials or equipment. Such as, but not limited to the following:

Bakery goods	Food Products except fish and
Candy	meat products
Cosmetics	Sauerkraut
Pharmaceutical	Vinegar
Toiletries	Yeast and the rendering of fats and oils and the vining of peas

Such as, but not limited to: Articles made from previously prepared materials such as:

Bone	Wire
Canvas	Yarns and the like
Cellophane	Musical instruments
Cloth	Toys
Cork	Novelties
Feathers	Rubber or metal stamps and other small molded rubber products
Felt	Fabrication and repair of electric or neon signs or other commercial advertising structures
Fiber	Light sheet metal products and the like
Fur	Assembly and manufacture from
Glass	
Hair	
Horn	
Leather	

Paper	prefabricated parts of household
Plastics appliances	
Precious or semi-precious metals or semi-precious metals or stones	Electronic products and similar products or the processing or assembling of parts for the
Shell	production of finished equipment
Textiles	
Wax	

- (2) Experimental, testing and research laboratories, not involving the keeping of animals or use of animal products of any significant degree of danger or undesirable operational characteristics.
- (3) Printing and publishing houses and related activities.
- (4) Tool making, cabinetry and repair shops.
- (5) General warehousing and not involving more than ten percent (10%) of the lot or tract is used for the open storage of products, materials or equipment.
- (6) Lumber and building supply yards, providing that not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials or equipment.
- (7) Automobile body repair shop, not including the storage of junked or wrecked automobiles and parts.
- (8) Signs in conformity with Article H of this Chapter.
- (9) Public utility distribution lines including, but not limited to, electric, gas, water, television cable, and telephone distribution lines and other related accessories subject to approval by the City Public Works Department.

(c) **Permitted Accessory Uses.**

- (1) Office, storage, power supply and other such uses normally auxiliary to the principal use.
- (2) Off-street parking and loading facilities as required in Article G of this Chapter.
- (3) Residential quarters for the resident operator, guard or caretaker.

(d) **Conditional Uses.**

- (1) Kennels and animal hospitals, laboratories using animal products.
- (2) Transportation terminals, including trucking.
- (3) Commercial service facilities intended primarily as a convenience for the industrial area such as restaurants, motels, gasoline service stations or similar uses.
- (4) Office buildings.
- (5) Transmission lines, antennas and towers, including, but not limited to, electric, gas, petroleum and telephone transmission lines, antennas and towers, whether installation is above or below ground, and other related accessories, substations, municipal water towers, pump houses, water and sewage treatment plants.
- (6) Single-family dwellings as allowed in the R-1 Single-Family Residence District.

(e) **Dimensional Requirements.**

- (1) **Setbacks.**
 - a. Minimum Front Yard. Twenty-five (25) feet.

- b. Minimum Side Yard. Twenty-five (25) feet*; fifty (50) feet* in aggregate.
- c. Minimum Rear Yard. Twenty-five (25) feet.

* When adjoining or abutting a residence district, will maintain a minimum setback of fifty (50) feet and with a minimum fifteen (15) foot wide, six (6) foot high planting screen.

(2) **Maximum Building Height.**

- a. Principal Building. Sixty (60) feet.
- b. Accessory Building. Forty (40) feet.

Sec. 13-1-50 I-2 Heavy Industrial District.

- (a) **Purpose.** This District is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than in the I-1 District in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls. Such districts should not normally abut directly upon residence districts.
- (b) **Permitted Uses.**
 - (1) Manufacturing, assembly, fabrication and processing plants.
 - (2) Experimental, testing and research laboratories, not involving the keeping of animals or use of animal products or any significant degree of danger or undesirable operational characteristics.
 - (3) Printing and publishing houses and related activities.
 - (4) Tool making, cabinetry and repair shops.
 - (5) General warehousing.
 - (6) Transportation terminals, including trucking.
 - (7) Lumber and building supply yards.
 - (8) Automobile body repair shops, not including the storage of junked or wrecked automobiles and parts.
 - (9) Signs in conformity with Article H of this Chapter.
 - (10) Public utility distribution lines, including, but not limited to, electric, gas, water, television cable, and telephone distribution lines and other related accessories subject to approval by the City Public Works Department.
- (c) **Permitted Accessory Uses.**
 - (1) Office, storage, power supply and other such uses normally auxiliary to the principal use.
 - (2) Off-street parking, loading and service facilities, as required in Article G of this Chapter.
 - (3) Residential quarters for the resident operator, guard, or caretaker.

(d) **Conditional Uses.**

- (1) Manufacture of cement, lime, gypsum, plaster of paris, acid, explosives, fertilizers or glue.
- (2) Rendering plants, refineries or tanneries.
- (3) Stockyards or slaughterhouses.
- (4) Junk or salvage yards.
- (5) Storage of explosives except as incidental or a permitted use and storage of gasoline or petroleum in excess of fifty thousand (50,000) gallons.
- (6) Automobile body repair shops, including the storage of junked or wrecked automobiles and parts.
- (7) Animal hospitals, kennels and laboratories using animal products.
- (8) Any similar uses which in the opinion of the Plan Commission would be hazardous, noxious or offensive to the surrounding area.
- (9) Commercial service facilities intended primarily as a convenience for the industrial area such as restaurants, motels, gasoline service stations or similar uses.
- (10) Transmission lines, antennas and towers, including, but not limited to, electric, gas, petroleum, and telephone transmission lines, antennas and towers, whether installation is above or below ground, and other related accessories, substations, municipal water towers, pump houses, water and sewage treatment plants.

(e) **Dimensional Requirements.**

(1) **Setbacks.**

- a. Minimum Front Yard. Twenty-five (25) feet.
- b. Minimum Side Yard. Twenty-five (25) feet*; fifty (50) feet* in aggregate.
- c. Minimum Rear Yard. Twenty-five (25) feet.

*When adjoining or abutting a residence district, will maintain a minimum setback of fifty (50) feet and with a minimum fifteen (15) foot wide, six (6) foot high planting screen.

(2) **Maximum Building Height.**

- a. Principal Building. Sixty (60) feet.
- b. Accessory Building. Fifty (50) feet.

Sec. 13-1-51 through Sec. 13-1-59 Reserved for Future Use.

Article D: Planned Unit Developments

Sec. 13-1-60 PUD Planned Unit Development District.

- (a) **Purpose.** The PUD Planned Unit Development District is intended to provide for large-scale residential development and is only available if the Common Council first determines that a specific project proposal should be reviewed as a Planned Unit Development. The Planned Unit Development District is established to provide a regulatory framework designed to encourage and promote improved environmental design in the City by allowing for greater freedom, imagination and flexibility in the development of land, while assuring substantial compliance to the basic intent of the zoning ordinance and the general plan for community development. To this intent it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments, conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services and to encourage and facilitate preservation of open land.
- (b) **General Procedure.** Before commencing with a planned unit development, the developer shall obtain approval of the Common Council, following a recommendation from the Plan Commission. Two (2) copies of the proposed General Development Plan, including a site plan, shall be submitted to the Clerk-Treasurer and the Plan Commission.
- (c) **Site Plan.** The site plan shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet and shall include the following information:
 - (1) Location and dimension of property boundaries.
 - (2) Location, size and number of parking spaces.
 - (3) Location, size, use, entrances and exits of all buildings.
 - (4) Elevations and contours sufficient to show topographic features and drainage patterns.
 - (5) Distances between buildings, between buildings and property lines, and between buildings and other improvements on the site including walks, parking areas and site structures.
 - (6) Location and width of all drives and roadways on the site.
 - (7) Drainage of surface water within the site, including parking lots and street grades, and the size, slope, depth and location of drainage and erosion control pipes and structures.
- (d) **Permitted Uses.** The following are permitted in a PUD District provided that no use shall be permitted except in conformity with a specific implementation plan pursuant to the procedural and regulatory provisions as hereinafter set forth:
 - (1) Any use may be permitted subject to the criteria as established in Subsections (e) and (f) below, and such requirements as are made a part of an approved recorded specific implementation plan shall be, along with the recorded plan itself, construed to be enforced as a part of this Section.

- (2) The minimum size for a PUD shall be two (2) acres of land, with a minimum of sixteen (16) dwelling units.
 - (3) The PUD tract shall be a development of land under single control. No authorization or permits shall be granted for such development unless the applicant has acquired actual ownership of, or executed a binding sales contract for, all of the property comprising such tract. For purposes of this Section, ownership shall include a lease of not less than fifty (50) years duration. The term "single control" shall include ownership by an individual, corporation, partnership, association, trustee, or other legal entity.
- (e) **Height, Area and Setback Requirements.** Except as provided in Subsection (e) below, in a PUD there shall be no predetermined specific lot area, lot width, height, floor area ratio, yard and usable open space requirements, but such requirements as are made a part of an approved recorded specific implementation plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Section.
- (f) **Parking Requirements.** Off-public street parking facilities shall be as provided for under this Zoning Code and in accordance with the approved specific implementation plan and such requirements as are made a part of the approved specific implementation plan, along with the recorded plan itself, shall be construed to be, and enforced as, a part of this Section.
- (g) **Lot, Building and Yard Requirements — Zero Lot Line or Common Wall Single Family Units.** For all attached zero lot line or common wall construction single-family duplex or townhouse dwellings allowed in a Planned Unit Development District, the following lot, building and yard requirements apply:
- (1) **Lot Frontage.** Minimum forty (40) feet (each unit).
 - (2) **Lot Area.** Minimum six thousand (6,000) square feet (each unit).
 - (3) **Principal Building.**
 - a. Front Yard: Minimum twenty (20) feet.
 - b. Side Yards: Zero feet on one (1) side and minimum of six (6) feet on the other side. [If street side of a corner lot, a minimum of twelve (12) feet].
 - c. Rear Yard: Minimum twenty (20) feet.
 - (4) **Garages.** One (1) private garage with up to two (2) stalls per dwelling unit, not exceeding three hundred twelve (312) square feet per stall.
 - (5) **Building Height.** Maximum thirty-five (35) feet.
 - (6) **Percent of Lot Coverage.** Maximum fifty percent (50%) (combined principal and accessory buildings coverage).
 - (7) **Floor Area Per Dwelling Unit.** Minimum eight hundred forty (840) square feet.
 - (8) **Zero Lot Line/Common Wall Construction Requirements.** For all attached zero lot line or common wall construction duplexes and townhouses containing single-family dwellings, each unit shall have separate sewer and water lateral connections. The size, type and installation proposed to be constructed shall be in accordance with the

plans and specifications approved by the Common Council, following a recommendation from the Plan Commission. A minimum one (1) hour fire-rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit.

- (9) **Number of Units.** Zero lot line/common wall single-family unit Planned Unit Developments shall, at a minimum, have sixteen (16) dwelling units.
- (h) **Criteria for Approval.** As a basis for determining the acceptability of a PUD application, the following criteria shall be applied to the specific implementation plan, with specific consideration as to whether or not it is consistent with the spirit and intent of this Zoning Code, has been prepared with competent professional advice and guidance and produces significant benefits in terms of environmental design.
- (1) **Character and Intensity of Land Use.** The uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:
- a. Are compatible to the physical nature of the site with particular concern for the preservation of natural features, tree growth and open spaces.
 - b. Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
 - c. Would not adversely affect the anticipated provision for school or other municipal services.
 - d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- (2) **Economic Feasibility and Impact.** The proponents of a PUD application shall provide the City satisfactory evidence of its economic feasibility, proof by the proponents of available adequate financing, and that the PUD would not adversely affect the economic prosperity of the City or the values of surrounding properties.
- (3) **Engineering Design Standards.** The width of street right-of-way, width and location of streets or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering considerations shall be based upon a determination of appropriate standards necessary to implement the specific function in the specific situation. In no case shall standards be less than those necessary to assure the public safety and welfare as determined by the City.
- (4) **Preservation and Maintenance of Open Space.** Adequate provision shall be made for the permanent preservation and maintenance of common open space by private reservation:
- a. The open area to be reserved shall be protected against building development by conveying to the City, as part of the conditions for approval, an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the

aesthetic and recreational benefit of the PUD. Buildings or uses for noncommercial, recreational or cultural purposes compatible with the open space objectives may be permitted only where specifically authorized as part of the development plan or subsequently with the express approval of the Common Council following approval of building, site and operational plans made by the Plan Commission.

- b. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the PUD.

- (5) **Implementation Schedule.** The proponents of a PUD shall submit a reasonable schedule for the implementation of the plan to the satisfaction of the City including suitable provisions for assurance that each phase will be brought to completion in a manner which will not result in any adverse effect upon the community as a result of termination at that point.

(i) **Approval Procedure; General Development Plan.**

- (1) **Generally.** The procedure for initiating a PUD District shall be the same procedure used with other types of rezonings, unless otherwise prescribed by this Section. Rezoning would occur concurrently with the approval of the General Development Plan.

- (2) **General Development Plan.** The applicant shall submit a General Development Plan to the City Clerk-Treasurer. The General Development Plan shall include the following information:

- a. A statement describing the general character of the intended development.
- b. An accurate site plan of the project area as required in Subsection (c) above including its relationship to surrounding properties and existing topography, key features, and building location and height.
- c. A plan of the proposed project showing sufficient details to make possible the evaluation of the criteria for approval as set forth in Subsection (e).
- d. The pattern of proposed land use including shape, size and arrangement of proposed use areas, density, environmental character and their relationship to adjoining parcels of land within six hundred (600) feet of area boundaries.
- e. The pattern of public and private streets.
- f. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.
- g. A utility feasibility study.
- h. Appropriate statistical data on the size of the development, ratio of various land uses, percentages of multi-family units by number of bedrooms, economic analysis of the development, expected staging, and any other plans or data pertinent to evaluation by the City.
- i. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision for common services.

(j) **Specific Implementation Plan.**

- (1) **Submission of Plan and Fee.** The applicant shall submit a Specific Implementation Plan to the Plan Commission within twelve (12) months after having been granted an

approval of the General Development Plan and re-zoning to a PUD District classification. The applicant shall pay required fees and all costs incurred by the City in checking and processing such plans. Such application shall be signed by the owner(s) of every property within the boundaries of the proposed Specific Implementation Plan.

- (2) **General Development Plan.** If a Specific Implementation Plan which the Plan Commission determines to be a reasonable phase of the total plan has not been submitted within such time, the developer shall be required to resubmit a General Development Plan which is subject to all the requirements of this Section.
- (3) **Information Required.** The Specific Implementation Plan submitted to the Plan Commission shall include the following detailed construction and engineering plans and related documents and schedules:
 - a. An accurate map of the area covered by the plan including the relationship to the total General Development Plan.
 - b. The pattern of public and private roads, driveways, walkways and parking facilities.
 - c. Detailed lot layout and subdivision plan where required.
 - d. The arrangement of building groups and their heights, and their architectural character with particular attention to their influence on adjoining parcels of land including the castings of unbroken shadows.
 - e. Sanitary sewer and water mains.
 - f. Grading plan and storm drainage system.
 - g. The location and treatment of open space areas and recreational or other special amenities.
 - h. The location and description of any areas to be dedicated to the public.
 - i. General landscape treatment.
 - j. Proof of financing capability.
 - k. Analysis of economic impact upon the community.
 - l. A development schedule indicating:
 1. The approximate date when construction of the project can be expected to begin.
 2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
 3. The anticipated rate of development.
 4. The approximate date when the development of each of the stages will be completed.
 5. The area and location of common open space that will be provided at each stage.
 - m. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, common open areas or other facilities.

- n. Any other plans, documents or schedules requested by the Plan Commission.
 - o. If the Specific Implementation Plan is to be executed in phases, each phase shall be submitted in accordance with this Section.
 - p. An ownership statement shall be a part of the specific implementation plan and also shall be affixed and noted on the deed.
- (4) **Approval of the Specific Implementation Plan.**
- a. If the Specific Implementation Plan as submitted is not in substantial compliance with the General Development Plan, the Plan Commission shall notify the landowner regarding the aspects of the plan that are not in compliance. The landowner may:
 - 1. Treat such notification as denial of the final approval.
 - 2. Refile his/her Specific Implementation Plan so that it does comply with the General Development Plan.
 - b. Within forty-five (45) days after the filing of the Specific Implementation Plan, the Plan Commission shall forward to the Common Council a written report recommending that the plan be approved, disapproved or approved with conditions and giving the reason(s) for the recommendations.
 - c. Within thirty (30) days after the receipt of the Plan Commission report the Common Council shall either:
 - 1. Refer the plan back to the Plan Commission for further reports.
 - 2. Approve or reject the plan.
 - d. If the Specific Implementation Plan or any section thereof is given final approval and thereafter the landowner abandons the plan or any section thereof that has been finally approved and notifies the Common Council in writing; or, if the landowner fails to commence the Planned Unit Development within eighteen (18) months after final approval has been granted, such final approval shall terminate and be deemed null and void; the parcel would revert to its pre-PUD application zoning classification.
- (5) **Approval of Plan.** Upon approval of the Specific Implementation Plan, the following shall be recorded in the County Register of Deeds office by the landowner within sixty (60) days of approval:
- a. The building, site and operational plans for the development as approved.
 - b. All other commitments and contractual agreements with the City offered and required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the Specific Implementation Plan. This shall be accomplished prior to the issuance of any building permit.

Sec. 13-1-61 through Sec. 13-1-79 Reserved for Future Use.

Article E: Conditional Uses

Sec. 13-1-80 Statement of Purpose — Conditional Uses.

The development and execution of this Article is based upon the division of the City of Bloomer into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

Sec. 13-1-81 Authority of the Plan Commission and Common Council; Requirements.

- (a) The Common Council hereby authorizes the Zoning Administrator to issue a conditional use permit after review, public hearing, and approval from the Plan Commission and Common Council, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such Commission or Common Council action, and the resulting conditional use permit, when, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Common Council shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Plan Commission and Common Council shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan

Commission and Common Council upon their finding that these are necessary to fulfill the purpose and intent of this Chapter.

- (d) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

Sec. 13-1-82 Initiation of Conditional Use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

Sec. 13-1-83 Application for Conditional Use.

An application for a conditional use shall be filed on a form prescribed by the City. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter. The Plan Commission or Common Council may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

Sec. 13-1-84 Hearing on Application.

All requests for conditional uses shall be to the Common Council and Plan Commission or the Plan Commission or Common Council can, on their own motion, apply conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Common Council on its own motion from referring the request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in Section 13-1-83 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

Sec. 13-1-85 Notice of Hearing on Application.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 Notice under the Wisconsin Statutes in the official City newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Common Council and Plan Commission, and the owners of record as listed in the office of the City Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing. The Plan Commission shall report its action to the Common Council within forty-five (45) days after a matter has been referred to it, after which the Common Council shall take formal action.

Sec. 13-1-86 Standards — Conditional Uses.

- (a) **Standards.** No application for a conditional use shall be recommended for approval by the Plan Commission, or granted by the Common Council, unless the Commission shall find all of the following conditions are present:
- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
 - (3) That 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.
 - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
 - (7) That the proposed use does not violate flood plain regulations governing the site.
 - (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (b) **Application of Standards.** When applying the above standards to any new construction of a building or an addition to an existing building, the Common Council and Plan Commission shall bear in mind the statement of purpose for the zoning district such that

the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.

- (c) **Additional Considerations.** In addition, in passing upon a Conditional Use Permit, the Plan Commission shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-1-87 Denial of Application for Conditional Use Permit.

When an advisory recommendation of denial of a conditional use application is made by the Plan Commission or an actual denial by the Common Council, the Plan Commission and/or Common Council shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Commission and/or Common Council has used in determining that each standard was not met.

Sec. 13-1-88 Conditions and Guarantees.

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission may recommend and the Common Council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-86 above. In all cases in which conditional uses are granted, the City 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. Such conditions may include specifications for, without limitation because of specific enumeration:
- (1) Landscaping;
 - (2) Type of construction;

- (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Common Council, after recommendation from the Plan Commission.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Common Council may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

Sec. 13-1-89 Validity of Conditional Use Permit.

Where a conditional use application has been approved or conditionally approved, such approval shall become null and void within twenty-four (24) months of the date of the approval unless the

use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Common Council at least thirty (30) days before the expiration of said permit.

Sec. 13-1-90 Complaints Regarding Conditional Uses.

The Common Council shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Common Council shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-86 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-85 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Common Council may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-86 or conditions previously imposed by the Common Council, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-86 will be met, the Common Council may revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Common Council shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

Sec. 13-1-91 Bed and Breakfast Establishments.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to this Article.
- (b) **Definition.** "Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

- (c) **State Standards.** Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

Sec. 13-1-92 Home Occupations.

- (a) **Intent.** The intent of this Section is to provide a means to accommodate a small family home-based business or professional home office as a conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- (b) **Restrictions on Home Occupations.** Except as provided in Subsection (c) below, home occupations are a conditional use in all Residential Districts and are subject to the requirements of the District in which the use is located, in addition to the following:
- (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - (5) There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two (2) additional vehicles to be parked on or near the premises.
 - (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises. This shall not be interpreted to include delivery and/or pick-up services such as United Parcel Service, Federal Express, etc., in the conduct of their normal operations.
 - (7) No more than twenty-five percent (25%) of the gross floor area of the principal building shall be utilized by the home occupation.
 - (8) The home occupation is restricted to a service-oriented business; the manufacturing of items or products or the sale of items or products on the premises is prohibited.
 - (9) The types and number of equipment or machinery may be restricted by the Common Council.
 - (10) Activities which involve the manufacture, utilization, processing or storage of chemicals or inflammable and explosive material shall not be permitted.

- (11) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
 - (12) No more than one (1) non-resident employee may work on the home occupation premises.
- (c) **Permitted Use Exception.**
- (1) A home occupation under this Section may be maintained in any Residential District as a permitted use, as opposed to a conditional use, if the standards of Subsection (b) above are complied with, and no more than one (1) person works on the premises, no customers regularly come to the house, and the business is service-oriented and not engaged in retail trade. A conditional use permit shall be first obtained for home occupations that exceed the standards of Subsection (b). Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.
 - (2) Persons engaged in building trades or similar fields, using their dwelling units or residential premises as an office for business activities carried on and off the premises, may have more employees than the limitations set forth in Subsection (b)(12) of this Section if they are not employed on the premises. If such employees regularly come to the premises to take work assignments, however, a conditional use permit shall first be obtained.
- (d) **Nameplate Sign Allowed.** Only one (1) nameplate sign shall be allowed. It may display the name of the occupant and/or the name of the home occupation. It shall not exceed two (2) square feet in area and shall be non-illuminated. The limitation of one (1) nameplate is intended to apply to all lots, including corner lots.
- (e) **Permitted Home Occupations.** Permitted home occupations include, but are not necessarily limited to, the following:
- (1) Artists or sculptors.
 - (2) Authors or composers.
 - (3) Home crafts such as model making, rug weaving and cabinet making.
 - (4) Office facility of a minister, rabbi, or priest.
 - (5) Office facility of an attorney, architect, professional engineer, surveyor, landscape architect, insurance agent or real estate agent.
 - (6) Private tutoring limited to three (3) pupils at any one time.
 - (7) Musical instruction limited to two (2) pupils at a time.
 - (8) Dressmaking.
- (f) **Home Occupations Not Permitted.** The following uses, by the nature of the investment or extent of operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, home occupations not permitted include, but are not necessarily limited to, the following:
- (1) Barber shops and beauty parlors.
 - (2) Antique shops.
 - (3) Stables and kennels.

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- (4) Medical offices, including, but not necessarily limited to, physicians, surgeons, dentists, chiropractors, or optometrists for the general practice of the profession, except for consultation or emergency treatment.
 - (5) Automobile repair or paint shops.
 - (6) Restaurants and bakeries.
 - (g) **Unlisted Home Occupations.** Any proposed home occupation that is neither specifically permitted by Subsection (b) or (e) nor specifically prohibited by Subsection (f) shall be considered a conditional use and be granted or denied by the Common Council upon consideration of those standards contained in Subsection (b) and Section 13-1-86 and in accordance with the procedures as required in Article E of this Chapter.

Sec. 13-1-93 through Sec. 13-1-99 Reserved for Future Use.

Article F: Nonconforming Uses, Structures and Lots

Sec. 13-1-100 Existing Nonconforming Uses and Structures.

- (a) The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing at the time of the adoption, or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- (b) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this Chapter; provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.
- (c) Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Sec. 13-1-101 Abolishment or Replacement.

- (a) **Discontinuance.** If the nonconforming use of a building or premises is discontinued for twelve (12) months, any future use of the building or premises shall conform to the regulations for the district in which it is located. A reasonable interim between tenants or occupants shall not be construed to mean discontinuance.
- (b) **Extensive Repair Must Be in Conformance.** At such time as structural repairs, reconstruction or alterations are made to nonconforming structures or premises, which repairs or alterations exceed fifty percent (50%) of the equalized assessed value of such structures or premises as established by the City Assessor, such structures or premises will be required to conform to the use restrictions of this Chapter.

Sec. 13-1-1-102 Changes and Substitutions.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

Sec. 13-1-103 Existing Substandard Lots.

A lot located in an R-1, R-2 or R-3 Residential District which does not contain sufficient area to conform to the dimensional requirements of this Chapter, but which is at least forty-six (46) feet wide, may be used as a single building site provided that the use is permitted in the zoning district, provided that the lot is lot of record in the County Register of Deeds Office prior to the effective date of this Section, subject to the following requirements and limitations:

- (a) **Front Yard.** It shall have a front yard thirty (30) feet in depth, measured from the curb line, or twenty (20) feet in depth, measured from the property line facing the structure, whichever is greater. As a complete alternative, a reduced front yard setback shall be allowed by the Zoning Administrator when residential structures on either side of the lot are closer to the street than allowed under this standard, in which event a residential structure to be built on the lot shall not be placed closer to the street than the average distance of the existing adjoining residences from the street. For purposes of this provision, "curb" shall mean the existing curb or the edge of the paved portion of the adjoining street.
- (b) **Side Yard.** It shall have side yards with a minimum of four (4) feet per one side, twelve (12) feet in the aggregate.
- (c) **Rear Yard.** It shall have a rear yard twenty-five (25) feet in depth.
- (d) **Accessory Structure Placement.** No accessory structure, including but not limited to, garages or sheds, shall be located closer than two (2) feet from a lot line.

Sec. 13-1-104 through Sec. 13-1-119 Reserved for Future Use.

Article G: Traffic Visibility, Loading, Parking and Access

Sec 13-1-120 Traffic Visibility Triangle.

(a) **Vision Setback at Intersections of Public Streets.**

- (1) Where two (2) public streets intersect at grade level, the intersection shall be daylighted by excluding all buildings, structures and other obstructions to view; including shrubbery and trees (except highway and street signs) from the triangles adjacent to the intersection described as follows:

Bounded on two (2) sides by the near boundaries of the intersecting streets and on the third side by a line drawn so as to intersect the street boundaries at points twenty-five (25) feet distant from the point of intersection of the street boundaries at the corner.

- (2) In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the vision clearance triangle from one street or road to another, the intent being to provide for the public safety; but it shall not necessarily be construed to mean that every tree in the vision clearance triangle must be removed.
- (b) **Exception.** In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

Sec. 13-1-121 Loading Requirements.

- (a) **Loading Space Requirements.** On every lot on which a new business, commercial or industrial use having over five thousand (5,000) square feet of gross floor area is hereafter established, off-street loading space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

Use	Gross Floor Area	Required Minimum Number of Spaces
Retail Establishments	Under 20,000 SF	1
	20,000-50,000 SF	2
	50,000-100,000 SF	3
Printing, Publishing	Under 40,000 SF	1
Warehouses, Storage Establishments	40,000-100,000 SF	2

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Servicing, Cleaning,	Under 40,000 SF	1
Repairing, Testing, or Manufacturing Establishments	40,000-100,000 SF	2

All uses — One (1) additional such loading space for each one hundred thousand (100,000) square feet or major fraction thereof of gross floor area so used in excess of one hundred thousand (100,000) square feet. When the determination of requirements results in a fractional space, any fraction of one-half (1/2) or less shall be disregarded. Any fraction of more than one-half (1/2) shall count as one (1) loading space.

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) **Location.** All loading areas shall be off-street and shall be located on the same lot as the building or use to be served. A loading area shall not be located less than twenty-five (25) feet from any street right of way; nor less than fifty (50) feet from a residential district unless within a building. Loading areas shall not occupy more than one-half (1/2) the required front yard setback. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Surfacing.** All open off-street loading berths shall be improved with a compacted gravel base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (e) **Size.** An individual loading space shall be at least twelve (12) feet wide by seventy (70) feet long and have a minimum high clearance of sixteen (16) feet.
- (f) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (g) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.

- (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.
- (h) **Unlawful Truck Use.** No truck or semi-trailer, or part thereof, shall be used for the purpose of permanent storage of goods or material, or for advertising purposes within the City. Use for a period in excess of two (2) weeks for the purpose of storage or advertising shall, for the purpose of construction of this Zoning Code, be deemed permanent use in violation of this Chapter.

Sec. 13-1-122 Parking Requirements.

The off-street parking provisions of this Chapter shall apply to all buildings and structures erected after the effective date of this Chapter, accessory parking shall be according to the provisions of this Article; where an intensity of the use of any building structure or premises shall be increased, additional parking to match the increased intensity of use shall be provided; or wherever an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use. All new nonresidential parking lots and all alterations of existing lots shall be subject to the approval of the Zoning Administrator. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (b) **Design Standards.** Each parking space shall not be less than one hundred eighty (180) square feet in area, eighteen (18) feet in length and ten (10) feet in width, exclusive of aisles and access drives. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (c) **Location.**
- (1) All parking spaces required herein shall be located on the same lot with the building or use served, or may be located not to exceed four hundred (400) feet from the principal use.
 - (2) In any off-street parking area, which abuts a single-family residential district, no vehicles shall be allowed to park closer than ten (10) feet to the abutting lot line between the districts.

- (3) No parking shall be allowed within the first fifteen (15) feet of the required front yard in all residential districts and the conservancy district. No parking shall be allowed within the first ten (10) feet of the required front yard in all commercial and industrial districts.
 - (4) Off-street parking in the single-family and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Sections 6-3-1 and 6-3-2 of this Code of Ordinances.
- (d) **Surfacing.** All off-street parking areas, except parking spaces accessory to a single-family or two (2) family dwelling, shall be hard surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds (normally, a two [2] inch blacktop on a four [4] inch base or five [5] inches of Portland cement will meet this requirement). Any parking area for more than ten (10) vehicles shall have the aisles and spaces clearly marked. Compacted stone or gravel may be used only with the approval of the Common Council. All parking lots three thousand (3,000) square feet or larger shall be internally drained with catch basins connected to a municipal storm sewer.
- (e) **Landscaping.**
- (1) **Accessory Landscape Area.** All public and private off-street parking areas which serve four (4) vehicles or more, are located within fifteen (15) feet of any lot line or public right-of-way and are created or redesigned and rebuilt subsequent to the adoption of this Code shall be provided with accessory landscape areas totaling not less than ten percent (10%) of the surfaced area. The minimum size of each landscape area shall not be less than one hundred (100) square feet.
 - (2) **Location.** Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator.
 - (3) **Plans.** All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
 - (4) **Special residential requirements.** Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of four (4) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.
 - (5) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.

- (6) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from adjacent properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) footcandles measured at the lot line.
- (7) **Street Setback Area.** No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
- (f) **Curbs.** Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- (g) **Number of Stalls.** Number of parking stalls required are shown in the following table (floor area shall mean the gross floor area of the specific use):

Use	Minimum Parking Required
Single-family dwellings, duplexes, one bedroom apartments or efficiencies and mobile homes	2 stalls for each dwelling unit
Multi-family dwellings (2 bedrooms or more)	Minimum of 2 stalls for each dwelling unit; 2 or more bedrooms, 1 stall per bedroom.
Hotels, motels	1 stall for each guest room, plus 1 stall for each 3 employees.
Hospitals, clubs, lodges, lodging and boardinghouses	1 stall for each 2 beds, plus 1 stall for each 3 employees.
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds, plus 1 stall for each 3 employees.
Medical and dental clinics	8 stalls for each practitioner on the staff
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall for each 5 seats

Colleges, secondary and elementary schools	1 stall for each employee, plus 1 stall for each 5 students of 16 years of age or more.
Nursery schools, day nurseries and child care centers	1 space for each 2 staff members, plus 1 space for each 10 children based on maximum occupancy load.
Restaurants, bars, places of entertainment and clubs	1 stall for each 50 sq. ft. of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall for each employee on the major shift, plus sufficient stalls to accommodate all trucks and other vehicles used in connection with the business
Financial institutions; governmental and professional offices	1 stall for each 200 square feet of floor area
Funeral homes	1 stall for each 5 seats
Bed and breakfast establishments	1 off-street stall for each guest room
Retail stores and customer service shops	1 stall for each 200 square feet of floor area
Shopping centers	1 stall for each 100 square feet of floor area
Animal Hospitals	1 space per employee plus 4 additional spaces
Athletic fields, including softball fields, tennis courts, or similar uses	Parking space shall be provided in adequate number as determined by the Planning Commission to serve the public.
Bowling alleys	2 spaces per lane plus the requirements for connected commercial uses, such as eating or drinking establishments.

- (h) **Employee Parking.** In addition to the requirements in Subsection (g), in all districts except industrial there shall be employee off-street parking provided at the ratio of one off-street parking space for each full-time employee. A full-time employee shall be one

working forty (40) hours per week. Required parking spaces for part-time employees shall be arrived at by finding the equivalent hours of number of parking spaces needed for full-time employees based on hours worked. The number of employee parking spaces shall be based on employment at the time the building is erected, enlarged, structurally altered or changed to a higher classification use.

- (i) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply, as determined by the Common Council.
- (j) **Computing Requirements.** In computing the number of spaces required, the following rules shall govern:
 - (1) Floor space shall mean the gross floor area of the specific use.
 - (2) For structures containing more than one (1) use, the required number of spaces shall be computed by adding the space required for each use.
 - (3) Where parking spaces are calculated according to the use of the parcel.
- (k) **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two (2) or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:
 - (1) The proposed joint parking space is within four hundred (400) feet of the use it will serve.
 - (2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
 - (3) A properly drawn legal instrument approved by the Common Council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the City Clerk-Treasurer. Said instrument may be a three (3) party agreement, including the City and all private parties involved. Such instrument shall first be approved by the City Attorney.
- (l) **Handicapped Parking Requirements.**
 - (1) **State Code Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed. In case of conflict, the most restrictive provision shall be applicable.
- (m) **ADA Requirements for Parking Spaces.**
 - (1) **Accessible Parking Space Requirements.**
 - a. In any self-park facility, a certain number of spaces must be set aside for wheelchair access as summarized in the following table:

Total Spaces	Minimum Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 & over over 1000 spaces	20 plus 1 per 100

- b. Exceptions:
 - 1. Outpatient units at medical care facilities — 10% of total spaces for that facility.
 - 2. Medical care facilities specifically for treatment of the mobility impaired — 20% of the total spaces for that unit.
- (2) **Accessible Parking Space Dimensions.**
 - a. Standard Accessible Spaces. Accessible spaces shall consist of a sixteen (16) foot wide parking stall adjacent to an eight (8) foot wide access aisle.
 - b. Vertical Clearance. Along at least one (1) aisle to and from each accessible space, a minimum clearance of eight feet two inches (8'2") [ninety-eight inches (98) inches] is required.
- (3) **Location of Accessible Spaces.**
 - a. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel to an accessible entrance.
 - b. Accessible parking spaces need not be provided in each parking structure provided the different location has equivalent or greater accessibility in terms of distance from an accessible entrance.
- (4) **Accessible Route.**
 - a. At least one (1) accessible route with a continuous minimum clearance of thirty-six (36) inches must be provided from accessible parking spaces to the nearest accessible pedestrian entrance.
 - b. If an accessible route has less than sixty (60) inches clear width then passing spaces at least sixty (60) inches by sixty (60) inches must be located at reasonable intervals not to exceed every two hundred (200) feet.
 - c. The floor slope along an accessible route shall not exceed one in twelve (1:12) with a maximum rise of thirty (30) inches for any run.

- d. A level landing shall be provided at the bottom of each ramp and top of each ramp run. The width of the landing shall be at least as wide as the ramp run and at least sixty (60) inches long. At changes in direction a sixty (60) inch by sixty (60) inch landing shall be provided.
 - e. The cross slope of ramps shall not exceed one in fifty (1:50).
 - f. The floor slope at loading zones shall not exceed one in fifty (1:50).
 - g. It is preferable to provide the accessible route at the front of the stalls. Also, the accessible route shall avoid crossing lanes of vehicular travel. When crossing vehicular travel lanes is necessary, the route of travel shall be designated and marked by a crosswalk.
- (n) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of twenty-five percent (25%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of fifty percent (50%) or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.
- (o) **Off-Lot Parking.**
- (1) Required off-street parking spaces shall be located on the same lot with the principal use, or such parking spaces may be located off-lot provided the parking spaces are located in the same district and not over four hundred (400) feet from the principal use. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are necessary or in the possession of the controller of the principal use to which the parking facilities are accessory. Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the Office of the County Register of Deeds requiring such owner, his heirs or assigns to maintain the required facilities for the duration of the use served.
 - (2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within four hundred (400) feet of the entrance of the establishment.
 - (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
 - (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.
- (p) **Signs.** Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this Chapter.

- (q) **Reduction of Parking Areas.** Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.

Sec. 13-1-123 Highway Access.

- (a) **Highway Access.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.
- (b) **Access Barriers.** Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (c) **Temporary Access.** Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

Sec. 13-1-124 Off-Street Parking Restrictions in Residential Areas.

- (a) **Where Permitted.** Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property in a residentially zoned district:
 - (1) A rear yard.
 - (2) A side yard not adjoining a street.
 - (3) A front yard, but only on one (1) paved or graveled driveway not exceeding twenty-four (24) feet in width and for not more than three (3) vehicles parked not nearer than five (5) feet to a front property line or three (3) feet to a side lot line.
- (b) **Additional Permitted Areas.** Regardless of the provisions of Subsection (a) above, the Common Council may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and design for such development, in the judgment of the Common Council, is substantially improved thereby, as compared to where off-street parking is limited by Subsection (a) above, and where sole access from such development is to local and collector streets. In this Subsection, "substantially improved" means a substantial increase in the value of the property. Such permission shall be granted

only after a conditional use proceeding under Article E of this Code of Ordinances. No such permission shall be granted for any residential development which is adjacent to either a public right-of-way or other residences unless sufficient and suitable screening is provided so as to prevent, to as great a degree as practicable, direct view of such off-street parking areas from such adjacent areas.

(c) **Vehicle Limitations.**

- (1) In a residential district, accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants or employees and not more than two (2) trucks limited to one (1) ton capacity.
- (2) Only two (2) vehicles licensed as trucks may be parked on a residential lot. Such vehicles are limited in size to a maximum of one (1) ton capacity.
- (3) All vehicles parked on a residential lot shall be in condition for safe and effective performance of the function for which they are designed.
- (4) All motor vehicles parked on a residential lot shall display current license plates.

Sec. 13-1-125 through Sec. 13-1-139 Reserved for Future Use.

Article H: Signs, Canopies, Awnings and Billboards

Sec. 13-1-140 Purpose of Sign, Canopy and Awning Regulations.

- (a) The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the City of Bloomer; painting, posting and general maintenance are excepted.
- (b) This Article authorizes the use of signs visible from public rights-of-way, provided the signs are:
 - (1) Compatible with the zoning regulations.
 - (2) Designed, constructed, installed and maintained in such a manner that do not endanger public safety or traffic safety.
 - (3) Legible, readable and visible in the circumstances in which they are used.
 - (4) Respectful of the reasonable rights of other advertisers whose messages are displayed.

Sec. 13-1-141 Signs, Canopies, Awnings and Billboards — Definitions.

- (a) The following definitions are used in this Article:
 - (1) **Abandoned Sign.** A sign which no longer correctly advertises a bonafide business, lessee, owner, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.
 - (2) **Area of Copy.** The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising message, announcement, or decoration of a wall sign.
 - (3) **Area of Sign.** The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines. In the case of wall signs, the area of copy will be used.
 - (4) **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
 - (5) **Billboard.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.

- (6) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (7) **Canopy.** A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (8) **Changeable Message Sign.** A sign such as an electric controlled time and temperature sign, message center or reader board where copy changes.
- (9) **Copy Area.** The geometric area in square feet that encloses the actual copy of the sign.
- (10) **Directional Sign.** Any sign which serves to designate the location or direction of any place or area. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.
- (11) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (12) **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (13) **Electric Sign.** Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.
- (14) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (15) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (16) **Freestanding (Ground and/or Pole Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (17) **Frontage.** The length of the property line of any one premise parallel to and along each public right-of-way it borders.
- (18) **Grade.** The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
- (19) **Ground Sign.** A sign erected on one (1) or more free-standing supports or uprights and not attached to any building.
- (20) **Gross Area.** The area of a sign is determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one (1) module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for "Area of Copy" apply.
- (21) **Height of Sign.** The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

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- (22) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (23) **Illuminated Sign.** A sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
- (24) **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.
- (25) **Integrated Shopping Center.** A shopping center in single ownership or under unified control, and containing three (3) or more separate businesses.
- (26) **Legal Nonconforming Sign.** A nonconforming sign that did meet regulations when it was originally installed.
- (27) **Marquee Sign.** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (28) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Article.
- (29) **Off-Premise Sign.** Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the sign is located.
- (30) **On-Premise Sign.** Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed and maintained.
- (31) **Political Sign.** Any sign displaying a candidate for an election, or a current referendum or election subject matter.
- (32) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground or a structure which is designed to be easily moved from one location to another. A "sandwich-style" portable sign is a sign not permanently attached to the ground, meant to be temporarily placed outside, not exceeding four (4) inches by four (4) inches on each side.
- (33) **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way.
- (34) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (35) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
- (36) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product. Included in this definition are 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.

- (37) **Sign Contractor.** Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business which the sign advertises.
- (38) **Swinging Sign.** A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- (39) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed twenty-eight (28) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight (8) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Chapter, a portable sign is not a temporary sign.
- (40) **Wall Sign.** A sign attached to the wall of a building with the face in a parallel plane to the plane of the building wall and projecting not more than sixteen (16) inches from such wall. This includes signs painted directly on a wall.
- (41) **Window Sign.** A sign affixed to, in contact with, painted upon, or placed within a window, for the purpose of viewing from outside the premises; such sign must be placed only on the interior of any window unless painted directly upon it. This does not include merchandise located in a window.
- (42) **Zoning Lot.** A parcel of land considered or treated as a single unit. A zoning lot may or may not correspond with a lot of record.

Sec. 13-1-142 Required Permits for Signs, Canopies and Awnings.

