VILLAGE OF SAUK CITY CODE OF ORDINANCES
SAUK COUNTY, WISCONSIN

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Sec. 1.01.12 Availability of Code; Code updates
Sec. 1.01.13 Adoption and effect; Amendments to Code
Sec. 1.01.14 Altering or tampering with Code; penalties for violation

Sec. 1.01.01 Citation of Code

This Code may be known and cited as the "Code of Ordinances, Village of Sauk City, Wisconsin." This Code may also be referred to as the "Sauk City Code".

Sec. 1.01.02 Construction of terms; Definitions

The following words and phrases, whenever used in the ordinances of the Village of Sauk City, Wisconsin, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words and phrases:

BOARD

The Village Board of the Village of Sauk City. "All its members" or "all Trustees" means the total number of Trustees holding office.

CODE
Used without further qualification, means the Code of Ordinances, Village of Sauk City, Wisconsin.

COUNTY
The County of Sauk.

LAW
Denotes applicable federal law, the Constitution and Statutes of the State of Wisconsin, the ordinances of the Village of Sauk City, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

MAY
Shall be construed as permissive and discretionary.

MONTH
A calendar month.

MUST OR SHALL
Shall be construed as being mandatory.

OATH
An affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

OWNER
When applied to a building or land, means any owner, part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of such building or land.

PERSON
A natural person, joint venture, joint-stock company, partnership, association, club, company, corporation, business, trust, or organization, or the manager, lessee, agent, servant, officer or employee of any of them.

PERSONAL PROPERTY
Money, goods, chattels, things in action and evidences of debt.

PRECEDING OR FOLLOWING
Means next before and next after, respectively.

PROPERTY
Real or personal property.

REAL PROPERTY
Lands, tenements, and/or hereditaments.

SIDEWALK
That portion of a street between the curbside and the adjacent property line intended for the use of pedestrians.

STATE
The State of Wisconsin.

STREET
All streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this Village that have been or may hereafter be dedicated and open to public use, or such other public property so designed in any law of this state.

TENANT OR OCCUPANT
When applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

VILLAGE
The Village of Sauk City, Wisconsin, or the area within the territorial limits of the Village of Sauk City, Wisconsin, and such territory outside of the Village over which the Village has jurisdiction or control by virtue of any constitutional or statutory provision.

VILLAGE ADMINISTRATOR
The Administrator appointed by the Village Board, and whose duties include the statutory duties prescribed for a Village Clerk and Treasurer and those delegated to such individual by the Village Board, including managerial functions in connection with the planning and coordination of the activities of the various Village departments and general supervision over department heads.

WISCONSIN ADMINISTRATIVE CODE OR WIS. ADMIN. CODE
The Wisconsin Administrative Code as now or hereafter amended.

WISCONSIN STATUTES
The Wisconsin Statutes as of the publication of this Code, as now or hereafter amended or renumbered.

WRITTEN
Means printed, typewritten, copied, or otherwise reproduced in permanent visible form.

YEAR
A calendar year.

Sec. 1.01.03 Construction of Titles

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the Village of Sauk City.

Sec. 1.01.04 Rules of interpretation and construction

Unless it is readily apparent from the context that a different interpretation or construction is intended, the following rules shall be applied when interpreting or construing the Code:

A. Gender. Use of any gender shall include the masculine, feminine, or neutral gender.

B. Singular and plural. A word in the singular includes the plural, and a word in the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

D. General references to chapters or sections refer to chapters or sections of this Code unless otherwise specified.

Sec. 1.01.05 Acts by agents

If an ordinance requires an act to be done that may legally be done by an agent, such requirement includes all such acts when done by an authorized agent.

Sec. 1.01.06 Scope of unlawful acts or omissions

Whenever in the ordinances of the Village of Sauk City any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, or concealing the fact of such act or omission.

Sec. 1.01.07 Computation of time

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

Sec. 1.01.08 Construction of laws

The Code and all proceedings under it shall be construed with a view towards their purpose and intent and to promote justice.

Sec. 1.01.09 Conflicting provisions

If the provisions of the different chapters of the general ordinances as codified in this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

Sec. 1.01.10 Continuation of existing ordinances and provisions

The provisions of this Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. To the extent any provisions of such ordinances have been altered by this Code, the language of this Code supersedes and controls.

Sec. 1.01.11 Severability

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of the Code and the application of such provisions to other persons or circumstances shall not be affected thereby.

Sec. 1.01.12 Availability of Code; Code updates

A. A certified copy of the Code shall remain on file in the office of the Village Administrator to be made available to persons desiring to examine the same during all times while said Code is in effect. Copies of the Code shall be maintained in the office of the Administrator for inspection by the public at all time during regular office hours and may be posted on the Village's website.