- (a) **Application.** Except those specified in Section 13-1-143, no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Article. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the City of Bloomer. Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. Permits shall not be required for a change of copy of any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.
- (b) **Permit Fees.** A permit fee shall be paid to the Zoning Administrator for each sign permit issued under this Article, provided, however, that a fee shall not be charged for putting an

existing sign in conformity with this Article, or for a copy change when no change in business name is involved.

- (c) **Application for Permit.** Application for a permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator and shall contain the following information:
- (1) The name, address, and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor of the proposed sign.
 - (2) Clear and legible drawings with description and nominal dimensions of the proposed sign, the construction, size, dimensions and kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with location, setbacks, size, and types of existing signs on the premises where the proposed sign is to be located. All dimensions shall be indicated for the sign and the site plan elements.
 - (3) Evidence of liability, insurance policy or bond.
 - (4) Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable laws of the City of Bloomer.
 - (5) Signature of the applicant.
- (d) **Permit Issuance and Denial.** The Zoning Administrator shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the City of Bloomer when the permit application is properly made and the sign complies with the appropriate laws and regulations of the City of Bloomer. If the sign permit is denied by the Zoning Administrator, he/she shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.
- (e) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator who will assure the sign complies with the regulations of this Article. Every sign shall be inspected and approved by the Zoning Administrator within thirty (30) days after it is erected or altered.
- (f) **Sign Permit Appeal.**
- (1) In the event any of the requirements herein contained cause undue or unnecessary hardship on any person, firm or corporation, a variance from requirements may be applied for to the Board of Appeals. An application for variance must be made within ten (10) days after receipt of notice that the sign involved does not conform to this Chapter and not less than forty-five (45) calendar days before a scheduled Board of Appeals meeting. In the event that the appeal is not made in writing to the Board of Appeals within such ten (10) day period, a variance may not be granted. The Board of Appeals is to take action on any variance request within sixty (60) days of receipt of the variance application. The Zoning Administrator shall comply with and enforce the Zoning Board of Appeals decision.
 - (2) The Zoning Administrator's failure to either formally grant or deny a sign permit within fifteen (15) days of the date an application meeting the requirements of this Chapter is filed, shall be cause for appeal to the Zoning Board of Appeals.

- (g) **Indemnification for Sign Installation and Maintenance.** All persons engaged in the business of installing or maintaining signs which involves in whole or in part, the erection, alteration, relocation, maintenance of a sign or other work in, over, or immediately adjacent to a public right-of-way or public property is used or encroached upon by the sign contractor, shall agree to hold harmless and indemnify the City of Bloomer, its officers, agents, employees, from any and all claims of negligence resulting from the erection, alteration, relocation, maintenance of this sign or any other sign work insofar as this Article has not specifically directed the placement of the sign.
- (h) **Insurance.** Every sign contractor shall file with the Building Inspector a Certificate of Insurance indicating the applicant holds a public liability and property damage policy specifically to include the hold harmless clause with bodily injury limits of at least Three Hundred Thousand Dollars (\$300,000) per occurrence, and Three Hundred Thousand Dollars (\$300,000) aggregate, and property damage insurance of at least One Hundred Thousand Dollars (\$100,000) per occurrence, and One Hundred Thousand Dollars (\$100,000) aggregate. Such insurance shall not be canceled or reduced without the insured first giving thirty (30) days notice in writing to the City of Bloomer of such cancellation or reduction.

Sec. 13-1-143 Signs Not Requiring a Permit.

The following signs do not require a sign permit, provided that they are not located over a public road right-of-way or in, on or over public water (unless specifically excepted):

- (a) **Construction Signs.** Two (2) construction signs per construction site, not exceeding one hundred (100) square feet in area each, shall be confined to the site of construction, and shall be removed thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.
- (b) **Directional and Instructional Non-Electric Signs.** Directional and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.
- (c) **Non-Illuminated Emblems.** Non-illuminated emblems, or insignia of any nation or political subdivision, profit or non-profit organization.
- (d) **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 safety which are erected by or on the order of a public officer in the performance of his/her public duty.
- (e) **Home Occupation Signs.** Signs associated with a home occupation as defined in the Zoning Ordinance provided such signs are non-illuminated signs that do not exceed two (2) square feet in area. One (1) sign per home occupation is allowed.

residential zones in conjunction with an open house or model home demonstration for up to five (5) days before the opening of such a demonstration or five (5) days after and not to exceed a total period of thirty (30) days.

(c) **Portable Signs.**

(1) **Permit.** Any person wishing to place a portable sign on his/her premises or the premises of another shall first obtain a permit from the Zoning Administrator. Permits shall be issued for a period not to exceed sixty (60) days in any calendar year. Any sign remaining on the premises for more than sixty (60) days in any calendar year shall be deemed to be a permanent sign and shall meet all requirements for a permanent sign.

(2) **Size.** No portable sign shall exceed thirty-two (32) square feet and no portable sign shall be over seven (7) feet in height from grade level.

(3) **Setback.** All portable signs shall have a minimum setback from the front property line of ten (10) feet or an additional setback as deemed necessary by the Building Inspector for the safe flow of vehicle or pedestrian traffic.

(d) **Off-Premise Signs.** Off-premise signs are permitted in the C-2, I-1 and I-2 zoning districts, subject to the following provisions:

(1) **Spacing.** Off-premise signs on the same side of the street shall not be placed closer together than three hundred (300) feet.

(2) **Size Restrictions.** The maximum size allowed for an off-premise sign is two hundred (200) square feet.

(3) **Height Restriction.** No off-premise sign shall exceed twenty-five (25) feet in height.

(4) **Length.** No off-premise sign shall exceed twenty-five (25) feet in length.

(5) **Setbacks.** No part of an off-premise sign shall be closer to the street than the building setback lines of the district in which it is located.

(6) **Exclusionary Areas.** No off-premise sign shall be erected within one hundred fifty (150) feet of a residential or conservancy district or public park.

(e) **Integrated Shopping Center.** For integrated shopping centers in single ownership or under unified control, and containing several businesses, the following regulations shall apply:

(1) Each business or office shall be eligible for one (1) attached sign. The area of such sign shall not exceed, in square feet, two (2) times the lineal front footage of the business or office.

(2) One (1) ground sign for shopping center identifications with the height limitation of thirty (30) feet is permitted. If the shopping center is on a corner, either one (1) corner sign or two (2) signs, one (1) on each street is permitted. If two (2) signs are installed, they must be placed at least two hundred (200) feet from the lot corner at the intersection. The area of such sign shall not exceed, in square footage, the lineal front footage of the lot or two hundred (200) square feet, whichever is less. No sign shall be closer than ten (10) feet to a property line unless the adjacent property is a residential district in which case the sign shall be set back twenty-five (25) feet.

Sec. 13-1-146 District Regulations.

The following signs are allowable providing a permit is acquired from the Zoning Administrator.

- (a) **Residential (R-1, R-2, R-3) Districts.** No signs allowed except for those provided in Section 13-1-143.
- (b) **Central Business District (C-1).** In the C-1 District, signs shall be regulated as follows:
 - (1) **Permitted Signs.** Wall, window, ground and directional signs.
 - (2) **Area.** The gross area in square feet of all signs shall not exceed four (4) times the lineal front footage of the zoning lot; however, the gross surface area of all illuminated signs shall not exceed two (2) times the lineal front footage of the zoning lot.
 - (3) **Ground Signs.** The area of a ground sign shall not exceed seventy-five (75) square feet. Only one (1) on-premise ground sign shall be permitted for each street frontage of the zoning lot. No ground sign shall project higher than twenty-five (25) feet above grade.
 - (4) **Off-Premise Signs.** Off-premise signs shall be prohibited in the Central Business District.
- (c) **General Commercial District (C-2).** In the C-2 District, signs shall be regulated as follows:
 - (1) **Permitted Signs.** Wall, window, ground, and directional signs and one (1) off-premise sign.
 - (2) **Area.** The gross area in square feet of all signs shall not exceed four (4) times the lineal front footage of the zoning lot; however, the gross surface area of all illuminated signs shall not exceed two (2) times the lineal front footage of the zoning lot.
 - (3) **Ground Signs.** The area of a ground sign shall not exceed one hundred (100) square feet in gross area except as provided under Section 13-1-145(e). Only one (1) on-premise ground sign shall be permitted for each street frontage of the zoning lot. The sign shall not higher than twenty-five (25) feet above grade.
 - (4) **Off-Premise Signs.** Off-premise signs shall be permitted in conformance with Section 13-1-145(d).
- (d) **Light Industrial (I-1) and Heavy Industrial (I-2) Districts.** In the I-1 and I-2 Districts, signs shall be regulated as follows:
 - (1) **Permitted Signs.** Wall, window, directional, and ground signs and one (1) off-premise sign.
 - (2) **Area.** The gross area in square feet of all signs shall not exceed four (4) times the lineal front footage of the zoning lot; however, the gross surface area of all illuminated signs shall not exceed two (2) times the lineal front footage of the zoning lot.
 - (3) **Ground Signs.** The area of a ground sign shall not exceed two hundred (200) square feet in gross area. Only one (1) on-premise ground sign shall be permitted for each

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- (f) **House Numbers and Name Plates.** Name plates not exceeding one (1) square foot in area for each residential building. House numbers not exceeding one (1) foot in height. Written house numbers not exceeding one (1) foot in height. Letters, when used to identify individual multiple-family dwelling units, not to exceed one (1) foot in height.
- (g) **Interior Signs.** Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical, or material specifications of this Article.
- (h) **Memorial Signs and Plaques.** Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.
- (i) **No Trespassing or No Dumping Signs.** No trespassing and no dumping signs not to exceed one and one-half (1-1/2) square feet in area per sign.
- (j) **Public Notices.** Official notices posted by public officers or employers in the performance of their duties.
- (k) **Public Signs.** Signs required as specifically authorized for a public purpose by any law, statute, ordinance.
- (l) **Political and Campaign Signs.** Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
- (1) Said signs may be erected no earlier than sixty (60) days prior to the election and shall be removed within seven (7) days following said election.
 - (2) Each sign, except billboards, shall not exceed sixteen (16) square feet in non-residential zoning districts and eight (8) feet in residential zoning districts.
 - (3) No sign shall be located within fifteen (15) feet of the public right-of-way at a street intersection nor over the right-of-way.
 - (4) Political and campaign signs shall not be attached to public signs or utility poles.
- (m) **Real Estate Signs.** One (1) real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.
- (1) In residential districts and the Central Business District, such signs shall not exceed eight (8) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
 - (2) In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
 - (3) **Shoreland Property.** Two (2) real estate signs are permitted allowing one (1) sign adjacent to the ordinary high water mark and one (1) sign adjacent to the street.
- (n) **On-Premise Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

- (o) **On-Premise Temporary Signs.** Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided such signs are posted not more than thirty (30) days before said event and removed within fifteen (15) days after the event.
- (p) **Vehicular Signs.** Truck, bus, trailer or other vehicles, while operating in the normal course of business, which is not primarily the display of signs.
- (q) **Interior Window Signs.** Permanent signs located within the interior of any building or structure which are visible from the public right-of-way provided the gross area of the sign does not exceed four (4) square feet. This does not include temporary advertising, special event, or sales types of signs.

Sec. 13-1-144 General Design Requirements.

- (a) A ground sign, any part of which is closer than fifteen (15) feet to the right-of-way shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than four (4) feet in height.
- (b) Any overhead sign location that is accessible to vehicles shall have a minimum vertical clearance of sixteen (16) feet.
- (c) No sign facing a residential district shall be closer than twenty-five (25) feet to the district line.
- (d) Wall signs placed against the exterior walls of buildings shall not extend more than sixteen (16) inches outside of a building's wall surface.
- (e) The gross area of permanent window signs shall not exceed fifty percent (50%) of the gross window area.

Sec. 13-1-145 Special Signs.

- (a) **Subdivision Development Signs.** The Zoning Administrator may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following restrictions:
 - (1) Such permits may be issued for a period of not more than one (1) year and may be reviewed for additional periods of up to one (1) year and upon written application at least thirty (30) days prior to its expiration.
 - (2) The sign must be located on the property being developed and must comply with all applicable building setback requirements.
 - (3) The sign may not exceed eighty (80) square feet.
 - (4) One (1) sign is allowed for each major street adjacent to the subdivision.
- (b) **Banners and Pennants.** Banners and pennants shall not be used on a commercial or industrial zone for a total period not to exceed thirty (30) days and will be allowed in

street frontage on the zoning lot. No ground sign shall project higher than twenty-five (25) feet above grade.

- (4) **Off-Premise Signs.** Off-premise signs shall be permitted in conformance with Section 13-1-145(d).

Sec. 13-1-147 Landscape Features.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with the freestanding signs are encouraged and shall not be counted as allowable sign area.

Sec. 13-1-148 Prohibited Signs.

- (a) **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- (b) **Moving or Flashing Signs.** Except as permitted herein, no sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, except those giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. Changeable message signs and movie theater marquees are not subject to this restriction. Signs with physically moving components visible from the public right-of-way are not permitted except for those which revolve around a vertical axis at speeds less than seven (7) revolutions per minute. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (c) **Floodlighted and Illuminated Signs.** Signs may be floodlighted or illuminated, subject to the following restrictions:
- (1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public right-of-way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operations of a motor vehicle are prohibited.
 - (2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any residential property and which are of such intensity or brilliance as to cause a public nuisance are prohibited.

- (3) No sign shall be so floodlighted or illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
- (d) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line.
- (e) **Swinging Signs.** Swinging signs are prohibited.
- (f) **Obscene Signs.** Signs are prohibited which bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.

Sec. 13-1-149 Dangerous and Abandoned Signs.

- (a) **Removal.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of thirty (30) days or when, in the judgment of the Zoning Administrator, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Zoning Administrator or Common Council, or a designee, may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Zoning Administrator, or Common Council, or designee, to the Board of Appeals. The Zoning Administrator may cause to be removed any deteriorated or dilapidated signs under the provisions of Sec. 66.05, Wis. Stats.
- (b) **Alterations.** For signs erected before the adoption of this Sign Code, said signs shall be rebuilt or relocated to conform to this Article if the cost of reconstruction or relocation is fifty percent (50%) or more of its replacement value.
- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Article are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions and the provisions of Section 13-1-247 for violations of this Chapter, the Zoning Administrator, Common Council or designee may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

Sec. 13-1-150 Variances or Exceptions.

Variances or exceptions to these sign regulations may be granted by the Board of Appeals, pursuant to the standards of Section 13-1-283.

Sec. 13-1-151 Construction and Maintenance Regulations for Signs.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework,

braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Zoning Administrator.

(b) **General Requirements.**

(1) **Construction Standards.**

- a. All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.
- b. Every sign or advertising structure hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturer's name, the permit number and the voltage of any electrical apparatus used in connection therewith.
- c. All signs shall comply with the provisions of the City Building Code and the current National Electrical Code and the additional construction standards hereinafter set forth.
- d. All ground sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- e. Electrical service to ground signs shall be concealed wherever possible.
- f. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- g. Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for support or braces shall be hidden from the public view to the extent technically feasible.

(2) **Illuminated Signs.** Any illuminated signs shall not interfere with surrounding properties or traffic.

(3) **Prohibited Mounting.** No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.

(4) **Blanketing.** Blanketing of signs shall not be allowed.

(5) **Maintenance.** Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repairing, cleaning and other acts required for the maintenance of said sign. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

- (6) **Annexed Areas.** All signs in newly annexed areas shall comply with this Article within five (5) years of annexation.

Sec. 13-1-152 Nonconforming Signs.

- (a) **Signs Eligible For Characterization as Legal Nonconforming.** Any sign located within the City of Bloomer limits of the date of adoption of this Chapter hereafter which does not conform with the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:
- (1) The sign was covered by a proper sign permit prior to the date of adoption of this sign ordinance;
 - (2) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this sign ordinance.
- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
- (1) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or Act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article.
 - (2) The sign is relocated;
 - (3) The sign fails to conform to the City requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
 - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.
- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

Sec. 13-1-153 Awnings and Canopies.

- (a) **Permitted Awnings.** No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

- (1) **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
 - (2) **Height.** All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
 - (3) **Setback from Curb Line.** No awning shall extend beyond a point four (4) feet into the right-of-way.
 - (4) **Advertising.** No advertising shall be placed on any awning, except that the name of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding eight (8) inches in height on the front and side edges.
- (b) **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) **Support.** The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Building Inspector as in compliance with the Building Code of the City. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section 13-1-150 of this Code. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
 - (2) **Height Above Sidewalk.** All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
 - (3) **Setback From Curb.** No canopy shall extend beyond a point four (4) feet from the face of a wall or building.
 - (4) **Advertising.** No advertising shall be placed on any canopy, except that the name of the establishment may be painted or placed in a space not exceeding twenty-four (24) inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder, providing, however, that if such canopy shall contain more or other than the name of the establishment in letters more than eight (8) inches high on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.

Sec. 13-1-154 Violations of Sign Code.

- (a) Any person, firm or corporation who begins, erects or completes the erection or construction of any sign, awning or canopy controlled by this Article prior to the granting of a sign permit shall pay a penalty five (5) times the amount of the permit otherwise required.

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- (b) (1) If the Zoning Administrator finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
- (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five (5) days after such notice, the Zoning Administrator may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this Article.
- (c) Any person, firm or corporation who violates any provision of this Article shall, in addition, be subject to the penalties prescribed in Section 13-1-227. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

Sec. 13-1-155 through Sec. 13-1-159 Reserved for Future Use.

Article I: Performance Standards — Industrial Developments

Sec. 13-1-160 Article Intent.

It is the intent of this Article to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects.

Sec. 13-1-161 Vibration.

- (a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

Sec. 13-1-162 External Lighting.

No operation or activity shall produce any intense glare or lighting with the source directly visible beyond an Industrial District's boundaries or register one-half candles at a residential property line.

Sec. 13-1-163 Odor.

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wisconsin Administrative Code.

Sec. 13-1-164 Particulate Emissions.

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11, Wisconsin Administrative Code.

Sec. 13-1-165 Visible Emissions.

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wisconsin Administrative Code.

Sec. 13-1-166 Hazardous Pollutants.

No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wisconsin Administrative Code.

Sec. 13-1-167 through Sec. 13-1-179 Reserved for Future Use.

Article J: Signal Receiving Antennas; Wind Energy Systems

Sec. 13-1-180 Signal Receiving Antennas (Satellite Dishes).

- (a) **Purpose.** In order to secure uniformity and compliance with Federal Communications Commission rules (FCC 96-328) on over-the-air reception devices implementing Section 207 of the Telecommunications Act of 1996, this Section regulating the placement of signal receiving antennas and over-the-air reception devices is adopted to:
- (1) Provide uniform regulation where necessary of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Preserve the integrity of historic preservation districts;
 - (4) Protect the public from injury from roof-mounted antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the roof-mounted antenna; and
 - (5) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any outdoor apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas and over-the-air reception devices, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his/her interest. The personal representative of at least one (1) owner shall be considered an owner.
- (c) **Limited Permit Requirement.**
- (1) No owner shall, within the City of Bloomer, build, construct, use or place any type of signal receiving antenna or over-the-air reception device that is roof-mounted or proposed to be located in a designated historic preservation district until a permit shall have first been obtained from the Zoning Administrator.
 - (2) Application for a signal receiving antenna permit when required under Subsection (c)(1) shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a sufficient set of mounting plans and specifications to allow a determination to be made that the device can be safely roof-mounted, or, in the case

of a historic preservation district, can be located in such a manner as to not seriously detract from the historic character of the district. There is no fee for such permit. If such application meets the requirements of this Section, the application shall be approved.

- (d) **Exemption.** Signal receiving devices less than twenty-four (24) inches in diameter are exempt from the requirements of this Section, except for the requirements in Subsection (e)(1), (7), (9) and (12):
- (e) **Installation Standards.** Signal receiving antennas installed in any zoning district within the City shall comply with the following provisions:
 - (1) **Setbacks.**
 - a. Any signal receiving antenna and its mounting post shall be located a minimum of five (5) feet from any side or rear property line. The purpose of setback regulations is to protect the aesthetics of the area and to preserve adequate access for emergency equipment and personnel.
 - b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property following compliance with Subsection (c) above. For corner lots, a side yard is only a yard that does not face a street.
 - c. If side yard, front yard or roof mounting is requested, the Zoning Board of Appeals shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
 - (2) **Mounting.** Signal receiving antennas attached to the roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
 - (3) **Diameter.** The diameter of the signal receiving antenna shall not exceed twelve (12) feet for the ground-mounted antenna and ten (10) feet for the roof-mounted antenna, except for stations used to provide community antenna television services.
 - (4) **Height.** A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed fourteen (14) feet in height, as measured from the ground to the highest point of the dish.
 - (5) **Roof-Mounted Antennas.**
 - a. In all residential zoning districts, roof-mounted antennas shall only be permitted subject to the provisions contained herein:
 - 1. Earth station dish antennas exceeding thirty-six (36) inches in diameter shall not be permitted on the roof, unless allowed under Subsection (c)(2) above.

2. A roof-mounted dish antenna shall not extend higher than fifteen (15) feet above the highest point of the roof, unless allowed under Subsection (c)(2) above.
 - b. In the commercial and industrial zoning districts, earth station dish antennas shall not extend more than twenty (20) feet above the height limit established for the district in which the structure is located.
 - (6) **Wind Pressure.** All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
 - (7) **Electrical Installations.** To safeguard public safety, electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
 - (8) **Temporary Placement.** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section.
 - (9) **Advertising.** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
 - (10) **Interference with Broadcasting.** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
 - (11) **Compliance with Federal Regulations.** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder, including Federal Communications Commission rules.
 - (12) **Aesthetic Considerations.** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (f) **Enforcement.**
- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Common Council, a City enforcement official, or any property owner who would be

specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.

- (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-7.

Sec. 13-1-181 Wind Energy Systems.

- (a) **Construction of Wind Energy Systems.** No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.
- (b) **Permits Required.**
 - (1) A zoning permit shall be obtained to allow construction of a WECS.
 - (2) A WECS permit shall be obtained from the City Zoning Administrator for the construction of all WECS.
- (c) **Application Requirements.** An application for a permit to build a wind energy system shall include the following:
 - (1) The property lines of the proposed site of construction.
 - (2) Proposed location of the WECS.
 - (3) Location and description of all structures located on the property where the WECS site is proposed.
 - (4) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.
 - (5) Location of all underground utility lines on the property where a WECS site is proposed.
 - (6) Dimensional representation of the structural components of the tower construction including the base and footings.
 - (7) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
 - (8) Manufacturer's specifications and installation and operation instructions or specific WECS design information.
 - (9) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.
- (d) **Blade Clearance.** The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.
- (e) **Climbing Towers, Tower Access.** Access to towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Existing local regulations

regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.

- (f) **Tower Construction.** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code including, but not limited to, ILHR Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41, Wis. Adm. Code, and any future amendments, additions, and/or revisions to same.
- (g) **Utility Interconnection.** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.
- (h) **Setback Requirements.**
 - (1) No WECS shall be constructed in any setback, dedicated easement, nor dedicated roadway.
 - (2) Installation of any WECS may not be nearer to any property lines or right-of-way for overhead electrical transmission or distribution lines than three (3) times the height of the WECS structure.
- (i) **Noise.** During all operations, from commencement through abandonment, all noise and vibrations shall conform with the requirements of the City of Bloomer Code of Ordinances.
- (j) **Interference with Navigational Systems.** No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.
- (k) **Electrical Distribution Lines.** All WECS electrical distribution lines shall be located underground.
- (l) **Required Safety Features.**
 - (1) All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
 - (2) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.
 - (3) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
 - (4) Any WECS thereof declared to be unsafe by the Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the City of Bloomer Code of Ordinances.
- (m) **Maintenance.** The Zoning Administrator or his/her representative shall have the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises on

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which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within thirty (30) days if, in his/her judgment, there exists a deficiency in the structural stability of the system.

- (n) **Inspections.** A yearly inspection at a fee to be determined from time to time by resolution of the Common Council shall be made by the Zoning Administrator to certify the safety and maintenance of the WECS and accessory structures.

Sec. 13-1-182 through Sec. 13-1-199 Reserved for Future Use.

Article K: Accessory Uses and Structures;
Fences and Hedges

Sec. 13-1-200 Accessory Uses or Structures.

- (a) **Building Permit Required.** No owner shall, within the City of Bloomer, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a permit shall have first been obtained from the Building Inspector. Application for an accessory building permit shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee pursuant to the City Building Code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (b) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (c) **Rear/Side Yard Placement.** Accessory buildings and structures are permitted in the rear yard and side yard; however, when an accessory building or structure is located forward of the rear building line of the principal building, it shall satisfy the same side yard requirements as the principal building.
- (d) **Placement Restrictions — Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
- (1) **Attached Accessory Buildings.** All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (2) **Detached Accessory Buildings; Lot Area Coverage.**
 - a. Garages and other detached accessory buildings shall be less than fourteen (14) feet in height.
 - b. No detached accessory building(s) shall occupy more than thirty percent (30%) of the required rear yard. Private swimming pools shall be exempt from the thirty percent (30%) rear yard occupancy limitation in residential districts.
 - c. No detached accessory building shall be located within five (5) feet of any other accessory building.
 - d. Accessory buildings shall not be closer than three (3) feet to an alley or platted easement, except that when the accessory building is a garage that has its entrance facing the alley, the rear yard setback shall be twenty (20) feet for the garage.

- (3) Setbacks shall be as prescribed by district regulations. The dimensions of any swimming pool, children's play structure, detached garage, tennis court and other detached accessory buildings/structures shall be included in the determination of available lot area coverage for accessory structures.
 - a. An accessory building shall not be nearer than five (5) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with.
 - b. In no event can the accessory uses or structures be forward of the front line of the principal structure.
- (e) **Use Restrictions — Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.
- (f) **Placement Restrictions — Nonresidential Districts.** An accessory use or structure in a commercial or industrial district may be established in the rear yard or side yard and shall not be nearer than five (5) feet to any side or rear lot line. Detached accessory buildings and structures in commercial and industrial districts shall not occupy more than fifty percent (50%) of the rear and side lot areas.
- (g) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (h) **Landscaping Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens. Under no circumstances may a tent be used as a dwelling or an accessory structure.
- (i) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- (j) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
 - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and

- (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (k) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties and shall not register more than one-half foot candles at the property line.
- (l) **Lawn Accessories.** Walks, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (m) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls.
- (n) **Children's Play Structures.** For purposes of this Section, children's play structures, including play houses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this Section, whether such play structures are placed on a foundation or not. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
- (o) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Title 6, Chapter 2 of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.

Sec. 13-1-201 Outside Storage of Firewood.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.

- (e) Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 13-1-202 Fences.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- (b) **Fences Categorized.** Fences shall be categorized into four (4) classifications:
 - (1) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (2) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (4) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (c) **Height of Fences Regulated.**
 - (1) Residential fences six (6) feet or less in height are permitted on rear and side lot lines. Residential fences less than or equal to four (4) feet in height are permitted in the street yard setback area but shall not be closer than two (2) feet to any public right-of-way and shall be subject to the requirements of Section 13-1-120. All fences must be constructed and maintained in a good state of repair and appearance.
 - (2) No fence shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (d) **Fences Placement.** Fences in or adjacent to a residential property may be located on lot lines. Fences shall be constructed alongside lot lines but must be so placed to allow the fence owner to maintain both sides of the fence, on their property. The fence owner shall properly trim weeds and grasses around the fence.
- (e) **Security Fences.** Security fences shall not exceed eight (8) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (f) **Prohibited Fences.** No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are eight (8) feet above the ground or height and project toward the fenced property and away from any public area.
- (g) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

- (h) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (i) **Nonconforming Fences.** Any fence existing on the effective date of this Code of Ordinances and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall comply with this Section.
- (j) **Property Boundary Determinations.** Fences shall be erected on the owner's property and responsibility for establishing the property line shall rest with the property owner erecting the fence. The dress side of the fence shall be on the outside. All parts of the fence shall be erected on the owner's property.
- (k) **Snow Fences.** Utility snow fences may be used only during the winter months and shall be removed at the end of each winter season.

Sec. 13-1-203 Swimming Pools.

- (a) **Definition.** A "swimming pool" is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (b) **Exempt Pools.**
 - (1) All swimming pools existing on or prior to August 13, 1997, shall be grandfathered and exempt from the provisions of this Section. This Section regulates the installation of new swimming pools.
 - (2) Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (c) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector

at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the City Building Code shall accompany such application.

(d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:

- (1) **Approved Materials.** All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all ordinances of the City now in effect or hereafter enacted.
- (2) **Plumbing.** All plumbing work shall be in accordance with all applicable ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.
- (3) **Electrical Installations.** All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.

(e) **Setbacks and Other Requirements.**

- (1) Private swimming pools shall be erected or constructed on rear lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (2) All swimming pools shall be at least ten (10) feet from any lot line or building unless designed and approved as an addition to a building.

(f) **Enclosure.**

- (1) **Fence; In-Ground Pools.** All outdoor swimming pools shall have a fence, wall, barrier, or other solid structure not less than four (4) feet and not more than eight (8) feet in height completely enclosing the pool, pump and filter with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use. The Board of Appeals may grant an exception to the requirement of fencing when it finds that under all of the circumstances and conditions affecting the swimming pool, it does not constitute a safety hazard.
- (2) **Above-Ground Pools; Pool Wall Barrier.**
 - a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water

enclosing wall of the pool. Such walls shall extend more than three (3) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

- b. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.
- (g) **Lighting.** Glare from lights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties.
- (h) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.
- (i) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (j) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Sec. 13-1-204 through Sec. 13-1-219 Reserved for Future Use.

(2) **Above-Ground Pools; Pool Wall Barrier.**

- a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than three (3) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.
 - b. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.
- (g) **Lighting.** Glare from lights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties.
- (h) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.
- (i) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (j) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Sec. 13-1-204 Retaining Walls.

- (a) **Purpose.** The purpose of this Section is to protect public and private property from the effects of poorly designed and constructed retaining walls.
- (b) **Permit Required.** A permit shall be required for all retaining walls constructed that exceed twenty-four (24) inches in height, including terraced retaining wall projects where the total height of all walls exceeds twenty-four (24) inches, and are closer than fifteen (15) feet to a property line.
- (c) **Application.** Application shall be made to the Zoning Administrator on forms provided and shall include a site plan and a set of construction plans. Plans sealed by a professional engineer registered in the State and/or other information necessary to adequately review the proposed retaining wall may also be required by the Zoning Administrator. The fee shall be Five Dollars (\$5.00).
- (d) **Performance Standards.** A retaining wall shall be designed to resist the lateral pressure of the retained material in accordance with accepted engineering practice. Walls retaining drained earth may be designed for pressure equivalent to that exerted by an equivalent fluid

weighing not less than thirty (30) pounds per cubic foot and having a depth equal to that of the retained earth. Any surcharge shall be in addition to the equivalent fluid pressure.

- (e) **Setbacks.** Setbacks for retaining walls shall be the same as for fences under Section 13-1-202(d).

Sec. 13-1-205 through Sec. 13-1-219 Reserved for Future Use.

Article L: Administration

Sec. 13-1-220 General Administrative System.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and recommendation by the Plan Commission and ultimate action by the Common Council. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

Sec. 13-1-221 Zoning Administrator,

- (a) **Appointment.** The Common Council shall designate the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter.
- (b) **Duties.** In enforcing and administering this Chapter, the Administrator shall perform the following duties:
 - (1) Issue the necessary building permits and occupancy and zoning use permits required by the provisions of this Chapter, provided its provisions have been complied with.
 - (2) Keep an accurate record of all permits, numbered in the order of issuance, in a record book for this purpose.
 - (3) In case of any finding of a violation of a provision of this Chapter, notify, in writing, the actual violator where known, the owner of the property on which the violation has taken place and the Common Council, indicating the nature of the violation and the action necessary to correct it.
 - (4) Receive, file and process for action all applications for conditional uses, variances and amendments to this Chapter which are filed in the zoning office.
 - (5) Initiate, direct and review, from time to time, a study of the provisions of this Chapter and make reports of the recommendations to the Plan Commission for investigation and appropriate action.
 - (6) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this Chapter.
- (c) **Authority.** In the enforcement of this Chapter, the Administrator shall have the power and authority for the following:
 - (1) At any reasonable time and for any proper purpose to enter upon any public or private premises and make inspection thereof.

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- (2) Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Chapter, such revocation to be in effect until reinstated by the Administrator or the Board of Appeals, or take any other action as directed by the Common Council to insure compliance with or to prevent violation of its provisions.
- (3) In the name of the City and with authorization of the Common Council commence any legal proceedings necessary to enforce the provisions of this Chapter or the Building Code, including the collection of forfeitures provided for herein.

Sec. 13-1-222 Role of Specific City Officials in Zoning Administration.

- (a) **Plan Commission.** The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the City to the Common Council, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the Common Council pursuant to guidelines set forth in this Chapter as to various matters and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing. The Plan Commission shall have the powers to conduct and hold public hearings on all proposed amendments to the City Zoning Ordinance as provided in Sec. 62.23(7)(d) of the Wisconsin Statutes.
- (b) **Common Council.** The Common Council, the governing body of the City, subject to recommendations by the Plan Commission and the holding of public hearings by said Council, has ultimate authority to grant planned unit development applications, issue conditional use permits, make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter. The Common Council may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.
- (c) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article N of this Chapter for detail provisions.

Sec. 13-1-223 Land Use Permit.

- (a) **Permit Required.** No building shall be erected, moved or structurally altered until a land use permit therefor shall have been applied for and issued.

- (b) **Application.** All applications for a land use permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing or intended use of each building, or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of these zoning regulations.
- (c) **Application; Dimensions.** All dimensions shown relating to the location and size of the lot shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- (d) **Issuance or Denial.** Except as otherwise provided in these zoning regulations, the Zoning Administrator shall issue or refuse to issue a land use permit within ten (10) days after receipt of an application therefor. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal.
- (e) **Proper Applicants; In General.** The following shall be considered proper applicants for a land use permit or certificate of compliance under the terms of these zoning regulations:
- (1) Record title owner under properly recorded instrument of conveyance;
 - (2) Vendee under properly recorded land contract;
 - (3) Vendee under written contract of sale, agreement to sell, earnest money agreement, or similar real estate agreement;
 - (4) Duly authorized agent for any of the above.
- (f) **Identification.** The Zoning Administrator may request proper proof of the applicant showing that he is a proper applicant, under the terms of this Chapter. His application for a land use permit or certificate of compliance shall not be considered filed until such time as the requested proof is filed with the Zoning Administrator office. The Zoning Administrator may revise the form of application for land use permit and certificate of compliance to conform with the terms of this Chapter. If the applicant is not the fee simple owner of the property involved, the name of the owner of any lienholder shall be included in the application.
- (g) **Time Limitations.** Any land use permit granted under this Chapter shall become null and void within six (6) months after it is issued if construction on the property for which the permit is granted has not been commenced within the six (6) month period. In all such cases where a permit has become null and void, a new application must be filed for a new land use permit before any construction can be commenced at such location. All land use permits granted under the terms of this Chapter shall be valid for only twelve (12) months. Land use permits shall expire on the first anniversary date from their issuance. If a certificate of compliance has not been issued for the property by the expiration date of the land use permit, application for a new land use permit must be made in order to continue work on the premises involved.

- (h) **Conditions for Refusal; Appeal Procedure.** The Zoning Administrator or City Engineer shall not issue a land use permit for any property, the improvement of which might tend to interfere with the exterior lines of planned new streets, highways, parkways, parks or playgrounds, or the exterior lines of planned widening or extending of existing streets, highways, parkways, parks or playgrounds. Any person who feels aggrieved by the decision of the Zoning Administrator or City Engineer may appeal to the Zoning Board of Appeals, which has power in a specific case, by the vote of a majority of its members, to grant a permit for a building or such street, highway, parkway, park or playground, which will as little as practicable increase the cost of opening such street, highway, parkway, park or playground and such board may impose reasonable requirements as a condition of granting such permit, which requirements shall be designed to promote the health, convenience, safety or general welfare of the City. Such board shall refuse a permit where the applicant will not be substantially damaged by placing his building outside the planned street, highway, parkway, park or playground.
- (i) **Fees.** Prior to issuing a land use permit the Zoning Administrator shall collect from the applicant to defray the cost to the city of processing the application, a permit fee.
- (j) **Additional Requirements.** In addition to other requirements of this Chapter, no building, land use or moving permit shall be issued unless:
 - (1) Sanitary sewer and water is available, or installation thereof has been approved by the Council or, alternatively;
 - (2) A sanitary sewer system in accordance with ILHR 82.30, Wis. Adm. Code, and related sections thereof, has been approved for the premises and the premises is in compliance with NR112.01 through NR112.25, Wis. Adm. Code.

Sec. 13-1-224 Certificate of Compliance.

- (a) **In General.** No vacant land shall be occupied or used, and no building erected, altered or moved shall be occupied until a certificate of compliance has been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of these zoning regulations. Such certificate shall be applied for when the application is made for a land use permit and shall be issued within ten (10) days after the completion of the work specified in such land permit application, but only if the building or premises and the proposed use thereof conform with all the requirements of these zoning regulations.
- (b) **Temporary Certificate.** Under such rules and regulations as may be established by the Common Council, the Zoning Administrator may issue a temporary certificate of compliance for part of a building.
- (c) **Issuance.** Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises certifying, after inspection, the extent

and kind of use made of the building or premises, and whether or not such use conforms to the provisions of this Chapter.

Sec. 13-1-225 Site Plan Approval.

- a) **Site Plan Approval.** All applications for Zoning Permits for any construction, reconstruction, expansion or conversion, (including mobile home parks and subdivisions) except for one (1) and two (2) family residences in Residential Districts, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section.
- b) **Application.** The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- c) **Administration.** The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Plan Commission within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to any expert consultants selected by the Common Council to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within forty (40) days of its receipt of the application, the Commission shall authorize the Zoning Administrator to issue or refuse a Zoning Permit.
- (d) **Requirements.** In acting on any site plan, the Plan Commission shall consider the following:
 - (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - (4) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section.
- (e) **Effect on Municipal Services.** Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed

necessary from the City Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the Common Council and shall not issue final approval until the Common Council has entered into an agreement with the applicant regarding the development of such facilities.

Sec. 13-1-226 Fees.

The following fees shall be applicable for this Chapter:

- (a) Application for a variance: \$ 25.00
- (b) Petition for Conditional Use Permit: \$ 25.00
- (c) Petition for Rezoning and Zoning Map Amendment: \$ 200.00
- (d) Petition for Zoning Code Text Amendment: \$ 10.00
- (e) Appeal of Administrative Interpretations: \$ 25.00
- (f) Sign Permit Application: \$ 5.00
- (g) Commencing a project/use regulated by this Chapter prior to obtaining necessary City permits shall result in a penalty five (5) times the permit amount, up to a maximum of Five Hundred Dollars (\$500.00).

Sec. 13-1-227 Violations and Penalties.

- (a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Common Council, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, the resident agent or occupant of the premises, the Common Council, the Zoning Administrator or the City Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-7 of this Code of Ordinances.

Sec. 13-1-228 through Sec. 13-1-239 Reserved for Future Use.

Article M: Changes and Amendments to the Zoning Code

Sec. 13-1-240 Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Common Council may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

Sec. 13-1-241 Initiation of Changes or Amendments.

The Common Council, the Plan Commission, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District boundaries hereby established or by amendments hereto in the accompanying zoning map made a part of this Chapter and/or the Supplementary Floodland Zoning Map to be made a part of this Chapter by reference.

Sec. 13-1-242 Procedure for Changes or Amendments.

(a) Petition.

- (1) Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Common Council and shall be filed with the City Clerk-Treasurer. The person requesting such action shall provide all information requested on the petition including:
 - a. Name and street address of the petitioner.
 - b. The lot number of any real estate owned by the petitioner adjacent to the area proposed to be changed.
 - c. Legal description of the property to be altered.
 - d. The existing use of all buildings on such land.
 - e. The principal use of all properties within three hundred (300) feet of such land.
 - f. Purpose for which such property is to be used.
 - g. Reciting of facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Chapter.
 - h. Names and addresses of all abutting and opposite property owners within three (300) feet of the property to be altered.

- i. Plot plan or survey plat, drawn to scale, showing the property to be rezoned, location of structures, and property lines within three hundred (300) feet of the parcel.
 - j. Any further information requested to the petition or which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Council.
 - (2) Failure to supply such information shall be grounds for dismissal of the petition.
 - (3) A petition for change or amendment submitted by a private property owner shall be prepared in triplicate and filed with the City Clerk-Treasurer and shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing.
- (b) **Recommendations.** The Common Council or the City Clerk-Treasurer shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and zoning map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the Commission may on occasion, of its own volition, conduct its own public hearing on proposed amendment(s).
- (c) **Hearings.**
 - (1) The Common Council, following receipt of recommendation of the Plan Commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.
 - (2) The Common Council may delegate to the Plan Commission the responsibility to hold public hearings as required under this Section.
- (d) **Council's Action.** Following such hearing and after consideration of the Plan Commission's recommendations, the Common Council shall vote on the proposed ordinance effecting the proposed change or amendment. A three-fourths (3/4) vote of the full Common Council membership is required to override the Plan Commission's determination.

Sec. 13-1-243 Protest.

- (a) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) 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 three-fourths (3/4) of the full Common Council membership.

- (b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Common Council membership to adopt such amendment.

Sec. 13-1-244 through Sec. 13-1-259 Reserved for Future Use.

Sec. 13-1-260 Appeals to the Zoning Board of Appeals.

- (a) **Scope of Appeals.** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Common Council. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:
- (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
 - (2) **Variances.** To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
 - (3) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
 - (4) **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.

- (6) **Temporary Uses.** 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 and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (7) **Permits.** The Board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.
- (8) **Power of Board in Shoreland Zoning Cases Under Chapter 3.** To exercise the powers under Title 13, Chapter 3 of this Code of Ordinances with respect to territory of the City governed by provisions of the Chippewa County Shoreland Zoning Code.

Sec. 13-1-261 Hearing on Appeals.

The Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, (Class 2 Notice pursuant to Chapter 985, Wis. Stats.) cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

Sec. 131-262 Decisions of Board of Appeals.

- (a) **Hearing Within Forty-five (45) Days of Filing.** Each appeal shall be heard within forty-five (45) days from the time of filing.
- (b) **Decision Within Thirty (30) Days of Hearing.** The Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- (c) **Conditions.** Conditions may be placed upon any zoning permit ordered or authorized by the Board of Appeals.
- (d) **Validity.** Variances, substitutions or use permits granted by the Board shall expire within eighteen (18) months unless substantial work has commenced pursuant to such grant.

Sec. 13-1-263 Variances.

(a) **Purpose.**

- (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
- (2) The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
- (3) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.