B. It shall be the duty of the Village Administrator, or someone authorized and directed by the Administrator, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Administrator's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

Sec. 1.01.13 Adoption and effect; Amendments to Code

A. Adoption of any ordinance or amendment requires a simple majority vote unless a super-majority is expressly required and shall be signed, countersigned, and published as provided by sec. 61.50, Wis. Stats. Unless a later effective date is specified in the ordinance, the ordinance shall take effect the day after the publication.

B. Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Village Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Sauk City" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

Sec. 1.01.14 Altering or tampering with Code; penalties for violation

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Sauk City to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than $500, in the discretion of the judge imposing the same.

CHAPTER 1.02 ENFORCEMENT AND PENALTIES

Sec. 1.02.01 Use of citations
Sec. 1.02.02 General penalty

Sec. 1.02.01 Use of citations

A. Election to use citation method of enforcement. The Village elects to use the citation method of enforcement of certain ordinances other than those for which a statutory counterpart exists as defined in sec. 66.0113, Wis. Stats. The form of the citation shall be uniform and used by all law enforcement officers and other authorized Village officials and employees.

B. Contents of citation. The citation shall provide for the information required in sec. 66.0113(1)(b), Wis. Stats. Cash deposits shall be delivered or mailed to the Municipal Court Clerk.

C. Issuance of citations. Any law enforcement officer of the Village may issue citations for enforcement of any ordinance authorized by this section. Additional officials authorized to issue citations may be designated on the schedule of cash deposits as provided in Subsection F of this section.

D. Procedure on default. The provisions of sec. 66.0113, Wis. Stats., relating to a violator's options and procedure on default are hereby adopted and incorporated herein by reference.

E. Non-exclusivity. Adoption of this section in no way precludes the adoption of any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this section in no way precludes proceeding under any other law or ordinance relating to the same or any other matter.

F. Schedule of cash deposits and enforcement officials. The schedule of cash deposits established for use with citations issued under this section shall be the schedule adopted and modified, from time to time, by action of the Sauk Prairie Court Commission, which schedule is incorporated herein by reference. Said schedule may also identify Village officials who, in addition to the Village law enforcement officers, are authorized to issue citations for specific violations.

Sec. 1.02.02 General penalty

A. Penalty where none provided. In any case where there is a violation of any Village ordinance for which no penalty is provided, the person violating

the same shall be subject to a forfeiture of not less than $25 nor more than $200 for each offense, except as provided herein.

B. Penalty for second or subsequent violation. If an ordinance or section of an ordinance of the Village does not provide a greater penalty for a second or subsequent conviction for a violation thereof, any person found violating the same who has previously been convicted of a violation thereof shall be subject to a forfeiture of not less than $50 nor more than $500 dollars for each offense, provided however, that if the specific penalty for a first violation of any Code provision is larger than the penalties provided for in this section, then the larger penalty shall apply.

C. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

D. Other remedies. The Village shall have any and all remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution imposed herein.

E. Penalty upon nonpayment. No violation of any ordinance of the Village shall be, or be construed to be, a misdemeanor nor shall imprisonment be imposed as a punishment for violation of any ordinance of the Village, except in the event of a failure of the defendant to pay the forfeiture imposed by the court, any other provision of the general ordinances of the Village to the contrary notwithstanding.

F. Action by court. When a forfeiture is imposed for the violation of any ordinance of the Village or any section thereof, the court may also order the defendant to pay the cost of the action and to be imprisoned until such forfeiture and costs are paid, in no case, however, to exceed six months, and the court may also issue an execution against the property of the defendant for the forfeiture and costs.

G. Imprisonment. This chapter shall not be construed to authorize imprisonment of a defendant for failure to pay the forfeiture or costs solely because the defendant is indigent and cannot pay the fine in full.

H. Stipulation of guilt or no contest. In respect to any violations for which a citation is issued under this section, the citation shall provide that a stipulation of guilt or no contest may be made pursuant to sec. 66.0114(1)(b), Wis. Stats., in which case the person charged with the violation is authorized to make a timely stipulation and pay the required penalty plus costs, fees and surcharges imposed under Ch. 814, Wis. Stats.

The penalty shall be the same for each respective violation as the deposit required under this section.

TITLE 2. GOVERNMENT ADMINISTRATION

CHAPTER 2.01 VILLAGE BOARD

CHAPTER 2.02 OFFICERS AND EMPLOYEES

CHAPTER 2.03 BOARDS, COMMISSIONS AND COMMITTEES

CHAPTER 2.04 MUNICIPAL COURT

CHAPTER 2.05 FINANCE AND TAXATION

CHAPTER 2.06 ROOM TAX

CHAPTER 2.07 MOTOR VEHICLE REGISTRATION FEE

CHAPTER 2.08 SPECIAL CHARGES

CHAPTER 2.09 FEES

CHAPTER 2.01 VILLAGE BOARD

Sec. 2.01.01 Meetings
Sec. 2.01.02 Order of business
Sec. 2.01.03 Presiding officer
Sec. 2.01.04 Appointments
Sec. 2.01.05 Special committees
Sec. 2.01.06 General Rules of Parliamentary Procedure
Sec. 2.01.07 Ordinances
Sec. 2.01.08 Order at meetings; Attendance
Sec. 2.01.09 Residency requirement

Sec. 2.01.01 Meetings

A. Regular meetings of the Board shall be held in the Village Hall or such other location as specified in the notice of such meeting as designated by agenda on the second and last Tuesday of each month, except when the

day so designated shall fall on a legal holiday, and in that event such meeting shall be held on a date determined by a majority vote of the Village Board at the same hour and place.

B. All special meetings of the Village Board shall be held at the place where regular meetings of the Board are held unless otherwise specified in the call and notice of the special meeting. Special meetings may be called by any two Trustees in writing filed with the Administrator, who shall thereupon reasonably notify all of the Trustees, including the President, of the time, purpose and place thereof.

C. All meetings shall be open to the public and held in accordance with the Wisconsin Open Meeting Law, sec. 19.81 et seq., Wis. Stats., as may be amended from time to time. Meetings or portions of meetings may be closed to the public or held in closed session pursuant to the Open Meeting Law exemptions contained in sec. 19.81 et seq., Wis. Stats., as may be amended from time to time.

D. No Village public official, employee, Trustee, committee member, board member, or commission member shall, without proper legal authorization, discuss or disclose closed session information, deliberations, data or material or discuss confidential information concerning the property, government, or affairs of the Village at any time with any third party, except as set forth herein. All information discussed in closed session is considered confidential information and shall not be disclosed until the information is determined to be an open record available to the public under the open records and/or open meetings laws. Remedies or sanctions may be imposed by the Village Board, including but not limited to a reprimand or other disciplinary action.

Sec. 2.01.02 Order of business

A. The Board may establish any order of business as it sees fit after the meeting is called to order by the Village President. Generally, the order of business for meetings should be as follows:

(1) Pledge of Allegiance.

(2) Roll call.

(3) Open Meeting Law compliance check.

(4) Approve agenda.

(5) Citizen comment.

(6) Staff and committee updates.

(7) Consent action items.

(8) Discussion action items.

(9) Adjournment.

Sec. 2.01.03 Presiding officer

The President shall preside at all meetings when present and shall at the stated hour call the meeting to order. In the President's absence or if the President otherwise needs to vacate the chair, the members of the Board may elect any Trustee present as the presiding officer.

Sec. 2.01.04 Appointments

Appointments. Unless otherwise expressly stated, the Village President shall appoint all members of committees, boards and commissions. All appointments shall be subject to confirmation by the Village Board.

Sec. 2.01.05 Special committees

The Village Board may provide for such special committees as it may from time to time determine.

Sec. 2.01.06 General Rules of Parliamentary Procedure

A. The parliamentary practice of the Board while in session shall be governed by Robert's Rules of Order Newly Revised. These rules may be suspended by a majority of the members present at any meeting, until the adjournment of the meeting at which such suspension occurs, or until the Board revokes the suspension.

B. When a motion is made and seconded, it shall be stated by the member making the same, or by the President, or be read by the Administrator before being debated.

C. Method of Voting.

(1) Any member may request a voice vote or vote by show of hands.

(2) Roll call votes shall be taken whenever required by Wisconsin Statutes or on confirmation or adoption of any measure assessing

or levying taxes or appropriations or creating any liability against the Village.

Sec. 2.01.07 Ordinances

All ordinances passed by the Village Board shall be signed by the President and countersigned by the Administrator and shall, before taking effect, be published as a Class 1 notice, in compliance with sec. 61.50, Wis. Stats.

Sec. 2.01.08 Order at meetings; Attendance

The Village Board has the power to preserve order at its meetings, compel attendance of Trustees and punish nonattendance.

Sec. 2.01.09 Residency requirement

Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office.

CHAPTER 2.02 OFFICERS AND EMPLOYEES

Sec. 2.02.01	Election and terms
Sec. 2.02.02	President
Sec. 2.02.03	Trustees
Sec. 2.02.04	Administrator
Sec. 2.02.05	Chief of Police
Sec. 2.02.06	Weed Commissioner
Sec. 2.02.07	Other officers
Sec. 2.02.08	Public Employee Trust Fund
Sec. 2.02.09	Salaries and compensation

Sec. 2.02.01 Election and terms

The annual election shall be held the first Tuesday in April. In odd-numbered years, a President and three Trustees shall be elected. In even-numbered years, three Trustees shall be elected. The regular term of office of Village President and Trustees shall commence on the 3rd Tuesday of April in the year of their election. The terms for President and Trustees shall be two years.