(b) **Application for Variances.** The application for variation shall be filed with the City Clerk-Treasurer. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:

- (1) Name and address of applicant and all abutting and opposite property owners of record.
- (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
- (3) Address and description of the property.
- (4) A site plan showing an accurate depiction of the property.
- (5) Additional information required by the Board of Zoning Appeals or Zoning Administrator.

(c) **Public Hearing of Application.** The Board of Appeals shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than seven (7) days before the hearing in one (1) or more of the newspapers in general circulation in the City, and shall give due notice to the parties in interest, the Zoning Administrator and the Common Council. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Administrator and Common Council.

- (d) **Findings.** No variance to the provisions of this Chapter shall be granted by the Board of Appeals unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicated in the minutes of the proceedings:
- (1) **Preservation of Intent.** No variance shall be granted that is not consistent with the purpose and intent of the regulations for the districts in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district. A variance may be granted where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. With respect to pre-existing lots in residential districts, as determined in accord with Section 13-1-103, no variance shall be required so as to allow the owner or occupant of a pre-existing substandard lot to rebuild, replace or repair a porch or a deck which existed as of the date of adoption of this Chapter so long as in the course of such repair, rebuilding or replacement the original footprint of said porch or deck is not exceeded.
 - (2) **Exceptional Circumstances.** There must be unique, exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
 - (3) **Economic Hardship and Self-Imposed Hardship Not Grounds for Variance.** No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance. The purpose of the variance must not be solely based upon a desire to increase the value or income potential of the property.
 - (4) **Preservation of Property Rights.** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (5) **Absence of Detriment.** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of the Zoning Code or the public interest.
- (e) **Decisions of the Board.** The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative officials or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter or to affect any variation therefrom.
- (f) **Form of Decision.** The final disposition of an appeal or requested variance shall be in the form of a written decision or order stated in the minutes. Such decision shall state the reasons for the Board of Appeals' determination and its findings of fact and shall either

affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny the application for a variance.

- (g) **Conditions.** The Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to any which may be stipulated in this Chapter, as the Board may deem necessary for the protection of adjacent properties and the public interest and welfare.

Sec. 13-1-264 Review by Court of Record.

Any person or persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

Sec. 13-1-265 through Sec. 13-1-279 Reserved for Future Use.

Sec. 13-1-264 Review by Court of Record.

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Sec. 13-1-265 through Sec. 13-1-279 Reserved for Future Use.

Article 0: Mobile Home Parks

(Reserved for Future Use)

Article O: Mobile Home Parks

Sec. 13-1-280 Purpose.

It is the intent and purpose of this Article to regulate the placing of mobile homes of all types and varieties in the City of Bloomer with regard to providing adequate standards to protect the public health, safety, morals, convenience and general welfare.

Sec. 13-1-281 Occupancy.

No mobile home as defined in this Chapter, shall be occupied or used for living or sleeping purposes unless it is located in an area that has been granted an appropriate permit by the Zoning Administrator in accordance with the procedures set forth in this Article. Temporary mobile homes or recreational vehicles in this Article. Temporary mobile homes or recreational vehicles used on construction projects or in conjunction with carnivals and circuses may be permitted when approved by the Zoning Administrator.

Sec. 13-1-282 Special Regulations for Mobile Home Parks.

The following regulations shall apply to mobile home parks:

- (a) **Purpose.** The mobile home park, as defined in Article P is established:
 - (1) To provide regulations and standards for the development of a safe, healthy and well-designed community for permanent mobile home living.
 - (2) To provide, in appropriately located areas within specific zoning districts, sites for mobile home living, developed at reasonable densities consistent with sound standards of public health and safety.
 - (3) To comply as much as possible with the objectives and purposes of each zoning district in which mobile home parks are located.
 - (4) To ensure adequate light, air, access and open space for each mobile living unit.
 - (5) To regulate the mobile home park such that it will complement the land use policy of the zoning district.
- (b) **Placement.** Mobile home parks may be permitted in the R-3 District in accordance with the provisions of this Article.
- (c) **Administration.**
 - (1) **Mobile Home Park Applications.** New mobile home parks, as herein defined, shall require a conditional use permit, issued in accordance with the provisions of this Article. Applications for a conditional use permit shall contain the following information:

- a. Name and address of the applicant. If the owner of the land is other than the applicant, a duly verified statement by the owner that the applicant is authorized by him/her to construct the proposed park and make the application.
 - b. Location and legal description of the proposed mobile home park.
 - c. Existing easements and covenants affecting the property.
 - d. Land characteristics, such as natural drainage, swamp areas and wooded areas.
 - e. Development characteristics, such as surrounding streets, existing buildings, available community sewer, water and other utilities.
 - f. Complete preliminary engineering plans and specifications of the proposed park showing, but not limited to the following:
 1. The area and dimensions of the tract of land.
 2. The number, location and size of all mobile home lots and the location of common and recreational areas.
 3. The location and width of roadways and walkways.
 4. The location of the mobile home stands within the mobile home park, including a detailed sketch of at least one (1) typical mobile home lot and stand therein.
 5. Plans and specifications of all utilities, including: sewage collection and disposal, storm water drainage, water distribution and supply, solid waste storage and collection, lighting, electrical, telephone and television antenna systems.
 6. The number, location and size of all individual and common parking areas.
 7. Landscaping plans for the entire park, including a planting plan for the buffer strip.
 8. Plans and specifications of all buildings to be located within the park.
 9. Written statements describing proposed park operations, management, and maintenance, including proposed fees and charges and rules to be established by the operator for conduct of persons within the park.
 10. Such other plans and specifications and information as may reasonably be required by the Plan Commission or Common Council.
- (2) ***Plan Commission Review and Recommendations.***
- a. The Plan Commission shall review the conditional use permit application to determine its conformity with land development trends in the community; standards of the Bloomer Comprehensive Plan; and recognized principles of design, land use planning and landscape architecture.
 - b. The Plan Commission shall forward the conditional use permit application to the Common Council with a recommendation that it be:
 1. Approved;
 2. Approved with conditions;
 3. Approved with modifications;
 4. Disapproved.

- c. This communication must be made within sixty (60) days of receipt of the conditional use permit application.
- (3) **Determination of Common Council.**
- a. After receipt of the recommendations of the Plan Commission, the Common Council shall make its determination regarding the conditional use permit.
- b. Within thirty (30) days after the close of the public hearing in regards to the proposed conditional use permit, the Common Council shall approve, approve with conditions, approve with modifications, or disapprove the conditional use permit.
- c. For the Common Council to make an affirmative recommendation, it must find in each of the following instances that:
1. The establishment of a proposed mobile home park will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
 2. The proposed mobile home park will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.
 3. The proposed mobile home park will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
 4. Adequate utilities, access roads, drainage and/or other necessary facilities have been, are being, or will be provided.
 5. Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets.

Sec. 13-1-283 Mobile Home Park Requirements.

- (a) **Park Size.** The minimum size of a mobile home park shall be five (5) acres.
- (b) **Density.** The maximum density for mobile home parks shall be eight (8) mobile home units or lots per gross acre.
- (c) **Setbacks.** No mobile home shall be located closer than twenty-five (25) feet from any park property boundary line.
- (d) **Drainage and Landscaping.** The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner away from the mobile home stand; all mobile home sites shall be sodded or seeded and the park shall be attractively landscaped in accordance with a plan submitted at the time of initial permit application.
- (e) **Recreation Areas.** Each park shall contain a recreation area. A minimum of one-half (1/2) acre of area for such use shall be provided for each one hundred (100) sites. The minimum area in a park shall be one-half (1/2) acre.

- (f) **Screening.** All mobile home parks shall be provided with a screening of trees or shrubs along the property boundary line separating the park and such adjacent properties, except where the adjoining property is also a mobile home park. Within six (6) months after issuance of the appropriate licenses and permits for the occupation of such mobile home park, the following planting shall be established:
 - (1) A permanent planting of trees and shrubs so arranged and in sufficient numbers so as to form a solid wall of plant material. Such planting shall be a minimum height of two (2) feet at the original time of planting and shall be grown or maintained at a height of not less than ten (10) feet, except where line of sight vision is necessary for pedestrian or vehicular traffic safety.
- (g) **Permitted Uses.** The following uses are permitted within mobile home parks:
 - (1) Mobile homes used for single family residential uses.
 - (2) One (1) single family dwelling per park for the owner, operator or caretaker thereof.
 - (3) Service buildings such as park offices, laundromats and recreational buildings provided that such uses be subordinate to the residential character of the park and are intended for use primarily by park residents.
 - (4) Accessory structures such as storage sheds, porches and carports as approved by the park management. Accessory structures shall meet the minimum setback requirements prescribed for the basic mobile home unit.
 - (5) Home occupations as permitted in Section 13-1-92.
- (h) **Prohibited Uses.**
 - (1) Commercial sales of mobile homes, except that existing mobile homes on the site may be sold by the owner.
 - (2) Dependent mobile homes and recreational vehicles shall be prohibited from placement or occupancy within mobile home parks.

Sec. 13-1-284 Access, Street and Parking Requirements.

- (a) **General Requirements.** All mobile home stands shall be provided with safe, convenient access to public streets and roads. Such access shall be provided by private streets located within the park boundaries.
- (b) **Park Entrances.** Entrances to parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
- (c) **Interior Streets.**
 - (1) Paving requirements for interior streets shall adhere to locally applicable codes and shall meet the following width standards:

2 way street w/parking on both sides	32'
2 way street w/parking on one side	25'
2 way street w/parking prohibited	18'
1 way street w/parking on one side	22'
1 way street w/parking prohibited	14'

- (2) Right-of-way width shall be at least sixty-six (66) feet, unless the City Council has specifically approved a lesser width, but shall in no case, be less than fifty (50) feet.
- (d) **Parking Requirements.**
- (1) A minimum of two (2) improved parking spaces shall be provided for each mobile home, one (1) of which will be on the mobile home site.
 - (2) An open, well-drained, dust free storage area for the parking of boats, trailers and outside vehicles shall be provided. The minimum size of such area shall be one hundred (100) square feet per mobile home site. The storage area shall be fenced to prevent access from outside the park.
 - (3) **Walkways.** Pedestrian walkways shall be provided in the area of the service buildings, along major streets, and other locations of anticipated heavy foot traffic. Walkways shall be a minimum of three (3) feet wide and be dust free. In addition, each mobile home stand shall be provided with a walkway from the stand to the street or parking space.

Sec. 13-1-285 Sewer, Plumbing and Waste Requirements.

- (a) **Sanitary Sewer Requirements.** Mobile home parks and each mobile home therein shall be connected to public sanitary sewage facilities.
- (b) **Plumbing Requirements.** All plumbing within the park and within the mobile homes therein shall meet all applicable standards for the Wisconsin Administrative Code and any additional requirements of the Common Council.
- (c) **Solid Wastes.** All solid wastes shall be stored, collected and disposed in compliance with Ch. HSS177, Wis. Adm. Code.

Sec. 13-1-286 Mobile Home Site Requirements.

Each site for the placement of mobile homes shall be clearly staked or otherwise delineated and shall meet the following standards:

- (a) **Minimum Lot Size.** Individual lots within the mobile home park shall contain an area of not less than five thousand (5,000) square feet and shall have a minimum width, at the narrowest point, of fifty (50) feet.
- (b) **Mobile Home Stand.** A mobile home stand with minimum dimensions of seventeen (17) feet by seventy (70) feet intended for the actual placement of the mobile home shall be provided on each mobile home site. The stand shall be hard surfaced with asphalt, concrete or similar material and provide adequate drainage and support against settling and frost heave. The mobile home stand shall be equipped with tie downs and anchors to secure the mobile home against winds.

- (c) **Required Separation Between Mobile Homes.** Mobile homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch attached to the mobile home shall, for purposes of the separation requirements, be considered a part of the mobile home. The basic unit shall not occupy in excess of one-fourth (1/4) of the area of the lot and the complete unit, including all accessory structures, shall not occupy more than one-half (1/2) of the area of the lot.
- (d) **Setback and Buffer Strips.** Each mobile home shall be located at least five (5) feet from any mobile home lot line. There shall be a minimum setback of the mobile home of twenty (20) feet from the front, or main street side of the lot and of at least ten (10) feet from the rear of the lot. All mobile homes shall be located at least twenty-five (25) feet from any park property boundary line.

Sec. 13-1-287 Miscellaneous Requirements.

- (a) **Responsibility of the Park Management.**
 - (1) The person to whom a permit for a park is issued shall operate the park in compliance with this Article and shall provide adequate supervision to maintain the park, its facilities and equipment, in good repair and in a clean and sanitary condition.
 - (2) The park management shall notify park occupants of all applicable provision of this Article and inform them of their duties and responsibilities under this Article and the Wisconsin Administrative Code. The appropriate provisions of this Section and park rules adopted by the management shall be posted in an appropriate place within the premises.
 - (3) The park management shall supervise the placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utilities.
- (b) **Responsibilities of the Park Occupants.**
 - (1) The park occupant shall comply with all applicable requirements of this Article and shall maintain his/her mobile home, its facilities and equipment, in good repair and in a clean and sanitary condition.
 - (2) The park occupant shall be responsible for proper placement of his/her mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
 - (3) Pets, if permitted in the park, shall be prevented from running at large or committing any nuisance within the limits of the park.
 - (4) The park occupant shall store and dispose of rubbish and garbage in a clean, sanitary and safe manner.

Sec. 13-1-288 through Sec. 13-1-299 Reserved for Future Use.

Article 0: Mobile Home Parks

(Reserved for Future Use)

Article P: Definitions

Sec. 13-1-300 Definitions.

- (a) For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided for a section. Words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory. The word "person" includes an individual, all partnerships, associations, and bodies political and corporate. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used or occupied".
- (1) **Abutting.** Have a common property line or district line.
 - (2) **Accessory Apartment.** A separate complete housekeeping unit that is substantially contained within the structure of a single-family dwelling, but can be isolated from it.
 - (3) **Accessory Use or Structure.** A use or detached structure subordinate to the principal use of a structure, parcel of land or water and located on the same lot or parcel serving a purpose incidental to the principal use or the principal structure.
 - (4) **Acre, Net.** The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.
 - (5) **Airport, Public.** Any airport which complies with the definition contained in Sec. 114.013(3), Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.
 - (6) **Alley.** A public or private right-of-way not more than twenty-one (21) feet wide which affords only a secondary means of access to the side or rear of an abutting property.
 - (7) **Apartment.** A suite of rooms or a room in a multiple dwelling, which suite or room is arranged, intended or designed to be occupied as a residence of a single family, individual or group of individuals, with separate facilities and utilities which are used or intended to be used for living, sleeping, cooking and eating.
 - (8) **Arterial Street.** A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
 - (9) **Automobile Wrecking Yard.** Any premises on which two (2) or more self propelled vehicles not in running order or operating condition are stored in the open.
 - (10) **Basement.** A story partly or wholly underground. The height of a basement shall be the vertical distance between the surface of the basement floor and the surface of the floor next above it. A basement shall be counted as a story for the purposes of height measurements if the vertical distance between the ceiling and the main level

of the adjoining ground is more than five (5) feet, or if used for business purposes, or if used for living purposes by other than the owner and his immediate family, and a janitor or servants of the owner.

- (11) **Bed and Breakfast Establishment Building.** A building that provides four (4) or fewer sleeping rooms for temporary occupancy for compensation by transient guests who are traveling for business or pleasure and is the owner's personal residence and occupied by the owner at the time of rental. The partnership form of ownership shall be allowed under this definition.
- (12) **Block.** A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (13) **Boarding House.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three (3) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.
- (14) **Buffer Zone.** A designated neutral area designed to separate conflicting land uses. A natural vegetative screening of trees, shrubs or other planting is usually employed in such a designated area.
- (15) **Buildable Lot Area.** The portion of a lot remaining after required yards have been provided.
- (16) **Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (17) **Building, Accessory.** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. An automobile trailer or other vehicle or part thereof or other building shall not be used as a dwelling or lodging place and shall not be considered an accessory building or use.
- (18) **Building, Detached.** A building surrounded by open space on the same lot.
- (19) **Building, Heights of.** 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.
- (20) **Building, Principal or Main.** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.
- (21) **Building Setback Line.** A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.
- (22) **Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.

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- (23) **Business.** An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- (24) **Canopy.** A rigid structure attached to and extending outward from a building, designed to protect the building and/or people under the canopy from the sun, rain or snow.
- (25) **Carport.** An automobile shelter having one (1) or more sides open.
- (26) **Cellar.** That portion of a building having more than half of the floor-to-ceiling height below the average grade of the adjoining ground. This portion is not a completed structure and serves as a substructure or foundation for a building.
- (27) **Channel.** Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- (28) **Clinic.** An establishment for medical examination and treatment of patients, but without provisions for keeping such patients overnight on the premises (except for veterinary clinics). For purposes of this Chapter, a doctor's or dentist's office in a residence, when it complies with the requirements of this Chapter relating to such office shall not be considered a clinic, but any doctor's or dentist's office in a residence, when it complies with the requirements of this Chapter relating to such office shall not be considered a clinic, but any doctor's or dentist's office which is not part of his/her home, or the office of two (2) or more doctors or dentists, whether in a residence or not, shall be considered a clinic.
- (29) **Club or Lodge.** A building or portion thereof or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as business.
- (30) **Community Living Arrangement.** The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin State Statutes, including Sections 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (31) **Conditional Use.** The occupations, vocations, skills, arts, businesses, professions or uses specifically designated in each zoning district, which for their respective conduct, exercise or performance in such designated districts may require reasonable, but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, condition modification, or regulations in such district for the promotion or preservation of the general public welfare, health, convenience or safety therein and in the City and, therefore, may be permitted in such district only by a conditional use permit.

- (32) **Controlled Access Arterial Street.** The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
- (33) **Corner Lot.** The setback measured from the property line is twenty-five (25) feet on all street sides. The front of the lot is considered to be the way the house faces on the lot.
- (34) **Conservation Standards.** Guidelines and specifications for soil and water conservation practices and management enumerated in the **Technical Guide**, prepared by the USDA Soil Conservation Service for Chippewa County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.
- (35) **Development.** Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.
- (36) **District, Basic.** A part or parts of the City for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (37) **District, Overlay.** Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
- (38) **Dwelling.** A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
- (39) **Dwelling Unit.** Any room or group of rooms located within a dwelling and forming a single habitable unit, which are used or intended to be used for living, sleeping, cooking and eating.
- (40) **Dwelling, Efficiency.** A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- (41) **Dwelling, Single-Family.** A detached building designed for or occupied by one (1) family.
- (42) **Dwelling, Two-Family.** A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.
- (43) **Dwelling, Multiple-Family.** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.
- (44) **Elderly Day Care Home.** Locations which provide day care and food service for adults who are unable to be left alone while other family members are at work or

otherwise not at home during the day. Overnight lodging is not to be provided at a day care center.

- (45) **Essential Services.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- (46) **Family.** An individual living alone, or two (2) or more people related by marriage or blood living as a single unit; or a group of not more than four (4) people that need not be related by blood living in a single unit for housekeeping, as distinguished from a hotel, club, lodge or rooming house.
- (47) **Family Day Care Home.** A dwelling also licensed as a day care center by the State Department of Health and Social Services where, for compensation of consideration, a resident of the dwelling provides group care for at least four (4), but not more than eight (8), children between the ages of infancy and seven (7) years of age at a location other than the child's own home or the home of relatives or guardians.
- (48) **Farming — General.** General farming shall include floriculture, forest and game management, orchards, raising of grain, grass, mint and seedcrops, raising of fruits, nuts and berries, sod farming and vegetable farming. General farming includes the operating of such an area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
- (49) **Farmstead.** A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (50) **Floor Area.** The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building, but not including porches, garages or space in a basement or cellar when the same is used for storage or incidental uses.
- (51) **Floor Area — Business and Manufacturing Buildings.** For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include elevators and stairways, accessory storage areas located within selling or working space occupied by 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 determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

- (52) **Foster Family Home.** The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin Statutes and amendments thereto.
- (53) **Frontage.** All the property butting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.
- (54) **Frontage, Reversed.** Where the rear lot line of a corner lot coincides with all or part of the side lot line of an adjoining lot in the same block.
- (55) **Garage (Private).** A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.
- (56) **Garage — Public.** Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.
- (57) **Garage, Storage.** Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements, not to transients, where no equipment, parts, fuel, grease or oil are sold and vehicles are not equipped, serviced, repaired, hired or sold.
- (58) **Gasoline Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel, and oil or other lubrication substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning such vehicles.
- (59) **Grade.** When used as a reference point in measuring the height of a building, the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.
- (60) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.
- (61) **Home Occupation.** An accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services that is clearly secondary to the residential use and does not change the character of the structure as a residence and meets all the applicable limitations of this Chapter.
- (62) **Hospital.** An institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for twenty-four (24) hour care.
- (63) **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- (64) **Institution.** A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

- (65) **Interchange.** A grade-separated intersection with one (1) or more direct connections for vehicular travel between the intersecting streets or highways.
- (66) **Junk.** Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.
- (67) **Junkyard.** Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including but not limited to used or salvaged or new scrapped base metal or metals, their compounds or combinations, used for salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property, except animal matter; and used motor vehicles, machinery or equipment which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.
- (68) **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (69) **Lodging House.** A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.
- (70) **Lot.** A division of land occupied or designed to be occupied by one (1) building and its accessory buildings or uses, including open spaces required by this Chapter. A lot may be a parcel of land designated in a plat laid out prior to the effective date of this amendment, whether or not such division abuts a public street or other officially approved place recorded in the office of the Register of Deeds, or any part of a larger division when such parts comply with the requirements of this Chapter as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.
- (71) **Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.
- (72) **Lot, Interior.** A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.
- (73) **Lot, Through.** A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- (74) **Lot, Substandard.** A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory building and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this code as pertaining to the district wherein located.

- (75) **Lot Area.** The area of contiguous land bounded by lot lines, exclusive of land designated for public thoroughfares.
- (76) **Lot Coverage (Residential).** The area of a lot occupied by the principal building or buildings and accessory buildings.
- (77) **Lot Coverage (Except Residential).** The area of a lot occupied by the principal building or buildings and accessory buildings, including any driveways, parking areas, loading areas, storage areas and walkways.
- (78) **Lot Depth.** The shortest horizontal distance between the front lot line and the rear lot line measured at a ninety (90) degree angle from the road right-of-way.
- (79) **Lot Line.** A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.
- (80) **Lot Line, Front.** A line separating the lot from the street or approved private road.
- (81) **Lot Line, Rear.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular-shaped lot, a line ten (10) feet in the length within the lot, parallel to and at the maximum distance from the front lot line.
- (82) **Lot Line, Side.** Any lot boundary line not a front line or a rear lot line.
- (83) **Lot of Record.** A lot which has been recorded in the Office of the Register of Deeds prior to the effective date of this Chapter.
- (84) **Lot Width.** The horizontal distance between the side lot lines at the building setback line.
- (85) **Manufactured Home.** Each manufactured home shall comply with all of the following requirements and limitations:
 - a. It shall comply with the standards established under 42 USC 5401 to 5425.
 - b. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
 - c. The home shall be installed on an approved foundation in conformity with the uniform building code. The wheels and axles shall be removed. The enclosed foundation system shall be approved by the Building Inspector and/or City Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - d. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - e. The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - f. The home shall have a pitched roof, overhanging eaves and such other features required of all new single family dwellings located within the City of Bloomer.
- (86) **Minor Structures.** Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four (4) feet in height.

- (87) **Mobile Home.** That which is or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances. In addition, a mobile home cannot qualify as a "manufactured home" as that term is defined herein.
- (88) **Mobile Home Lot.** A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (89) **Mobile Home Park.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park is also any lot on which two (2) or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.
- (90) **Mobile Home Subdivision.** A land subdivision, as defined by Chapter 236 of the Wisconsin Statutes and any City Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.
- (91) **Modular Unit.** A modular unit is a factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.
- (92) **Motel.** A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of travelers or tourists.
- (93) **Nonconforming Lot.** A lot of record existing on the date of passage of this Chapter which does not have the minimum width or contain the minimum area for the zone in which it is located.
- (94) **Nonconforming Uses.** Any structure, use of land, use of land and structure in combination or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this Code or amendments thereto and which is not in conformance with this Code. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.
- (95) **Nursing Home.** An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three (3) persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or the care of the sick or injured.
- (96) **Open Sales Area.** Any open land or area used or occupied for the purpose of displaying for sale new or secondhand merchandise, including, but not limited to,

- passenger cars or trucks, farm machinery, construction machinery, motor scooters or motorcycles, boats, trailers, aircraft and monuments. No repair work is done in such area except for incidental repair of items to be displayed and sold on the premises.
- (97) **Outdoor Storage Areas.** Any open land or area used for the purpose of storage of any product or part of a product either before, during or after manufacture, servicing or repair, and not displayed for retail sale. This does not include open sales areas.
- (98) **Parking Lot.** A structure or premises containing five (5) or more parking spaces open to the public.
- (99) **Parking Space.** An off-street space available for the parking of a motor vehicle and which is held to be an area the dimensions of which are ten (10) feet by eighteen (18) feet or which covers one hundred eighty (180) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto.
- (100) **Parties in Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (101) **Places of Assembly.** Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.
- (102) **Plan Commission.** Where the phrase "Plan Commission" appears, this refers to the Plan Commission of the City. The Plan Commission is appointed by the Mayor and confirmed by the Common Council pursuant to Sec. 62.23, Wis. Stats.
- (103) **Planned Development.** A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements.
- (104) **Premise.** The area of land surrounding a structure and forming one (1) enclosure with it.
- (105) **Private Individual Sewage Treatment System.** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same lot as the structure. This term includes alternative sewage systems, substitutes for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (106) **Private Individual Water System.** A system supplying water for human consumption with a well and pump serving a single structure located on the same lot as the structure. This term includes alternative water supply systems, substitutes for the well or pump, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (107) **Professional Home Offices.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized

- professionals, used to conduct their professions where the office does not exceed one-half (1/2) the area of only one (1) floor of the residence and only one (1) non-resident person is employed.
- (108) **Public Airport.** Any airport which complies with the definition contained in Sec. 114.002(18m), Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.
- (109) **Rear Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
- (110) **Recreational Vehicle.** Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications:
- Is not used as the permanent residence of the owner or occupant;
 - Is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities;
 - Is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities;
 - Examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained, self-accommodations.
- (111) **Recreational Vehicle Camp.** A park, court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations for any recreational vehicles as defined herein, and upon which said recreational vehicles are parked.
- (112) **Restaurant.** A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.
- (113) **Restaurant, Drive-in.** A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to be eaten either off the premises or within automobiles parked on the premises.
- (114) **Retail.** The sale of goods or merchandise in small quantities to the consumer.
- (115) **Roadside Stand.** A structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground 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.
- (116) **Rooming Unit.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (117) **School.** A building or group of building maintained by the public or by a private organization for the purpose of education and which is accredited by the State of Wisconsin. Schools include pre-school and grades kindergarten through twelve (12),

- but not trade schools that do not teach the state required courses for high school graduation in addition to the vocational instruction.
- (118) **School, Commercial.** A school limited to special instructions such as business, art, music, trades, handicraft, dancing or riding.
- (119) **Setback.** The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed twenty-four (24) inches. any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback.
- (120) **Sheltered Care Facility.** A private home which provides separate sleeping accommodations and kitchen facilities for its occupants, but also maintains some means of contact with a central control office or building. This facility may include joint recreational and eating facilities.
- (121) **Shopping Center.** A concentration of retail stores and service establishments in a suburban area with generous parking space and planned to serve the community or neighborhood.
- (122) **Side Yard.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
- (123) **Signs.** Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (124) **Site Plan.** Includes but is not limited to a drawing to scale of not less than one (1) inch equals fifty (50) feet, showing all physical aspects such as buildings, setback dimensions, sidewalks, driveways, playgrounds, parking, and so forth which pertain to the proposed development and its relation to the surrounding area in conformance to the zoning of the area in which the development will exist.
- (125) **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (126) **Story, Half.** That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three

- (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (127) **Street.** Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and which is twenty-one (21) feet or more in width.
- (128) **Street, Arterial.** A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as major thoroughfares, highways and parkways.
- (129) **Street Yard.** A yard extending across the full width of the lot, the depot of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) street yards.
- (130) **Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- (131) **Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (132) **Temporary Structure.** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (133) **Tourist Camp.** A tract or parcel of land on which one (1) or more automobile trailers, tents or camp cabins are located, open to the public free or for a fee.
- (134) **Use.** The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (135) **Use, Accessory.** A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- (136) **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.
- (137) **Use, Principal.** The main use of land or building as distinguished from subordinate or accessory use.
- (138) **Utilities.** Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
- (139) **Variance.** A departure from the terms of this Chapter as applied to a specific building, structure or parcel of land, which the Board of Appeals may permit, contrary

to the regulations of this Chapter for the district in which such buildings, structure or parcel of land is located, when the Board of Appeals finds that a literal application of such regulation will affect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensation or gain to the property and does not endanger the public health, safety or welfare.

- (140) **Vehicle, Motor.** Every device in, upon or by which any person or property is or may be transported.
- (141) **Vision Setback Area.** An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from this intersection as specified in this Chapter.
- (142) **Wall, Retaining.** A structure designed to resist the lateral displacement of soil or other materials.
- (143) **Yard.** An open space on the same lot with a building, unobstructed by structures except as otherwise provided herein.
- (144) **Yard, Front.** A yard extending the full width of the lot between the front lot line and the nearest part of the principal building excluding uncovered steps. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimensions.
- (145) **Yard, Rear.** A yard extending the full width of the lot between the rear lot line to the nearest part of the principal building, including eaves.
- (146) **Yard, Side.** A yard on each side of the principal building extending from the nearest part of the principal building, including eaves to the lot line and from the front yard line to the rear yard line.
- (147) **Zero Lot Line.** The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.
- (148) **Zoning Permit.** A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.

Title 13 ► Chapter 2

Floodplain and Shoreland–Wetland Zoning

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Article A: Introduction

Sec. 13-2-1 Statutory Authorization.

This Chapter for floodplain protection is adopted pursuant to the authorization contained in Sections 62.23, 62.231, 87.30 and 144.26, Wis. Stats.

Sec. 13-2-2 Finding of Fact.

The uncontrolled development and use of the shoreland-wetlands, floodplains, rivers or streams of the City of Bloomer, Wisconsin, would adversely affect the public health, safety, convenience and general welfare and impairs its tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and lands uses; and preserve shore cover and natural beauty.

Sec. 13-2-3 Statement of Purpose.

To promote the public health, safety, convenience and general welfare, and protect life, health and property, this Chapter has been established to:

- (a) Maintain the storm and flood water storage capacity of wetlands.
- (b) 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.
- (c) Protect fish spawning grounds, fish, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat.
- (d) Prohibit certain uses detrimental to the shoreland-wetland area.
- (e) Preserve shore cover and natural beauty by restricting shoreland-wetland excavation, filling and other earth moving activities.
- (f) Minimize expenditures of public moneys for costly flood control projects.
- (g) Reduce rescue and relief efforts, generally undertaken at the expense of the taxpaying public.
- (h) Prevent business interruptions which usually result in the loss of local incomes.
- (i) Reduce damage to public facilities such as utilities, municipal buildings, streets and bridges which may be located in the floodplains.
- (j) Prevent the occurrence of future flood blight areas on floodplains.
- (k) Discourage the victimization of unwary land and home buyers.

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- (1) Prevent increases in regional flood heights which could increase damage during floods and which may result in conflicts or litigation between property owners.

Sec. 13-2-4 Title.

This Chapter shall be known as the Floodplain and Shoreland-Wetland Zoning Ordinance for the City of Bloomer.

Sec 13-2-5 through Sec. 13-2-9 Reserved for Future Use.

Article B: General Provisions

Sec. 13-2-10 Compliance with Chapter.

- (a) **Compliance.** Any development, as defined in Section 13-2-110, in floodplains and shoreland-wetlands shall be in full compliance with the terms of this Chapter. (However, see Article H of this Chapter for the standards applicable to nonconforming uses.) It is the responsibility of the applicant to secure all other necessary permits from appropriate federal, state and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.
- (b) **Municipalities and State Agencies Regulated.** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Chapter and obtain all necessary permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Sec. 30.12(4)(a), Wis. Stats., applies.

Sec. 13-2-11 Abrogation and Greater Restrictions; Interpretation of Chapter.

- (a) **Greater Restrictions.** This Chapter supersedes all the provisions of any municipal zoning ordinance enacted under Sections 61.35, 62.23 or 87.30, Wis. Stats., which relate to floodplains and shoreland-wetlands except that where another municipal zoning ordinance is more restrictive than the provisions contained in this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. The more restrictive of either the shoreland-wetland district or floodplain district regulations shall apply when a property is located in both zoning districts.
- (b) **Abrogation.** It is not otherwise intended by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.
- (c) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to 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 Chapters NR 116 or NR 117, Wisconsin Administrative Code, and where the meaning of the Chapter provision is unclear, the provision shall be interpreted in light of the Chapters NR 116 or 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.

Sec. 13-2-12 Warning and Disclaimer of Liability.

The degree of flood protection intended to be 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 manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter 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 Chapter create a liability on the part of or a cause of action against the City or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.

Sec. 13-2-13 Annexed Lands.

The Chippewa County Shoreland Zoning provisions in effect on the date of annexation remain in effect administered by the City for all areas annexed by the City after May 7, 1982. These annexed lands are described on the City's official zoning map. The Chippewa County Shoreland Zoning provisions are incorporated by reference for the purpose of administering this Section and are on file in the office of the Zoning Administrator.

Sec. 13-2-14 Severability.

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

Sec. 13-2-15 Zoning Maps.

The maps designated below are hereby adopted and made part of this Chapter. They are on file in the office of the Clerk-Treasurer of the City of Bloomer:

- (a) Floodplain zoning maps titled "Flood Insurance Rate Map, City of Bloomer, Wisconsin, Chippewa County," dated August 19, 1991.
- (b) Wisconsin Wetland Inventory Maps stamped "FINAL" on December 20, 1985.
- (c) Comprehensive Zoning Base Map, titled "City of Bloomer Zoning Map" and dated June 6, 1991.

Sec. 13-2-16 through Sec. 13-2-19 Reserved for Future Use.

Article C: Shoreland–Wetland Zoning District

Sec. 13-2-20 District Boundaries of Shoreland–Wetlands.

- (a) The shoreland-wetland zoning district includes all wetlands in the City of Bloomer which are five (5) acres or more in size and are shown on the final Wetland Inventory Map that has been adopted and made a part of this Chapter in Section 13-2-15 and which are:
 - (1) Within one thousand (1,000) feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been made a part of this Chapter in Section 13-2-15.
 - (2) Within three hundred (300) feet of the ordinary highwater mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater. Rivers and streams 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 in Section 13-2-15. Floodplain zoning maps adopted in Section 13-2-15 shall be used to determine the extent of floodplain areas.
- (b) Determinations of navigability and ordinary highwater mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary highwater mark.
- (c) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate 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 land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official zoning maps, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.
- (d) Under Sec. 144.26(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule, wetland zoning ordinances required under the Wisconsin Statutes (Sec. 61.351 for villages or 62.231 for cities) and Chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:
 - (1) Such lands are not adjacent to a natural navigable stream or river;
 - (2) Those parts of the drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (3) Such lands are maintained in nonstructural agricultural use.

Sec. 13-2-21 Permitted Uses in Shoreland–Wetlands.

The following uses are permitted subject to the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- (a) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 - (2) 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;
 - (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
- (b) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, included 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;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 - (3) The maintenance and repair of existing drainage systems, where permissible under Sec. 30.20, Wis. Stats., to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - (6) 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 the adverse impact upon the natural functions of the shoreland-wetland listed in Section 13-2-23(a) of this Chapter; and
 - (7) The maintenance, repair, replacement and construction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

- (c) Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under this Section provided:
 - a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-2-23(a);
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - d. Road construction activities are carried out in the immediate area of the roadbed only; and
 - e. Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings provided that:
 - a. 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;
 - b. The building cannot, as a practical matter, be located outside the wetland;
 - c. The building does not exceed five hundred (500) square feet in floor area; and
 - d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
 - (3) 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, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
 - a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - b. Only limited 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;
 - c. 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 Subsection (c)(1) above; and
 - d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
 - (4) The construction and maintenance of electric and telephone transmission lines and water, gas and sewer lines and related facilities and the construction and maintenance of railroad lines provided that:

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- a. The transmission and distribution lines and related facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
- b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
- c. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-2-23(a).

Sec. 13-2-22 Prohibited Uses in Shoreland–Wetlands.

- (a) Any use not listed in Section 13-2-21 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Section 13-2-23 and Article J.
- (b) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable waters are prohibited.

Sec. 13-2-23 Rezoning Shoreland–Wetlands.

- (a) Rezoning of a shoreland-wetland shall require amendment of the Final Wisconsin Wetland Inventory map adopted in Section 13-2-15 pursuant to procedures established in Article J. In order to insure that any amendment will be consistent with the shoreland protection objectives of Sec. 144.26, Wis. Stats., the municipality shall not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (1) Storm and flood water storage capacity.
 - (2) Maintenance of 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 soil 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 of habitat of endangered species.
- (b) Upon notification of a proposed amendment as required by Article J, if the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection (a), the Department shall so notify the

City of its determination either prior to or during the public hearing held on the proposed amendment.

- (c) If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection (a), that proposed amendment, if approved by the City, shall not become effective until more than thirty (30) days have elapsed since written notice of the Council approval was mailed to the Department, as required by Article J. If, within the thirty (30) day period, the Department notifies the Common Council that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality under Sections 62.231(6) or 61.351(6), Wis. Stats., the proposed amendment shall not become effective until that ordinance adoption procedure is completed or otherwise terminated. The record of the Common Council decision on the proposed amendment shall advise the petitioner of the provisions of this Section.

Sec. 13-2-24 through Sec. 13-2-29 Reserved for Future Use.

Article D: General Provisions for All Floodplains

Sec. 13-2-30 Areas to Be Regulated.

Areas regulated by this Chapter include all lands within the corporate limits of the City of Bloomer that would be inundated by the "regional flood" defined in the Definitions, Section 13-2-110(a) of this Chapter, and include "floodplain islands" where emergency rescue and relief routes would be inundated by the regional flood.

Sec. 13-2-31 District Boundaries.

The regional floodplain areas within the jurisdiction of this Chapter are hereby divided into three districts: the Floodway District (FW), Flood Fringe District (FF) and General Floodplain District (GFP), defined as follows:

- (a) The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the regional flood waters.
- (b) The Flood Fringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.
- (c) The General Floodplain District (GFP) consists of all areas which have been or may be hereafter covered by flood water during the regional flood. It encompasses both the Floodway and Flood Fringe Districts.

Sec. 13-2-32 Locating Floodplain Boundaries.

- (a) Where an apparent discrepancy exists between the location of the outermost boundary of the Flood Fringe District or General Floodplain District shown on the official floodplain zoning map and actual field conditions, the location of the district boundary line shall be initially determined by the Zoning Administrator using the criteria set forth in Subsections (b) or (c) below. Where the Zoning Administrator finds that there is a significant difference between the district boundary shown on the map and the actual field conditions, the map shall be amended using the procedures established in Section 13-2-38 and Article J. Disputes between the Zoning Administrator and an applicant on the location of the district boundary line shall be settled according to Section 13-2-83.
- (b) Where flood profiles exist, the location of the district boundary line shall be determined by the Zoning Administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the map and the location indicated by the regional flood elevations and actual field conditions, the regional flood elevations shall govern. A map amendment is required where

there is a significant discrepancy between the map and actual field conditions. The Zoning Administrator shall have the authority to immediately grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Zoning Administrator shall be responsible for initiating any map amendments required under this Section within a reasonable period of time.

- (c) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Zoning Administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department. Where there is a significant difference between the district boundary line shown on the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Common Council and the Department, the Zoning Administrator shall have the authority to grant or deny a land use permit.

Sec. 13-2-33 Removal of Lands from Floodplain.

Compliance with the provisions of this Chapter shall not be grounds for removing lands from the floodplain district, unless they are removed by filling to a height of at least two (2) feet above the regional flood elevation, the fill is contiguous to land lying outside the floodplain district and the map is amended pursuant to Article J. To remove the land from flood insurance requirements, FEMA must first revise the flood insurance rate map or issue a letter of map amendment or revision.

Sec. 13-2-34 Hydraulic and Hydrologic Analyses.

- (a) No development, except as provided in Subsection (b) below, shall be allowed in floodplain areas which will:
 - (1) Cause an obstruction to flow, defined in Section 13-2-110(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
 - (2) Cause an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot.
- (b) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this Chapter, the official floodplain zoning maps, including floodway lines and water surface profiles, in accordance with Section 13-2-38 and Article J, and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream.

- (c) The Zoning Administrator shall deny permits where it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

Sec. 13-2-35 Mobile Homes and Manufactured Homes.

- (a) Owners or operators of all manufactured or mobile home parks and subdivisions located in the regional floodplain shall provide for adequate surface drainage to minimize flood damage.
- (b) All new, replacement or substantially improved manufactured or mobile homes to be placed or improved on a site located in the regional floodplain shall:
- (1) Be elevated to the flood protection elevation;
 - (2) Meet the residential development standards for the flood fringe in Section 13-2-52(b); and
 - (3) Be anchored so that they do not float, collapse or move laterally during a flood.

Sec. 13-2-36 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 of Natural Resources 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.

Sec. 13-2-37 Floodproofing.

- (a) Where floodproofing measures are required, they shall be designed to:
- (1) Withstand the flood pressures, depths, velocities, uplift and impact forces and other factors associated with the regional flood; and
 - (2) Assure protection to the flood protection elevation; and
 - (3) Provide anchorage of structures to foundations to resist flotation and lateral movement; and
 - (4) Shall insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to the flood protection elevation.
- (b) No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect that the floodproofing measures

are adequately designed to protect the structure or development to the flood protection elevation for the particular area.

- (c) Floodproofing measures could include:
- (1) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;
 - (2) Addition of mass or weight to structures to prevent flotation;
 - (3) Placement of essential utilities above the flood protection elevation;
 - (4) Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;
 - (5) Construction of water supply wells and waste treatment systems to prevent the entrance of flood waters into such systems;
 - (6) Cutoff valves on sewer lines and the elimination of gravity flow basement drains.

Sec. 13-2-38 Amendments.