Sec. 2.02.02 President

The President shall by virtue of the office be a Trustee and preside at all meetings of the Village Board and have a vote as Trustee, sign all ordinances, rules, bylaws, regulations, commissions, and contracts adopted or authorized by the Board, and have such other powers as are prescribed by sec. 61.24, Wis. Stats.

Sec. 2.02.03 Trustees

There shall be six Trustees on the Village Board in addition to the President with staggered elections for Trustees as set forth in this Chapter. The Trustees and the President shall constitute a board designated the "Village Board of Trustees" in which shall be vested all the powers of the Village not specifically given some other officers.

Sec. 2.02.04 Administrator

The offices of Clerk and Treasurer having been consolidated by the adoption of a Charter Ordinance on January 8, 1957, which authorized the Village Board to determine

the method of selection to be used in filling such office and the Village Board having appointed a Village Administrator to act as Clerk-Treasurer, the Village Administrator shall exercise the statutory duties specified in secs. 61.25, 61.26 and 61.27, Wis. Stats., relating to the office of Clerk-Treasurer.

Sec. 2.02.05 Chief of Police

The office of the Chief of Police, having been created by the adoption of a Charter Ordinance dated January 29, 1963, shall be filled by appointment by the Sauk-Prairie Police Commission in accordance with its rules.

Sec. 2.02.06 Weed Commissioner

The President of the Village shall appoint one or more weed commissioners each year. The Weed Commissioner shall hold the office for one year and until a successor has been appointed or until the President determines not to appoint a weed commissioner. The Weed Commissioner shall have the authority, duties and other powers as prescribed by sec. 66.0517, Wis. Stats.

Sec. 2.02.07 Other officers

All other officers shall be appointed by the Village Board at the first meeting after the 3rd Tuesday of April. Terms of such other officers shall commence on May 1 and run until their successor has been appointed.

Sec. 2.02.08 Public Employee Trust Fund

Pursuant to sec. 40.01, Wis. Stats., the Village elects to include eligible Village personnel under the provisions of the Public Employee Trust Fund in accordance with the terms thereof. Election is made to provide prior service credits at rates equal to two times the rate of municipality credits for current service, to be applicable to employees as defined in sec. 40.02, Wis. Stats., who are employed by the Village on the effective date.

Sec. 2.02.09 Salaries and compensation

A. Village Board President. The salary for the Village Board President shall be $3,000 on an annual basis.

B. Village Trustees. The salary for Village Trustees shall be $2,100 on an annual basis.

C. Other commission and committee members. All persons serving as members of boards or committees and commissions created by the Village Board of the Village of Sauk City shall be paid the sum of $20 for each meeting attended by such board or commission member, except for Village Board Trustees and the Village President, who shall be compensated in accordance with subsection E.

D. Expenses. All Village Trustees and the Village Board President shall be entitled to reimbursement for their out-of-pocket expenses incurred on behalf of the Village of Sauk City in the furtherance of their duties as Trustees, subject to approval of the Village Board.

E. Additional compensation. All Village Trustees and the Village President shall be paid the sum of $20 for each committee or commission meeting they attend and shall be paid the sum of $50 for each Board of Review meeting, unless such payments are expressly prohibited by Wisconsin Statutes.

CHAPTER 2.03 BOARDS, COMMISSIONS AND COMMITTEES

Sec. 2.03.01 Finance Committee
Sec. 2.03.02 Board of Review
Sec. 2.03.03 Library Board
Sec. 2.03.04 Board of Health
Sec. 2.03.05 Sauk Prairie Police Commission
Sec. 2.03.06 Sauk City – Prairie du Sac Sewerage Commission

Sec. 2.03.01 Finance Committee

A. Establishment; members. The Board establishes a Finance Committee. The Finance Committee shall consist of the Village President and two Trustees.

B. Powers and duties. The Finance Committee shall have those powers and duties as are specifically provided and enumerated in this Code, including the following:

(1) To aid the Village Administrator in the development of the annual operating and capital improvements budget and the supervision of the funds spent in accordance therewith.

(2) To review all claims or demands against the Village and approve all payments related thereto, and such items requiring full Board approval may first be reviewed by the Finance Committee.

(3) To serve at the direction of the Village Board on any additional projects it may desire.

(4) To investigate and recommend alternative sources of income for the municipality.

(5) To provide an approved copy of the minutes of the committee's proceedings to the Village Board as soon as practicable.

C. Meetings. The Finance Committee shall meet the second Tuesday of every month prior to the Village Board meeting.

Sec. 2.03.02 Board of Review

A. The President, the Village Administrator and two Trustees to be appointed by the Village Board shall constitute the Board of Review of this Village. The Assessor shall be present at the Board of Review, which shall be held annually at the time and date prescribed by Wisconsin

Statutes. The Village Attorney shall be present at the request of either the Village President, Village Administrator, or Village Assessor.

B. 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 discharge 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), unless a court determines that it is inaccurate, is, per sec. 70.47(7)(af), not subject to the right of inspection and copying under sec. 19.35(1), Wis. Stats.

Sec. 2.03.03 Library Board

A. Generally. The Sauk City Library Board is established under Chapter 43, Wis. Stats., and is charged with exclusive control, conduct, and management of the Sauk City Library. The Library Board shall consist of seven members. Five of the seven members must be residents of the Village and two of the seven members may be residents of other municipalities. One of the members appointed shall be a school district administrator or the administrator's representative to represent the public school district in which the Sauk City Library is located. Not more than one member of the Village Board shall at any one time be a member of the library board pursuant to sec. 43.54(1)(c), Wis. Stats. The Village President shall appoint all Library Board members, subject to confirmation by the Village Board, and each member's term of office shall be three years. Each three-year term shall be staggered in such a way as to cause at least one appointment to be made each year. Each member of said Library Board shall remain in office until the member's successor is duly appointed. The Librarian shall be appointed by the Library Board.

B. Oath of office. Citizen members of the Board shall be required to take the official oath as set forth in sec. 19.01, Wis. Stats., which oath shall be filed with the Village Administrator.

C. Budget. The Library Board and Librarian shall prepare a proposed annual budget and submit the same to the Village Administrator on or before

October 1 of every year. The Library Board shall furthermore make all library assets and financial information available to the Village Auditor.

Sec. 2.03.04 Board of Health

A. The Village President shall appoint all Board of Health members, subject to the confirmation by the Village Board. The Board of Health shall elect a Chairman, Clerk and Health Officer as provided by sec. 251.03, Wis. Stats. The duties and powers of the Board of Health and Health Officer shall be as enumerated in Ch. 251, Wis. Stats.

B. The Health Officer together with the Board of Health shall have the power to abate human health hazards in accordance with sec. 254.59, Wis. Stats., which is adopted by reference and made a part of this section as if fully set forth herein.

Sec. 2.03.05 Sauk Prairie Police Commission

A. Statutory authority; joint commission formed. Pursuant to the provisions of the Wisconsin Statutes, and especially secs. 61.34(2) and 66.0301 thereof, the Village of Sauk City and the Village of Prairie du Sac have formed a joint police commission, which shall be the Sauk Prairie Police Commission.

B. Members; appointment. Three members shall be appointed to the Sauk Prairie Police Commission by the Village President of the Village of Sauk City, subject to the confirmation by a majority of the Village Board of said Village; one member may also be a member of the Sauk City Village Board. Terms shall be established by the Village Board so that one member's term expires each year. Annually, during April, one member shall be appointed by the Village President, subject to confirmation by the Village Board, for a term of three years. Each Commissioner shall serve until a successor is appointed and qualified. Vacancies shall be filled in the original manner for the unexpired term. Citizen members shall take the oath required by sec. 19.01, Wis. Stats., which shall be filed in the administrative offices of the respective Villages.

C. Meetings. As soon as all members of the first Commission shall have been appointed, the Village Administrator or Clerk of the respective Villages shall give each Commissioner a written notice of the appointment, and the Village Administrator or Clerk of the respective Villages shall agree and fix the time and place of the first meeting, which shall not be less than five days nor more than 10 days thereafter. Notice of time and place of the first meeting shall accompany the written notice of appointment to the

Commissioners. The Commission shall elect a Chairman, a Secretary and such other officers as may in its judgment be necessary and shall keep a written record of its proceedings, to include all actions taken. Each member of the Commission shall receive such compensation as is determined to be reasonable and just by the Commission, subject to the provision of sec. 66.0501(2), Wis. Stats. The Commission shall establish rules and regulations for the performance of its duties.

D. Duties. The duties of the Commission shall be those duties enumerated in the Agreement for the Operation of the Sauk Prairie Police Commission and any amendments to that Agreement as may be authorized by the Village Boards of Prairie du Sac and Sauk City.

E. Regulations generally. The Commission shall be authorized to appoint such employees as may be necessary for the effective administration, operation and development of the police facilities of the Village of Prairie du Sac and of the Village of Sauk City, subject, however, to the limitation of available funds and as provided for in the Agreement for the Operation of the Sauk Prairie Police Commission and subject to applicable Wisconsin Statute provisions. The Village Administrator of the respective Villages shall swear in all police officers. Prior to the first day of October of each year, the Commission shall submit to the Village Board of the Village of Sauk City and the Village Board of Prairie du Sac an annual budget for the ensuing year and file the same with the respective Village Administrator of each Village. The official population estimates from the Department of Administration for the previous year will be used to determine each Village's joint department appropriation for the upcoming year which shall be included in the budget for both Villages. The money as so appropriated shall be deposited and expended in the account of the Sauk Prairie Police Commission Fund as provided for in the Agreement for the Operation of the Sauk Prairie Police Commission. The Commission shall submit to each respective Village Board by June 1 of each year a report of the activities of the Commission during the preceding year. Each Village Board may from time to time also request a report as to the activities and expenditures of the Commission.