- (a) When amendments are required, the procedures in Article J shall apply. Actions which require an amendment include, but are not limited to, the following:
- (1) Any change to the official floodplain map including the floodway line or boundary of the 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 elevation and is contiguous to land lying outside the floodplain;
 - (4) Any fill or encroachment into the floodplain that will obstruct flow or cause an increase of 0.01 foot or more in the height of the regional flood; and
 - (5) Any upgrading of floodplain zoning ordinances required by NR 116.05, Wis. Adm. Code., or otherwise required by law, or for changes by a municipality.
- (b) No amendment to the maps or text of this Chapter shall become effective until reviewed and approved by the Department of Natural Resources.
- (c) All persons petitioning for a map amendment which involves an obstruction to flow causing an increase in the height of the regional flood of 0.01 foot or more shall obtain flooding easement, or other appropriate legal arrangements, from all affected local units of government and property owners before the City may approve an amendment which would result in such an increase to the regional flood elevation.
- (d) When considering amendments to the official floodplain zoning map, in areas where no water surface profiles exist, the City shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information.

Sec. 13-2-39 Reserved for Future Use.

Article E: Floodway District (FW)

Sec. 13-2-40 Applicability.

The provisions of this Article shall apply to all areas mapped as floodway on the official floodplain zoning maps and to those portions of the General Floodplain District determined to be floodway.

Sec. 13-2-41 Permitted Uses.

The following open space uses are permitted within the Floodway District and in the floodway portion of the General Floodplain District, provided that they are not prohibited by any other ordinance and provided further that they meet all of the standards contained in Section 13-2-42, and all permits or certificates have been issued:

- (a) Agricultural uses, such as: general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, such as: loading areas, parking areas and airport landing strips.
- (c) Private and public recreational uses, such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- (d) Uses or structures accessory to open space uses, or essential for historical areas, providing they are not in conflict with the provisions of Sections 13-2-42 and 13-2-43.
- (e) Extraction of sand, gravel or other materials pursuant to Section 13-2-42(d).
- (f) Functionally water-dependent uses such as docks, piers or wharves, including those docks, piers or wharves used as part of a marina, other water-related uses, such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines and pipelines may be allowed if all other necessary local, state and federal permits are secured, including Chapters 30 or 31 permits from the Department.
- (g) Public utilities, streets and bridges, according to Section 13-2-42(c).

Sec. 13-2-42 Standards for Developments in Floodway Areas.

(a) General Requirements.

- (1) Any development in floodway areas shall:
 - a. Meet all of the provisions of Article D; and
 - b. Have a low flood damage potential.

- (2) Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Section 13-2-34:
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.
 - (3) The Zoning Administrator shall deny the permit application where there is determined the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection 13-2-42(a)(2) above.
- (b) **Structures.** Only structures which are accessory to permitted open space uses, or are essential for historical areas, or are functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:
- (1) The structures are not designed for human habitation;
 - (2) The structures are designed and placed on the building site so as to cause an increase less than 0.01 foot in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and approximately on the same line as those of adjoining structures;
 - (3) The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
 - (4) The structures have all service facilities, such as electrical and heating equipment at or above the flood protection elevation for that particular area.
- (c) **Utilities.** Public utilities, streets and bridges may be allowed, provided that:
- (1) Adequate floodproofing measures are provided to the flood protection elevation;
 - (2) Construction does not cause an increase in the regional flood height according to Section 13-2-34, except where the water surface profiles, floodplain zoning maps and floodplain zoning ordinance are amended as needed, to reflect any changes resulted from such construction.
- (d) **Fills.** Fills or deposition of materials may be allowed by permit, provided that:
- (1) The requirements of Section 13-2-34 are met;
 - (2) The fill or deposition of materials does not encroach on the channel area between the ordinary high-water mark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334, has been issued, if applicable, and the other requirements of this Section are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling and/or bulkheading sufficient to prevent erosion; and provided that
 - (4) Such fills are not associated with private or public solid waste disposal.

Sec. 13-2-43 Prohibited Uses.

All uses not listed as permitted uses in Section 13-2-41 are prohibited, in addition to the following uses which are always prohibited, in floodways and the floodway portions of the general floodplain:

- (a) The storage of any materials that are capable of floating, flammable, explosive or injurious to property water quality or human, animal, plant, fish or other aquatic life;
- (b) Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts;
- (c) All 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 Chapter ILHR 83, Wisconsin Administrative Code;
- (d) All 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 Chapters NR 111 and NR 112, Wis. Adm. Code.
- (e) All solid and hazardous waste disposal sites, whether public or private.
- (f) All wastewater treatment ponds or facilities except those permitted under Sec. NR 110.15(3)(b), Wis. Adm. Code.
- (g) All sanitary sewer or water lines except those to service existing or proposed development outside the floodway which complies with the regulations for the floodplain area occupied.

Sec. 13-2-44 through Sec. 13-2-49 Reserved for Future Use.

Article F: Flood Fringe District (FF)

Sec. 13-2-50 Applicability.

The provisions of this Article shall apply to all areas within the Flood Fringe 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 flood fringe area.

Sec. 13-2-51 Permitted Uses.

Any structures, land use or development, including accessory structures and uses, are allowed within the Flood Fringe District and flood fringe portions of the General Floodplain District, provided that the standards contained in Article D and Section 13-2-52 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 required by Chapter have been issued.

Sec. 13-2-52 Standards for Development in Flood Fringe Areas.

- (a) **Standards.** All of the provisions of Article D shall apply in addition to the requirements of this Section according to the use requested.
- (b) **Residential Uses.** Any structure or building used for human habitation, which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet or exceed the following standards:
 - (1) The lowest floor excluding the basement or crawlway shall be at or above the flood protection elevation (which is a point two [2] feet above the regional flood elevation) except where Subsection (2) below is applicable. The fill elevation 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 where existing streets or sewer lines are at elevations which make compliance impractical provided the Board of Appeals grants a variance due to dimensional restrictions.
 - (2) The basement or crawlway floor may be placed at the regional flood elevation providing it is floodproofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.
 - (3) Contiguous dryland access, defined in Section 13-2-110 as a vehicle access route above regional flood elevation shall be provided from a structure or building to land which is outside of the floodplain, except as provided in Subsection (4).
 - (4) In existing developments where existing streets or sewer lines are at elevations which make compliance with Subsection (3) impractical, the City may permit new

development and substantial improvements where access roads are at or below the regional flood elevation, provided:

- a. The City has written assurance from the appropriate local units of police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration and velocity of the regional flood event; or
 - b. The City has an adequate natural disaster plan concurred with the Division of Emergency Government and approved by the Department.
- (c) **Accessory Structures or Uses.** An accessory structure or use (not connected to a principal structure, including nonresidential agricultural structures), shall meet all the applicable provisions of Section 13-2-42(a), (b) and (d) and 13-2-43. A lesser degree of protection, compatible with these criteria and the criteria in Subsection (d) may be permissible for an accessory structure or use providing that the site is not inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second upon the occurrence of the regional flood.
- (d) **Commercial Uses.** Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet the requirements of Section 13-2-52(b) above. Storage yards, parking lots and other accessory land uses may be at lower elevations, subject to the requirements of Subsection (f). However, no such area in general use by the public shall be inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second upon the occurrence of the regional flood. Inundation of such yards or parking areas exceeding two (2) feet may be allowed provided an adequate warning system exists to protect life and property.
- (e) **Manufacturing, Agricultural and Industrial Uses.** Any manufacturing, agricultural or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, floodwalls, adequate floodproofing measures in accordance with Section 13-2-37, or any combination thereof. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. A lesser degree of protection, compatible with the criteria in Subsections (d) and (f) may be permissible for storage yards, parking lots and accessory structures or uses.
- (f) **Storage or Processing of Materials.** The storage or processing of materials that are buoyant, flammable, explosive or which, in times of flooding, could be injurious to property, water quality or human, animal, fish, plant or aquatic life shall be at or above the flood protection elevation for the particular area or floodproofed in compliance with Section 13-2-37. Adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding.
- (g) **Public Utilities, Streets and Bridges.** All utilities, streets and bridges should be designed to be compatible with the local comprehensive floodplain development plans; and

- (1) When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Section 13-2-37 to the flood protection elevation;
 - (2) Minor or auxiliary roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.
- (h) **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 Chapter ILHR 83, Wisconsin Administrative Code.
- (i) **Wells.** All wells, whether public or private, shall be floodproofed to the flood protection elevation and shall meet the applicable provisions of Chapters NR 111 and NR 112, Wis. Adm Code.
- (j) **Solid Waste Disposal Sites.** All solid or hazardous waste disposal sites, whether public or private, are prohibited in flood fringe areas.
- (k) **Deposition of Materials.** Any materials deposited for any purpose may only be allowed if all the provisions of this Chapter are met.

Sec. 13-2-53 through Sec. 13-2-59 Reserved for Future Use.

Article G: General Floodplain District (GFP)

Sec. 13-2-60 Applicability.

The provisions for this district shall apply to all floodplains in the City for which "regional flood" data, as defined in the Definitions, Section 13-2-110(a), is not available, or where regional flood data is available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district, such portions shall be placed in the Flood Fringe or Floodway District, as appropriate.

Sec. 13-2-61 Permitted Uses.

The General Floodplain District encompasses both floodway and flood fringe areas. Therefore, a determination shall be made pursuant to Section 13-2-63 to determine whether the proposed use is located within a floodway or flood fringe area. Those uses permitted in floodways and flood fringe areas are allowed within the general floodplain district according to the standards of Section 13-2-62 and provided that all permits or certificates required under this Chapter have been issued.

Sec. 13-1-62 Standards for Development in the General Floodplain District.

Once it is determined according to Section 13-2-63 that a proposed use is located within a floodway, the provisions of Article E shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of Article F shall apply. All provisions of the remainder of this Chapter apply to either district.

Sec. 13-1-63 Determining Floodway and Flood Fringe Limits.

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- (a) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph or a plan which accurately locates the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.

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- (b) 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:
 - (1) 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.
 - (2) Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - (3) Profile showing the slope of the bottom of the channel or flow line of the stream.
 - (4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.
- (c) Transmit one (1) copy of the information described in Subsections (a) and (b) to the Department District office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Section 13-2-81(a)(3) apply, the applicant shall provide all required information and computations, to delineate floodway boundaries and the effects of the project on flood elevations.

Sec. 13-2-64 through Sec. 13-2-69 Reserved for Future Use.

Article H: Nonconforming Uses

Sec. 13-2-70 Nonconforming Structures and Uses — General Provisions.

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 following conditions:

- (a) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this Chapter.
- (b) Any legal nonconforming 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 Sec. 62.231, Wis. Stats., may be continued although such use does not conform with the provisions of this Chapter. However, such nonconforming use may not be extended or increased.
- (c) The maintenance and repair of nonconforming boathouses which are located below the ordinary highwater mark of any navigable waters shall comply with the requirements of Sec. 30.121, Wis. Stats.
- (d) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

Sec. 13-2-71 Shoreland–Wetlands; Nonconforming Structures.

Notwithstanding Sec. 62.34(7)(h), Wis. Stats., the repair, reconstruction, renovation, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this Chapter adopted under Sec. 62.231, Wis. Stats., or of an environmental control facility in existence of May 7, 1982, related to that structure, is permitted under Sec. 62.231(5), Wis. Stats. Section 62.23(7)(h), Wis. Stats., applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this Chapter or amendment.

Sec. 13-2-72 Floodplains — General Provisions.

- (a) No modifications or additions to a nonconforming use or a nonconforming structure shall be permitted unless they are made in conformity with the provisions of this Chapter for the area of the floodplain it occupies. For the purpose of this Section, the words "modification"

and "addition" shall include, but not be 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; such ordinary maintenance repairs include internal and external 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.

- (b) No modification or addition to any nonconforming structure or any structure with a nonconforming use which, over the life of the structure, would 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 Chapter and contiguous dry land access is provided in compliance with Section 13-2-52(b).
- (c) As requests are received for modifications or additions to nonconforming uses or nonconforming structures in the floodplain, a record shall be kept which lists the nonconforming uses and nonconforming structures, their present equalized assessed value and the cost of those additions or modifications which have been permitted.
- (d) If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the provisions of Article E are met. For the purpose of this Subsection, restoration is deemed impractical where the total cost of such restoration would exceed fifty percent (50%) of the present equalized assessed value of the structure.

Sec. 13-2-73 Floodway Areas.

- (a) No modifications or additions shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
 - (1) Has been granted a permit or variance; and
 - (2) Meets the requirements of Section 13-2-72; and
 - (3) Will not increase the obstruction to flood flows; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Section 13-2-37, by means other than the use of fill, to the flood protection election.
- (b) 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 provisions of local ordinances and Chapter ILHR 83, Wis. Adm. Code.
- (c) No new well used to obtain water for ultimate human consumption, or modifications to an existing well, shall be allowed in a floodway area. Any replacement, repair or maintenance

of an existing well in a floodway area shall meet the applicable provisions of all municipal ordinances and Chapters NR 111 and NR 112, Wis. Adm. Code.

Sec. 13-2-74 Flood Fringe Areas.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the flood fringe area unless such modification or addition has been granted a permit or variance and, except where Subsection (b) is applicable, the modification or addition shall be placed on fill or is floodproofed to the flood protection elevation in compliance with the applicable regulations for that particular use in a floodfringe area in Article F.
- (b) Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship and only where the structure will not be either used for human habitation or to be associated with a high flood damage potential, the Board of Appeals, using the procedure in Section 13-2-83, may grant a variance from those provisions of Subsection (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not be installed;
 - (4) Flood depths will not exceed two (2) feet;
 - (5) Flood velocities will not exceed two (2) feet per second; and
 - (6) The structure will not be used for storage of materials that are buoyant, flammable, explosive or injurious to human, animal, plant, fish or other aquatic life.
- (c) An addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe on a one (1) time basis only, if the addition:
 - (1) Meets all other regulations and will not granted by permit or variance;
 - (2) Does not exceed existing (60) square feet in area; and
 - (3) In combination with other previous modifications or additions to the building, does not exceed fifty percent (50%) of the present equalized assessed value of the building.
- (d) All new on-site private sewage disposal systems, or addition to, replacement, repair or maintenance of an on-site sewage disposal system in a floodfringe area shall meet all the applicable provisions of all local ordinances of Chapter ILHR 83, Wis. Adm. Code.
- (e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Chapter and Ch. NR 111 and NR 112, Wis. Adm. Code.

Sec. 13-2-75 through Sec. 13-2-79 Reserved for Future Use.

Article I: Administration

Sec. 13-2-80 Zoning Administrator.

The Zoning Administrator is hereby authorized to administer the provisions of this Chapter. The Zoning Administrator shall have the following duties and powers:

- (a) Advise applicants as to the provisions of this Chapter, 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.
- (b) Issue permits and inspect properties for compliance with this Chapter and issue Certificates of Compliance when appropriate.
- (c) Keep records of all official actions such as:
 - (1) All permits issued.
 - (2) Inspections made.
 - (3) Work approved.
 - (4) Documentation of certified lowest floor and regional flood elevations for floodplain development.
 - (5) Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
- (d) 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.
- (e) Investigate, prepare reports and report violations of this Chapter to the Plan Commission and to the City Attorney for prosecution. Copies of the violation reports shall also be sent to the appropriate district office of the Department of Natural Resources.
- (f) Submit copies of map and text amendments and biennial reports to the Regional Office of FEMA.
- (g) 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.

Sec. 13-2-81 Administrative Procedures.

- (a) **Building/Zoning Permits.** Unless another section of this Chapter specifically exempts certain types of development from this requirement, a building or zoning permit shall be obtained from the Zoning Administrator before any development, as defined in Section 13-2-110, including any change in the use of an existing building or structure, is initiated. Application for a land use permit shall be made to the Zoning Administrator upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

- (1) **General Information:**
 - a. Name, address and telephone number of the applicant, property owner and contractor-builder;
 - b. Legal description of the property and a general description of the proposed use or development indicating new construction or a modification to an existing structure.
- (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 noted on a copy of the Wetland Inventory Map, if applicable.
 - b. Location and boundaries of wetlands;
 - c. Specifications and dimensions for areas of proposed wetland alteration;
 - d. Existing and proposed topographic and drainage features and vegetative cover;
 - e. Location of the ordinary highwater mark of any abutting navigable waterways;
 - f. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;
 - g. Location of any existing or proposed on-site sewage systems or private water supply systems;
 - h. Location and elevation of existing or future access roads;
 - i. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps;
 - j. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
 - k. Data sufficient to determine the regional flood elevation at the location of the development and to determine whether or not the requirements of Article D are met. This may include any of the information noted in Section 13-2-63.
- (3) **Data Requirements to Analyze Developments:**
 - a. The applicant shall provide all computations and survey data required to show the effects of the project on flood heights, velocities and floodplain storage for all subdivision proposals, as "subdivision" is defined in Sec. 236.02(3), Wis. Stats., and other proposed developments exceeding five (5) acres in area or where the estimated cost exceeds One Hundred Twenty-Five Thousand Dollars (\$125,000.00). The applicant shall provide:
 1. Regional flood elevation data.
 2. Vehicular access to lands outside the floodplain.
 3. Adequate surface drainage to minimize flood damage.The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing and similar items reasonably applied to the overall development costs, but need not include land costs.

- b. The Department will determine elevations and evaluate the proposal where the applicant is not required to provide computations as above and inadequate data exists. The City may transmit additional information, such as the date in Section 13-2-63 where appropriate, to the Department with the request for analysis.
- (4) **Expiration:** All permits issued under the authority of this Chapter shall expire six (6) months from the date of issuance.
- (b) **Certificate of Compliance.**
- (1) 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 building, zoning or conditional use permit is required, subject to the following provisions:
- 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.
 - Application of such certificate shall be concurrent with the application for a permit.
 - The certificate of compliance shall be issued within ten (10) days after notification of completion of the work specified in the permit, providing the building or premises or proposed use conforms with all the provisions of this Chapter.
 - For floodplain development, the applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill and lowest floor elevations are in compliance with the permit issued, including any required floodproofing. Floodproofing adequacy may also be certificated by a registered professional architect.
- (2) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof according to rules and regulations established by the City.
- (3) Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of adoption of this Chapter, 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.
- (c) **Other Permits.** It is the responsibility of the applicant to 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 Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

Sec. 13-2-82 Fees.

The Common Council may, by resolution, adopt fees for the following:

- (a) Building zoning permits.

- (b) Certificates of compliance.
- (c) Public hearings.
- (d) Legal notice publications.
- (e) Conditional use permits.

Sec. 13-2-83 Permit Recording; Revocation.

- (a) **Recording.** Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.
- (b) **Revocation.** Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

Sec. 13-2-84 Board of Appeals; Responsibilities.

- (a) **Statutory Authorization.** The Mayor shall appoint a Board of Appeals under Sec. 62.23(7)(e), Wis. Stats., and Title 2, Chapter 4, of this Code of Ordinances, consisting of five (5) members subject to confirmation by the Common Council. The Board of Appeals shall adopt rules for the conduct of their business as required by Sec. 62.23(7)(e), Wis. Stats.
- (b) **Powers and Duties.** The Board of Appeals shall:
 - (1) **Appeals.** Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
 - (2) **Variances.** Hear and decide, upon appeal, variances from the dimensional standards of this Chapter.
- (c) **Appeals to the Board.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days, as provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the reasons for appeal. The official whose decision is in question shall transmit to the Board all the papers constituting the record concerning the matter appealed.
- (d) **Notice and Hearing for Appeals Including Variances.**
 - (1) **Notice.** The Board of Appeals shall fix a reasonable time for a hearing on the appeal or application. The Board shall give adequate public notice by publishing a Class 1 notice under Ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. Notice shall be given to the parties in interest. Written notice shall be given to the appropriate district office of the Department at least ten (10) days prior to the hearings on proposed variances,

conditional uses, and appeals for map or text interpretations. At the public hearing, any party may appear in person or by agent or attorney.

- (2) **Decision.** A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on variances, conditional uses and appeals for map or text interpretations shall be submitted to the appropriate district office of the Department within ten (10) days after they are granted or denied. The final disposition of an appeal or application to the Board of Appeals shall be in the form of a written resolution or order signed by the chairman and secretary of the Board of Appeals. Such resolution shall state the specific facts which are the basis of the Board's determination and shall 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 prosecution or grant the application.
- (e) **Boundary Disputes.** The following procedure shall be used by the Board of Appeals in hearing disputes concerning the district boundaries shown on the official floodplain zoning map:
- (1) Where a floodplain district boundary is established by approximate or detailed floodplain studies the regional flood elevations or profiles for the point in question shall be the governing factor in locating the district boundary. If no regional flood elevations or profiles are available to the board, other available evidence may be examined.
 - (2) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals.
 - (3) Where it is determined that the district boundary is incorrectly mapped, the Board should either inform the planning agency or the person contesting the location of the boundary to petition the governing body for a map amendment.
- (f) **Variance.**
- (1) The Board of Appeals may, upon appeal, grant a variance from the dimensional standards of this Chapter where an applicant convincingly demonstrates that:
 - a. Literal enforcement of the provisions of the Chapter will result in unnecessary hardship on the applicant.
 - b. The hardship is due to adoption of this Chapter and special conditions unique to the property, not common to a group of adjacent lots or premises (in such case the Chapter or map must be amended);
 - c. Such variance is not contrary to the public interest;
 - (2) A variance shall *not*:
 - a. Grant or increase any use of property prohibited in the zoning district;
 - b. Be granted for a hardship based solely on an economic gain or loss;
 - c. Be granted for a hardship which is self-created;
 - d. Damage the rights or property values of other persons in the area;

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- e. Permit a lower degree of flood protection in any floodplain area than the flood protection elevation. In the floodfringe area, a lower degree of flood protection than the flood protection elevation may only be allowed pursuant to Section 13-2-74.
- f. Allow development below the regional flood elevation;
- (g) When a variance is granted in a floodplain area, the Board shall notify the applicant in writing that increased flood insurance premiums may result. A copy of this notification shall be maintained with the variance appeal record.

Sec. 13-2-85 Conditional Use Permits.

- (a) **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 in Section 13-2-84(d). To secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a building/zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.
- (b) **Conditions.** Upon consideration of the permit application and the standards applicable to the permitted uses in this Chapter, the Plan Commission 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 Section 13-2-3. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion protection measures; increased side yard setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction.

Sec. 13-2-86 Review Appeals of Permit Denials.

- (a) The Board of Appeals shall review all data constituting the basis for the appeal of permit denial. This data may include (where appropriate):
 - (1) Permit application data listed in Section 13-2-81(a);
 - (2) Floodway/flood fringe determination data in Section 13-2-63;
 - (3) Data listed in Section 13-2-42(a) where the applicant has not submitted this information to the Zoning Administrator.
 - (4) Other data submitted to the Zoning Administrator with the permit application or submitted to the Board with the appeal.

- (b) For appeals of all denied permits, the Board shall:
 - (1) Follow the procedures of Section 13-2-84;
 - (2) Consider City 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 any 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 for denial exist.

Sec. 13-2-87 Public Information.

- (a) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the regional flood at appropriate locations within the floodplain.
- (b) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.
- (c) All legal descriptions of property in the floodplain should include information relative to the floodplain zoning classification when such property is transferred.

Sec. 13-2-88 and Sec. 13-2-89 Reserved for Future Use.

Article K: Enforcement and Penalties.

Sec. 13-2-100 Enforcement and Penalties.

Any development as defined in Section 13-2-110 or use established after the effective date of this Chapter in violation of this Chapter, by any person, firm, association or corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the planning agency and the City 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 Chapter shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) per offense, together with the taxable costs of such action. Each day during within such violation exists shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the City, the State or any citizen thereof pursuant to Sec. 87.30, Wis. Stats.

Sec. 13-2-101 through Sec. 13-2-109 Reserved for Future Use.

Article J: Amendments

Sec. 13-2-90 Amendments Generally.

The Common Council may supplement or change the district boundaries and the regulations contained in this Chapter according to Sec. 62.23(7)(d)(2), Wis. Stats., NR 116 and 117, Wis. Adm. Code, and the following:

- (a) The shoreland-wetland district amendment provisions of Section 13-2-23 and the floodplain district amendment provisions of Article D apply.
- (b) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the municipal planning agency.
- (c) All proposed text and map amendments shall be referred to the City Plan Commission and a public hearing shall be held as required by Sec. 62.23(7)(d)2, Wis. Stats., following publication of a Class 2 notice as defined in Section 13-2-110. The appropriate district office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- (d) A copy of the decision on each amendment shall be provided to the Department district office within ten (10) days of the decision.

Sec. 13-2-91 through Sec. 13-2-99 Reserved for Future Use.

Article L: Definitions

Sec. 13-2-110 Definitions.

- (a) 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. Words used in the present tense include the future. Words used in the singular number include the plural and words in the plural number include the singular. The word "may" is permissive. The word "shall" is mandatory and not discretionary. All distances, unless otherwise specified, shall be measured horizontally.
- (1) **A Zones.** Those areas shown on a municipality's "Official Floodplain Zoning Map" which would be inundated by the "regional flood" as defined herein. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (2) **Accessory Structure or Use.** A detached subordinate structure or a use which is clearly incidental to, and customarily found 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) **Board of Appeals/Adjustment.** The body established under Chapter 62.23, Wis. Stats., for cities or villages and designated "board of appeals," or as established under Chapter 59.99, Wis. Stats., for counties and designated "board of adjustment."
 - (4) **Boathouse.** As defined in Sec. 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all such structures which are totally enclosed, have roofs or walls or any combination of structural parts.
 - (5) **Bulkhead Line.** A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this Chapter.
 - (6) **Certificate of Compliance.** A certification by the Zoning Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
 - (7) **Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
 - (8) **Conditional Use.** A use which is permitted by the Chapter provided that certain conditions specified in the Chapter are met and that a permit is granted by the Board of Appeals or, where designated, the planning or zoning agency.
 - (9) **Department.** The Wisconsin Department of Natural Resources.

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- (10) **Development.** Any new use, change of use and any change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; any placement of mobile homes; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials, public or private sewage disposal systems or water supply facilities.
- (11) **Drainage System.** One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (12) **Dryland Access.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (13) **Encroachment.** Any fill, structure, building, use or development in the floodway.
- (14) **Environmental Control Facility.** 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.
- (15) **Existing Mobile Home Park or Mobile Home Subdivision.** A parcel (or contiguous parcels) or land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lots (including, as 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 Chapter.
- (16) **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA) or the Department of Housing and Urban Development (HUD).
- (17) **Fixed Houseboat.** As defined in Sec. 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary highwater mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
- (18) **Flood or Flooding.** 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.
- (19) **Flood Frequency.** The probability of a flood occurrence. A flood frequency 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.
- (20) **Flood Fringe.** 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 flowing water.
- (21) **Flood Hazard Boundary Map.** A map prepared by 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. These maps form the basis for both the regulatory and insurance aspects of the National Flood Insurance program.
- (22) **Flood Insurance Study.** A technical engineering examination, evaluation and determination of the municipal 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 unnumbered and numbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (23) **Floodplain.** That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe and general floodplain areas.
- (24) **Floodplain Island.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (25) **Floodplain Management.** The full range of public policy and action for insuring wise use of floodplains. It includes everything from 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 use in the floodplain.
- (26) **Flood Profile.** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (27) **Floodproofing.** Any combination of structural and nonstructural additions, changes or adjustments which reduce or eliminate flood damage to unimproved real estate, water and sanitary facilities, structures and their contents.
- (28) **Flood Protection Elevation.** An elevation two (2) feet of freeboard above the water surface profile associated with the regional flood. (Also see: Freeboard.)
- (29) **Flood Storage.** Those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.

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- (30) **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (31) **Floodway Encroachment Lines.** Represent the limits of obstruction to flood flows. These lines are designated on both sides of, and generally parallel to, the channel of a river or stream. They are established by assuming that the area landward (outside of the encroachment lines) will ultimately be developed in such a way that it will not convey flood flows, but the development will not cause an increase to regional flood elevations upstream. It is assumed that any development riverward of these lines will cause an obstruction and will require a detailed analysis to determine its effect on the regional flood elevations upstream.
- (32) **Freeboard.** Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown 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 the sedimentation of a river or stream bed.
- (33) **Hearing Notice.** Publication or posting meeting the requirements of Ch. 985, Wis. Stats., Class 1 notice is the minimum required for appeals: Published once at least one (1) week (seven 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. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (34) **High Flood Damage Potential.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (35) **Human Habitation.** A human residence or dwelling.
- (36) **Increase in Regional Flood Height.** A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting 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.
- (37) **Land Use.** Any nonstructural use made of unimproved or improved real estate. (Also see Development.)
- (38) **Mobile Home or Manufactured Home.** A structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Chapter, it does not include recreational vehicles or travel trailers.
- (39) **Municipality or Municipal.** The City governmental units enacting, administering and enforcing this floodplain zoning Chapter.

- (40) **Navigable Waters.** 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. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [*Muench v. Public Service Commission*, 261 Wis. 492 (1952), and *DeGayner and Co., Inc. v. Department of Natural Resources*, 70 Wis. 2d 936 (1975).]
- (41) **NGVD or National Geodetic Vertical Datum.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (42) **Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the area of floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)
- (43) **Nonconforming Use.** A nonconforming use is an existing lawful use or accessory use of a structure, building which is not in conformity with the provisions of this Chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (44) **Obstruction to Flow.** 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.
- (45) **Official Floodplain Zoning Map.** That map, adopted and made part of this Chapter, which has been approved by the Department of Natural Resources and FEMA.
- (46) **Open Space Use.** Those uses having a relatively low flood damage potential and not involving structures.
- (47) **Ordinary High-Water Mark.** The point on the bank or shore up to which the presence and action or 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.
- (48) **Person.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (49) **Planning Agency.** The municipal planning commission, agency, committee or a board of public land commissioners of the municipality's governing body created under Sec. 62.23(1), Wis. Stats., which acts on matters pertaining to planning and zoning.
- (50) **Private Sewage System.** 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 (1) structure or a system located on a different parcel than the structure.

- (51) **Public Utilities.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (52) **Regional Flood.** A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every one hundred (100) years. This means that, in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence. The regional flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the general watershed region, or both. FEMA uses the terms "base flood" which means the regional flood.
- (53) **Shorelands.** Lands within the following distances from the ordinary highwater mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (54) **Shoreland-Wetland District.** The zoning district, created in this Chapter, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Chapter.
- (55) **Storage Capacity of a Floodplain.** The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.
- (56) **Structure.** Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (57) **Substantial Improvements.** 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. The term does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. Any alteration of a structure or site documented as deserving preservation by a Wisconsin State Historical Society or listed on the National Register of Historic Places. 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. (For purposes of this definition, "substantial improvement" is considered to occur 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 structures.)

- (58) **Unnecessary Hardship.** Those circumstances which are special conditions affecting a particular property, which are 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 Chapter.
- (59) **Variance.** An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter. A variance may not permit a use of property which is otherwise prohibited by the Chapter or allow construction not protected to the flood protection elevation.
- (60) **Water Surface Profile.** A graphic 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.
- (61) **Watershed.** The entire region or area contributing runoff or surface water to a particular watercourse or body of water.
- (62) **Water Surface Profile.** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (63) **Well.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater regardless of its intended use.
- (64) **Wetland Alteration.** Any construction filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.
- (65) **Wetlands.** 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.

Title 13 ► Chapter 3

Shoreland Zoning – Annexed Territory

13-3-1	Purpose
13-3-2	Subject Territory
13-3-3	Provisions of Chapter 19, Chippewa County Zoning Code Adopted by Reference

Sec. 13-3-1 Purpose.

This Chapter shall implement Chippewa County Shoreland Zoning to the territory annexed to the City and described in Section 13-3-2 below, in accordance with the requirements of Sec. 59.692(7)(a)1., Wis. Stats.

[Note: Pursuant to Sec. 59.692(7)(a)1., Wis. Stats., the City having annexed territory from the Town of Woodmohr, adjoining the shoreline of Lake Como, which annexation was ratified by the Common Council in Ordinance #02-04, adopted November 14, 2002, the City is required to implement a shoreland zoning ordinance in said territory whose standards are at least as restrictive as the County Shoreland Zoning Ordinance. Insofar as Chapter 16 of the Chippewa County Zoning Code, "Shoreland Zoning Ordinance for Chippewa County, Wisconsin", includes regulations other than those governing shorelands as that term is defined in Sec. 59.692(1)(b), Wis. Stats., it is the intent of the City of Bloomer to implement only those provisions of said county ordinance which regulate shorelands from a zoning perspective.]

Sec. 13-3-2 Subject Territory.

This Chapter shall apply to the territory annexed to the City in Ordinance 02-04, adopted by the Common Council on November 14, 2002.

Sec. 13-3-3 Provisions of Chapter 16, Chippewa County Zoning Code Adopted By Reference.

- (a) **Implementation.** To implement Shoreland Zoning in the territory described in Section 13-3-2 above, the provisions of Chapter 16 of the Chippewa County Zoning Code identified in Subsection (b) below are adopted.

- (b) **Chippewa County Shoreland Zoning Provisions Adopted By Reference.** Each of the following sections or designated portions thereof of the Chippewa County Shoreland Zoning Ordinance are adopted by reference and shall be treated as part of this Chapter:
- (1) Sec. 16.02 Findings of Fact.
 - (2) Sec. 16.03 Purpose.
 - (3) Sec. 16.05:
 - a. (1)(a);
 - b. (1)(b), sentences 1 and 2;
 - c. (1)(c);
 - d. (1)(d);
 - e. (2)(a);
 - f. (2)(d);
 - g. (2)(g);
 - h. (3), except for the reference at sentence 1 to the "subdivision of lots" and sentence 2 in its entirety;
 - i. (4);
 - j. (5);
 - k. (6);
 - l. (7);
 - (4) Sec. 16.07 Dimensions of Building Lots.
 - (5) Sec. 16.08 Setbacks from Water.
 - (6) Sec. 16.10 Removal of Shore Cover.
 - (7) Sec. 16.11 Filling, Grading, Lagooning, Dredging, Ditching and Excavating.
 - (8) Sec. 16.13 Nonconforming Uses and Structures.
 - (9) Sec. 16.14 Administrative Provisions (1), (2), (3)(a) and (c), (4) and (5).
 - (10) Sec. 16.16 Enforcement and Penalties.
 - (11) Sec. 16.17 Definitions.
- (c) **Substitution of Terms.** Where in the provisions of Chapter 16, Chippewa County Zoning Code, adopted under Subsection (b) above, the following terms are used, they shall be substituted as indicated herein:
- (1) "Board of Adjustment" shall mean the "Board of Appeals".
 - (2) "County Zoning Agency" shall mean the "Common Council".
- (d) **Overlay District.** This Chapter shall constitute a Special Overlay Zoning District to be applied in conjunction with such ordinary zoning and redistricting as are adopted for the subject territory by the Common Council, as amended from time to time. For purposes of implementation, the more strict of the two regulations shall be applied.
- (e) **Amendments Not Incorporated.** This Chapter incorporates those provisions of Chapter 16, Chippewa County Zoning Code, identified above, as were in existence as of the date of adoption of this Chapter. It is the express intent of the City not to incorporate by reference any future amendments to or substitute amendments to said Chapter 16 of the

Chippewa County Zoning Code hereinafter adopted by the Chippewa County Board of Supervisors.

- (f) **County Ordinance On File.** The City Clerk-Treasurer shall maintain a complete copy of Chapter 16 of the Chippewa County Zoning Code on file in his/her office at all times for public inspection and copying.

TITLE 14

Subdivision Regulations

Chapter 1 Subdivision Regulations

Title 14 ► Chapter 1

Subdivision Regulations

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Article H Park and Public Land Dedication

- 14-1-80** General Park and Public Land Dedication Requirements
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Article I Fees

- 14-1-90** Administrative and Other Fees
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- 14-1-100** Variances and Exceptions
- 14-1-101** Enforcement, Penalties and Remedies
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Article A: Adoption; Introduction

Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Sections 236.13(1)(b) and 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Common Council of the City of Bloomer, Wisconsin, does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City of Bloomer.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.** The purpose of this Chapter is to regulate and control the division of land within the corporate limits of the City of Bloomer, Wisconsin, and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the City and its environs.
- (c) **Intent.** It is the general intent of this Chapter to regulate the division of land so as to:
- (1) Obtain the wise use, conservation, protection, and proper development of the City's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
 - (2) Lessen congestion in the streets and highways;
 - (3) Further the orderly layout and appropriate use of land;
 - (4) Secure safety from fire, panic and other dangers;
 - (5) Provide adequate light and air;
 - (6) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other facilities and services;
 - (7) Secure safety from flooding, water pollution, disease and other hazards;
 - (8) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;
 - (9) Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters;
 - (10) Preserve natural vegetation and cover and promote the natural beauty of the City;
 - (11) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development;
 - (12) Facilitate the further division of larger tracts into smaller parcels of land;
 - (13) Ensure adequate legal description and proper survey monumentation of subdivided land;
 - (14) Provide for the administration and enforcement of this Chapter;

14-1-1

- (15) Provide penalties for its violations; and
- (16) Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the City, and in general to facilitate enforcement of City development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, City Zoning Code, and City Building Code of the City of Bloomer, Wisconsin.

State Law Reference: Chapter 236, Wis. Stats.

Sec. 14-1-2 Abrogation and Greater Restrictions.

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

Sec. 14-1-3 Interpretation.

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

Sec. 14-1-4 Severability.

If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

Sec. 14-1-5 Repeal.

All other ordinances or parts of ordinances of the City inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

Sec. 14-1-6 Title.

This Chapter shall be known as, referred to, or cited as the "City of Bloomer Subdivision Chapter" or "City of Bloomer Land Division and Subdivision Chapter."

Article B: Definitions

Sec. 14-1-10 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
- (1) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (2) **Arterial Street.** A street used, or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways and parkways.
 - (3) **Bikeway.** A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
 - (4) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
 - (5) **Building Line or Building Setback Line.** A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the City Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line. The building setback line shall be substantially parallel to the right-of-way.
 - (6) **City.** The City of Bloomer, Wisconsin, and, where appropriate, its Common Council, commissions, committees and authorized officials.
 - (7) **Collector Street.** A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
 - (8) **Commission.** The Plan Commission created by the Common Council pursuant to Sec. 62.23 of the Wisconsin Statutes.
 - (9) **Community.** A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.
 - (10) **Comprehensive Plan.** The extensively developed plan, also called a master plan, adopted by the City Plan Commission and certified to the City Council pursuant to Sec. 62.23, Wis. Stats., including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official mapping, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.
 - (11) **Concept Plan.** A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.
 - (12) **Condominium Development.** A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.

- (13) **Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (14) **Days.** As used in this Chapter, "days" shall mean calendar, not working days.
- (15) **Dead End Street.** A street permanently or temporarily closed at one end, with or without turnarounds.
- (16) **Division of Land.** Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey.
- (17) **Drainageway.** An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses. Drainageways may also be referred to as "greenways."
- (18) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (19) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village, and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one (1) community exercises extraterritorial powers over any area.
- (20) **Final Plat.** A map prepared in accordance with the requirements of Chapter 236, Wis. Stats., and this Chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.
- (21) **Floodlands.** Those lands, including the floodplains, floodways, and channels subject to inundation by the one hundred (100) year recurrence interval flood or, where such data is not available, the maximum flood of record.
- (22) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (23) **Half Street.** A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.
- (24) **High Water Elevation (Surface Water).** The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plan or, where such elevation is not available, the elevation of the line up to which the

Sec. 14-1-7 Disclaimer of Liability.

The City of Bloomer does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject of periodic inundation, nor does the City guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Chapter are the only unsuited soils within the jurisdiction of this Chapter; and thereby asserts that there is no liability on the part of the Common Council, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.

Sec. 14-1-8 through Sec. 14-1-9 Reserved for Future Use.

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

- (25) **High Groundwater Elevation.** The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.
- (26) **Impervious Lot Area.** Roof areas, gravel or bituminous surfaces, sidewalks, decks or other hard surface areas.
- (27) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the City may ultimately assume the responsibility for maintenance and operation.
- (28) **Irrevocable Letter of Credit.** An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this State and which has a financial standing acceptable to the City, and which is approved, as to form, by the City Attorney.
- (29) **Land Division.** A division of a parcel of land where the act of division, including by certified survey, creates less than five (5) lots, parcels or building sites of thirty-five (35) acres each or less in area.
- (30) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (31) **Lot.** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (32) **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (33) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
- (34) **Lot Depth.** The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (35) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- (36) **Lot, Double Frontage.** A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure (see Illustration No. 1).

- (37) **Lot, Reversed Corner.** A corner lot which is oriented 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.
- (38) **Lot, Through.** 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.
- (39) **Lot Width.** The width of a parcel of land measured along the front building line.
- (40) **Major Thoroughfare.** 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.
- (41) **Master Plan.** An extensively developed plan, map, or other document pertaining to planning and adopted by the Common Council or other City agency which may pertain to the division of lands, including the Comprehensive Development Plan, the Official Map, comprehensive utility plans, and other planning documents including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.
- (42) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- (43) **Minor Land Division (Certified Survey).** Any division of land not defined as a "subdivision". Minor land division include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4) parcels or building sites, any one of which is five (5) acres or less in size: or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor land divisions shall be made by a certified survey map.
- (44) **National Map Accuracy Standards.** Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.
- (45) **Navigable Water.** Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. The Wisconsin Supreme Court has declared as navigable, bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [*Muench v. Public Service Commission*, 261 Wis. 2d 492 (1952) & *Degaynor and Co., Inc. v. Department of Natural Resources*, 70 Wis. 2d 936 (1975)].

- (46) **Official Map.** A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Common Council pursuant to Chapter 62, Wis. Stats.
- (47) **Outlot.** A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division, or is an otherwise undefined territory in a plat.
- (48) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.
- (49) **Parcel.** Contiguous lands under the control of a subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.
- (50) **Parking Space.** An off-street area suitable to be used for parking a passenger automobile.
- (51) **Person.** Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
- (52) **Planned Commercial Site.** A specified area of land comprising one (1) or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off-street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the City recorded in the office of the County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the City. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in the Master Plan or Official Map at the time of initial recording unless the designated facility is in public ownership or easement.
- (53) **Planned Unit Development or PUD.** A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments require greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (54) **Pedestrian Pathway.** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

- (55) **Plat.** The map, drawing or chart on which the subdivider's plat of subdivision is presented to the City for approval.
- (56) **Preliminary Plat.** The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data. A preliminary plat precisely describes the locations and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.
- (57) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (58) **Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.
- (59) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (60) **Residential Dwelling Unit or Dwelling Unit.** A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.
- (61) **Right-of-Way.** A public way dedicated to the public for its intended use.
- (62) **Setbacks.** The standards for setbacks shall be as defined in the City Zoning Code.
- (63) **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (64) **Soil Mapping Unit.** Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.
- (65) **Street.** A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
- (66) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (67) **Subdivider.** Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this Chapter.

- (68) **Subdivider's Agreement.** An agreement, by which the City and the subdivider agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the subdivider's agreement, and which shall not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the City.
- (69) **Subdivision.** Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:
- a. The act of division creates five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area; or
 - b. Five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area are created by successive divisions within a period of five (5) years.
- (70) **Surety Bond.** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.
- (71) **Urban Service Area.** That portion of the City and the area within its extraterritorial jurisdiction which has been designated by the Common Council and approved by other appropriate agencies as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, water supply and distribution system, streets and highways.
- (72) **Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)
- (73) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

Sec. 14-1-11 through Sec. 14-1-19 Reserved for Future Use.

Article C: General Provisions

Sec. 14-1-20 General Provisions.

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, land conveyance, consolidation, or a replat as defined herein; no such subdivision, land division, land conveyance, consolidation, or replat shall be entitled to recording; and no street shall be laid out, nor improvements made to land, nor building permits issued for any land division without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Plumbing, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Chapter H85 for subdivisions not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 for subdivisions which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for the Floodplain Management Program, and the Shoreland/Wetlands Management Program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Common Council.
 - (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (7) The City of Bloomer Master Plan and Official Map (if adopted), or components thereof:
 - a. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said Master Plan or Official Map, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated along with all other streets in the subdivision.
 - b. Where a proposed school site or other public ground shown on the Master Plan or Official Map of the City of Bloomer is located in whole or in part within the proposed subdivision, such proposed public ground or park shall be dedicated to the public when dedication is required by this Chapter or reserved for a period of up to five (5) years from the date of approval of the final plat for acquisition by the City of Bloomer, Chippewa County, or any other appropriate agency having the authority to purchase said property. The City, or other agency having the authority to purchase said property, and the subdivider shall enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five (5) year period.
 - (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.

- (9) The City's water rules are on file with the Public Service Commission of the State of Wisconsin concerning water installations and services. These rules are incorporated herein by reference and made a part hereof as though fully set forth herein.
- (b) **Jurisdiction; Extra-Territorial Plat Approval Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the City as well as pertinent unincorporated areas within areas of statutory extraterritorial jurisdiction. The City of Bloomer, as a Fourth Class City, has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in Chapter 236 and 66.32 of Wisconsin Statutes. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) Sale or exchange of parcels of land between adjoining property owners or where not more than one (1) additional lot is created and said lot is not less than the minimum size required by applicable laws or ordinances. No more than one (1) lot may be created in this fashion within a one (1) year period.
 - (4) Cemetery plats made under Sec. 157.07, Wis. Stats.
 - (5) Assessor's plat made under Sec. 70.27, Wis. Stats., but such assessors' plats shall comply with Secs. 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.
- (c) **Certified Survey.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (d) **Compliance; Issuance of Permits.** The City of Bloomer shall not recognize, and no building or other permits shall be issued by the City authorizing the building on, occupancy, or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully complied with and a resolution approving the land division has been adopted by the Common Council of the City.
- (e) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the City's jurisdiction, pursuant to Sec. 703.27(1), Wis. Stats. For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (f) **Recording of Plats or Certified Surveys.** Plats and certified surveys, approved by the Common Council of the City of Bloomer, must be recorded together with the adopting resolution, with the Chippewa County Register of Deeds within thirty (30) days of the date of the last resolution of approval and not later than six (6) months following the date of the first resolution of approval. Land divisions shall not be recognized by the City until recorded with the Register of Deeds. The volume, page, and document numbers of the recording, shall be filed with the City Clerk-Treasurer and Building Inspector prior to issuance of any permits. The subdivider shall file six (6) certified copies of the approved land division with the City Clerk-Treasurer.

Sec. 14-1-21 Land Suitability.

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Common Council, upon the recommendation of the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Common Council, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Common Council, upon the recommendation of the Plan Commission, may affirm, modify, or withdraw its determination of unsuitability.
- (b) **Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, especially with a trunk diameter of six (6) inches or more, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.
- (c) **Other Factors.**
- (1) **Floodlands.** No lot served by public sanitary sewerage facilities shall have more than fifty percent (50%) of its required lot area below an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record. No lot one (1) acre or less in area served by an on site sanitary sewage disposal (septic tank) system shall include floodlands. All lots more than one (1) acre in area served by a septic tank system shall contain not less than forty thousand (40,000) square feet of land which is above flood protection elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.
- (2) **Filled Lands.**
- a. Lands made, altered, or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one (1) test per acre shall be made initially. The City does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Common Council,

- its agencies or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- b. Lands made, altered, or filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one (1) test per acre shall be made initially. The City does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Common Council, its agencies, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
 - (3) **Slopes.** Lands having a slope of twelve percent (12%) or more shall be maintained in permanent open space use. No lot shall have more than fifty percent (50%) of its minimum required area in slopes of ten percent (10%) or greater.
 - (4) **Bedrock.** Lands having bedrock within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by on site soil absorption sewage disposal systems.
 - (5) **Groundwater.** Lands having groundwater within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.

Sec. 14-1-22 Condominium Developments.

(a) **Purpose.**

- (1) The City of Bloomer Common Council hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The City determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.

- (3) Thus, the Common Council hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - a. Additional population density.
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 - c. Additional demands upon City area parks, recreation areas, utility facilities and schools.
 - d. Additional traffic and street use.
- (b) **Portions of Chapter Applicable to Condominium Developments.** The following Sections of this Chapter shall apply to condominium developments:
 - (1) Section 14-1-21 relating to land suitability and construction practices.
 - (2) Sections 14-1-30 through 14-1-33 relating to preliminary and final plat approval. The technical requirements for preliminary plats set forth in Section 14-1-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
 - (3) Article I relating to fees for review.
 - (4) Article F relating to required improvements.
 - (5) Article G relating to design standards for improvements.
 - (6) Article H relating to dedication requirements.
- (c) **Exceptions.** This Section shall not apply to the following condominiums:
 - (1) Any condominium plat recorded prior to the effective date of this Chapter.
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

Sec. 14-1-23 through Sec. 14-1-29 Reserved for Future Use.

Article D: Plat Review and Approval

Sec. 14-1-30 Preliminary Consultation.

- (a) Before filing of an application for the approval of a Preliminary Plat or certified survey map, the subdivider is encouraged to submit a conceptual plan and to consult with the Plan Commission and City staff for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the City Clerk-Treasurer. The conceptual plan would show the relationship of the proposed subdivision or certified survey to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the Master Plan, comprehensive plan components and plan implementation devices of the City and to otherwise assist the subdivider in planning his development. The subdivider will gain a better understanding of the subsequent required procedures.
- (b) Prior to filing an application for the approval of a Preliminary Plat, the subdivider should attend a preliminary consultation meeting with the Plan Commission. The Plan Commission may waive this requirement for small projects.

Sec. 14-1-31 Submission of Preliminary Plat.

- (a) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit fifteen (15) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with the standards of this Chapter, particularly Section 14-1-40, and the subdivider shall file copies of the Plat and the application as required by this Section with the City Clerk-Treasurer at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired. The City Clerk-Treasurer shall submit copies of the Preliminary Plat to the Plan Commission, and to the City Engineer for review and written report of his recommendations and reactions to the proposed plat.
- (b) **Public Improvements.** Simultaneously with the filing of the Preliminary Plat of map, the owner shall file with the City Clerk-Treasurer a concept report addressing sewer and water service feasibility, drainage facilities and centerline profiles showing streets in the subdivision.
- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the City pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the City Clerk-Treasurer.

- (d) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.
- (e) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
 - (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (3) **Area Plan.** Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the subdivider shall comply with the requirements of Section 14-1-40(a)(5) for the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- (f) **Street Plans and Profiles.** The subdivider shall provide preliminary street profiles showing existing ground surface, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (g) **Soil Testing.** The subdivider may be required to provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the City Engineer may, in addition, require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. A minimum of one boring per thousand feet of centerline street to a minimum depth of fifteen (15) feet is required.
- (h) **Referral to Other Agencies and Utilities.**
 - (1) **Utilities.** The subdivider shall also forward a copy to the local electric, gas, cable television and telephone utilities. When the subdivider expects the City to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that the transmittal responsibility lies with the City, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
 - (2) **State Agencies.** The City Clerk-Treasurer shall, within two (2) days after the filing of the Preliminary Plat, transmit copies to the Director of the Planning Function in the Wisconsin Department of Commerce, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, copies

to the Wisconsin Department of Natural Resources if shoreland or floodlands are contained within the proposed subdivision, and an adequate number of copies to the Plan Commission. The Wisconsin Department of Development; Wisconsin Department of Natural Resources and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies.

- (3) **Alternative Procedure.** In lieu of the procedure set forth in Subsection (h)(2) above, the subdivider may, pursuant to Sec. 236.12(6), Wis. Stats., submit the original drawing of the preliminary plat directly to the Director of the planning function of the Wisconsin Department of Development who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit the additional copies required herein by Subsections (h)(4) and (5) below.
- (4) **City Agency Recommendation.** The City Clerk shall also transmit two (2) copies of the preliminary plat to the Plan Commission and additional copies to the water and sewer superintendent and all affected City committees, commissions or departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of the affected committees, commissions, and departments shall be transmitted to the City Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.
- (5) **Extraterritorial Applications.** The City Clerk-Treasurer shall also transmit one (1) copy each of the preliminary plat to the respective Township Boards for their review and recommendation concerning matters within the township area affected by the City's extraterritorial jurisdiction. Their recommendations shall be transmitted to the Plan Commission within thirty (30) days from the date the plat is filed.
- (6) **Action by Outside Agencies.** Within twenty-five (25) days of the date of receiving the copies of the Preliminary Plat, any state or county agency having authority to object under Subsection (h)(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty-five (25) day limit, it shall be deemed to have no objection to the plat. The recommendations of City agencies shall also be transmitted to the Plan Commission within twenty-five (25) days from the date the plat is filed.

Sec. 14-1-32 Preliminary Plat Review and Approval.

- (a) **Plan Commission Review.** After review of the Preliminary Plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall, within sixty (60) days of filing, or

within such time as extended by agreement with the subdivider, recommend to the Common Council, approve, approve conditionally, or reject the plat. The subdivider shall be notified in writing of any conditions for approval of the reasons for rejection. Such action of the Plan Commission shall be submitted to the Common Council for approval and the subdivider shall be notified in writing of any changes or modifications in the action of the Plan Commission and the reasons therefor.

(b) **Council Action.**

- (1) After receipt of the Plan Commission's recommendation, the Common Council shall, within ninety (90) days of the date the plat was filed with the City Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider.
- (2) Failure of the Common Council to act within ninety (90) days or mutual extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat.
- (3) The City Clerk-Treasurer shall communicate in writing to the subdivider the action of the Common Council. If the Preliminary Plat is approved, the City Clerk-Treasurer shall endorse it for the Common Council.

(c) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall entitle the Final Plat to approval provided the Final Plat conforms substantially to the Preliminary Plat, including any conditions of that approval, conforms to applicable local plans and ordinances, and is submitted within six (6) months of the last required approval of the Preliminary Plat. If the Preliminary Plat is approved, the Final Plat must be approved by the Common Council within six (6) months or the Preliminary Plat approval is void. Previous Preliminary Plat approvals shall not constitute grounds for approval upon resubmission. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Plan Commission and Common Council at the time of its submission.

(d) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he may resubmit the amended plat which shall follow the same procedure outlined herein, unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new plat, in which such case it shall be refiled.

Sec. 14-1-33 Final Plat Review and Approval.

(a) **Filing Requirements.**

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file fifteen (15) copies of the Plat and the application with the

City Clerk-Treasurer at least twenty-one (21) days prior to the meeting of the Plan Commission at which action is desired. The owner or subdivider shall file twenty (20) copies of the Final Plat not later than six (6) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the City. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the plat since the Preliminary Plat. When the subdivider expects the City to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that transmittal responsibilities lie with the City and shall contain a list of the other authorities to which the plat must be subjected and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.

- (2) If the City is acting as the transmitting authority, the City Clerk-Treasurer shall, within two (2) days after filing, transmit copies to the Director of the Planning Function in the Wisconsin Department of Commerce, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, copies to all affected City boards, commissions and committees, and the original Final Plat, the Wisconsin Department of Natural Resources if shorelands or floodlands are contained within the proposed subdivision, and adequate copies to the Plan Commission. The Wisconsin Department of Development, the Wisconsin Department of Natural Resources and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies.
- (3) In lieu of the procedure set forth in Subsection (a)(2) above, the subdivider may, pursuant to Sec. 236.12(6), Wis. Stats., submit the original drawing of the final plat directly to the Director of the planning function of the Wisconsin Department of Commerce who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it is the responsibility of the subdivider to submit sufficient additional copies of the final plat to the City Clerk-Treasurer for review by the Plan Commission.
- (4) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2).
- (5) The City Clerk-Treasurer shall refer copies of the Final Plat to the Plan Commission, and one (1) copy to the City Engineer. The recommendations of the Plan

Commission and City Engineer shall be made within thirty (30) days of the filing of the Final Plat. The City Engineer shall examine the plat or map and preliminary plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the City Engineer shall return them to the owner and so advise the Plan Commission.

(b) **Plan Commission Review.**

- (1) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Common Council.
- (2) The objecting state agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Development has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the City. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
- (3) If the Final Plat is not submitted within six (6) months of the last-required approval of the Preliminary Plat, the Plan Commission may refuse to approve the Final Plat.
- (4) The Plan Commission shall, within forty-five (45) days of the date of filing of the Final Plat with the City Clerk-Treasurer, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Common Council. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.

(c) **Council Review and Approval.**

- (1) The Common Council shall, within sixty (60) days of the date of filing the original Final Plat with the City Clerk-Treasurer, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Common Council may not inscribe its approval on the Final Plat unless the City Clerk-Treasurer certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
- (2) The Common Council shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk of any municipality within one thousand (1,000) feet of the Final Plat.
- (3) Failure of the Common Council to act within sixty (60) days, the time having not been extended by mutual written agreement and no unsatisfied objections having been filed, the plat shall be deemed approved.

- (d) **Recordation.** After the Final Plat has been approved by the Common Council, required improvements are either installed or a contract and sureties insuring their installation is filed, all outstanding special assessments have been made, and park and recreation fees required by this Chapter have been paid to the City, the City Clerk-Treasurer shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of last approval. Recording fees shall be paid by the subdivider.
- (e) **Final Copies.** The subdivider shall file ten (10) copies of the Final Plat as approved with the City Clerk-Treasurer for distribution to the approving agencies, affected utilities and other affected agencies for their files. One (1) Mylar copy shall also be filed with the City Clerk-Treasurer.
- (f) **Partial Platting.** If permitted by the Common Council, the approved preliminary plat may be final platted in phases with each phase encompassing only that portion of the approved preliminary plat which the subdivider proposed to record at one time; however, it is required that each such phase be final platted and be designated as a phase of the approved preliminary plat.

Sec. 14-1-34 Land Divisions and Consolidations by Certified Survey Map.

(a) Use of Certified Survey Map.

- (1) A Certified Survey Map, prepared and recorded in accordance with Sec. 236.34, Wis. Stats. and the requirements of this Article, and having been approved by the Common Council, may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:
 - a. The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the City and recorded with the Chippewa County Register of Deeds as a subdivision plat, certified survey, or assessor's plat, of any size, which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of any changes in ownership, within any five (5) year period; or
 - b. The division or consolidation is of any lot, outlot, parcel, or other lands previously recorded with the Chippewa County Register of Deeds, including those recorded by a metes and bounds description, provided any of the resulting parcels are not less than one and one-half (1-1/2) acres in size and which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of changes of ownership, within any five (5) year period.

- (2) In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.
 - (3) The Certified Survey Map shall include the entire original parcels of land owned or controlled by the subdivider, including those proposed for division or consolidation. The subdivider shall comply with all requirements of this Chapter including Article G (Design Standards) and Article F (Required Public Improvements) when a certified survey map is used. A certification of the approval of the certified survey map by the Common Council shall be inscribed legibly on the face of the map. A certificate of the City Clerk-Treasurer stating that there are no unpaid special assessments or taxes on the lands shall be included on the certified survey map.
 - (4) The applicant for a land division shall file ten (10) acceptable reproductions of a certified survey map and a written application requesting approval with the City Clerk-Treasurer.
- (b) **Referral to Plan Commission.** The subdivider shall prepare the certified survey map in accordance with this Chapter and shall file the application with the City Clerk-Treasurer at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired. Pre-application conference similar to the consultation suggested in Section 14-1-30 is recommended. A preliminary certified survey map may be required when the division provides for land to be dedicated to the public. The City Clerk-Treasurer shall, within two (2) normal work days after filing, transmit the copies of the map and letter of application to the Plan Commission.
- (c) **Review by Other City Agencies.** The City Clerk-Treasurer shall transmit a copy of the map to all affected City boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within thirty (30) days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans.
- (d) **Review and Approval.** The Plan Commission shall, within forty (40) days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Common Council. The Common Council shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map or reject such certified survey map within ninety (90) days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Common Council shall cause the City Clerk-Treasurer to so certify on the face of the original map and return the map to the subdivider.
- (e) **Recordation.**
- (1) The subdivider shall file a copy of the approved Certified Survey Map together with the approving resolution with the County Register of Deeds within sixty (60) days of

the date of the last resolution of approval and not later than six (6) months following the date of the first resolution of approval. All recording fees shall be paid by the subdivider.

- (2) No building permits shall be issued and no improvements shall be made until the certified survey is recorded and a document recording number is filed with the Building Inspector.
- (f) **Re-Approvals.** Submittals of previously approved Certified Survey Maps for replatting or reapproval by the Common Council shall be in accordance with Section 14-1-35.

Sec. 14-1-35 Replat.

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the exterior boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed, using the approval procedures for Preliminary and Final Plats prescribed in this Article.
- (b) Whenever a Preliminary Plat of a replat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be published as a Class 3 notice and be mailed at the subdivider's expense, to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred (200) feet of the proposed replat.
- (c) Whenever an approved Final Plat is submitted for reapproval within six (6) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Common Council. No Final Plats shall be reapproved by the Common Council following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the City.
- (d) Where lots are more than double the minimum size required for the applicable zoning district, the Plan Commission may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

Sec. 14-1-36 Determination of Adequacy of Public Facilities and Services.

- (a) A Preliminary Plat, Final Plat or certified survey shall not be approved unless the Plan Commission and the Common Council determine that adequate public facilities and public services will be available to meet the needs of the proposed land division and that no public

funds other than those already provided in an adopted capital or operating budget are required.

- (b) The applicant shall furnish any data requested by the City Clerk-Treasurer who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the City Clerk-Treasurer shall act as coordinator of the reports from staff to the Plan Commission and Common Council on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities, traffic counts, and schools.
- (c) Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:
 - (1) The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Common Council for extension of sewer service, and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Common Council shall consider the recommendations of the City Engineer and the appropriate committee(s) on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
 - (2) The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction and funds, either public or private, are available for the program. The Plan Commission and the Common Council shall consider the recommendations from the City's utilities and the City Engineer and the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information presented.
 - (3) The City Clerk-Treasurer verifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.
 - (4) The Director of Public Works can demonstrate to the Plan Commission and the Common Council that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing City residents.
 - (5) The Plan Commission verifies that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the City's Master Plan.
 - (6) The Police Department, E.M.S. and Fire Department verify that timely and adequate service can be provided to the residents.
 - (7) The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and City Standards.

- (d) Where the Plan Commission and the Common Council determine that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
- (e) No land shall be divided which has been officially mapped as public lands storm water management facility or is determined by the Common Council to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed land division or of the community.
- (f) The above requirements shall not apply to those areas outside the corporate limits of the City of Bloomer and within the City's extraterritorial limits. Areas within the City capable of being served by public sewer and water shall be required to connect to the City of Bloomer public water distribution and/or public sewerage system as required by the City Engineer.

Sec. 14-1-37 Procedures and Criteria for Land Divisions Within the Extraterritorial Plat Approval Jurisdiction.

When it is proposed to divide lands located in the unincorporated area within one and one-half (1-1/2) miles of the corporate limits of the City of Bloomer, the subdivider shall proceed as specified in Sections 14-1-30 through 14-1-36 with the following exceptions or additions:

- (a) **Transmittal Responsibility.** The Town Clerk or County Zoning Department, to whomever the plat or certified survey map is first submitted, shall be responsible for transmitting copies of the plat or map to designated objecting agencies unless the subdivider has specifically requested that the City assume the responsibility of transmitting all review copies. The subdivider shall specify in his/her letter of application to whom the original application was submitted.
- (b) **Improvement and Design Requirements.** If this extraterritorial plat or certified survey map contains lands located within the adopted Sanitary Sewer Service Area of the City of Bloomer, the subdivider shall comply with all of the improvement requirements of Article F of this Chapter and with all of the design requirements of Articles E and G of this Chapter. If the extraterritorial plat or certified survey map does not contain lands located within the City's sanitary Sewer Service Area, the subdivider shall comply with all of the design requirements of Article F. In either event, the subdivider shall not be required to dedicate park and open space land to the City or be required to pay a public site fee to the City.

Sec. 14-1-38 Disclaimers on Approvals.

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the City of Bloomer. This Chapter shall not be interpreted as placing any responsibility or liability on any City official, City employee or the City as a municipal corporation for the granting of approval or the denial of any approval. All approvals rendered as part of this Chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (b) Approvals issued by the City shall not be construed as an assumption or expression of any responsibility, warranty or guarantee for the design or construction of any improvements within the land division.

Sec. 14-1-39 Reserved for Future Use.

Article E: Technical Requirements for Plats and Certified Surveys

Sec. 14-1-40 Technical Requirements for Preliminary Plats.

- (a) **General.** A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
- (1) **Title** under which the proposed subdivision is to be recorded, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the City unless considered an addition to the subdivision.
 - (2) **Legal Description/Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) **Date, Scale and North Point.**
 - (4) **Names, Telephone Numbers, and Addresses** of the owner, and any agent having control of the land, engineer, subdivider, land surveyor preparing the plat.
 - (5) **Entire Area** contiguous to the proposed plat owned or controlled by the subdivider shall be required by the Common Council or Plan Commission to be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. Where a subdivider owns or controls adjacent lands in addition to those proposed for development at that time, he/she shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the Preliminary Plat in question. The City Engineer may waive these requirements where adjacent development patterns have already been established.
- (b) **Plat Data.** All Preliminary Plats shall show the following:
- (1) **Exact Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - (2) **Locations of all Existing Property Boundary Lines**, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (3) **Location, Right-of-Way Width and Names** of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (4) **Location and Names of any Adjacent Subdivisions**, parks and cemeteries and owners of record of abutting unplatted lands.
 - (5) **Type, Width and Elevation** of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.

- (6) **Location, Size and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) **Corporate Limit Lines** within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) **Existing Zoning** on and adjacent to the proposed subdivision.
- (9) **Contours** within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described.
- (10) **High-Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) **Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) **Floodland and Shoreland Boundaries** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (13) **Location, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.
- (14) **Approximate Dimensions of All Lots** together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (15) **Location and Approximate Dimensions** of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use.
- (16) **Approximate Radii of all Curves.**
- (17) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (18) **Any Proposed Lake and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.

- (19) **Soil Tests and Reports** as may be required by the City Engineer for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features. The Plan Commission, upon the recommendation of the City Engineer, may require that boring and sounding be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. The City does not guarantee, warrant, or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the City and thereby asserts that there is no liability on the part of the Common Council, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter. Where the subdivision will not be served by public sanitary sewer service, the provisions of C. ILHR 85, Wis. Ad. Code, shall be complied with, and the appropriate data submitted with the preliminary plat.
- (20) **Design Features.**
- a. Locations and widths of proposed streets, alleys, pedestrian ways and utility easements. The Plan Commission, upon the recommendation of the City Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon National Geodetic Vertical Datum (NGVD), and plans and profiles shall meet the approval of the City Engineer.
 - b. Layout numbers and preliminary acreage and dimensions of lots and blocks.
 - c. Minimum front, rear, side, and street yard building setback lines.
 - d. Location and size of proposed sanitary sewer lines and water mains.
 - e. Gradients of proposed streets, including centerline profiles.
 - f. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
 - g. Location and description of survey monuments.
 - h. An identification system for the consecutive numbering of all blocks and lots within the subdivision.
 - i. Sites, if any, to be reserved for parks or other public uses.
 - j. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
 - k. Provisions for surface water management including both minor and major system components, detention/retention facilities, including existing and post development one hundred (100) year flood elevations, etc.
 - l. Potential resubdivision and use of excessively deep [over two hundred (200) feet] or oversized lots must be indicated in a satisfactory manner.

- m. Any wetlands, floodplain, or environmentally sensitive areas provided for by any local, state or federal law.
- (21) **Soil and Water Conservation.** The Plan Commission, upon the recommendation of the City Engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the *U.S. Conservation Service Technical Guide*, and shall be in accordance with standards set forth in this Chapter.
- (22) **Where the Plan Commission or City Engineer** finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the subdivider.
- (c) **Additional Information.** The Common Council, Plan Commission and/or City officials may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

Sec. 14-1-41 Technical Requirements for Final Plats.

- (a) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:
 - (1) **Exact Length and Bearing** of the center line of all streets.
 - (2) **Exact Street Width** along the line of any obliquely intersecting street.
 - (3) **Exact Location and Description** of lighting utility easements.
 - (4) **Railroad Rights-of-Way** within and abutting the plat.
 - (5) **All Lands Reserved** for future public acquisition or reserved for the common use of property owners within the Plat.
 - (6) **Special Restrictions** required by the Common Council, upon the recommendation of the Plan Commission, relating to access control along public ways or to the provision of planting strips.
 - (7) **Taxes.** Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
 - (8) **Drainage Flows.** The subdivider shall cause to be set upon the final plat arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site,

the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major [one hundred (100) year event] drainage components. The arrows shall be accompanied on the plat with the following note:

Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner.

- (9) **Groundwater Presence.** Where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation, the subdivider shall place the following note on the plat:

Subsoil information indicates the presence of ground water conditions that may require basement elevations on Lot(s) _____ to be at elevation _____ or higher, or that a modified structural plan of the structure's foundation shall be submitted to the Building Inspector for approval with the application for a Building Permit as required information.

The elevation of the basement as described in the paragraph to be placed on the plat shall be a minimum of two (2) feet higher than the elevation of the ground water table.

- (10) **Dimensions of Lot Lines** shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.
- (11) **A Numbered Identification System** for all lots and blocks.
- (12) **Railroad rights-of-way** within and abutting the plat.
- (13) **Setbacks or building lines.**
- (14) **Utility and/or drainage easements.**
- (15) **Street addresses** on each lot as determined by the City Clerk-Treasurer.
- (c) **Deed Restrictions.** Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the Final Plat.
- (d) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.

- (e) **Survey Accuracy.**
- (1) **Examination.** The Common Council and Plan Commission, or their designers, shall examine all Final Plats within the City of Bloomer and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
 - (2) **Maximum Error of Closure.** Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in five thousand (1:5,000), nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - (3) **Street, Block and Lot Dimensions.** All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in three thousand (1:3,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
 - (4) **Plat Location.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the County or City, the tie required by Section 236.20(3)(b), Wis. Stats., may be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- (f) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats. Before final approval by the City of any plat or certified survey map located outside the corporate limits of the City, but within the plat approval jurisdiction of the City, the subdivider shall give evidence that he has complied with all street and utility requirements of the town in which the land being platted is located.
- (g) **State Plane Coordinate System.** All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.
- (h) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

Sec. 14-1-42 Technical Requirements for Certified Survey Land Divisions; Review and Approval.

- (a) **Certified Survey Requirements.** A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Sec. 236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in this Chapter for plats.
- (b) **Submission and Review.** The subdivider is encouraged to first consult with the Plan Commission regarding the requirements for certified surveys before submission of the final map. Following consultation, two (2) copies of the final map in the form of a certified survey map shall be submitted to the City. The certified survey shall be reviewed, approved or disapproved by the Plan Commission and Common Council pursuant to the procedures used for Preliminary Plats in Sections 14-1-30 through 14-1-32, including notice and hearing requirements.
- (c) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:
 - (1) **All Existing Buildings,** watercourses, drainage ditches and other features pertinent to proper division.
 - (2) **Setbacks or Building Lines** required by the Common Council and the City Zoning Code.
 - (3) **All Lands Reserved** for future acquisition.
 - (4) **Date of the Map.**
 - (5) **Graphic Scale.**
 - (6) **Name and Address** of the owner, subdivider and surveyor.
 - (7) **Square Footage** of each parcel.
 - (8) **Present Zoning** for the parcels.
 - (9) **Critical Building Locations.** Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth of one (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.
 - (10) **Additional Information.** The City may require that the following additional information be provided when necessary for the proper review and consideration of the map:
 - a. Existing contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%), and of not more than five (5) feet where the slopes of the ground surface is ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.
 - b. Soil type, slope and boundaries are shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.

- c. Location of soil boring tests, where required by Sec. ILHR 85.06, Wis. Ad. Code, made to a depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.
- d. The Plan Commission may require that the entire area contiguous to the land outlined in the proposed certified survey owned or controlled by the subdivider be included on the certified survey map even through only a portion of said area is proposed for immediate development.
- (d) **State Plane Coordinate System.** All distances and bearings shall be referenced to the Wisconsin Coordinate System. Where the map is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the City of Bloomer or Chippewa County, the map shall be tied directly to one (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearing shall be referenced to the Wisconsin Coordinate System, Central Zone, and adjusted to the City's control survey.
- (e) **Certificates.** The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this Chapter. The Common Council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- (f) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (g) **Recordation.** The subdivider shall record the map with the County Register of Deeds within thirty (30) days of its approval by the Common Council and any other approving agencies. Failure to do so shall necessitate a new review and reprieval of the map by the Common Council.
- (h) **Requirements.** To the extent reasonably practicable, the certified survey shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.
- (i) **Critical Building Locations.** Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth of one (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

Article F: Requirements Improvements

Sec. 14-1-50 Improvements Required.

(a) **General Requirement.**

- (1) In accordance with the authority granted by Sec. 236.13, Wis. Stats., the City of Bloomer hereby requires that, as a condition of Final Plat or certified survey approval, the subdivider agree to make and install all public improvements required by this Chapter and that the subdivider shall provide the City with security to ensure that the subdivider will make the required improvements. As a further condition of approval, the Common Council hereby requires that the subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.
- (2) As a condition for the acceptance of dedication of public rights-of-way, the City requires that the public ways have been previously provided with all necessary facilities constructed to City specifications, including, but not limited to, sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street signing, street lighting and such other facilities required by the Common Council or that a specific portion of the costs be paid in advance as provided in Sec. 66.54(3), Wis. Stats.

(b) **Financing of Improvements.** The entire cost incurred by the City relating to the design, engineering and installation of improvements *that are to be paid for by the developer as stated in this Chapter* shall be assessed as a special assessment by the City to the buildable lots of the subdivision, except that the City shall assume the extraordinary costs described in Subsection (b)(3) below:

- (1) The record title holder to the buildable lots shall be assessed twenty-five percent (25%) principal per year at an interest rate of twelve percent (12%) per annum. The interest rate may be changed from time to time by the Common Council.
- (2) The costs incurred by the City for public street and utility improvements required for the development of subdivisions within the City shall not exceed Two Hundred Thousand Dollars (\$200,000) per year. The limit on public improvement costs incurred by the City may be changed from time to time by the Common Council.
- (3) The City shall be responsible for extraordinary cost for the major utility and street improvements (including right-of-way acquisition) which benefit a broader area than the subdivision under consideration. Such improvements shall include:
 - a. Sanitary sewers where mains larger than eight (8) inches in diameter are required.
 - b. Sewage lift stations and force mains required to serve an area beyond the subdivision.
 - c. Water lines where mains larger than six (6) inches in diameter are required.

(c) **General Standards.** The required public improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Common

Council. Where standards and specifications have not been adopted, the improvements shall be made in accordance with established engineering practices, approved prior to the start of construction by the City Engineer. When new or revised standards and/or specifications have been adopted by the City, work on public improvements not begun within four (4) years of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The City Engineer shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.

- (d) **Project Manager.** The subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the subdivider to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the subdivider directly.

Sec. 14-1-51 Required Agreement Providing for Proper Installation of Improvements; Surety.

- (a) **Contract.** At the time of approving a final plat, the subdivider shall be required to enter into a contract with the City for land division improvements agreeing to install improvements assigned to the subdivider under this Chapter. The contract form shall be provided by the City and may provide for a phasing of public improvements construction, providing such phasing is approved by the Common Council. The City reserves the right to control the phasing through limits, sequence, and/or additional surety so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases.
- (b) **Financial Guarantees.**
- (1) The subdivider shall file with said contract, subject to the approval of the City Attorney, a bond, a certificate of deposit, irrevocable letter of credit or certified check in an amount equal to one hundred twenty-five percent (125%) of the estimate of the cost of the subdivider's obligations under this Chapter prepared by the City Engineer as surety to guarantee that such improvements will be completed by the subdivider or his contractors not later than eighteen (18) months from the date of recording the plat or certified survey map. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the City. When a letter of credit is posted as security, the City must be the beneficiary.
 - (2) However, the subdivider may elect, with the approval of the City, to install the improvements in construction phases provided that:

- a. The phases are specified in the contract for land division improvements;
 - b. The developer submits surety in an amount equal to one hundred twenty-five percent (125%) of the estimated costs of improvements next required by the installation and construction schedules. Improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the City.
 - c. The developer records deed restrictions approved by the City Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the City's approval is obtained;
 - d. The subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 - e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (3) The time limit for completion of a phased improvement program shall take into account the needs and desires of the City and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.
- (4) As work progresses on installation of improvements constructed as part of the contract, the City Engineer, upon written request from the subdivider from time to time, is authorized to recommend a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the subdivider and determined acceptable by the City Engineer, the City Clerk-Treasurer is authorized, upon submission of lien waivers by the subdivider's contractors, to reduce the amount of surety. The amount of surety may be reduced at the time all underground utilities are installed and tested. The amount of surety remaining shall be equal to one hundred twenty-five percent (125%) of the estimate of the City Engineer of costs of work remaining to be completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the City Engineer are valid for noncompletion, the City Clerk-Treasurer is authorized to accept a reduction in the amount of surety to an amount in the estimate of the City Engineer, sufficient to cover the work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated shall be

approved for such work by the City Engineer prior to commencing construction. The Common Council, at its option, may extend the bond period for additional periods not to exceed one (1) year each.

- (5) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this Section.
 - (6) The subdivider shall agree in the development contract to pay all street and sidewalk assessments, specifically all area charges for sanitary sewer mains and all water main assessments, including where the land division abuts existing streets which are not improved within the City standard street improvements (including, but not limited to curb and gutter, local storm sewer, sidewalks and a bituminous pavement).
- (c) **Improvement Guarantee.** The subdivider shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, cash escrow deposit, or performance bond whereby a bonding company [with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin] guarantees maintenance, repair, replacement by the developer of said public improvements which deteriorate or fail to meet performance or operating standards during the bond term, or any penalties which may be incurred as a result thereof, equal to fifteen percent (15%) of the City Engineer's estimate of the cost of the public improvements. If within one (1) year after the date of final acceptance of any public improvement by the Common Council (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements), any work on any public improvement is found to be defective, the subdivider shall remove it and replace it with nondefective work in accordance with written instructions given by the City Engineer. If the subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the City may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.
- (d) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the City, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The City Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a surety to insure the placing of such monuments within the time required. On behalf of the City, the City Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount

approved by the City Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1/2), one quarter (1/4), one quarter-one quarter (1/4-1/4), or other such section monument, the established monument shall be preserved and/or fully restored by the subdivider at his/her cost.

Sec. 14-1-52 Required Construction Plans; City Review; Inspections.

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Final Plat. At the Final Plat stage, construction plans for the required improvements conforming in all respects with the standards of the City Engineer and the ordinances of the City shall be prepared at the subdivider's 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 City Engineer for his/her approval and for his/her estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the City Clerk-Treasurer or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:
- (1) **Street Plans and Profiles** showing existing and proposed grades, elevations 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 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. Such plans shall comply with the City's Erosion Control Chapter (Title 15, Chapter 2) if applicable.
 - (6) **Planting Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (7) **Master Site Grading Plan.** Showing existing and proposed lot corner elevations, top of curb elevations, building location and proposed first floor building elevation, and shall show control and direction of drainage for each lot within the subdivision and for drainage adjacent to the plat.

- (8) **Additional** special plans or information as required by City officials.
- (b) **Action by the City Engineer.** The City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent City ordinances and design standards recommended by the City Engineer and approved by the Common Council. If the City Engineer rejects the plans and specifications, he/she shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve the plans and specifications for transmittal to the Common Council. The Common Council shall approve the plans and specifications before the improvements are installed and construction commenced.
- (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 City Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed, and the developer has furnished lien waivers for all contractors.
 - (2) During the course of construction, the City Engineer shall make such inspections as he/she or the Common Council deems necessary to insure compliance with the plans and specifications as approved. The City shall have full-time inspections during construction phases. The owner shall pay the actual cost incurred by the City for such inspections. This fee shall be the actual cost to the City of inspectors, engineers and other parties necessary to insure satisfactory work. The engineering costs will be per the engineering agreement.
- (d) **Subdivider to Reimburse the City for Costs Sustained.** The subdivider of land divisions within the City shall reimburse the City for its actual cost of design, inspection, testing, construction and associated legal and real estate fees for the required public improvements for the land division. The City's costs shall be determined as follows:
- (1) The cost of City employees' time engaged in any way with the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the City Clerk-Treasurer to represent the City's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
 - (2) The cost of City equipment employed.
 - (3) The cost of mileage reimbursed to City employees which is attributed to the land division.
 - (4) The actual costs of City materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
 - (5) All consultant fees associated with the public improvements at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00),

the City shall bill the subdivider monthly for expenses incurred by the City. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the City until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

- (e) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made two (2) blue line plan sets showing the actual recorded location of all valves, manholes, stubs, sewers and water mains and such other facilities as the City Engineer shall require. City staff may provide assistance with record plan preparation. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

Sec. 14-1-53 Street Improvements.

Streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter, particularly Sections 14-1-70 and 14-1-71 shall be constructed as follows:

- (a) **General Considerations.** The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (b) **Construction Standards.** Construction of all streets shall conform to the current standards as established by the City in this Chapter and elsewhere and shall be subject to approval of the City Engineer before acceptance.
- (c) **Conform to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map.
- (d) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the City, the subdivider, at his/her cost, shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The City Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a survey to insure the placing of such monuments within the time required. On behalf of the City, the City Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an

amount approved by the City Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.

- (e) **Street Construction.** After the installation of all required utility and storm water drainage improvements, the subdivider shall prepare for surfacing all roadways, installing curb and gutter, in streets proposed to be dedicated, to the widths prescribed by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street, in a manner and quality consistent with this Chapter and plans and specifications approved by the City Engineer. Construction shall be to City standard specifications for street improvements.
- (f) **Street Cross Sections.** When permanent street cross sections have been approved by the City, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the City Engineer.

Sec. 14-1-54 Curb and Gutter; Drainage Facilities.

- (a) In all subdivisions, the Common Council may require the construction of concrete curb and gutters in accordance with plans and standard specifications approved by the Plan Commission, upon recommendation of the City Engineer. The City shall install all curb and gutters for roadway pavement on the established street and highway system. The cost of curb and gutter will be paid for by the developer in accord with City policy. These costs will be placed as a special assessment against the property.
- (b) Suitable concrete curb and gutter shall be constructed along the outside edge of all street pavements. Curb and gutter in residential areas shall have a six (6) inch barrier curb with a twenty-four (24) inch flag, except at driveway aprons where depressed curb shall be constructed. Depressed curb ramps shall be constructed at all handicap ramps for sidewalks and at all bikeways. Said curbs and gutters shall be constructed of concrete, 3500 PSI strength at seven (7) days, and contain three (3) continuous one-half (1/2) inch diameter deformed steel reinforcing rods ten (10) feet long, six (6) inches on center in the gutter flag at locations crossing underground utility excavations or where otherwise directed by the City Engineer. Expansion joints three quarter (3/4) inch thick shall be placed in the curb at each starting and ending of a radius, three (3) feet at each side of inlets, and at intervals not exceeding two hundred fifty (250) feet and where otherwise directed by the City Engineer. Tie bars shall be provided where curb and gutter is adjacent to rigid pavements.

- (c) Contraction joints shall be tooled, saw cut, or formed by insertion of a metal plate in the concrete at intervals not exceeding twelve (12) feet.

Sec. 14-1-55 Sidewalks and Bikeways.

(a) **Where Required.**

- (1) In all new subdivisions and additional areas where required by the Common Council, the construction of all sidewalks shall be in accordance with plans and standard specifications approved by the City Engineer and in compliance with Section 6-2-2 of this Code of Ordinances.
- (2) The cost of sidewalk will be paid for by the developer or property owner in accord with City policy. These costs will be placed as a special assessment against the property.

- (b) **Extra-Sized Sidewalks.** Wider-than-standard sidewalks may be required by the Common Council in the vicinity of schools, commercial areas and other places of public assemblage; and the Common Council may require the construction of sidewalks in locations other than required under the preceding provisions of this Section if such walks are necessary, for safe and adequate pedestrian circulation.

(c) **Location.**

- (1) The subdivider shall be required to provide sidewalks and bikeways where required by the City's sidewalk Master Plan, at City specifications as follows: Sidewalks and bikeways shall normally be located as far from the traffic lane as is possible, but not closer than six (6) inches to the right-of-way line. Where, as a result of such major obstructions as large and established trees, steep hills, drainageways, or major utility lines, the construction costs of the sidewalk or bikeway in its normal location would be prohibitive, sidewalks or bikeways may be located elsewhere within the street right-of-way, or within an easement, with the approval of the City Engineer. Sidewalks and bikeways constructed at street intersections or within five (5) feet of a legal crosswalk shall include provisions for curb ramping as required by Sec. 66.625, Wis. Stats., and in accordance with City standards. In all cases where the grades or sidewalks or bikeways have not been specifically fixed by ordinance, the sidewalks and bikeways shall be laid to the established grade of the street [Ref. Sec. 66.615(2), Wis. Stats.]. In areas where sidewalks and bikeways are to be laid to the established grade of the street, the street edge of the sidewalk or bikeway pavement shall be at an elevation above the top of the curb determined by a slope of a minimum of one-fourth (1/4) inch per foot up to a maximum of three-fourths (3/4) inch per foot times the distance between the curb and the street sidewalk or bikeway edge. The sidewalk or bikeway pavement shall be sloped at a minimum of one-fourth (1/4) inch per foot and a maximum of three-fourths (3/4) inch per foot toward the street — unless public drainage is available behind the sidewalk or bikeway.