Sec. 2.03.06 Sauk City – Prairie du Sac Sewerage Commission

A. Purpose. The Village of Sauk City joins with the Village of Prairie du Sac to project, plan, construct and maintain intercepting and other main sewers for the collection and transmission of house, industrial and other sewerage and to project, plan, construct and operate disposal works, and to accomplish said purposes a body corporate by the name "Sauk City - Prairie du Sac Sewerage Commission" is recognized.

B. Membership. The Sauk City - Prairie du Sac Sewerage Commission shall consist of five members, two members to be appointed by each of the governing bodies of the Villages of Sauk City and Prairie du Sac and a fifth member to be selected by the four members so appointed.

C. Powers and duties. The powers, duties, terms of office, and manner of selection of members of the Sauk City - Prairie du Sac Sewerage Commission shall be as provided in sec. 281.43(4), Wis. Stats.

CHAPTER 2.04 MUNICIPAL COURT

Sec. 2.04.01	Joint Court and Court Commission established
Sec. 2.04.02	Sauk Prairie Court Commission
Sec. 2.04.03	Municipal Judge
Sec. 2.04.04	Jurisdiction
Sec. 2.04.05	Operations
Sec. 2.04.06	Penalties for contempt
Sec. 2.04.07	When effective

Sec. 2.04.01 Joint Court and Court Commission established

A. Pursuant to the authority granted by Ch. 755, Wis. Stats., there was created and established a Joint Municipal Court designated as the "Municipal Court for the Village of Prairie du Sac and Village of Sauk City" ("Joint Court"). Said Joint Court became operative and functioning on January 1, 2004. In addition, there was created and established a Joint Court Commission to be designated the "Sauk Prairie Court Commission" on which the Village of Prairie du Sac and Village of Sauk City are represented.

B. Pursuant to the authority granted by Ch. 755, Wis. Stats., the Villages of Prairie du Sac and Sauk City and the Town of Roxbury jointly agree: to add the Town of Roxbury to the Joint Court effective April 1, 2009 ("Municipal Court"); and that the Judge for the existing Joint Municipal Court shall serve as Judge for the Municipal Court until the end of the existing term.

Sec. 2.04.02 Sauk Prairie Court Commission

The Sauk Prairie Court Commission shall consist of three members, one each appointed by the Village Boards of the Village of Prairie du Sac and Village of Sauk City and the remaining member appointed at large by the two members appointed by the respective Village Boards. Effective April 1, 2009, a fourth member of the Sauk Prairie Court Commission shall be added to the Commission; such fourth member shall be appointed by Roxbury Town Board, shall be a nonvoting advisory member of the Commission, shall serve a two-year term, shall not have the right to vote on any matters before the Commission, shall have the right to participate in and be notified of Commission meetings, shall not have the right to be elected as an officer of the Commission, and shall not be counted for purposes of a quorum. Members of the Sauk Prairie Court Commission shall serve two-year terms starting May 1. The Sauk Prairie Court Commission members shall appoint a Chairperson annually. The initial appointments shall be for one or two years, as the case may be, to allow for the staggering of terms so

that no more than 2/3 of the members of the Commission are appointed in any year. The Sauk Prairie Court Commission shall meet as necessary to authorize employee salaries, compile and submit an annual budget to the Village and Town Boards by September 1 of each year, and conduct other business as required.

Sec. 2.04.03 Municipal Judge

A. Qualifications. The Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be licensed to practice law in the State of Wisconsin, and who shall reside in the Village of Prairie du Sac or Village of Sauk City or the Town of Roxbury and shall have a general understanding of the general requirements of the office of Municipal Judge.

B. Oath and bond. The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in sec. 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of $10,000. The Judge shall not act until the oath and bond have been filed as required by sec. 19.01(4)(c), Wis. Stats., and the requirements of sec. 755.03(2), Wis. Stats., have been satisfied. The Sauk Prairie Court Commission shall pay for expenses associated with obtaining the oath and bond.

C. Term. Commencing with judicial elections held on and after January 1, 2011, the Municipal Judge shall be elected at large every fourth spring election, for a term of four years. Such term shall commence on May 1 of the year of the judge's election. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in sec. 8.10, Wis, Stats., and selection at a primary election if such is held as provided in sec. 8.11, Wis. Stats. The Sauk County Clerk shall serve as filing officer for the position of Municipal Judge. Electors in the Village of Prairie du Sac, Village of Sauk City and Town of Roxbury are eligible to vote for Municipal Judge.

D. Vacancy. A permanent vacancy in the office of Municipal Judge may be filled by temporary appointment of the Sauk Prairie Court Commission as provided for in sec. 8.50(4)(fm), Wis. Stats. The office shall be permanently filled by special election ordered by the Sauk Prairie Court Commission in the manner provided for in sec. 8.50, Wis. Stats.

E. Salary. The salary of the Municipal Judge shall be fixed by resolution of the Sauk Prairie Court Commission. No salary shall be paid if such Judge has not executed the official bond or official oath.

Sec. 2.04.04 Jurisdiction

A. The Municipal Court has jurisdiction over incidents occurring on or after January 1, 2004, as provided in Article VII, §14 of the Wisconsin Constitution, secs. 755.045 and 755.05, Wis. Stats., and as otherwise provided by the laws of Wisconsin. In addition, it shall have exclusive jurisdiction over actions in the Village of Prairie du Sac, Village of Sauk City, and, after April 1, 2009, in the Town of Roxbury, seeking to impose forfeitures for violations of municipal ordinances, resolutions and bylaws.

B. The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under secs. 755.045(2) and 66.0119, Wis. Stats.

Sec. 2.04.05 Operations

A. Hours. The Municipal Court shall be open at such location and at such times as determined by the Sauk Prairie Court Commission.

B. Employees. The Municipal Judge shall in writing appoint the personnel that are authorized by the Sauk Prairie Court Commission. The Sauk Prairie Court Commission shall authorize at least one clerk for each court. The hiring, termination, hours of employment, and work responsibilities of the court personnel, when working during hours assigned to the court, shall be under the Judge's authority. Their salaries shall be fixed by the Sauk Prairie Court Commission. The clerks shall, before entering upon the duties of their offices, take the oath provided by sec. 19.01, Wis. Stats., and give a bond if required by the Sauk Prairie Court Commission. The cost of the bond shall be paid by the Sauk Prairie Court Commission. The oath and any bond shall be filed with the Clerks of each municipality that is a member of the Commission.

C. The Town of Roxbury shall contribute to the cost of operations for the Municipal Court through a fee and contribution schedule adopted by separate mutual agreement of the Villages and the Town.

D. Collection of forfeitures and costs. The Municipal Judge may impose punishment and sentences as provided by Chs. 800 and 938, Wis. Stats., and as provided in the ordinances of the Village of Prairie du Sac, Village of Sauk City and the Town of Roxbury. All forfeitures, fees, assessments, surcharges and costs shall be paid to the joint Municipal Court Clerk within seven days after receipt of the money by the Municipal Court.

Sec. 2.04.06 Penalties for contempt

The Municipal Judge may impose a forfeiture for contempt or, upon nonpayment of the forfeiture and applicable assessments, a jail sentence. The Municipal Judge may impose the maximum forfeiture and maximum jail sentence allowed by Wisconsin law.

Sec. 2.04.07 When effective

This chapter shall take effect upon its approval by the Village Boards of the Village of Prairie du Sac, Village of Sauk City and Town of Roxbury, publication of this chapter as required by law and the approval and execution of an agreement between the Village of Prairie du Sac, Village of Sauk City and Town of Roxbury pursuant to sec. 755.01(4) and 66.0301, Wis. Stats, with said approval to be effective by the enactment of this substantively identical ordinance in each municipality.

CHAPTER 2.05 FINANCE AND TAXATION

Sec. 2.05.01	Budget
Sec. 2.05.02	Payment of claims and bills
Sec. 2.05.03	Filing of approved claims
Sec. 2.05.04	Annual audit
Sec. 2.05.05	Required signatures on order checks
Sec. 2.05.06	Bidding procedure
Sec. 2.05.07	Temporary investments
Sec. 2.05.08	Revocation or suspension of license or permit

Sec. 2.05.01 Budget

On or before the date of the second regular meeting of the Village Board in November of each year, the Finance Committee shall prepare and submit to the Village Board a proposed budget, and the public hearing thereon shall be held on or before December 7 of each year in accordance with sec. 65.90, Wis. Stats.

Sec. 2.05.02 Payment of claims and bills

A. Payment of any claim against the Village or bill may be made from the Village treasury after the Village Administrator has audited and approved each such claim as a proper charge against the treasury and has endorsed its approval therefor, having first determined that:

(1) Funds are available therefor pursuant to the budget.

(2) The item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.

(3) The claim is accurate in amount and a proper charge against the treasury.

Sec. 2.05.03 Filing of approved claims

The Village Administrator shall file with the Finance Committee at each regular meeting a list of the bills paid.