- (2) Sidewalks in street right-of-ways shall be specifically intended to serve adjacent lots and the pedestrian traffic generated from and to those lots.
- (d) **Bikeways.**
 - (1) Bikeways shall be intended to serve both pedestrian and bicycle traffic in areas where the majority of the adjoining lots do not have frontage or access to the street or are not being served by the bikeway. In general, those lots which do not front or have access on the street in question are not the generating or terminating point for the pedestrian or bicycle traffic.
 - (2) More specifically, bikeways shall be designed to transport the majority of pedestrian or bike traffic through the area as opposed to serving the adjoining lots as a sidewalk does.
 - (3) Bikeways shall not be installed in lieu of sidewalks. However, where permitted by City ordinance, persons may ride a bicycle upon public sidewalks.
- (e) **Location Determination.** The Common Council shall determine where sidewalks and/or bikeways are required in accordance with this Section.
- (f) **Construction Standards.** Bikeways shall be constructed of bituminous pavement, at least eight (8) feet in width, in accordance with standard City specifications. Sidewalks shall be constructed according to the standards in Section 6-2-2.

Cross-Reference: Section 6-2-2.

Sec. 14-1-56 Sanitary Sewerage System.

- (a) When the proposed subdivision or certified survey map is located within the adopted sanitary sewer service area of the City of Bloomer, sanitary sewerage facilities shall be constructed in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:
 - (1) The City shall install sewer laterals to the street lot line for residential lots.
 - (2) The size, type, and installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and specifications approved by the Common Council, upon recommendation of the City Engineer. The latest revision of the "Standard Specifications for Sewer and Water Construction in Wisconsin" shall govern all work. All sanitary sewer and sanitary sewer lateral trenchers within proposed streets shall be back filled with granular material meeting the requirements of the "Standard Specifications". However, upon written approval of the City Engineer, the trenches may be back filled with excavated material, meeting the requirements of the "Standard Specifications". If excavated material is allowed for backfill, it shall be compacted by mechanical methods, meeting the approval of the Common Council, upon the recommendation of the City Engineer.

- (3) The City shall install all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision.
- (b) The cost of sanitary sewer mains will be shared by the property owners on either side of the street the main is laid according to the sewer utilities policies. The cost of sewer laterals will be paid entirely by the subdivider or land owner. These costs will be placed as a special assessment against the property.
- (c) Sanitary sewers, including all related items (manholes, lift stations, wyes, tees, stubs for future extensions, etc.), shall be installed meeting the specifications and requirements of the City.
- (d) Sanitary sewers shall be constructed in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Where public sanitary sewers of adequate capacity are determined by the City Engineer to be available, extensions of the public sanitary sewer system shall be made so as to provide sewer service to each lot. Gravity sanitary sewers shall be extended to the land division and to each buildable lot as approved by the City Engineer. Sewerage service lines of the sizes and materials required by the Plumbing Inspector shall be installed from the sanitary sewers to the property line of every lot in the subdivision. This installation will be coordinated with the installation of sanitary sewers. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer. Where sanitary sewers are located within the floodplain, sanitary manholes shall be floodproofed.
- (e) The ends of the services for each lot shall be accurately measured and recorded with the City Engineer and marked in the field with appropriate staking.

Sec. 14-1-57 Water Supply Facilities.

- (a) When the proposed subdivision or certified survey map is located within the adopted water service area of the City of Bloomer, or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots, the water supply and distribution facilities shall be installed in such a manner as to make adequate water service available to each lot within the subdivision. The subdivider shall make provision for adequate private water systems, where permitted, as required by the City in accordance with the standards of the Wisconsin Department of Natural Resources. In addition:
 - (1) The City shall install water laterals to the street lot line.
 - (2) The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standards specifications approved by the Common Council, upon the recommendation of the City Engineer.
 - (3) The City shall install all water mains, water laterals, and water system appurtenances within the proposed subdivision.

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- (4) The cost of water mains will be shared by the property owners on either side of the street the main is laid according to the water utility policies. The cost of water laterals will be paid entirely by the subdivider or land owner. These costs will be placed as a special assessment against the property.
- (b) Water mains shall be constructed in such a manner as to make adequate water service available to each lot within the land division. Extensions of the public water supply system shall be designed so as to provide public water service to each lot and required fire flow protection to each hydrant. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer.

Sec. 14-1-58 Storm Water Drainage Facilities.

- (a) Pursuant to Section 14-1-74, storm water drainage facilities shall be installed which include curb and gutter, manholes, catch basins and inlets, storm sewers, storm sewer laterals from the main to the lot line, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the City Engineer.
- (b) The City shall install all storm sewers within the proposed subdivision. The entire cost of installation of storm sewers shall be paid for by the City.
- (c) Only where sump pumps are required, storm sewer laterals of the sizes and materials required by the Director of Public Works or City Engineer shall be installed from the mains to the lot line of every lot in the subdivision when storm sewer mains shall be required by this Section. Storm drainage facilities shall be so designed as to present no hazard to life or property, minimize shoreland erosion and siltation of surface waters, shall prevent excess run-off on adjacent property and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drain and sewers proposed to be constructed shall be in accordance with this Chapter and plans and standard specifications approved by the City Engineer. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the City Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the subdivider; however, the cost of oversizing above a twenty-four (24) inch diameter storm sewer shall be paid by other users connecting to the system.

Sec. 14-1-59 Other Utilities.

- (a) (1) In so far as possible, all utilities, including but not limited to natural gas, telephone, cable TV, electric, and water shall be installed underground with an affidavit by the

- subdivider that the maintenance of said public improvements will be guaranteed by the subdivider due to use of the improvements by purchasers and construction traffic.
- (2) Prior to any maintenance, repair or replacement being performed by the developer during the bond period, it shall notify the City Engineer at least three (3) work days prior to the doing of the work and obtain approval of the City Engineer as to the nature and manner of work to be done.
- (b) The subdivider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the Common Council, upon the recommendation of pertinent City utilities or Plan Commission, specifically allows overhead poles because topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical.
- (c) Plans indicating the proposed location of all gas, electrical power, cable television and telephone distribution and transmission lines required to service the plat shall be approved by the Director of Public Works.

Sec. 14-1-60 Street Lamps; Street Trees.

- (a) **Street Lighting.** The City shall install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Director of Public Works or City Engineer. All the costs associated with the installation and maintenance of street lamps will be paid for by the City.
- (b) **Street Trees.** Street trees shall be planted throughout all residential land divisions. Such trees shall be planted in the parkways equidistant between the sidewalks and curb, or in street tree easements, and no closer than five (5) feet from any sanitary sewer service, water service, or driveway apron. The City shall let contracts for planting of street trees. At street corners, trees shall be located at least twenty-five (25) feet from the intersection of right-of-way lines. A fee of Twenty-five Dollars (\$25.00) per residential lot shall be collected for a street tree at the time a building permit is issued for the initial construction of the residence. The fee shall be placed into a City Forestry Fund to be used for the planting of new street trees in the neighborhood in which the residence is located.

Sec. 14-1-61 Street Signs.

- (a) The City shall pay the costs of providing the street signing necessary to serve the development. Such signing shall include street name signs and such temporary barricades

and "road closed" signs as may be required by the Director of Public Works until the street improvements have been accepted by Common Council resolution.

- (b) The Director of Public Works shall have the authority to impose any restrictions to traffic on street improvements not yet accepted by the City as he/she may deem necessary to protect the improvements from damage and to protect the safety of the public. Such restrictions shall include, but not be limited by enumeration to, weight restrictions, street closings, access restrictions, or the posting of temporary traffic control measures. All the costs associated with the installation and maintenance of street signs will be paid for by the City.

Sec. 14-1-62 Erosion Control.

- (a) The subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.
- (b) The subdivider shall plant those grasses, trees, and vines, a species and size specified by the Common Council, necessary to prevent soil erosion and sedimentation. In addition:
 - (1) The Common Council may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.
 - (2) Tree cutting and shrubbery clearing shall not exceed fifty percent (50%) of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities, and during foliage, substantially screen any development from stream or lake users.
 - (3) Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Common Council, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
 - (4) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography.
 - (5) Review of the conduct of such cutting, clearing and moving may be required of the Chippewa County Zoning Department, the State District Fish and Game Managers, and the State District Forester by the City Engineer, Common Council, or Plan Commission as they deem appropriate.

Cross-Reference: Title 15, Chapter 2.

Sec. 14-1-63 Partition Fences.

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or certified survey map.

Sec. 14-1-64 Easements.

- (a) **Utility Easements.** The Common Council, on the recommendation of appropriate departments, utilities and agencies serving the City, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) **Drainage Easements.** Drainage easements shall comply with the requirements of Section 14-1-74(f).
- (c) **Easement Locations.**
 - (1) Utility easements shall be at least twelve (12) feet wide, or wider where recommended by the City Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Common Council and/or Plan Commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
 - (2) All easements dedicated on final plat or certified survey maps for survey maps for poles, cables or conduits for electricity, telephone or other private utility lines shall be noted thereon as "Utility Easement". All easements for storm and sanitary sewers, water and force mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.
- (d) **Deed Restrictions for Easements.** Deed restrictions shall accompany each final plat or certified survey map, and shall be filed in the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of utility and public easements which are being established; a description by

reference to the final plat or certified survey map shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place, and shall state that the elevation of such easements as graded by the subdivider may not be altered thereafter by him/her, or any subsequent landowner by more than six (6) inches.

Sec. 14-1-65 Extra-Sized and Off-Site Facilities.

When any public improvements of adequate capacity are not available at the boundary of a proposed land division, the City, or its duly authorized representative, shall require, as a prerequisite to approval of a Final Plat or certified survey map, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:

- (a) **Design Capacity.** All improvements within or entering or leaving the proposed development shall be installed to satisfy the service requirements for the entire service or drainage area in which the development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.
- (b) **Extra-sized and Off-size Improvements.** Where improvements of adequate size needed to serve the development are not available at the boundary of the development, the subdivider shall proceed under one (1) of the alternatives as identified in Section 14-1-50(a).
- (c) **Lift Stations.** Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities to the City Engineer's requirements. Equipment similar to existing City equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Common Council. Gravity sanitary sewer service shall be employed whenever determined by the City Engineer to be feasibly accessible.

Sec. 14-1-66 Acceptance of Improvements and Dedications.

- (a) **Acceptance of Improvements.** The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the City or the public shall not be considered accepted by the City for public ownership until such time as the required public improvements within the intended dedication or necessary because of the intended dedication have been completed and accepted by the Common Council by adoption of a resolution accepting such dedication. The subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time

as the improvements are accepted by the Common Council by resolution. In the event the City must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the City, the costs of such measures shall hereby be determined to be City-incurred costs to be reimbursed to the City by the subdivider in accordance with the provisions of this Chapter.

(b) **Inspection and Certification of Improvements.**

- (1) After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the City Engineer, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the City Clerk-Treasurer and approved by the City Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owned to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:
 - a. Sewer mains and services (either storm or sanitary).
 - b. Water mains and services.
 - c. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
 - d. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, street lighting, street signing, etc.
- (2) The City Clerk-Treasurer shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider for payment. The City Engineer shall conduct any necessary final inspections of the improvements and forward a report to the City Clerk-Treasurer recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, the report of the City Engineer, together with the recommendation of the City Clerk-Treasurer, shall be forwarded to the Common Council for approval and acceptance of the improvements and dedications.

Sec. 14-1-67 Site Grading.

The subdivider shall be required to grade the full land division in accordance with the requirements of Section 14-1-76. The entire cost of grading will be paid for by the City. All street project that will require grading must be requested for one (1) year in advance of the actual work to be done so the funds can be budgeted for.

Sec. 14-1-68 through Sec. 14-1-69 Reserved for Future Use.

Article G: Design Standards

Sec. 14-1-70 General Street Design Standards.

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable City of Bloomer regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Common Council. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- (c) **Compliance with Comprehensive Plan and Ordinances.**
 - (1) The arrangement, character, features, and layout of land divisions in the City of Bloomer shall be designed to comply with the standards of this Chapter, the Comprehensive Plan, the Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions and which have been adopted by the Common Council. Where no such planning documents have been adopted, subdivisions shall be designed according to engineering and planning standards approved by the City Engineer and applied so as to properly relate the proposed development with adjacent development, the topography, natural features, public safety and convenience, and the most advantageous development of undeveloped adjacent lands. The absence of a street being shown on the official map, streets shall be provided in locations determined necessary by the City Engineer and to the right-of-way widths required in this Article for the classification of street required.
 - (2) The arrangement, character, extent, width, grade, and location of all streets shall conform to City master plans, the Official Map, and to this Chapter, and other City planning documents and shall be considered in their relation to: existing and planned streets, reasonable circulation of traffic, topographical conditions, run-off of storm water, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - (3) The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same or greater width of the existing streets in adjoining areas.
- (d) **Areas Not Covered by Official Map or Plan.** In areas not covered by an Official Map or a City Comprehensive Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and

natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

- (e) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Common Council, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (f) **Streets Classifications.** Streets shall be required and classified by the City Engineer in accordance with the City's Comprehensive Plan and where not identified in said plan, in accordance with sound engineering standards, into the classifications indicated below:
 - (1) **Arterial Streets.** Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
 - (2) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from individual areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they connect.
 - (3) **Local/Minor Streets.** Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (4) **Alleys.** Alleys shall be located at rear property lines, shall discourage through traffic, shall serve less than fifty (50) vehicles/day, shall be intended to provide access to off-street loading and service areas and not primary access to parcels.
- (g) **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Common Council.
- (h) **Alleys.**
 - (1) **Commercial and Industrial.** Alleys may be provided in commercial and industrial districts. The width of the right-of-way for residential alleys shall be not less than twenty-four (24) feet and the width of the right-of-way for commercial and industrial alleys shall be not less than thirty-two (32) feet. Alleys shall be constructed according to base and surfacing requirements for streets.
 - (2) **Residential.** Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.

- (3) **Dead End.** Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged.
- (4) Temporary dead-end streets shall not be over six hundred (600) feet in total length, shall provide for an eventual intersection spacing meeting the requirements of this Chapter and shall provide for temporary cul-de-sacs or turnarounds as approved by the City Engineer. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary "T" intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right-of-way lines of the access street on each side.
- (i) **Permanent Dead-End Streets; Cul-De-Sac Streets.** Permanent dead-end streets or cul-de-sacs shall not be longer than six hundred (600) feet in length. All urban cul-de-sac streets designed to have one end permanently closed shall terminate in a tear-drop turnaround having a minimum right-of-way radius of sixty (60) feet and a minimum outside curb radius of forty-eight (48) feet.
- (j) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. The use of cul-de-sacs shall be held to a minimum and permanently dead ended streets shall be prohibited. Provisions shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Common Council, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts.
- (k) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (l) **Frontage Roads.** Where a land division abuts or contains an existing or proposed arterial highway, or railroad right-of-way, the subdivider shall provide a frontage road, platted access restriction along the property contiguous to such highway, or such other treatment as may be determined necessary by the City Engineer to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (m) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- (n) **Visibility.** Streets shall afford maximum visibility and safety for motorist, bicycle, and pedestrian use and shall intersect at right angles, where practicable. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least five hundred (500) feet on major thoroughfares, two hundred (200) feet on collector-distributor streets, and one hundred fifty (150) feet on all other streets.
- (o) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.

- (p) **Half Streets.** Half streets shall not be platted unless necessary to provide the full width of an existing street platted to half width. All newly platted streets shall be platted to the required full width. Where a half street exists adjacent to a proposed land division, the subdivider shall endeavor to acquire and dedicate the remaining half street.
- (q) **Intersections.**
- (1) **Angle of Intersect.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The curved street shall intersect another street with not less than forty (40) feet of tangent right-of-way between the end of curvature and the right-of-way of the street being intersected.
 - (2) **Number of Streets Converging.** The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2). Intersections of local streets shall be at least one hundred twenty-five (125) feet from each other.
 - (3) **Number of Intersections — Arterial Streets.** The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than one thousand two hundred (1,200) feet, unless otherwise determined by the City Engineer to provide better safety.
 - (4) **Local Street Spacing.** Local streets and frontage roads intersecting with other local streets shall be spaced no closer than three hundred (300) feet between centerlines and spaced no closer than eight hundred (800) feet between centerlines on collector streets, unless otherwise approved by the Plan Commission.
 - (5) **Property Lines at Street Intersections.** Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet, except that with all intersections with arterial and collector streets the radius shall be increased to twenty-five (25) feet or of a greater radius when required by the City Engineer.
 - (6) **Local Streets.** Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within one hundred fifty (150) feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.
 - (7) **Additional Sight Easements.** At any intersection determined by the City Engineer, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the street right-of-way lines and a point on each right-of-way line being not less than twenty-five (25) feet from the intersection point.
- (r) **Street Names.**
- (1) Duplication of existing street names by similar word, spelling, or sound shall not be permitted.

- (2) Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.
 - (3) A street name shall be changed when required to conform to the proposed or existing house numbering base.
 - (4) A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
 - (5) The following designations shall be used only in the situations indicated:
 - a. "Boulevard." A street with a divided pavement, either existing or planned. If the divided pavement ends but the street continues, the same street name and suffix shall continue.
 - b. "Lane." To be limited to a street, one (1) block long, not ending in a cul-de-sac.
 - c. "Circle." To be limited to a cul-de-sac of nine (9) lots or more.
 - d. "Court." To be limited to a cul-de-sac of eight (8) lots or less.
 - e. "Parkway." To be limited to a street abutting a park or greenway or creek.
 - (6) The maximum number of street names at one (1) intersection shall be three (3).
 - (7) Street names shall be assigned to avoid intersections which have the same exact street names.
 - (8) The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.
 - (9) The changing of a street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this Subsection.
 - (10) Service roads and highways served by them shall have the same street name and designation.
 - (11) Approval of street names on a preliminary plat will not reserve the names nor shall the City be required to accept such names at the time of final platting.
 - (12) A minimum number of letters is desirable in a street name. The maximum number of letters, not including the prefix or suffix, shall not exceed twelve (12).
- (s) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:
- (1) **Subdivision Lots.** When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least twenty (20) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

- (2) **Commercial and Industrial Districts.** Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
- (3) **Streets Parallel to a Limited Access Highway.** Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) **Minor Streets.** Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.
- (t) **Stream or Lake Shores.** Stream or lake shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half (1/2) mile as required by Sec. 236.16(3), Wis. Stats.
- (u) **Street and Pedestrian Way Design Standards.** The minimum right-of-way and roadway width of all proposed streets shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development study, or jurisdictional highway system plan, or if no width is specified therein, the minimum widths shall be as shown as follows. Street sections are for standard arterial streets only. Cross-sections for freeways, expressways and parkways should be based upon detailed engineering studies.
 - (1) **Street Cross Sections - Urban Streets.**

Type of Street or Public Way	Minimum Right-of-Way to be Dedicated	Minimum Dimensions
Arterial Streets (four-lane)	120 feet	*Dual 36-foot pavement (face of curb to face of curb) *24-foot median *7-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Arterial Streets (two-lane)	80 feet	*48-foot pavement (face of curb to face of curb) *11-foot tree banks (curb lawn)

		*4-foot sidewalks *1-foot outside sidewalks
Collector Streets	80 feet	*48-foot pavement (face of curb to face of curb) *11-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Minor Streets	66 feet	*36-foot pavement (face of curb to face of curb) *7-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Minimum Cul-de-Sac	60 foot radius	*48-foot radius pavement *7-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Cul-de-Sac Barrel	60 feet	*32-foot pavement (face to curb to face of curb) *9-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks

(2) **Street Cross Sections - Rural Streets.**

Type of Street or Public Way	Minimum Right-of-Way to be Dedicated	Minimum Dimensions
Arterial Streets (four-lane)	130 feet	*Dual 24-foot pavement *18-foot median *10-foot outside shoulders *6-foot inside shoulder *16-foot roadside ditches

Arterial Streets (two-lane)	100 feet	*24-foot pavement *10-foot shoulders *28-foot roadside ditches
Collector Streets	None	None
Minor Streets 66 feet	*22-foot pavement	*6-foot shoulders *16-foot roadside ditches
Minimum Cul-de-Sac	66 foot radius	*45-foot radius pavement *5-foot shoulders *16-foot roadside ditches
Cul-de-Sac Barrel	66 feet	*22-foot pavement *6-foot shoulders *16-foot roadside ditches

(3) **Street Grades.**

- a. Arterial streets: Six percent (6%).
- b. Collector streets: Eight percent (8%).
- c. Minor streets, alleys, frontage streets: Twelve percent (12%).
- d. Pedestrian ways: Twelve percent (12%) unless steps or stairs of acceptable design are provided.
- e. The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half of one percent (0.5%).

(4) **Radii of Curvature.** When a continuous street centerline deflects at any one point by more than ten degrees (10°), a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

- a. Arterial street and highways: Five hundred (500) feet.
- b. Collector streets: Three hundred (300) feet.
- c. Minor Streets: One hundred fifty (150) feet.

(5) **Establishments of Street Grades.** Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for arterial streets, and one-half (1/2) this minimum for all other streets.

Sec. 14-1-71 Specifications for Preparation, Construction and Dedication of Streets and Roads.

(a) General Requirements.

- (1) **Construction Standards.** All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Section and Section 14-1-70 shall be applicable to all streets and roads that are to be dedicated to the City, regardless of whether such streets or roads are part of a new subdivision or land division. Design requirements for the pavement shall be adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the City Engineer. Combination concrete curb and gutter is required on all streets. (Refer to the Section describing requirements for curbs and gutters.) A copy of all design assumptions and computations on which the proposed design is based shall be submitted to the City Engineer.
- (2) **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the City of Bloomer, the applicant shall notify the City Engineer. An on-site meeting will then be arranged to be attended by the City Engineer and the applicant. Plans must be provided in order for the City Engineer to check the design and the drainage.
- (3) **Material Slips.** Copies of material slips for all materials furnished for the road construction projects shall be delivered to the City before the City approves the final construction.
- (4) **Required Inspections.** Prior to the commencement of any street construction, the subdivider shall notify the City Engineer, at least three (3) workdays in advance, as to the nature of the work being done. The City Engineer shall be contacted for required inspections during the following phases of construction:
 - a. Subbase grading;
 - b. Crushed aggregate base course;
 - c. Concrete gutter, curb and sidewalks;
 - d. Bituminous surface course; and
 - e. Shouldering.Any deficiencies found by the City Engineer shall be corrected before proceeding to the next phase of construction.
- (5) **Tests of Materials.** The City shall be provided with a sample of the roadway base material prior to placement on the roadway. The City shall also be provided with

copies of test reports performed by an independent testing lab indicating test results for material gradation and soundness.

- (6) **Pavement Samples.** Samples of bituminous concrete will be taken by the City during pavement construction operations for purposes of determining that the material meets specifications.
- (b) **Construction Standards.** All streets and highways constructed in the City or to be dedicated to the City shall fully comply with the following construction standards, and shall be adequate for the zoning classification or projected use of the area served by the street:
 - (1) **General.** After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless excepted, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the City Engineer, or his/her designee.
 - (2) **Temporary Streets.** Construction of temporary streets shall require authorization of the Common Council.
 - (3) **Standard Street Improvements.**
 - a. Standard street improvements shall include street lights, crushed stone base course, concrete curb and gutter, bituminous binder and surface course and, when required, walkways.
 - b. The construction of standard street improvements can begin only when the construction of underground utilities has been completed and mechanical compaction test reports have been approved by the City Engineer.
 - c. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the City Engineer.
 - (4) **Roadway Base Standards.**
 - a. After the installation of temporary block corners monuments by the subdivider and establishment of street grades by the City Engineer, the City shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the City Plan Commission, upon the recommendation of the City Engineer. The roadbeds in the street rights-of-way shall be graded to subgrade.
 - b. Cut and filled lands shall be graded to a maximum slope of one (1) on four (4) or the soils angle of repose, whichever is the lesser and covered with permanent vegetation.
 - c. Residential streets shall have a minimum nine (9) inch thick, compacted in-place, crushed stone roadway base. Roadway base shall consist of four (4) inch minimum depth of compacted, crushed stone conforming to requirements of Gradation No. 2 of Section 304 - Crushed Aggregate Base Course of "State of Wisconsin, Standard Specifications For Road and Bridge Construction," latest

edition, in top layer over five (5) inch minimum depth of compacted, crushed stone in bottom layer, which conforms to following gradation specifications:

Sieve Size	Percentage Passing by Weight
3-inch	100
2-1/2-inch	90-100
2-inch	35-70
1-1/2-inch	0-15
3/4-inch	0-5

- d. On commercial, arterial or other heavy-use streets, as determined by the City Engineer, a ten (10) inch minimum depth base course shall be constructed upon an inspected and approved subgrade, with crushed rock approximately six (6) inches in depth conforming to the specifications in Subsection (b)(4)b above and overlaid with one (1) four (4) inch layer of crushed stone conforming to Gradation No. 2 as specified in Subsection (b)(4)b above.
 - e. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the City Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis for separate pavement design analysis.
 - f. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.
 - g. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections. Compaction shall be to ninety-five percent (95%) modified Proctor ASTM D1557. Testing shall be conducted by nuclear density meter or as otherwise approved by the City Engineer.
 - h. The subdivider shall furnish drawings which indicate the proposed grades of streets shown on the plat and, after approval of those grades by the City Engineer and adoption by the Common Council, the streets shall be graded to full width of the right-of-way of the proposed street to the subgrade elevations shown on the typical cross-section. The grading is to be completed prior to installation of utilities. All stumps and trees which cannot be saved, boulders and other similar items shall be removed by the subdivider.
- (5) **Roadway Subgrade Quality.** All subgrade material shall have a minimum California Bearing Ratio (CBR) of three (3). Subgrade material having a CBR less than three (3) shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions. The soil support CBR values

selected for use by the designer should represent a minimum value for the soil to be used.

- (6) **Roadway Sub-Base.** Stable and nonorganic sub-base material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the City Engineer.
- (7) **Street Width; Pavement Thickness; Surfacing.**
 - a. After the installation of all utility and storm water drainage improvements, the City shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or the comprehensive plan components of the City.
 - b. All roadways shall be surfaced with a three and one-half (3-1/2) inch hot mix bituminous concrete pavement, made up of a two (2) inch binder course and a one and one-half (1-1/2) inch surface course, placed on an eight (8) inch thick gravel base. The bituminous pavement shall be constructed in stages.
 - c. The binder course being placed initially upon completion of the utilities, and the surface course being placed at such time that seventy-five percent (75%) of the lots within the subdivision have been developed, but not sooner than one (1) year after the date the binder course was placed. All failures in the binder course shall be repaired and no bituminous surface shall be laid later than October 1 of any given year. Said surfacing shall be done in accordance with plans and standards specifications approved by the City Plan Commission, upon the recommendations of the City Engineer.
 - d. The entire cost of surfacing will be paid for by the City.
- (8) **Roadway Culverts and Bridges.** Roadway culverts and bridges shall be constructed as directed by the City Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls. All culverts shall be designed to pass a ten (10) year, twenty-four (24) hour duration storm event.
- (9) **Driveways.**
 - a. Curbs shall not be interrupted by openings for driveways or other accessways to private property unless the number and location of such interruptions have been approved by the City Engineer.
 - b. When allowed, curb openings for driveways within the public service area shall be no less than fourteen (14) feet nor more than twenty-four (24) feet in width unless the opening is intended to afford access to a commercially zoned parcel. The width of any driveway opening intended to afford access to commercial property shall not be more than thirty-five (35) feet, unless otherwise prescribed by the City Engineer.
 - c. Driveways outside of the public service area shall be no less than twelve (12) feet in width, shall have a culvert at the ditch line, and shall, in all other respects,

- comply with the requirements of any ordinance regulating driveways adopted by the pertinent adjacent town.
- d. The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete or metal endwalls.
- (10) **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a two percent (2%) slope shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc.
- (11) **Continuity and Transitions.**
- a. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the greater of either the existing or required pavement type, width, grade and cross slope.
- b. Where it is necessary to provide for a transition of pavement width and/or type between new and existing streets, the transition shall occur in a safe manner at an intersection. In width transitions, the ratio of the transition length to width shall not be less than forty to one (40:1) unless the City Engineer determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be twenty to one (20:1).
- (12) **Curb and Gutter.** Combination concrete curb and gutter is required on all streets. Refer to Section 14-1-54 describing requirements for curbs and gutters.
- (13) **Post-Construction Traffic Limited.** No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the City Engineer to protect the new pavement.
- (14) **Rural Street Sections.**
- a. When permanent rural street sections have been approved by the Common Council, the City shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the City Plan Commission, as recommended by the City Engineer and as set forth in this Chapter.
- b. The cost of rural street sections will be paid for by the City. Any work to be done must be requested the year before the work is to be completed for budgetary purposes.

Sec. 14-1-72 Block Design Standards.

- (a) **Length; Arrangement.**
- (1) The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length (measured in the long dimension from street centerline to street centerline) shall not be less than six hundred

- (600) feet nor exceed one thousand five hundred (1,500) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines, unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (2) Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots. Cul-de-sacs may be used where the interblock spacing of adjacent streets exceeds the appropriate depth of two (2) tiers of lots.
- (b) **Pedestrian Pathways.** Pedestrian pathway easements not less than ten (10) feet wide may be required by the Common Council, upon the recommendation of the Plan Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (c) **Street Tree Planting Strip Easements.** Tree planting strip easements shall be provided for on both sides of all streets when the street terrace is insufficient. The minimum easement width shall be ten (10) feet and shall be adjacent to the front property line. Street trees shall be maintained by the adjacent property owner in accordance with City ordinances.

Sec. 14-1-73 Lot Design Standards.

- (a) **Size.**
- (1) **Generally.** The size, shape and orientation of lots shall be appropriate for the location of topography of the land division, and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the City Zoning Code.
- (2) **Zoning Requirement Compliance.** Lot dimensions, shape and size shall provide for conformance to the requirements of the Zoning Code for the permitted land use(s) without the need for the granting of Zoning Code variances by the Zoning Board of Appeals. Area and dimensions of all lots shall conform to the requirements of the City of Bloomer Zoning Code for the subdivisions within the City and to the Chippewa County Zoning Ordinance within the City's extraterritorial jurisdictional limits. Those building sites in the extraterritorial plat approval jurisdiction not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Ch. ILHR 83, Wis. Adm. Code. The width and area of lots located on soils suitable for the use of an on-site soil absorption sewage disposal system shall not be less than one hundred fifty (150) feet in width and forty thousand (40,000) square feet in area.

- (3) **Depth.** Depth of lots shall be a minimum of one hundred twenty (120) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- (4) **Lot Width.** Width of lots shall conform to the requirements of the City's Zoning Code, or other applicable ordinance, and in no case shall a lot be less than sixty (60) feet in width at the building setback line.
- (b) **Commercial or Industrial Lots.** Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the City Zoning Code.
- (c) **Minimum Lot Frontage.** All lots on curved streets and cul-de-sacs shall have a minimum of forty (40) feet of platted frontage on a public street to allow access by emergency and service motor vehicles unless part of a Planned Unit Development approved by the Common Council. In any case, minimum lot width at building setback line shall be in conformance with the requirements of the Zoning Code. Alley frontage (public or private) shall not constitute meeting this minimum frontage requirement.
- (d) **Corner Lots.** Corner lots for residential use shall have an extra width of twenty (20) feet to permit full building setback from both streets, or as required by applicable zoning regulations.
- (e) **Access to Public Streets.** Every lot shall front or abut on a public street for a distance of at least forty (40) feet.
- (f) **Side Lots.** Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines. Lot lines shall follow City boundary lines rather than cross them.
- (g) **Double and Reversed Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (h) **Natural Features.** In the dividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (i) **Land Remnants.** All remnants of lots below minimum size left over after dividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (j) **Large Lots.** In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the City Zoning Code for the zoning district in which the land is located, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the Zoning Code.
- (k) **Trunk Highway Proximity.** All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than

fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref. Wis. Adm. Code HY 33). The subdivider may appeal this requirement to the City Engineer. Upon written request of the City Engineer; the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Administrative Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.

- (l) **Easement Allowance.** Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.
- (m) **Drainage Way and Watercourses.**
 - (1) **Lots Abutting Watercourse.** Lots abutting upon water course, drainage way, channel or stream shall have such additional depth or width as required by the City Engineer to obtain building sites that are not subject to flooding from a post development one hundred (100) year twenty-four (24) hour duration storm event.
 - (2) **Meander Lines.** Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.
- (n) **Greater Building and Setback Lines.** Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.

Sec. 14-1-74 Drainage and Stormwater Management System.

- (a) **Purpose.**
 - (1) The following provisions in this Section are established to preserve and provide properly located public sites and facilities for drainage and stormwater management as the community develops, and to insure that the costs of providing and developing such public sites are equitably apportioned on the basis of serving the need for the management of increased stormwater quantities resulting from land development.
 - (2) The City shall install all storm sewers within the proposed subdivision. The entire cost of installation of storm sewers shall be paid for by the City.

(b) **Drainage System Required.**

- (1) As required by Section 14-1-58, a drainage system shall be designed and constructed to provide for the proper drainage of the surface water of the land division and the drainage area of which it is a part. A Final Plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved or modified by the Common Council, upon the recommendations of the Plan Commission and City Engineer. Drainage systems shall be designed to accommodate a ten (10) year storm event.
- (2) Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (3) The Plan Commission shall not recommend for approval any subdivision plat which does not provide adequate means for stormwater or floodwater runoff. Any stormwater drainage system will be separate and independent of any sanitary sewer system. Storm sewers, where necessary, shall be designed in accordance with all governmental regulations, and a copy of design computations for engineering capacities shall accompany plans submitted by the planning engineer for the final plat. When calculations indicate that curb capacities are exceeded at a point, or that storm water will extend more than ten (10) feet beyond the face of the curb, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(c) **Drainage System Plans.**

- (1) The subdivider shall submit to the City at the time of filing a Preliminary Plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
 - a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
- (3) The design criteria for storm drainage systems shall be based upon information provided by the City Engineer.

- (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the City Engineer.
- (d) **Drainage System Requirements.** Storm drainage facilities as indicated on the plans required in Subsection (a) of this Section necessary to serve, and resulting from, the phase of the land division under development shall be installed as follows:
 - (1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the minor drainage system and shall be designed to carry street, adjacent land and building storm water drainage. Storm water shall not be permitted to be run into the sanitary sewer system within the proposed subdivision or to run across street intersections.
 - (2) **Off-Street Drainage.** The design of the off-street major drainage system shall include the entire watershed affecting the land division and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement pursuant to Subsection (e) of the City to provide for the future maintenance of said system.
- (e) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the City Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded and those with grades over four percent [4%] shall be paved or lined with rip-rap).
- (f) **Drainage Easements.** Where a land division is traversed by a watercourse, drainageway, channel or stream:
 - (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
 - (2) The watercourse or drainageway may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section; or
 - (3) Wherever possible, drainage shall be maintained in an easement by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such easements shall be of a minimum width established at the high water mark plus ten (10) feet.
- (g) **Dedication of Drainageways.** Whenever a parcel is to be subdivided or consolidated and embraces any part of a drainageway identified on a City Comprehensive Storm Water Management Plan, master plan and/or official map or any portion thereof, such part of said

existing or proposed public drainageway shall be platted and dedicated by the subdivider as an easement or right-of-way in the location and at the size indicated along with all other streets and public ways in the land division. Whenever any parcel is to be subdivided or consolidated and is part of a drainage district established under the authority of Chapter 88, Wis. Stats., the subdivider shall petition the Circuit Court to transfer the jurisdiction of that portion of the drainage district being subdivided or consolidated to the City in accordance with Chapter 88.83, Wis. Stats.

- (h) **Dedication/Preservation of Storm Water Management Facilities.** The subdivider shall dedicate sufficient land area for the storage of storm water to meet the needs to be created by the proposed land development and in accordance with the standards for on-site detention and as determined by the City Engineer. Whenever a proposed storm water management facility (e.g., detention or retention basin) shown on the Comprehensive Storm Water Management Plan (if applicable), master plan and/or official map is located, in whole or in part, within the proposed land division, ground areas for providing the required storage capacity in such proposed public facility shall be dedicated to the public to the requirements of the master plan and/or official map.
- (i) **Storm Drainage Facilities.**
- (1) The subdivider, at his/her cost, shall install all drainage facilities identified in the Erosion Control Plan or determined by the City Engineer other than storm sewers as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a Comprehensive Surface Water Management Study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/or public improvements served by the storm drainage facilities.
 - (2) The subdivider shall submit to the City Engineer for his/her review and approval a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:
 - a. Estimates of the quantity of storm water entering the land division naturally from areas outside the land division.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (3) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the land division.

- (4) The design criteria for storm drainage systems shall be reviewed by the City Engineer and approved or modified.
 - (5) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, code, etc.) shall be in compliance with standards and specifications provided by City ordinance and/or the City Engineer.
- (j) **Minor Drainage System.** The subdivider shall install all minor drainage system components necessary to reduce inconvenience and damages from frequent storms. Minor drainage components shall include all inlets, piping, gutters, channels, ditching, pumping and other facilities designed to accommodate the post-development runoff resulting from a ten (10) year, twenty-four (24) hour rainfall event as determined in the most current edition of the Soils Conservation Service Technical Release 55 (TR 55). Temporary accumulations of storm runoff from ponding or flowing water, in or near minor system components, shall be permitted providing such accumulations do not encroach on any traffic lane of any collector or arterial street, nor on the center sixteen (16) feet of any local street, except on cul-de-sac or permanently dead-end streets serving less than ten (10) dwelling units, where such accumulations may not overtop the curb. In drainageways and drainageway easements, accumulations of water shall not inundate beyond the limits of the drainageway or drainageway easement. Cross-street drainage channels (valley gutters) shall not be permitted.
- (k) **Major Drainage System.** Other than storm sewers installed by the City, the subdivider shall install all major drainage system components necessary to reduce inconvenience and damages from infrequent storms. Major system components shall include large channels and drainageways, streets, easements and other paths and shall be capable of accommodating post-development runoff in excess of that accommodated by minor system components resulting from twenty-four (24) hour rainfall events for storms with return frequencies greater than ten (10) years up to and including the one hundred (100) year return event (as identified in TR 55). On local and collector streets and drainageways and drainage easements, accumulations of water shall not inundate any buildings at the ground line, unless such buildings are flood-proofed. On arterial streets and in commercial zoning districts, accumulations of water shall not inundate any buildings at the ground line, unless such buildings are flood-proofed and the depth of water at the street crown shall not exceed six (6) inches to permit operation of emergency vehicles.
- (l) **Drainage Piping Systems.**
- (1) Unless otherwise approved by the City Engineer, all drainage piping of twelve (12) inches diameter and greater shall be constructed of reinforced concrete pipe class adequate for proposed street loading. Open drainage inlet pipes or culverts with any opening dimension in excess of eighteen (18) inches shall be equipped with debris grates having an exposed area at least seven (7) times the pipe opening area to avoid backwater accumulations from trash buildup and unsafe stream velocities and a maximum opening size of six (6) inches. Drainage piping outfalls with any opening

dimension in excess of thirty-six (36) inches shall be protected from unauthorized entry by fencing, partial or total submergence of the outlet, debris grates or other methods approved by the City Engineer unless in such a location as to render routine maintenance operations impossible. Outfalls and their channels shall be protected from damages due to scour and erosion to the satisfaction of the City Engineer.

- (2) Agricultural drain tiles which are disturbed during construction shall be restored, reconnected or connected to public storm drainage facilities.

(m) **Open Channel Systems.**

- (1) Where open channels are utilized in either the minor or major drainage system, they shall be designed so as to minimize maintenance requirements and maximize safety. Drainage easements (in lieu of dedications) shall be utilized to accommodate open channels provided adequate access by the City for maintenance of drainage capacity. Side slopes shall not exceed a four-to-one (4:1) slope. Drainageways with grades of 0.75% or less, or where subject to high ground water, continuous flows, or other conditions as determined by the City Engineer that would hamper maintenance operations due to consistently wet conditions, shall have a paved concrete invert of not less than eight (8) feet wide and side slopes to a point one (1) foot above the channel invert.
- (2) In areas where invert paving is not required, the drainageway bottom shall be grass. If the drainageway has a bare soil bottom or the natural grasses in the drainageway are disturbed due to development operations, the drainageway bottom shall be sodded and securely staked to one (1) foot above the elevation of inundation resulting from a predevelopment ten (10) year, twenty-four (24) hour storm event. Other disturbed areas shall be seeded and prepared in accordance with the City's Erosion Control requirements. Velocities for grass-lined channels shall not exceed those presented in the City's Surface Water Management Study, if one is adopted.

(n) **Standards for On-Site Detention Storage.** The subdivider shall employ on-site detention to control erosion and sedimentation, reduce the post-development peak runoff rate or temporarily store storm water runoff due to inadequate downstream drainage facilities. The detention (storage) facilities shall be subject to regulation in accordance with the following standards:

- (1) Where on-site detention is temporarily employed for erosion and sedimentation control, the detention facilities shall safely contain the predevelopment runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.
- (2) Where on-site detention is permanently employed to reduce the post-development peak runoff, the detention facility shall safely contain the post-development runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.
- (3) Detention facility peak discharge rates for the maximum storm required to be contained shall not exceed the predevelopment peak discharge rate from a ten (10)

- year storm event of twenty-four (24) hour duration or the capacity of the downstream drainage facilities, whichever is less.
- (4) All temporary detention facilities shall safely contain or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one hundred (100) year storm event of twenty-four (24) hour duration.
 - (5) All permanent detention facilities shall safely contain or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one hundred (100) year storm event of twenty-four (24) hour duration on both public and, if necessary, private properties without inundating any building at the ground elevation, the travel lanes of any arterial street, the center ten (10) feet of any collector street or the top of the curb on any local street.
 - (6) Determination of on-site detention volumes shall be computed by procedures established by the United States Soil Conservation Service in the most current edition of its technical publication entitled "Urban Hydrology for Small Watersheds, TR-55," and as accepted and approved by the City Engineer.
 - (7) The storage of storm water runoff shall not encroach on any public park (except parks designed with detention facilities) or any private lands outside the land division unless an easement providing for such storage has been approved and recorded for said lands.
 - (8) All detention facilities shall be designed with the safety of the general public and any considerations for ease of maintenance as top proprieties.
 - (9) Any wet detention facilities shall include riprap to not less than two (2) feet above the normal pool elevation for protection from wave action.
 - (10) The sides of all detention facilities shall have a maximum slope ratio of four to one (4:1) (horizontal to vertical), with flatter slopes being required where determined practical by the City Engineer.
 - (11) The Common Council, upon recommendation by the City Engineer, may require the installation of fencing or other such security measures in detention facilities with excessively long down times or permanent water features, or other features requiring additional security for safety reasons.

Sec. 14-1-75 Non-Residential Subdivisions.

(a) General.

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the City may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the City Building Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards

required by the City and shall conform to the proposed land use standards established by any City Comprehensive Plan or Official Map and the City Zoning Code.

- (b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Common Council that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (3) Special requirements may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to the installation of public utilities, including water, sewer and storm water drainage.
 - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
 - (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Sec. 14-1-76 Grading.

The subdivider shall grade each land division in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

- (a) **Master Site-Grading Plan.**
- (1) The entire cost of grading will be paid for by the City. All street project that will require grading must be requested for one (1) year in advance of the actual work to be done so the funds can be budgeted for.
 - (2) A master site-grading plan shall be prepared by the subdivider for all new subdivisions. This plan shall be prepared in accordance with the requirements and standards of the City.
 - (3) The master site-grading plan shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate all overland storm drainage in and adjacent to the subdivision. The cost of the preparation of such a plan shall be paid for by the subdivider.

- (4) After approval or modification of these plans by the City Engineer, the full width of the right-of-way of the proposed streets within the subdivision and the entire subdivision lot area shall be graded in accordance with the master site-grade plan. The owners of the subdivision lots shall adhere to those plans.
- (5) Upon completion of all street and subdivision grading, the grades shall be checked and inspected by the Building Inspector to determine that the completed grading work is in accordance with the master site-grading plan. All grades shall be within four-tenths (.4) of a foot of the elevations shown on the master site grading plan.
- (b) **Right-of-Way Grading.** The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of site triangles at each intersection.
- (c) **Block Grading.** Block grading shall be completed by one (1) or more of the following methods prior to the installation of utilities:
 - (1) Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities.
 - (2) Parts of all lots may be graded to provide for drainage to a ditch or to a swale, provided any ditches or swales are in public drainage easements.
 - (3) Draining across rear or side lot lines may be permitted provided that the course of drainage is within a public drainage easement and is toward public drainage facilities.
- (d) **Miscellaneous Grading Requirements.**
 - (1) Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a minimum grade of one percent (1%) and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility.
 - (2) Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access.
 - (3) The topsoil stripped for grading shall not be removed from the site unless identified in the Erosion Control Plan approved by the City Engineer as not being necessary for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded for erosion control prior to the City releasing the one (1) year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.
 - (4) Such grading shall not result in detriment to any existing developed lands, either within or outside of the corporate limits.

Sec. 14-1-77 through Sec. 14-1-79 Reserved for Future Use.

Article H: Park and Public Land Dedications

Sec. 14-1-80 General Park and Public Land Dedication Requirements.

- (a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, drainage-ways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, or official map, such areas shall be made a part of the preliminary and final plats as stipulated in this Chapter. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, standards of fine trees, marshes, lakes, ponds, watercourses, watersheds and ravines.

Sec. 14-1-81 Land Dedication.

- (a) **Dedication of Sites.** Each subdivider of land in the City of Bloomer shall, at the discretion and direction of the Common Council, upon the recommendation of the Plan Commission, either dedicate open space lands designated on the City's comprehensive plan or plan component, or reserve such open space lands and pay a public site fee or, where no open space lands are directly involved, pay a public site fee. The Common Council, upon the recommendation of the Plan Commission shall, at the time of reviewing the preliminary plat or certified survey map, select one (1) of the following options and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval.
 - (1) **Dedication of Site Option.**
 - a. Whenever a proposed playground, park or other public open space land designated on the City's comprehensive plan, neighborhood unit development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the public land shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one (1) acre for each fifty (50) proposed or potential dwelling units, and any such proposed public lands in excess of the rate established herein shall be reserved for a period not to exceed three (3) years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices.

b. If the lands in excess of the established rate are not acquired within the three (3) year period as set forth herein, the land will be released from reservation to the owner.

(2) **Public Site Fee.** In the alternative, the subdivider shall be required to pay a fee pursuant to Subsection (c) below.

(b) **Minimum Size of Park and Playground Dedications.**

(1) In general, land reserved for recreation purposes shall have an area of at least one (1) acre. Where the amount of land to be dedicated is less than one (1) acre, the Common Council may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or certified survey so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one (1) acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.

(2) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet.

(c) **Fees in Lieu of Land.**

(1) Where, in the sole discretion of the Common Council, there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the City's comprehensive development or park plan, the minimum size under Subsection (b) cannot be met, or City officials determine that a cash contribution would better serve the public interest, the Common Council shall require the subdivider to contribute a park and recreation development fee in lieu of land. The fees collected shall be held in a nonlapsing fund to be used for purchase, development, improvement and maintenance of parks, playgrounds, open spaces and other recreational sites and facilities. The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. Said fee shall be paid to the City Clerk-Treasurer at the time of first application for approval of a final plat of said subdivision in the amount of Fifty Dollars (\$50.00) for each dwelling unit/lot within the plat, certified survey map, or condominium plat.

(2) The Common Council may, in its sole discretion, permit the subdivider to satisfy the requirements of this Article by combining a land dedication with a fee payment. If a land dedication of twenty-five percent (25%) of the required dedication is made, the subdivider shall also contribute an amount equal to seventy-five percent (75%) of the required per unit fee in lieu of land. If a land dedication of fifty percent (50%) of the required dedication is made, the subdivider shall also contribute an amount equal to fifty percent (50%) of the required per unit fee in lieu of land. If a land dedication

of seventy-five percent (75%) of the required dedication is made, the subdivider shall also contribute an amount equal to twenty-five percent (25%) of the required per unit fee in lieu of land.

- (3) The City shall place any fee collected pursuant to the provisions of this Section in a separate account to be used at the discretion of the Common Council in any community park, for developing adequate parks, playgrounds, recreation and open spaces.
- (d) **Suitability of Lands.** The Common Council, upon the recommendation of the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (e) **Deeded to the City.** Land dedicated for public purposes shall be deeded to the City at the time the Final Plat is approved.

Sec. 14-1-82 Development of Park Area.

- (a) When parklands are dedicated to the City, the subdivider is required to:
 - (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area as approved by the City Engineer; and
 - (3) Cover areas to be seeded with a minimum of six (6) inches of quality topsoil, seed as specified by the Director of Public Works, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 627 and 629". The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the Common Council. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the City accepts the dedication.
- (b) It shall be the responsibility of the City to maintain the dedicated areas upon their dedication and acceptance by the City. The owner of said land shall be responsible for its maintenance and liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property.
- (c) A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area

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shall be provided by the developer with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.

- (d) The Common Council may require certification of compliance by City officials. The cost of such report shall be paid by the subdivider.
- (e) If the subdivider fails to satisfy the requirements of this Section, the Common Council may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.
- (f) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.
- (g) Development of park lands is to be completed as soon as twenty percent (20%) of the planned lots in the subdivision are sold or developed, as determined by the Common Council.

Sec. 14-1-83 through Sec. 14-1-89 Reserved for Future Use.

Article I: Fees

Sec. 14-1-90 Administrative and Other Fees.

- (a) **General.** The subdivider shall pay the City of Bloomer all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map according to a developer agreement.
- (b) **Engineering Fees.** The subdivider shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with the plat or certified survey map, including inspections required by the City pursuant to Section 14-1-52(d). The subdivider shall pay a fee equal to the actual cost to the City for such engineering work and inspection as the Common Council and/or City Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the City or any other governmental authority. Engineering work shall include the preparation of construction plans, review of preliminary plat, final plat, construction plans, standard specifications and inspection of construction.
- (c) **Inspection Fees.** The subdivider shall pay a fee to the City Clerk-Treasurer equal to the actual cost to the City for such inspections as the City Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the City or any other governmental authority.
- (d) **Administrative Fees.** The subdivider shall pay a fee to the City equal to the cost of any legal, administrative or fiscal work which may be undertaken by the City in connection with the plat or certified survey map.
- (e) **Concept Plan.** There shall be no fee for the City's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.
- (f) **Preliminary Plat.**
 - (1) A subdivider who submits a Preliminary Plat or condominium plat for the City Plan Commission and the Common Council shall file said Preliminary Plat with the City Clerk-Treasurer and shall deposit with the City Clerk-Treasurer a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat or condominium plat shall be Twenty-five Dollars (\$25.00) plus Five Dollars (\$5.00) per each lot. If the plat is rejected, no part of the fee shall be returned to the petitioner.
 - (2) A reapplication fee of Twenty-five Dollars (\$25.00) shall be paid to the City Clerk-Treasurer at the time of reapplication for approval or amendment of any Preliminary Plat or condominium plat which has previously been reviewed.
- (g) **Final Plat Review Fee.**
 - (1) The subdivider shall pay a fee of Twenty-five Dollars (\$25.00) plus Two Dollars (\$2.00) for each dwelling unit within the Final Plat to the City Clerk-Treasurer at the

time of first application for Final Plat approval of said plat to assist in defraying the cost of review.

- (2) A reapplication fee of Ten Dollars (\$10.00) shall be paid to the City Clerk-Treasurer at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.
- (h) **Certified Survey.**
- (1) The subdivider shall pay an application fee of Twenty-five Dollars (\$25.00) for each certified survey, plus Five Dollars (\$5.00) for each lot being created.
 - (2) Should the subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be Twenty-five Dollars (\$25.00) for each amended or revised Certified Survey.
- (i) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review to the City Clerk-Treasurer at the time of application. Said review fees shall be retransmitted to the proper state review agency by the City Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Transportation, Wisconsin Department of Commerce and the Wisconsin Department of Natural Resources.
- (j) **Public Site Fee.** If the subdivision does not contain lands to be dedicated as required in this Chapter, the City Clerk-Treasurer shall require a fee pursuant to Section 14-1-84 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.
- (k) **Assessments.** All outstanding special charges (including, without limitation, charges for engineering, legal fees, taxes, public works fees, etc.) due to the City shall be due prior to the signing of the Final Plat or Certified Survey by the City.

Sec. 14-1-91 through Sec. 14-1-99 Reserved for Future Use.

Article J: Variances; Penalties and Violations

Sec. 14-1-100 Variations and Exceptions.

- (a) Where the subdivider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he/she may request variations or exceptions 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. When in the judgment of the Common Council it would be inappropriate to apply literally a provision of this Chapter because the subdivision is located outside the corporate limits of the City or because extraordinary hardship would result or because the City deems it to be in the public interest, it may waive or vary such provision so that substantial justice will be done and the public interest secured; provided the requirement of filing and recording the plat shall not be waived. Application for any such variance shall be made in writing by the subdivider to the City Clerk-Treasurer at the time when the Preliminary Plat or certified survey is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid City officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. The City Clerk-Treasurer may request that the City Engineer, City Attorney or other officials review each situation to insure that the request is consistent with the requirements and standards of this Chapter. The City Clerk-Treasurer shall refer the matter to the Plan Commission with any written recommendations from City staff. The Plan Commission shall make a determination and convey its decision in writing to the Common Council. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (b) The Common Council shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) Failure to grant the variation may 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 variation 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, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

- (4) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- (5) There would be no costs (present or future) to the City resulting from the granting of the variance or exception.
- (c) Any recommendations for variances or exceptions by the Plan Commission must be approved by a minimum of five (5) affirmative Plan Commission member votes and shall be so endorsed by the Secretary and transmitted to the Common Council. The Common Council, if it approves, shall do so by resolution adopted by three-fourths (3/4) vote and shall instruct the City Clerk-Treasurer to notify the Plan Commission and the subdivider.
- (d) Variances from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Common Council, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, City Zoning Ordinances, and any City comprehensive plan.

Sec. 14-1-101 Enforcement, Penalties and Remedies.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the City authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
 - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the City at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Revocation of Permits and/or Approvals.**
 - (1) The City Engineer, Director of Public Works or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may

- stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
- a. Whenever the City Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the subdivider or his/her contractor has refused to conform after written warning or instruction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 - d. Whenever, in the opinion of the City Engineer, Director of Public Works or Building Inspector, the subdivider has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the City Engineer, Director of Public Works or Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
- (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and/or on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the premises in question by the City Engineer, Director of Public Works or Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the City Engineer, Director of Public Works or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
 - (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the City Clerk-Treasurer for consideration by the Common Council at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
 - (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Chapter is obtained.

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- (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Chapter may result in health or safety problems for the occupants.
- (d) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15 of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

Sec. 14-1-102 Restrictions for Public Benefit.

Pursuant to Sec. 236.293, Wis. Stats., any restriction placed on platted lands by covenant, grant of easement, land division or consolidation approval, which was required by the City of Bloomer and which names a public body or public utility as grantee, promisee or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by resolution of the Common Council.

TITLE 15

Building Code

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| Chapter 1 | Building Code |
| Chapter 2 | Construction Site Erosion Control |
| Chapter 3 | Fair Housing |
| Chapter 4 | Minimum Property Maintenance Code |
| Chapter 5 | Commercial Property Exterior Maintenance
Code |
| Chapter 6 | Grievances Regarding Access to Public
Buildings, Programs, Service and Employment |
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Title 15 ► Chapter 1

Building Code

15-1-1	Building Code Established
15-1-2	Building Permits and Inspection
15-1-3	State Uniform Dwelling Code Adopted
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15-1-11	Regulations for Moving Buildings
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15-1-15	Penalties

Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the City of Bloomer" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

(c) **Scope.**

- (1) New buildings hereafter erected in, or any building hereafter moved within or into the City, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.
- (2) This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, and residential accessory buildings. Not included are children's play structures and agricultural buildings.
- (3) These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

- (d) **Building Inspector.** Due to the size of the City of Bloomer, it may not be feasible to find a suitable person willing to take on the responsibility of being Building Inspector on a part-time basis. It is therefore provided that some function of the Building Inspector can be delegated to a committee of the Council or to another City official. An officer other than a Council member or another employee of the City may also be designated to handle the duties of Building Inspector on a part-time basis in addition to the other duties performed by such person.

Sec. 15-1-2 Building Permits and Inspection.

(a) **Permit Required.**

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the City of Bloomer and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the City, except as herein provided, until a permit therefor shall first have been obtained pursuant to this Chapter by the owner, or his/her authorized agent, from the Building Inspector or City Clerk-Treasurer pursuant to this Section. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
 - a. New buildings.
 - b. Additions that increase the physical dimensions of a building including decks.

- c. Exempted are re-roofing and finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the Building Inspector. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof.
 - d. Exempt are normal minor repairs.
- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
 - b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
 - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.

- e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.**
 - (1) Application for a building permit shall be made in writing upon a form furnished by the City Clerk-Treasurer or Building Inspector and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector or Clerk-Treasurer may require. In compliance with the Uniform Dwelling Code, the general contractor will submit to the Building Inspector one (1) copy of the building plans, along with the energy efficiency calculations.
 - (2) Building permits for non-structural remodeling and re-siding projects may be issued by the City Clerk-Treasurer.
- (c) **Site Plan Approval - Multi-Family and Commercial Structures.**
 - (1) **Site Plan Approval.** All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Plan Commission in accordance with the requirements of this Section, unless site plan review is required under the City Zoning Code. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
 - (2) **Administration.** The Building Inspector shall make a preliminary review of the application and plans requiring site plan review and refer them along with a report of his findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and determine whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Building Inspector to issue or refuse a building permit.
 - (3) **Requirements.** In acting on any site plan, the Plan Commission shall consider the following:
 - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in

- this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
- c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - d. The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.
- (4) **Effect on Municipal Services.** Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the City has entered into an agreement with the applicant regarding the development of such facilities.
 - (5) **Appeals.** Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the City Clerk-Treasurer within seven (7) days of the denial.
- (d) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Common Council.
 - (e) **Utilities Required.**
 - (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector or Clerk-Treasurer.
 - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
 - (f) **Plans.** With such application, there shall be submitted three (3) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions

showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to City datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations). One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Ch. COMM 20.09(4), Wis. Adm. Code.

- (g) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within eighteen (18) months from the date of issuance thereof.
- (h) **Inspection Warrants.** If the Building Inspector is denied access to inspect a property, he/she may request the City Attorney to seek an inspection warrant pursuant to Sec. 66.122, Wis. Stats.
- (i) **Inspections.**
 - (1) The general contractor will call for an inspection when:
 - a. Excavation is to begin.
 - b. Footings are to be poured.
 - c. Before basement floor is poured.
 - d. Before underground plumbing is covered.
 - e. When frame work is completed and before drywall is started.
 - (2) Under no circumstances can a home be occupied until a final inspection is done by the Building Inspector.
 - (3) Failure to call for any one of these inspections will result in a Two Hundred Dollars (\$200.00) fine paid to the City of Bloomer.
 - (4) Allowing a home to be occupied without a final inspection by the Building Inspector is subject to a One Hundred Dollars (\$100.00) a day fine paid to the City of Bloomer.

(j) **Revocation of Permits.**

- (1) The Building Inspector or the Common Council may revoke any building permit or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
- (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector or City representative.
- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.

- (k) **Report of Violations.** City officers shall report at once any building which is being carried on without a permit as required by this Chapter.
- (l) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

Sec. 15-1-3 State Uniform Dwelling Code Adopted.

(a) **Adoption of Codes.**

- (1) The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Chs. COMM 16-17	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Ch. COMM 26	Inspection Certification
Chs. COMM 50-64	Commercial Building and Heating, Ventilating and Air Conditioning Code
Ch. COMM 66	Multi-Family Code
Ch. COMM 67	Rental Unit Energy Efficiency
Ch. COMM 69	Barrier Free Design
Ch. COMM 70	Historic Building Code
Chs. COMM 81-86	Uniform Plumbing Code
Chs. ILHR 75-79	Existing Building Code

- (2) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this City. A copy of these administrative code provisions and any future amendments shall be kept on file in the City Clerk-Treasurer's Office.
- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the City Assessor.

- (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
- (4) Additions and alterations — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (c) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) **Department.** The Wisconsin Department of Commerce, formerly the Department of Industry, Labor and Human Relations.
- (4) **Dwelling.** "Dwelling" means:
- a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units;
or
- b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
- (5) **Minor Repair.** Repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- (6) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (7) **Person.** An individual, partnership, firm or corporation.
- (8) **Uniform Dwelling Code.** Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter COMM 20	—	Administrative and Enforcement
Wis. Adm. Code Chapter COMM 21	—	Construction Standards
Wis. Adm. Code Chapter COMM 22	—	Energy Conservation Standards
Wis. Adm. Code Chapter COMM 23	—	Heating, Ventilating and Air Conditioning
Wis. Adm. Code Chapter COMM 24	—	Electrical Standards
Wis. Adm. Code Chapter COMM 25	—	Plumbing and Potable Water Standards

(d) **Method of Enforcement.**

- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Sec. COMM 26.06, Wis. Adm. Code.
- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Common Council.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.

Sec. 15-1-4 Construction Standards; Codes Adopted.

- (a) **Portions of State Building Code Adopted.** Chapters COMM 50 through COMM 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chapters 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chapters 50 to 64 and amendments thereto shall be kept on file in the office of the City Clerk-Treasurer.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Chapter 145, Wis. Stats., and Wis. Adm. Code Chapters H 81, H 82, H 83 and COMM 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
 - (1) Wis. Adm. Code COMM 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
 - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby

adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (c)(1) above.

- (d) **Conflicts.** If, in the opinion of the Building Inspector and the Common Council, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the City shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

Sec. 15-1-5 New Methods and Materials.

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations) for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) 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 the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations). The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations).

Sec. 15-1-6 Unsafe Buildings.

Whenever the Common Council find any building or part thereof within the City to be, in its judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they 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 Sec. ~~66.05~~, Wis. Stats.

Cross-Reference: Section 15-4-9.

66.0413

Sec. 15-1-7 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the City of Bloomer. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other

interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

Sec. 15-1-8 Regulation and Permit for Razing Buildings.

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the City of Bloomer shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure. The fee for such permit shall be Twenty-five Dollars (\$25.00).
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
 - (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
 - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
 - (3) The date upon which demolition is to commence;
 - (4) The date by which demolition shall be complete;
 - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - (7) A description of the method of demolition to be used; and
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
 - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**
- (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in same other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
 - (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
 - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the City provided that a written copy of the opinion is delivered to the City Clerk-Treasurer at least forty-eight (48) hours before filling of the excavation commences.
- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.
- (f) **Miscellaneous Provisions.**
- (1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
 - (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
 - (3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.

- (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 15-1-9 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

Sec. 15-1-10 Duplex and Multi-Service Connections.

- (a) A duplex structure shall be allowed a common water service to the curb stop, but each unit of said duplex shall have a separate outside curb stop for the purpose of shutting water off in one (1) unit without disturbing the second unit.

- (b) Structures over two (2) units, if metered separately, shall also have individual outside curb stops for the purpose of shutting water off in one (1) unit without disturbing other units.
- (c) A common sewer service can be used for duplex and multiple unit structure from the sewer main to the structure.

Sec. 15-1-11 Regulations for Moving Buildings.

(a) General Requirements.

- (1) No person shall move any building or structure upon any of the public ways of the City without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
- (2) A report shall be made by City employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City, shall be paid to the City Clerk-Treasurer prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Common Council.

- (b) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the City that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the City. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the City Assessor.

- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been

moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Common Council, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.

(e) **Conformance with Code.** No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(f) **Bond.**

(1) Before a permit is issued to move any building over any public way in the City, the party applying therefor shall give a bond to the City of Bloomer in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand Dollars (\$5,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Common Council or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the City in connection therewith arising out of the removal of the building for which the permit is issued.

(2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- (g) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.
- (h) **Common Council Approval.**
- (1) No such permit shall be issued unless it has been found as a fact by the Common Council by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the City or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Common Council, which shall not be less than Five Thousand Dollars (\$5,000.00) to be executed in the manner provided in subsection hereof to the effect that he will, within a time to be set by the Common Council, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the City. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.
 - (2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Common Council to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the City. The Common Council may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Common Council shall, in writing, make or refuse to make the finding required by Subsection (h)(1) hereof and file it in the office of City Clerk-Treasurer who shall send a copy of it to the Building Inspector.

Sec. 15-1-12 Construction Sites; Maintaining Clean Streets.

City streets are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The City of Bloomer will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-7.

Sec. 15-1-13 Smoke Detectors.

(a) **Definitions.** As used in this Section:

- (1) **Residential Building.** Any public building which is used for sleeping or lodging purposes and includes any apartment house, rooming house, hotel, children's home, community-based residential facility or dormitory but does not include a hospital or nursing home.
- (2) **Sleeping Area.** The area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.
- (3) **Smoke Detector.** A device which detects particles or products of combustion other than heat.
- (4) **Unit.** A residential building or that part of a residential building which is intended to be used as a home, residence or sleeping place by one (1) person or by two (2) or more persons maintaining a common household, to the exclusion of all others.

(b) **Approved Types.** A smoke detector required under this Section shall be approved by Underwriters Laboratory.

(c) **Installation and Maintenance.**

- (1) The owner of a residence building shall install any smoke detector required under this Section according to the directions and specifications of the manufacturer of the smoke detector.
- (2) The owner of a residential building shall maintain any such smoke detector that is located in a common area of that residential building.
- (3) The occupant of a unit in a residential building shall maintain any smoke detector in that unit, except that if an occupant who is not an owner, or a City officer, agent or employee charged under Statute or municipal ordinance with powers or duties involving inspection of real or personal property, gives written notice to the owner that a smoke detector in the unit is not functional the owner shall provide, within five

- (5) days after receipt of that notice, any maintenance necessary to make that smoke detector functional.
- (d) **General Requirement.** The owner of a residential building the initial construction of which is commenced before, on or after May 23, 1978, shall install and maintain a functional smoke detector in the basement and at the head of any stairway on each floor level of the building and shall install a functional smoke detector either in each sleeping area of each unit or elsewhere in the unit within six (6) feet of each sleeping area and not in a kitchen.
- (e) **Requirement for Residences Under One (1) and Two (2) Family Dwelling Code.**
- (1) The owner of a dwelling shall install a functional smoke detector in the basement of the dwelling and on each floor level except the attic or storage area of each dwelling unit. The occupant of such a dwelling unit shall maintain any smoke detector in that unit, except that if any occupant who is not the owner, or any City officer, agent, or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, gives written notice to the owner that the smoke detector is not functional the owner shall provide, within five (5) days after receipt of that notice, any maintenance necessary to make that smoke detector functional.
- (2) City authorities may inspect new dwellings, may inspect the common areas of dwellings and, at the request of the owner or renter, may inspect the interior of a dwelling unit in a dwelling to ensure compliance with this Section.
- (f) **Manufactured Homes; Mobile Homes.** As prescribed by Secs. 101.745 and 101.925, Wis. Stats., manufactured homes and mobile homes shall meet the smoke detector requirements of this statutes and this Section.

State Law References: Secs. 101.145, 101.645, 101.745 and 101.925, Wis. Stats.

Sec. 15-1-14 Fees.

- (a) **Fees.** Fees shall be paid with application for the appropriate permit designated. Fee amounts under this Chapter shall be as established by resolution of the City Board.
- (b) **Special Charge for Failure or Refusal to Obtain Building Permit.** Each person who fails or refuses, when required under this Chapter, to apply for and obtain a building permit in advance of beginning construction of a building or other structure for which such a permit is required shall, in addition to the ordinary and customary fee established pursuant to Section 15-1-14, pay a special charge equal to five (5) times the amount of the building permit fee at the time that the permit is acquired but not to exceed Five Hundred Dollars (\$500.00) in total. Further, in the event that such a person fails or refuses to apply for and obtain such a permit, despite a demand from the Building Inspector to do so, the Building Inspector shall have the authority to post a cease work order pending compliance with this

Section. The Building Inspector shall also have the authority, after notice has been given to an owner or occupant who has failed to obtain a building permit, to, upon approval of the Common Council, refer the matter of the unpaid permit fee and special charge to the City Attorney for prosecution, in which event the City Attorney shall, in addition to seeking recovery of the fee and special charge, seek assessment by the Court of the penalty under Section 15-1-15.

Sec. 15-1-15 Penalties and Violations.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Common Council and City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in the general penalty provisions of Section 1-1-7 of this Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b)
 - (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(1)(c), Wis. Adm. Code.
 - (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
 - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged or a fine imposed pursuant to Section 15-1-2(k), whichever is greater.

- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Bloomer charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

Title 15 ► Chapter 2

Construction Site Erosion and Stormwater Runoff Control

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Sec. 15-2-1 Authority.

This Chapter is adopted pursuant to the guidelines in Sec. 62.2345, Wis. Stats.

Sec. 15-2-2 Findings and Purpose.

- (a) **Policy Declaration.** The Common Council finds runoff from land disturbing activities carries a significant amount of sediment and other pollutants to the waters of the State and the City of Bloomer.
- (b) **Purpose.** It is the purpose of this Chapter to preserve the natural resources; to protect the quality and quantity of the surface and ground waters of the State and City; 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 discharge from

land disturbing activities to lakes, streams and wetlands. The Common Council finds that land uses have significantly contributed to the process of soil erosion, runoff, and sediment deposition in waters located within or near the City. It is, therefore, declared to be the purpose of this Chapter to control and, if possible, prevent soil erosion and water runoff increases and, thereby, to preserve the natural resources, control floods, and prevent impairment of dams and reservoirs, protect the quality and quantity of public waters and wetlands, prevent property damage, preserve wildlife, protect the tax base and protect and promote the health, safety, and general welfare of the people of the City of Bloomer. This Chapter is in accordance and consistent with the City's Zoning Code, so far as practicable.

Sec. 15-2-3 Applicability of Regulations.

- (a) **Scope of Coverage.** This Chapter applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the City and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All State funded or conducted construction is exempt from this Chapter. This Chapter shall apply outside the City limits within the extraterritorial plat review area provided by Chapter 236, Wis. Stats., and Title 15 of the City Code of Ordinances, but only to those land disturbing activities relating to, arising from, or connected with a subdivision as defined in Sec. 236.02(12), Wis. Stats., and certified surveys as defined in this Code of Ordinances.
- (b) **Exclusions.** The following activities are generally excluded from coverage under this Chapter:
 - (1) State funded or conducted activities that are subject to the State Site Erosion Control and Stormwater Runoff Plan. State funded or conducted construction activities must meet the requirements contained in the "State Plan for the Control of Construction Erosion and Stormwater Runoff", which contains similar requirements as contained in this Chapter, as a minimum.
 - (2) Agricultural land uses as defined in this Chapter and quarries, except where the Common Council, Plan Commission, City Engineer or Building Inspector determine that erosion or runoff from such agricultural or quarry uses is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.
 - (3) Small land disturbing activities such as gardens, minor landscaping modifications and minor repair of sidewalks, paths or driveways, except where the Common Council, Plan Commission, City Engineer or Building Inspector determine that erosion or runoff is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

Sec. 15-2-4 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
- (1) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
 - (2) **Building Inspector.** The Building Inspector of the City of Bloomer.
 - (3) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services, including office parks where non-retail business takes place.
 - (4) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution, (also known as "Best Management Practice").
 - (5) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Building Inspector and/or City Engineer.
 - (6) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
 - (7) **Existing Grade.** The vertical location of the existing ground surface prior to excavation or filling.
 - (8) **Fill.** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man/woman to a new location and shall include the conditions resulting therefrom.
 - (9) **Grading.** Altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.
 - (10) **Land Disturbing Activity.** Any change to the land surface which may result in soil erosion, sedimentation or increase in water runoff, including but not limited to tilling, removal of vegetative cover, stockpiling of soil, grading, excavating, livestock grazing and filling of land.
 - (11) **Landowner.** Any person holding title to or having any interest in land.
 - (12) **Land Treatment Measures.** Structural or vegetative practices (including fencing) used to control erosion, sediment and water runoff (also known as "Best Management Practices").
 - (13) **Land User.** Any person who uses land collectively or individually as owner, operator, lessor or renter, or who occupies land by providing work or service that requires alteration of the land, or any person who has made other arrangements with a landowner which gives them the right and/or responsibility for use of the land.
 - (14) **Major Land Disturbing Activities.** Those activities where the land disturbance covers one or more acres, where a subdivision (as defined by Chapter 236, Wis. Stats.) is created, or where the Common Council, Plan Commission, City Engineer or Building Inspector determines that special circumstances due to topography, proximity

to watercourses or relation to sensitive environmental area make the disturbance a major one.

- (15) **Minor Land Disturbing Activities.** Those activities where the land disturbance covers less than one (1) acre and the activities do not otherwise fall within the definition of major land disturbing activities.
- (16) **Parcel.** All continuous lands under the ownership or control of a land occupier or land user.
- (17) **Peak Flow.** The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.
- (18) **Person.** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government or any combination thereof.
- (19) **Public Lands.** All lands owned or controlled by any unit of government.
- (20) **Runoff.** Includes, but is not limited to, ice or water flowing over the ground surface.
- (21) **Sediment.** Solid material, mineral or organic, that is in suspension, is being transported to, or has been moved from, its site of origin by air, water, gravity or ice and has come to rest or has been deposited on the earth's surface at another location.
- (22) **Sedimentation.** The transportation and deposition of sediment that may ultimately degrade water quality by the presence of suspended solid particles, derived from soils by erosion or discharged into surface waters from other sources, or the deposition of water-borne sediments in stream channels, lakes, reservoirs, or on floodplains, usually resulting from a decrease in the velocity of the water flow.
- (23) **Site.** 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.
- (24) **Soil Loss.** Soil removed from a given site by land disturbing activities or by the forces of erosion, and redeposited at another site.
- (25) **Storm Frequency.** The average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded.
- (26) **Storm Sewer.** A closed conduit for conducting collected storm water.
- (27) **Stormwater Runoff.** The waters derived from rains falling within a tributary drainage basin, flowing over the ground surface or collected in a water drainage system.
- (28) **Structural Measures.** Land treatments or Best Management Practices intended to prevent erosion, sediment or runoff that include, but are not limited to, gully control structures, grass waterways, riprap, detention basins or ponds, sediment basins or ponds, infiltration basins or trenches, flood retention dams, diversions, and lining channels with rock concrete or other materials. Contour strip cropping is not considered a structural measure under this Chapter.
- (29) **Water Drainage Facility.** Any element in a water drainage system which is made or improved.

- (30) **Water Drainage System.** All facilities used for conducting runoff to, through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, reservoirs, detention basins or ponds, storm sewers, streets, and pumping stations.
- (31) **Working Day.** Monday, Tuesday, Wednesday, Thursday or Friday, excluding, however, any such day officially observed by the City as a legal holiday. Also referred to as "business day".

Sec. 15-2-5 Design Criteria, Standards and Specifications for Erosion Control Measures.

All control measures required to comply with this Chapter shall be measures based on accepted design criteria, standards and specifications periodically established by the United States Soil Conservation Service, Wisconsin Department of Natural Resources or otherwise identified as acceptable by the Building Inspector or City Engineer. Where design criteria, standards or specifications conflict, the most restrictive provisions shall apply.

Sec. 15-2-6 Maintenance of Control Measures.

All sedimentation basins and other control measures necessary to meet the requirements of this Chapter shall be maintained consistent with the maintenance provisions contained in "Wisconsin Construction Site Best Management Practice Handbook" 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.

Sec. 15-2-7 Required 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 sites requiring certified survey map approval or subdivision or land division plat approval under City land division ordinances.
 - (2) Those sites involving the construction of buildings or other improvements on lots of approved certified surveys, land division plats or subdivision plats.
 - (3) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more.

- (4) Those involving excavation or filling or a combination of excavation and filling affecting four hundred (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, inspecting or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.
- (7) Those sites involving the changing, enlargement, dredging or other alteration to any watercourse, waterway and/or wetlands.
- (8) Those other situations [e.g. developments with slopes over twelve percent (12%) where the City Engineer or Building Inspector, at the request of the Plan Commission or Common Council, determine that erosion or runoff is likely to occur unless control measures are taken.

NOTE: The above applicability criteria are specifically stated in 1983 Wisconsin Act 416 for inclusion in this Chapter. Utility companies responsible for energy repair work should enter into a "memorandum of agreement" with the City clearly stating their responsibilities if their activities may be included under any of the above applicability criteria.

- (b) **Minimum Erosion Control Standards to be Met.** At a minimum, the erosion and runoff control standards listed below must be met on all sites described in Subsection (a) above. Additional or more stringent control standards may be required in those situations where the City Engineer and/or Building Inspector determines that special circumstances due to topography, proximity to watercourses or environmentally sensitive areas justify additional or more stringent controls. The permittee is responsible for obtaining compliance with the required standards. In cases where no permit has been issued, the landowner is responsible for obtaining compliance with the required standards:

Sec. 15-2-8 Land Disturbing Activities Subject to Stormwater Runoff Control.

- (a) **Temporary Best Management Practice Needs for Various Drainage Areas.** The following temporary best management practices shall be used to control sediment where erosion of the site, including dirt piles, during construction will result in sediment reaching waters of the state, public sewers or other off site areas.
 - (1) **Drainage Area Practices.** The following drainage area practices shall be complied with:
 - a. Small drainage areas with overland flow [generally less than one (1) acre]. For drainage areas with overland flow [generally less than one (1) acre], a filter fabric

- fence or equivalent best management practice placed along the downslope areas and along the sideslope areas as required or the disturbed area shall be properly mulched.
- b. Drainage areas of two (2) acres or less with concentrated or channelized flow. For drainage areas of two (2) acres or less with concentrated or channelized flow, a filter fabric barrier or equivalent best management practice placed at the downslope point of the disturbed area or the disturbed area shall be properly mulched.
 - c. Drainage areas of five (5) acres or less with concentrated or channelized flow, a sediment trap or equivalent best management practice placed at the downslope point of the disturbed area.
 - d. Drainage areas of more than five (5) acres with concentrated or channelized flow. For drainage areas of more than five (5) acres with concentrated or channelized flow, a sediment basin or equivalent best management practice placed at the downslope point of the disturbed area. The basin shall be properly maintained and cleared out when necessary.
 - e. Steep slopes. Slopes of twelve (12) or more percent may require use of additional best management practices.
- (2) **Sequenced Activities.** All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time and the amount of soil leaving the site.
- (3) **Site Stabilization.** When the disturbed area is properly stabilized by established vegetation or other permanent means, the temporary best management practices may be removed.

NOTE: Permanent best management practices specified in the *Wisconsin Construction Site Best Management Practice Handbook* include sodding; seeding; grassed waterway; geotextile reinforced grassed waterway; and rock and concrete lined waterway.

- (4) **Tracking Minimization.** 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 significant sediment reaching a public or private road shall be removed by street cleaning before the end of each work day. Flushing may not be used unless the sediment will be controlled by a filter fabric barrier, sediment trap, sediment basin or equivalent.
- (5) **Drain Inlet Protection.** Downslope on-site storm drain inlets shall be protected.
- (6) **Site Dewatering.** Water pumped from the site shall be discharged to an appropriately sized filter fabric barrier, sediment tarp, sediment basin or equivalent best management practice.

NOTE: Site dewatering on some sites is covered under the Wisconsin Pollutant Discharge Elimination System Permit Program.

- (7) **Sediment Cleanup.** All off-site sediment deposits occurring as a result of a storm event shall be cleaned up by the end of the next work day following the occurrence. All other off-site sediment deposits occurring as result of construction activities shall be immediately cleaned up.
 - (8) **Waste and Material Management and Disposal.** All waste and unused building materials shall be properly managed and disposed to prevent pollutants and debris from being carried by runoff off the site.
 - (9) **Roof Drainage.** All roof drainage from permanent buildings shall discharge to pervious surfaces to increase infiltration and reduce increases in runoff except where demonstrated to be infeasible and a written waiver is granted by the City Engineer or Building Inspector.
- (b) **Additional Erosion Control Standards to be Met on Larger Sites.** These control standards are in addition to the minimum control standards as set forth in Subsection (a), and thus include, but are not limited to, all sites involving land divisions, subdivisions or certified survey maps (where land divisions, subdivisions or certified survey maps involve either one (1) or more acres or create five (5) or more lots or building sites), or all sites where one (1) or more acres are disturbed at a time, where special circumstance due to topography, proximity to watercovers or relation to environmentally sensitive lands make the disturbance a major one, shall meet the added control plan requirements as set up by the City Engineer or Building Inspector. These requirements may include required public dedication of water runoff control measures. The permittee is responsible for obtaining compliance with the control plan requirements. Informal guidelines for the control plan for a major land disturbing activity are hereto attached and incorporated herein as a part of this Chapter as an addendum.
- (c) **Special Circumstances.** The control standards set forth in this Chapter are intended to apply on a typical development site. When land disturbing and/or development activity is proposed for a site with extraordinary features, the Plan Commission may recommend to the Common Council and the Council, at its discretion, will require additional and/or more restrictive control standards and measures before any control plan is approved or permit is issued. Extraordinary sites include, but are not limited to, sites where land disturbing or development activities are proposed to occur on slopes of more than twelve percent (12%) grade in designated floodplain, wetland, or conservancy areas or in environmental corridor areas identified in the City Master Plan.
- (d) **Land Disturbing Activities Subject to Stormwater Runoff Control.**
- (1) Land disturbing activities on public lands as defined herein, and on all private lands shall be subject to the runoff control provisions of this Section, if:
 - a. The activity will be a residential development having less than fifty percent (50%) impervious area, disturbing more than five (5) acres.

- b. The activity will be a residential development having more than fifty percent (50%) impervious area, disturbing more than three (3) acres.
 - c. The activity will be a nonresidential development, disturbing more than three (3) acres, or
 - d. A parking lot of one (1) acre or more, or
 - e. In the opinion of the City Engineer, the runoff from the land disturbing activity will create a hazard by exceeding the safe capacity of the receiving water body in the area; or will cause undue channel erosion or an undue increase in water pollution by increased scour and transport of particles; or will otherwise endanger the downstream property owners or their property. Safe capacity is defined as the rate of flow that can be handled without flooding.
- (2) The owner, land occupier or land user shall be in compliance with this Subsection if he/she follows the procedure of Section and receives from the City Engineer an approved control plan and a permit before commencement of any land disturbing activities on lands subject to control under this Section.
- (e) **Standards for Stormwater Runoff Control for Land Disturbing Activities.**
- (1) Land disturbing activities subject to runoff control regulation as described in this Chapter shall meet the corresponding requirements of subparagraphs a, b and c below:
 - a. Residential and other non-industrial, and non-commercial certified surveys shall incorporate the following stormwater control measures:
 - 1. All roof drainage shall discharge to either:
 - i. Pervious surfaces with an overland flow distance of at least thirty (30) feet;
 - ii. An infiltration device.
 - 2. All driveways shall slope to adjacent lawns to the extent practicable.
 - 3. Where conditions are such that the depth to the water table is three (3) feet or greater during at least nine (9) months of the year, the stormwater drainage system for the development shall include grassed swales for area drainage and underground perforated drainage pipe for storm runoff conveyance. The applicant shall be responsible for documentation for areas to be exempted from these measures. Where the City Engineer finds the above to be impracticable, conveyance shall be by traditional means.
 - b. Industrial sites of less than one hundred thousand (100,000) square feet; and nonindustrial paved parking and storage areas with surface areas totaling five thousand (5,000) to five hundred thousand (500,000) square feet shall discharge to one (1) or more grit chambers or oil and grease traps. Each grit chamber or oil and grease trap shall be designed to remove all particles greater than one hundred (100) microns in size and shall be cleaned at least once every three (3) months. The pumped liquids from cleaning shall be discharged to a licensed wastewater treatment plant.

- c. Industrial sites of more than one hundred thousand (100,000) square feet; nonindustrial paved parking lots and storage areas greater than five hundred thousand (500,000) square feet; and industrial roofs larger than ten thousand (10,000) square feet shall discharge to one (1) or more wet detention basins. These basins shall have an aggregate area respectively of: At least one and one-half percent (1.5%) of the contributing surface area of the industrial site or three percent (3%) of the contributing paved industrial areas, whichever is greater; at least three percent (3%) of the nonindustrial paved area draining to it; and at least three percent (3%) of the industrial roof area draining to it. These basins shall have a permanent pool depth of three (3) feet and shall be excavated periodically as needed to maintain the three (3) foot depth.
- (2) Regardless of proposed land use the proposed development shall:
 - a. Not increase peak flow rates of storm runoff from that which would have resulted from the same storm occurring over the site with the land in its predevelopment condition, for storms of twenty-four (24) hour duration and recurrence intervals of two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) years: and
 - b. The volume of storm runoff resulting from the ten (10) year storm of twenty-four (24) hour duration shall not be greater after development than would have resulted from the same storm occurring over the site with the land in its predevelopment condition. Where a. and/or b. are found to be unacceptable or inevitable on the proposed site by the City Engineer, the applicant shall specify an off-site area to meet there provision and provide a suitable alternative contribution or determined in negotiation with the City Engineer.
- (f) **Erosion and Runoff Control by Public Dedication of Water Runoff Control.** The Common Council may require dedication of water runoff control measures. When such dedication is required, the dedicated land may also be utilized for parkland and for recreational use. Once dedicated and accepted, the City shall maintain the runoff control measures as necessary to adhere to this Chapter and any other applicable laws or contracts. The potential costs of maintaining proposed runoff control measures will be among the criteria considered in both accepting or rejecting an entire "Erosion and Runoff Control Plan" for the areas and determining whether or not to require dedication to the City of and/or all runoff control measures. In the event that the City does not require dedication of any water runoff control measures, the continued maintenance of such measures shall be assured through such means as deed restrictions, easements or a contract with the City.

Sec. 15-2-9 Permit Application, Control Plan, and Permit Issuance.

- (a) **Permit Application.** No landowner or land user, other than the City, may commence a land disturbance or land development activity subject to this Chapter without receiving prior

approval of a control plan for the site and a permit from the City Engineer. 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 Chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector or City Engineer. By submitting an application, the applicant is authorizing the Building Inspector, City Engineer and other designated City officials to enter the site to obtain information required for a review of the control plan.

(b) **Content of the Control Plan for Land Disturbing Activities.**

- (1) **Existing Site Map.** A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:
 - a. Site boundaries of adjacent lands which accurately identify site location;
 - b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site. (Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.);
 - c. 100 year floodplains, flood fringes and floodways;
 - d. Vegetative cover;
 - e. Location and dimensions of stormwater drainage systems and natural drainage patterns on the site and the size, slope and land cover of the upslope drainage areas;
 - f. Locations and dimensions of utilities, structures, roads, highways, and paving; and
 - g. Site topography at a contour interval not to exceed five (5) 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 Chapter;
 - 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 Chapter; and Provisions of maintenance of the construction site control measures during construction.
 - e. Provisions of maintenance of the construction site control measures during construction.

- (c) **Emergency Situations.** Notwithstanding the above, a private landowner or the City may commence land disturbing activity without an approved control plan where immediate action is necessary in order to respond to an existing or threatened emergency situation. When such emergency activity is undertaken, care will be taken to comply with the erosion and runoff control standards set forth in this Chapter to the fullest extent practicable under

the circumstances. The Building Inspector or City Engineer shall be notified by the private landowner within three (3) hours after commencing such land disturbing activities under this Section.

- (d) **Minor Land Disturbing Activities — Content of Control Plan Statement.** Minor land disturbing activities are all those activities other than those deemed to be major land disturbing activities. For minor land disturbing activities, an erosion control plan (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule). These documents will be used to meet the requirements of this Chapter.
- (e) **Review of Major and Minor Land Disturbing Control Plans.**
 - (1) **Major Land Disturbing Activities.** Within thirty (30) days of receipt of a completed control plan, the City Engineer and Building Inspector shall determine if the requirements of this Chapter are met. The applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.
 - (2) **Minor Land Disturbing Activities.** Control plan statements for minor land disturbing activities shall be reviewed by the Building Inspector for compliance with this Chapter. The Building Inspector shall approve, reject or conditionally approve the plan within the same number of working days as required for issuance of a building permit, but in no event more than ten (10) working days after receipt of the completed control plan statement. If the control plan statement is rejected or conditionally approved, the applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.
- (f) **Permits.**
 - (1) **Duration.** Permits shall be valid for a period of one hundred eighty (180) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector or City Engineer may extend the period one or more times for up to an additional one hundred eighty (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 Chapter.
 - (2) **Permit Fees — Major Land Disturbing Activities.** The application fee for a major land disturbing activity permit shall be Twenty-five Dollars (\$25.00). In addition to this fee, before any permit will be issued, the applicant shall pay the actual engineering fees or expenses incurred by the City in connection with review of the control plan and the engineering fees or expenses estimated to be incurred for on-site inspection during the project. These additional charges shall be determined by the Building Inspector and City Clerk-Treasurer.
 - (3) **Permit Fees — Minor Land Disturbing Activities.** The application fee for a minor land disturbing activity permit shall be Twenty Dollars (\$20.00), except where a building permit fee is paid in connection with the same activity, then a fee of Fifteen Dollars (\$15.00) shall be paid in order to obtain the necessary land disturbing activity permit.

- (g) **Permit Requirements — Major Land Disturbing Activity.** All Major Land Disturbing Activity Permits shall require the permittee to do at least the following:
- (1) The applicant shall provide the City, prior to issuance of the permit, and irrevocable letter of credit, certificate of deposit or certified check to the City in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of all required control measures as determined by the City Engineer and/or Building Inspector. The security deposited shall guarantee that all required control measures will be taken or installed according to the approved plan. The security shall remain in full force for the entire period of the permit unless released earlier by the City. The City shall have the right to draw upon the security for the purposes of obtaining compliance with the approved Control Plan as it deems necessary. If the erosion and runoff control requirements of this Chapter are included as part of plat or certified survey map conditions of approval, then security for performance of the control requirements may be included as part of the overall security required for installation of improvements under this Code of Ordinances.
 - (2) Contact the Building Inspector upon completion of any control measures and at least two (2) business days prior to commencing any land disturbing activity.
 - (3) Obtain written permission from the City Engineer or Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.
 - (4) Install all control measures as identified in the Control Plan.
 - (5) Maintain all control measures as identified in the Control Plan.
 - (6) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.
 - (7) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.
 - (8) Allow the Building Inspector, City Engineer, or other designated City officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Con
- (h) **Permit Requirements — Minor Land Disturbing Activity.** All Minor Land Disturbing Activity Permits shall require the permittee to:
- (1) Obtain permission in writing from the Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.
 - (2) Install all control measurers as identified in the approved Control Plan.
 - (3) Maintain all control measures as identified in the Control Plan.
 - (4) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.
 - (5) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.

- (6) Allow the Building Inspector, City Engineer, and other designated City officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Control Plan and this Chapter.

Sec. 15-2-10 Inspection.

- (a) The City Engineer, Building Inspector or other designated City officials shall inspect all Major Land Disturbing activities in order to ensure compliance with the Control Plan and permit.
- (b) In the case of Minor Land Disturbing activities, the Building Inspector shall inspect sites in order to ensure compliance with the Control Plan and permit.
- (c) If the land disturbing or land development activities are being carried out without a valid permit, i.e., unauthorized, City inspection officials may enter the land in question pursuant to the special inspection warrant provisions of Sections 66.122 and 66.123, Wis. Stats.

Sec. 15-2-11 Enforcement.

- (a) **Violations.** No land development or land disturbing activities within the scope of this Chapter may occur without full compliance with the provisions of this Chapter. Any person who violates or fails to comply with any provision of this Chapter is subject to the enforcement and penalty provisions contained herein.
- (b) **Enforcement.** This Chapter shall be enforced consistent with the policies and purposed underlying its adoption. The following enforcement actions, or any combination thereof, may be taken in case of a violation of this Chapter:
 - (1) **Stop Work Order.**
 - a. A stop work order may be issued by the City Engineer, Building Inspector, or their authorized agents, after an inspection if:
 1. Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;
 2. The Control Plan is not being implemented in a good faith manner;
 3. The conditions of the Permit are not being met.
 - b. Stop work orders may be retracted when compliance with the Chapter is obtained. The City Engineer, Common Council, Building Inspector or their designee has the authority to retract a stop work order for Major Land Disturbing activities; the Building Inspector, City Engineer and their designees, may retract stop work orders on Minor Land Disturbing activities.
 - (2) **Revocation of Permit.** Where a stop work order has been issued in order to obtain compliance with a Control Plan, the City may revoke the Permit if the permittee does

- not cease the illegal activity or obtain compliance with the Control Plan or Permit conditions within seventy-two (72) hours from issuance of the Stop Work Order.
- (3) **City to Perform Work.** Seventy-two (72) hours after posting a stop work order, the City may issue a notice of intent to the permittee or landowner or land user of the City's intent to perform work necessary to comply with this Chapter. Upon receipt of permission from the landowner or pursuant to a court order, the City Engineer and/or other designated City officials or agents, as determined by the Common Council, may go on the land and commence the work. The costs of the work performed by the City, plus interest, shall be billed to the permittee or the landowner or may be recovered out of any security posted for such purpose. In the event a permittee or landowner otherwise fails to pay the amount due, the City Clerk-Treasurer shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Sec. 66.60, Wis. Stats.
 - (4) **Injunction and Other Judicial Remedies.** Compliance with the provisions of this Chapter may also be obtained by the Common Council authorizing the City Attorney to commence appropriate action to enjoin violations, compel compliance, or pursue other appropriate judicial relief.
 - (5) **Private Remedies Preserved.** These enforcement provisions are not intended in any way to restrict or limit the rights of private parties to pursue whatever private legal remedies they may have available as a result of any erosion, sediment or water runoff.
- (c) **Penalties.** Any person violating any provision of this Chapter shall be subject to a forfeiture as provided in Section 1-1-7. Each day a violation exists shall constitute a separate offense. Before commencing a forfeiture action, the City shall issue a written warning to the person believed to be violating the Chapter, granting the person two (2) business days in which to remedy the violation and avoid the commencement of a forfeiture action.

Sec. 15-2-12 Appeals; Variances.

- (a) **Appeal or Variance Requests.**
- (1) **By Applicant or Permittee.** Any aggrieved applicant, permittee or land user may appeal any order, decision, determination or inaction of the City in administering or enforcing this Chapter, or may apply for a variance from the requirements of this Chapter. A Twenty-five Dollar (\$25.00) filing fee must accompany the appeal or variance request. Appeal or variance requests must be submitted in writing, state the grounds for the appeal or variance request, and be filed with the City Clerk-Treasurer. Publication and other associated costs will be in addition to this fee and paid by the applicant.
 - (2) **Appeal By Citizens.**
 - a. An appeal of any order, decision, determination or inaction of the City in administering or enforcing this Chapter may be commenced upon the filing of a

- petition signed by twenty-five (25) adult residents of the City and payment of a Fifty Dollar (\$50.00) fee to cover the cost of the appeal.
- b. The appeal must be filed with the City Clerk-Treasurer and shall state written grounds for the appeal. A copy of any citizen appeal shall be delivered or mailed to the applicant or permittee by the City Clerk-Treasurer within five (5) business days of its filing with the City. The filing of a citizen appeal, by itself, does not prohibit the commencement or continuation of any work or activity.
- (3) **Appeal Deadline.** Appeals by applicants, permittees or citizens must be filed within forty-five (45) days of the order, decision, determination or inaction being appealed.
 - (4) **Multiple Appeals Prohibited.** Once an appeal has been filed on a matter, no other appeal on the same order, decision, determination or inaction will be allowed. The Board of Appeals shall consolidate appeals wherever possible to avoid a multiplicity of appeal proceedings and to hasten the final resolution of a matter. The Board of Appeals may allow additional parties to join a pending appeal where appropriate and where such addition will not delay the proceedings.
- (b) **Authority.**
- (1) **Authority to Grant Variances.** The Board of Appeals shall decide all variance requests in accordance with the provisions of this Code of Ordinances. The Board of Appeals shall only grant such variances from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Chapter is impracticable or otherwise unreasonable or demonstrated to be unnecessary. Such variances may be granted only when the Board of Appeals has been presented with satisfactory proof that the variance will achieve compliance results comparable to those set forth in this Chapter.
 - (2) **Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by City officials in administering this Chapter. The Board of Appeals shall use the rules, procedures, duties and powers authorized by City ordinance and statute for the Board of Appeals in hearing and deciding appeals and authorizing variances. The Board of Appeals shall hear and decide within thirty (30) days of receipt of the written request and payment of the appeal fee, unless an extension is agreed upon by the Appellant and Board of Appeals. The procedures utilized by the Board of Appeals shall be as prescribed in the City Zoning Code.
- (c) **Enforcement Not Stayed.** The filing of an appeal or variance does not preclude the City from commencing or continuing any of the enforcement actions set forth herein or a forfeiture proceeding set forth in this Chapter unless the Common Council specifically agrees to stay such enforcements.

Title 15 ► Chapter 3

Fair Housing

15-3-1	Purpose
15-3-2	Definitions
15-3-3	Unlawful Practices
15-3-4	Exemptions
15-3-5	Procedure
15-3-6	Other Remedies
15-3-7	Penalties
15-3-8	Construction of Multi-Family Dwellings
15-3-9	Certain Acts Not Prohibited

Sec. 15-3-1 Purpose.

Pursuant to Sec. 66.432(2), Wis. Stats., the purpose of this Chapter is to prohibit discrimination in the sale or rental of housing in the City, solely on the basis of sex, race, color, physical condition, developmental disability as defined in Sec. 51.01(5), Wis. Stats., religion, national origin or ancestry, handicap as defined at 42 U.S.C. 3604(4), sexual orientation or family status. It is the policy of the City of Bloomer to ensure equal opportunity to all persons to live in decent housing.

Sec. 15-3-2 Definitions.

For the purpose of the Chapter:

- (a) **Real Property.** Includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (b) **Discrimination or Discriminatory Housing Practice.** Any difference in treatment based upon sex, race, color, physical condition, developmental disability, religion, national origin or ancestry, handicap, sexual orientation or family status.
- (c) **Person.** Includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

- (d) **Owner.** Includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing.
- (e) **Financial Institution.** Any person, as defined herein, engaged in the business of lending money or guaranteeing loans.
- (f) **Real Estate Broker and Real Estate Salesman.** Any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents, or leases any housing including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he/she undertakes to promote the sale, purchase, rental or lease of any housing through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.
- (g) **Housing or Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy, as a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction of location thereon of any such building, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.
- (h) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as the same are defined by Wisconsin Statutes.
- (i) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing, whether informed through a real estate broker or by advertising by publication, signs, or by any other advertising methods directed to the public or any portion thereof; indicating that the property is available for sale, purchase, rental or lease.

Sec. 15-3-3 Unlawful Practices.

In connection with any of the transactions set forth in this Section which affect any housing on the open market, or in connection with any public sale, purchase, rental or lease of any housing, it shall be unlawful in the City, for any person, including but not limited to an owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to discriminate against any person because of sex, race, color, physical condition, developmental disability, religion, national origin or ancestry or handicap, sexual orientation or family status and in the process to:

- (a) Refuse to sell, purchase, rent, or lease or deny to or withhold any housing from a person; or
- (b) Differentiate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing, or in the furnishing of facilities or services in connection therewith; or

- (c) Refuse to receive or transmit a bona fide offer to sell, purchase, rent, or lease any housing from or to a person; or
- (d) Refuse to negotiate for the sale, purchase, rental, or lease of any housing to a person; or
- (e) Represent to a person that any housing is not available for inspection, sale, purchase, rental or lease when in fact, it is so available, or to refuse to permit a person to inspect any housing; or
- (f) Make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing; or
- (g) Offer, solicit, accept or use a listing of any housing for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease or in the furnishing of facilities or services in connection therewith; or
- (h) For profit induce directly, or attempt to induce directly or indirectly the sale, purchase, rental or lease, or the listing for any of the above, of any housing by representing that the presence or anticipated presence of particular types of persons will or may result in either:
 - (1) The lowering of property values in the area, or
 - (2) An increase in criminal or antisocial behavior in the area, or
 - (3) A decline in the quality of schools serving the area.
- (i) If the person accused of unlawful activity is a bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, of the making of commercial real estate loans, deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against that person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance; or
- (j) Deny any qualified person access to or membership or participation in any multiple-listing service, real estate broker's organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against that person in their terms or conditions of such access, membership, or participation; or
- (k) Requiring information concerning sex, race, color, physical condition, developmental disability, religion, national origin or ancestry, handicap, sexual orientation or family status.

Sec. 15-3-4 Exemptions.

This Chapter shall not apply to:

- (a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization,

association, or society, which limits the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color or national origin.

- (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (c) Any single-family house or duplex sold or rented by an owner, provided, that such private individual owner does not own more than three (3) such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his/her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) single-family houses at any time; provided further, the sale or rental of any such single-family house shall be exempt from the prohibitions of this Chapter only if such house is sold or rented:
 - (1) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman of such facilities or dwelling, or of any employee or agent of any such broker, salesman, or person; and
 - (2) Without the publication, posting or mailing, after notice, of any advertisement of written notice in violation of the provisions of 42 United States Code Section 3604(c); but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- (d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.

Sec. 15-3-5 Procedure.

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the City Clerk-Treasurer within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than sixty (60) days after the alleged unlawful practice occurred. The Clerk-Treasurer shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties in compliance with this Chapter shall cause the Clerk-Treasurer to forward the complaint and his/her

findings to appropriate County, State and Federal officials and advise the person aggrieved of Sec. 101.22, Wis. Stats.

Sec. 15-3-6 Other Remedies.

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he/she might otherwise be entitled or from filing a complaint with any appropriate governmental agency.

Sec. 15-3-7 Penalties.

Any person violating any provision of this Chapter shall, upon conviction of a first offense, be punished by forfeiture not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation thereof. For the second and each subsequent violation the forfeiture shall be between Five Hundred Dollars (\$500.00) and Two Thousand Dollars (\$2,000.00).

Sec. 15-3-8 Construction of Multi-Family Dwellings.

The construction of multi family dwellings consisting of four (4) or more units shall conform with the design requirements specified at 42 U.S.C. 3605(f)(3)(c).

Sec. 15-3-9 Certain Acts Not Prohibited.

With respect to rental of housing, nothing contained herein shall prevent landlords from using references, security deposits, or credit checks or making decisions whether to rent and properly care for and make repairs to the premises.

Title 15 ► Chapter 4

Minimum Housing Code

15-4-1	Title
15-4-2	Intent and Purpose
15-4-3	Rules and Definitions
15-4-4	Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating, and Electrical Service
15-4-5	Safe and Sanitary Maintenance of Property
15-4-6	Quantity, Location and Use of Space in Residential Buildings
15-4-7	Fixing the Responsibility of Owners, Operators, and Occupants
15-4-8	Inspection
15-4-9	Designation of Unfit Dwellings and Legal Procedure Therefor
15-4-10	Enforcement, Service of Notices, and Orders and Hearings

Sec. 15-4-1 Title.

This Chapter shall be known as the City of Bloomer Minimum Housing Code.

Sec. 15-4-2 Intent and Purpose.

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, and property values.
- (b) It is recognized that there may now be or may, in the future, be residential buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

Sec. 15-4-3 Rules and Definitions.

- (a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:
- (1) Words used in the present tense shall include the future.
 - (2) Words used in the singular number shall include the plural number, and the plural the singular.
 - (3) The word "shall" is mandatory and not discretionary.
 - (4) The word "may" is permissive.
 - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (b) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Adequate.** Adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Code of Ordinances. "Adequately" shall mean the same as adequate.
 - (2) **Apartment.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
 - (3) **Approved.** Approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law, this Chapter or this Code of Ordinances.
 - (4) **Attractive Appearance.** An appearance which is in accordance with generally accepted professional practices for new construction within the City and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
 - (5) **Basement.** A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
 - (6) **Boarding House.** See "Lodging House" and "Lodging Room."
 - (7) **Building.** A combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Chapter, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
 - (8) **Capacity in Persons.** The "capacity in persons" of a building is the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this Chapter.
 - (9) **Compliance Inspection.** An inspection performed in conjunction with a lawful order of the Common Council, City Clerk-Treasurer or Building Inspector for the purpose of certifying the fulfillment of an official requirement listed in the order.

- (10) **Dwelling.** A place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.
- (11) **Dwelling Unit.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (12) **Extermination.** The control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.
- (13) **Family.** An individual, or two (2) or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two (2) roomers. For the purpose of this Subsection, "children" means natural children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or physical or mental disability, need assistance with activities of daily living, shall be considered part of the "family." Such services may include personal care, housekeeping, meal preparation, laundry or companionship.
- (14) **Friable Material.** Any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.
- (15) **Good Working Condition.** Capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (16) **Habitable Space.** One (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.
- (17) **Impervious to Water.** Constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.
- (18) **Infestation.** The sustained presence of household pests, vermin, or rodents.
- (19) **Living Room.** A room used primarily for living, dining, or cooking purposes.
- (20) **Lodging House.** A dwelling containing lodging rooms that will accommodate five (5) or more persons not members of a family.
- (21) **Lodging Room.** A portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.
- (22) **Mixed Occupancy.** Occupancy of a building in part for residential use and in part for some other use not accessory thereto.
- (23) **Occupant.** One who occupies or has actual possession of usable space.
- (24) **Operator.** Any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.
- (25) **Owner.** Every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the City, any

sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building. "Owner" does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

- (26) **Person.** Shall mean and include any individual, firm, corporation, association, or partnership.
- (27) **Properly.** As deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.
- (28) **Provided.** Furnished, supplied, paid for or under control of the owner.
- (29) **Residential Building.** A building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:
 - a. Single-family dwellings.
 - b. Two (2) family dwellings.
 - c. Multiple-family dwellings (including apartment hotels).
 - d. Lodging houses.
 - e. Fraternity and sorority houses.(For the purpose of this Chapter, any building containing any of the above uses together with other uses shall be considered a residential building.)
- (30) **Room.** A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.
- (31) **Rooming House.** See "Lodging House" and "Lodging Room."
- (32) **Sleeping Room.** A room used for sleeping purposes.
- (33) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.
- (34) **Supplied.** Paid for, furnished, or provided by or under control of the owner or operator.

Sec. 15-4-4 Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating and Electrical Service.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage, and disposal of garbage, recyclables and other refuse, safe means of egress, provision of light, air, heat, and electrical service.
- (b) **Minimum Standards.** No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:
- (1) **Basic Plumbing Requirements.** Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in Sec. COMM 82.40, Wis. Adm. Code.
 - (2) **Water Heating Facilities.** Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
 - (3) **Refuse Storage.** Each resident in every residential building shall be responsible for supplying such building with garbage, refuse and recyclable materials, storage facilities, the type and location of which is in compliance with City regulations.
 - (4) **Egress.** Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum area of fourteen (14) square feet with a minimum dimension of three (3) feet. All stairways and platforms shall be protected with handrails and guardrails as specified in Sections COMM 21.04(2) or COMM 51.161 and COMM 51.162, Wis. Adm. Code. Existing variances to the height limitations specified above may be approved by the Board of Appeals, provided the platforms or stairs are maintained in a sound structural condition.
 - (5) **Plumbing.** Each lodging house shall provide at least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and

sewer system and in good working condition for each seven (7) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Board of Appeals for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(6) **Windows and Ventilation.**

- a. Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with Sections COMM 21.05 or COMM 57.13, Wis. Adm. Code, as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with COMM Codes may remain in use with the granting of a variance by the Board of Appeals.
- b. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [water closet or one (1) urinal] and in which the window area is greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.
- c. All doors and windows required for ventilation shall be protected with insect screen equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, to be annually installed during May before June 1 and maintained until storm windows are installed in autumn.
- d. All exterior door and windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15th, but no later than November 15th annually.
- e. Existing habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the structure.

- (7) **Electrical.** Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this Section, "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.") The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, not to exceed the ampacity of the smallest wire size in the circuit:

- a. Every dwelling unit or room shall have electric service capable of providing at least three (3) watts per square foot of total floor area [air conditioners, ranges, space heaters and motor driven equipment one-eighth (1/8) hp. or over excluded.]
- b. Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room and furnace room shall contain at least one (1) approved ceiling or wall type electric light fixture equipped with sufficient lamps or tubes to provide no less than five (5) foot candles at floor level at the center of the room. Where more than one (1) fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for the ceiling or wall fixture in the dining room.)
- c. Convenience outlet receptacles shall be provided as follows: (measurements are at room perimeter and include doors and door-alcoves)
 1. Living Room: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
 2. Dining Room: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
 3. Kitchen: One (1) per eight (8) feet or fraction of countertop and preparation area measured at rear (preparation area includes countertops, sinks, range tops, and all other similar areas at counter height.) Island type work areas require one for each eight (8) feet or less of length. Separate outlets shall be provided for refrigerators.
 4. Dining Areas in Kitchen: One (1) per seventy-five (75) square feet or major fraction.
 5. Bedroom: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
 6. Laundry: One (1) when laundry equipment is present.
 7. Bathrooms and Lavatories: One (1) [may be part of wall fixture if seventy-two (72.0) inches or less from floor].
 8. Other Habitable Rooms: Minimum of two (2).
- d. Fixed appliances exceeding one-eighth (1/8) hp. or three hundred (300) watts rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located to prevent use of extension cords (NED 400-8).
- e. All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring, shall be removed immediately upon the direction of the Building Inspector or Fire Inspector.
- f. Switches or equivalent devices for turning on one (1) light in each room or passageway shall be located so as to conveniently control the area to be lighted.
- g. Public halls and stairways in multiple dwellings shall be adequately lighted by natural or electric light at all times so as to provide in all parts thereof at least two and one-half (2-1/2) foot candles of light at the tread or floor level. Halls

and stairways in structures containing not more than three (3) dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full time or automatic time-switched lighting. When dwelling unit doors open to the outside a minimum of two and one-half (2-1/2) foot candles of illumination at the locks are required. Required parking areas for more than three (3) cars shall be lighted to a minimum of one (1) foot candle on all surfaces.

- h. When the service in an existing residential building is changed for any reason, the entire building electrical system shall be brought to the above minimum standards. The minimum replacement electrical service shall be one hundred (100) amps for the first two (2) dwelling units in a building and fifty (50) amps for each additional unit. Where electric heat and air conditioner over twenty (20) amps are added or in place, additional capacity to cover this demand is required. All electrical work shall be done in accordance with the National Electrical Code.

(8) **Heating.**

- a. All habitable rooms shall be provided with a permanently connected heating system complying with the City ordinances.
- b. The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of sixty-seven (67) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is above zero (0) degrees Fahrenheit, absent the wind-chill factor, and a minimum temperature of sixty (60) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is zero (0) degrees Fahrenheit or lower, absent the wind-chill factor. The outdoor temperature for the City shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.
- c. The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.

(9) **Lighting.**

- a. Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and lodging houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.
- b. Every residential building that will accommodate transients, three (3) or more families, or twenty (20) persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways.

The lights shall be red and accompanied by a sign bearing the word "EXIT" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be used.

- (10) **Cooking Areas Restricted.** The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals.
- (11) **Emergency Work Information.** Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

Sec. 15-4-5 Safe and Sanitary Maintenance of Property.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential buildings, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.
- (b) **Maintenance Requirements.** Every owner or operator shall improve and maintain all property under his control to comply with the following minimum requirements:
 - (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.
 - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances and the Wisconsin Statutes. Where required weed and grass cutting is not performed by the property owner, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special charge against the benefitted property.
 - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
 - (4) **Fences, Walks, Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all-weather access to buildings.

- (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
- (6) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within ten (10) days, or any unsightly bulk items. Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. Lawns shall be maintained to a height in compliance with City ordinances. Plantings shall be maintained as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located, and thereby the appearance and value of the neighborhood and City. The City, after due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special charge due against the property.
- (7) **General Requirements.**
 - a. Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
 - b. Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
 - c. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.

- (8) **Stairs.** Every inside and outside stair, every porch, and every appurtenance thereto shall be so 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 proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in Sections COMM 21.04 or 51.16, 51.161, 51.162 and 51.164, Wis. Adm. Code, as dictated by the type of occupancy in the building.
- (9) **Plumbing Fixtures.** Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- (10) **Bathrooms.** Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (11) **Supplied Facilities.**
 - a. Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.
 - b. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
 - c. It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.
- (12) **Equipment Removal Restricted.** No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit, or lodging room let or occupied by him, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.
- (13) **Abandoned Fuel Oil Tanks.** Abandoned fuel oil tanks shall be removed from the building.
- (14) **Removal of Debris.**
 - a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the City, except at approved disposal sites.
 - b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.

- c. All vacant lands within the City shall be leveled off to permit the mowing of weeds as outlined within this Code. This includes the removal of stones, bottles, wires and other debris that will interfere with mowing operations.
- d. All lands in the City shall be kept free of weeds and maintained so there is no detrimental influence to the public health, safety, comfort or general welfare of the immediate neighborhood or community.

Sec. 15-4-6 Quantity, Location, and Use of Space in Residential Buildings.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.
- (b) **Size of Dwellings and Rooms.**
 - (1) **Detached Single-Family Dwellings.** Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.
 - (2) **Size of Rooms.**
 - a. Apartments. The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
 - b. Lodging Rooms. The floor area of a lodging room shall provide not less than seventy (70) square feet of floor area for one (1) occupant and fifty (50) square feet for each additional occupant.
 - (3) **Excluded Spaces.** The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsections (b)(1) and (2) above.
 - (4) **Hallways.** Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.
 - (5) **Cellar Space.** No cellar space shall be used as a sleeping room.
 - (6) **Basement Use as a Sleeping Area.** No basement space shall be used for a sleeping room unless:
 - a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - b. The total window area in each room is equal to at least the minimum window area required in this Chapter. The required minimum window area must be located entirely above the grade of the ground adjoining such window area.
 - c. The total of openable window area in each room is equal to at least the minimum as required under this Chapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.

Sec. 15-4-7 Fixing the Responsibility of Owners, Operators and Occupants.

- (a) **Purpose.** The purpose of this Section is to fix the responsibility of owners, operators, and occupants of residential buildings.
- (b) **Responsibilities.** The responsibility of owners, operators, and occupants of residential buildings is as follows:
 - (1) Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.
 - (2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he/she occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging house. Every occupant of a residential building shall dispose of all his refuse, recyclables, and garbage as required by this Code of Ordinances.
 - (3) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Code of Ordinances.
 - (4) 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 residential building shall be responsible for such extermination whenever his/her dwelling unit is the only one infested. Notwithstanding the foregoing by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.
 - (5) Every occupant of a dwelling unit shall keep all 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.
 - (6) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and compliance inspections/orders thereunder, and the occupancy is limited to the maximum permitted thereby.
 - (7) Every owner of a lodging house shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

- (8) The operator of every lodging house shall change supplied 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 clean and sanitary condition.

Sec. 15-4-8 Inspection.

- (a) The Building Inspector is authorized and empowered to inspect all residential buildings within the City for the purpose of determining whether or not said residential buildings comply with the requirements of this Chapter. If any owner or occupant denies the Building Inspector entry into any residential building or portion thereof, the Building Inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.
- (b) No owner of a residential building may deny the Building Inspector of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

Sec. 15-4-9 Designation of Unfit Dwellings and Legal Procedure Therefor.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:

- (a) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector:
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.
 - (2) One which lacks illumination, ventilation, heating, basic equipment, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.
 - (4) One which, because of its general condition, location or appearance, is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.
- (b) Any dwelling, dwelling unit, building or structure designated and placarded as unfit for human habitation and in need of repair by the Building Inspector shall be vacated within such a reasonable time as is ordered by the Building Inspector.

- (c) No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.
- (d) No person shall deface or remove the placard from any building or structure, or part thereof, which has been condemned as unfit for human habitation and placarded as such.
- (e) Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Building Inspector, which in the opinion of the Building Inspector would be unreasonable to repair, shall be razed or removed upon legal written service of the order of Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector shall refer such violation to the City Attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this Chapter.
- (f) Any building which has been vacant for more than thirty (30) days for any reason and has been damaged, illegally entered or vandalized shall be secured against entry. This shall include adequately boarding up doors, windows, and other openings in a workmanlike manner so as to prevent illegal entry, vandalism or damage.
 - (1) The building utilities, plumbing, electrical and heating systems in vacant buildings shall be maintained at all times in a safe condition or inactivated so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.
 - (2) When any building has been damaged by fire or other cause and when hazardous or dangerous conditions exist and when such building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within three (3) days of the damage by fire or other cause.

Sec. 15-4-10 Enforcement, Service of Notices and Orders and Hearings.

- (a) (1) Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:
 - a. Be in writing.
 - b. Include a statement of the reasons why it is being issued.
 - c. Allow a reasonable time for the performance of any act it requires.
 - d. Be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is served upon him personally;

or if a copy thereof is sent by registered mail to his last-known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.

- (2) The above notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.
- (b) Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant of property which is in violation of this Chapter, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.
- (c) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter or of any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the Building Inspector, provided that such person shall file, in the office of the Building Inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Building Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition was filed. Upon application of the petitioner, the Building Inspector may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement.
- (d) Following such hearing, the Building Inspector shall sustain, modify, or withdraw the notice, depending upon his/her findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Building Inspector sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served. Following a hearing in the case of any notice suspending any permit required for this Chapter or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Building Inspector, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served.
- (e) The proceedings at such hearing, including the findings and decision of the Building Inspector, shall be summarized, reduced to writing, and entered as a matter of public record. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Building Inspector may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
- (f) Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action

be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building Inspector shall be afforded a hearing as soon as possible. After such hearing, depending upon his/her findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Building Inspector shall continue such order in effect, or modify it, or revoke it.

- (g) Determinations of the Building Inspector under this Section may be appealed to the Board of Appeals using the procedures prescribed in Title 13, Chapter 1 of this Code of Ordinances.

Title 15 ▶ Chapter 5

Commercial Property Exterior Maintenance Code

15-5-1	Title
15-5-2	Intent and Purpose
15-5-3	Rules and Definitions
15-5-4	Safe, Sanitary and Attractive Maintenance of Property
15-5-5	Fixing Responsibility of Owners, Operators and Occupants
15-5-6	Enforcement, Service of Notices and Orders and Hearings

Sec. 15-5-1 Title.

This Chapter shall be known as the City of Bloomer Commercial Property Exterior Maintenance Code.

Sec. 15-5-2 Intent and Purpose.

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic and monetary values.
- (b) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

Sec. 15-5-3 Rules and Definitions.

- (a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied except when the context clearly indicates otherwise:
 - (1) Words used in the present tense shall include the future.
 - (2) Words used in the singular number shall include the plural number, and the plural the singular.

- (3) The word "shall" is mandatory and not discretionary.
 - (4) The word "may" is permissive.
 - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (b) **Definitions.** The definitions found in Section 15-4-3 shall be applicable in this Chapter.

Sec. 15-5-4 Safe, Sanitary, and Attractive Maintenance of Property.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.
- (b) **Minimum Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
 - (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure.
 - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special assessment against the benefitted property.
 - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
 - (4) **Fences, Walks, and Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.
 - (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
 - (6) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in

a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.

- (7) **General Requirements.** Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
- (8) **Windows and Doors.** Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (9) **Outside Stairs and Porches.** Every outside stair, every porch, and every appurtenance thereto shall be so 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 proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- (10) **Removal of Debris.**
 - a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the City, except at approved disposal sites.
 - b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
 - c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

Sec. 15-5-5 Fixing Responsibility of Owners, Operators and Occupants.

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him.

**Sec. 15-5-6 Enforcement, Service of Notices and Orders
and Hearings.**

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor and commence an enforcement action pursuant to Section 15-4-10.

Title 15 ► Chapter 6

Grievances Regarding Access to Public Buildings, Programs, Services and Employment

15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment

Sec. 15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment.

(a) **Statement of Purpose.**

- (1) The City of Bloomer, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all City programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Common Council and is available from the City Clerk-Treasurer. An ADA Coordinator has been appointed and an ADA Compliance Committee established. Concerns and/or complaints can be addressed to the ADA Coordinator, care of the City of Bloomer Clerk-Treasurer.
- (2) The ADA Coordinator and ADA Compliance Committee shall be annually appointed by the Mayor, subject to confirmation by the Common Council, at the Council's organizational meeting. The ADA Compliance Committee shall consist of five (5) members, and shall, if possible, have representatives from the following fields:
 - a. Business and/or non-profit organization.
 - b. Education.
 - c. Disabled representative.
 - d. Elected official.
 - e. Health/medical.
- (3) In the alternative to the committee structure in Subsection (a)(2) above, the Common Council may designate a standing committee to serve as the ADA Compliance Committee.
- (4) City letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."
- (5) An ADA Committee meeting shall be treated as any other City committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.

(b) **Complaint Procedure.**

- (1) Complaints shall be filed with the ADA Coordinator, in care of the City Clerk-Treasurer.
- (2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
- (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.
- (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.
- (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than twenty (20) days after its filing.
- (6) The City Clerk-Treasurer shall maintain the files and records of the City relating to the complaints filed.

(c) **Appeals.**

- (1) If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.
- (2) If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Common Council and that a determination be made within thirty (30) days of the ADA Compliance Committee's hearing. The decision by the Board shall be final. An open, public meeting of the Common Council shall precede the vote.

(d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the City believes that resolution of the complaint will be more promptly achieved if the City is able to provide a remedy before the complaint is brought to an external organization.

(e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

Title 15 ► Chapter 7

Historic Preservation

- 15-7-1** Declaration of Public Policy and Property
- 15-7-2** Definitions
- 15-7-3** Power and Duties of Historic Preservation Committee;
Procedure for Designation of Site, Structures,
Landmarks and Districts
- 15-7-4** Criteria for Determining Eligibility
- 15-7-5** Register of Historic Sites, Structures, Landmarks
and Districts
- 15-7-6** External Alteration of Designated Property
- 15-7-7** Transfer of Historically Designated Property
- 15-7-8** Review of Permits
- 15-7-9** Designation of Repository for Documents

Sec. 15-7-1 Declaration of Public Policy and Property.

The Common Council hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having special historical, community or aesthetic interest or value is a public advantage and is promoted in the interest of the people. The purpose of this Section is to:

- (a) Safeguard the cultural resources of the City of Bloomer by preserving sites, structures, landmarks and districts which reflect elements of the City's cultural, social, economic, political, visual or architectural history.
- (b) Protect and enhance the City's attractions to visitors and residents, and serve as a support and stimulus to business, industry and tourism.
- (c) Foster civic pride in the beauty and notable achievements of the past.
- (d) Enhance the visual and aesthetic character, diversity and interest of the City.
- (e) Promote the use and preservation of historic sites, structures, landmarks and districts for the education and general welfare of the people of the City with respect to the cultural, civic, architectural and historic heritage of the City.

Sec. 15-7-2 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- (a) **Committee.** The Historic Preservation Committee created hereunder, or other body assigned such responsibilities.
- (b) **Cultural Resources.** Any work of man or nature that is primarily of interest for its historical, archeological, natural scientific or aesthetic value, including, but not limited to, historic houses and other structures such as barns, schools, kilns, archeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the City, and structures noteworthy because of their design, detail, materials or craftsmanship, or association with historic persons or events.
- (c) **Historic District.** An area of the City which contains one (1) or more designated sites, structures or landmarks. The historic district's boundaries shall be shown on the City zoning map.
- (d) **Historic Site.** Any area, place, structure, land or other object which has been duly designated by the Common Council; this includes prehistoric aboriginal sites.
- (e) **Landmark.** A natural or man-made feature of local or regional interest which is associated with a particular historic or prehistoric event.
- (f) **Structure.** Any man-made building which has special character, historic interest or value as part of the development, heritage or cultural characteristics of the City.

Sec. 15-7-3 Powers and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts.

- (a) **Composition.**
 - (1) The Common Council shall establish a five (5) member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the City. In this role, the Historic Preservation Committee will act in an advisory capacity to the City Plan Commission in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the City. In the alternative to establishing a Historic Preservation Committee such duties may be assigned to the Plan Commission.
 - (2) Members of the Historical Preservation Committee shall be chosen and appointed with consideration of one (1) or more of the following qualities:
 - a. Active interest in the historic preservation of the City of Bloomer.
 - b. Knowledge of the history of the City and its environs.

- c. Expertise and knowledge concerning architecture and archeology.
 - d. Ability to utilize authoritative resources concerning historic preservation.
- (3) The initial five (5) member committee shall be appointed to serve terms as follows: position number one (1), one (1) year; position number two (2), two (2) years; position number three (3), three (3) years; position number four (4), four (4) years; and, position number five (5), five (5) years. As each term expires, a new appointment or reappointment shall be made by the Common Council for a term of five (5) years. The Historic Preservation Committee shall furnish recommendations to the Council for consideration for new appointments.
 - (4) The Historic Preservation Committee shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
 - (5) The Historic Preservation Committee shall hold meetings upon the call of its chairperson. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three (3) members.
 - (6) The Plan Commission and City Building Inspector shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the City's program of historic preservation.
- (b) **Inventory of Cultural Resources.** The Common Council shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the City for consideration for placement on the historic register of the City. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under Section 15-7-4 below.
 - (c) **Nomination of Properties.** Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Plan Commission with the approval of the Common Council. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
 - (d) **Notice to Owners.** The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
 - (e) **Restrictive Covenant.** The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the City Assessor of such covenant and the conditions thereof.
 - (f) **Assistance With Other Registrations.** The Historic Preservation Committee shall provide encouragement, information and assistance to owners of City designated historic

properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.

- (g) **Promotional Activities.** The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.
- (h) **Subcommittees.** The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the City in the interest of historic preservation.
- (i) **Funding.** As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the City. Funds for such purposes shall be placed in a special City account.

Sec. 15-7-4 Criteria for Determining Eligibility.

In determining the eligibility of any area, site, place, building, structure or district within the City as a historic landmark, the Historic Preservation Committee shall consider the following factors with respect to eligibility:

- (a) Its character, interest or value as a part of the history or cultural heritage of the City, State or United States.
- (b) Its association with the persons or events which have made a significant contribution to the cultural heritage.
- (c) Its potential to yield information important in history or prehistory.
- (d) Its embodiment of distinguishing characteristics of an architectural type or style, or element of design, detail, materials or craftsmanship.
- (e) Its unique location or singular physical appearance representing an established and familiar feature of a neighborhood or community of the City.

Sec. 15-7-5 Register of Historic Sites, Structures, Landmarks and Districts.

The City of Bloomer shall maintain a register of historic sites, structures, landmarks and districts.

Sec. 15-7-6 External Alteration of Designated Property.

The owner of designated property shall report any planned external alteration, including demolition, to the respective property to the Historic Preservation Committee for review and

recommendation. The Historic Preservation Committee will base its recommendation according to the guidelines set forth in *The Secretary of the Interior's Standards for Rehabilitation*.

Sec. 15-7-7 Transfer of Historically Designated Property.

- (a) The City Assessor shall notify the Historic Preservation Committee when the ownership of any historically designated property is transferred.
- (b) The Historic Preservation Committee shall inform the new owner of the importance of their property and their responsibilities under this Section.

Sec. 15-7-8 Review of Permits.

- (a) Notification of every application for building, zoning or demolition permits for properties on the City register shall be given by the City Building Inspector or his/her designee to the Historic Preservation Committee for their review. The Committee shall make a recommendation to the Plan Commission concerning the proposed permit.
- (b) Considering that time is of the essence, the Historic Preservation Committee shall act promptly in its consideration of an application for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the Plan Commission within thirty (30) days. The Plan Commission shall consider this review and make their recommendations to the Common Council. The Common Council, will vote to decide if the permit will be issued or denied.
- (c) The Plan Commission, in considering the recommendations of the Historic Preservation Committee, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse affect, the Plan Commission shall consider the following factors:
 - (1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
 - (2) Whether the use of the property will destroy, disturb or endanger a known or suspected archeological feature.
- (d) The Historic Preservation Committee may also recommend to the Plan Commission variations which are comparable to the proposed changes if the Plan Commission determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Committee will be allowed another thirty (30) days to determine such variations. The Committee's recommendation shall be considered by the Common Council before a vote is taken to determine if a building, zoning or demolition permit will be issued.

- (e) Nothing contained in this Section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Committee shall be required.

Sec. 15-7-9 Designation of Repository for Documents.

The office of the City Hall is designated as the repository for all studies, surveys, reports, programs and designations of all historic sites, structures, landmarks and districts.