Sec. 2.05.04 Annual audit

An annual detailed audit of the financial transactions and accounts of the Village shall be made by either a certified public accountant or by the Department of Revenue, as the Village Board may select and approve of from time to time.

Sec. 2.05.05 Required signatures on order checks

A. No order, check, draft, or order check of the Village shall be released to the payee, nor shall it be valid, unless signed by the Village Administrator, and the countersignature of the Village President shall not be required thereon as authorized by the provisions of sec. 66.0607(3), Wis. Stats.

B. A certified copy of the ordinance codified in this section shall be furnished to every Village depository.

Sec. 2.05.06 Bidding procedure

The bidding provisions of sec. 62.15, Wis. Stats., shall be applicable to Village contracts. The authority vested in the Board of Public Works shall in such case be exercised by the Village Board, or as delegated by the Village Board.

Sec. 2.05.07 Temporary investments

The Village Administrator may invest any Village funds not immediately needed in temporary investments pursuant to secs. 66.0603(1m) and 219.05, Wis. Stats.

Sec. 2.05.08 Revocation or suspension of license or permit

A. Whenever the holder of any license or permit under this Code is indebted to the Village for any of the following items, proceedings for revocation or suspension of such license or permit may be instituted: utilities, including water and sewer charges; special assessments; special charges; garbage collection fees; snow removal assessments; sidewalk repair assessments; sewer installation charges; sales taxes; use taxes; employment taxes; vehicle wheel taxes; and/or any municipal fines or fees.

B. The manner and the procedure to be used for the revocation or suspension of such a license or permit shall be conducted under the provisions established by sec. 125.12, Wis. Stats., and the provisions of any sections of this Code which are applicable.

CHAPTER 2.06 ROOM TAX

Sec. 2.06.01	Definitions
Sec. 2.06.02	Imposition of room tax
Sec. 2.06.03	Administration of tax collection
Sec. 2.06.04	Lodging registration permit
Sec. 2.06.05	Collection of tax
Sec. 2.06.06	Audit authority
Sec. 2.06.07	Delinquent tax returns
Sec. 2.06.08	Failure to file tax return
Sec. 2.06.09	Interest on unpaid taxes
Sec. 2.06.10	Liability for unpaid taxes
Sec. 2.06.11	Records to be maintained
Sec. 2.06.12	Confidentiality
Sec. 2.06.13	Violations and penalties
Sec. 2.06.14	Room Tax Commission

Sec. 2.06.01 Definitions

In this Chapter, any terms not expressly defined herein shall have the meaning given in sec. 66.0615, Wis. Stats. As used in this article, the following terms shall have the meanings indicated:

BED AND BREAKFAST ESTABLISHMENT

Any place of lodging that provides four or fewer rooms for rent, which is open for rental more than 10 nights in a twelve-month period, is the owner's personal residence and is occupied by the owner at the time of rental, and in which the only meal served is breakfast.

GROSS RECEIPTS

Total revenue received from the retail furnishing of rooms, lodging, or similar accommodations to transients.

TAXPAYER

Any person or entity upon whom the room tax is imposed under §2.06.02 below.

TRANSIENT

Any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodation available to the public.

Sec. 2.06.02 Imposition of room tax

Pursuant to Wis. Stats. sec. 66.0615, a tax is imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators,

marketplace providers, owners of short-term rentals, and other persons or retailers selling or furnishing accommodations within the Village limits that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall not be subject to the selective sales tax imposed by Wis. Stats. sec. 77.52(2)(a)(1).

A. Tax rate. Such tax shall be at the rate of 6% of the gross receipts from such retail furnishing of rooms or lodgings.

B. Exemptions. The following room sales are exempt from this tax:

(1) Sales to the federal government;

(2) Sales to persons listed under Wis. Stats. sec. 77.54(9a).

C. Exemption conditions. The following conditions must occur for a sale to be exempt from the room tax under Subsection B above:

(1) The lodging establishment must issue the billing or invoice for the lodging in the name of the tax-exempt entity; and

(2) The lodging establishment must receive from the exempt entity:

(a) In the case of federal, Wisconsin State or local governmental units, a purchase order or similar written document (such as a letter of authorization); or

(b) In the case of nonprofit religious, charitable, scientific or educational organization, the organization's certificate of tax-exempt status number.

(3) The exemption still applies if the employee pays with the employee's own funds, as long as the above conditions are met.

D. Commencement of tax collection. Commencing on January 1, 2009, and thereafter the net room tax collections shall be collected from approved hotels or motels within the Village of Sauk City.

Sec. 2.06.03 Administration of tax collection

A. Administration by Village Treasurer. This tax shall be administered by the Village Treasurer who shall, at the Village's expense, provide the necessary application and reporting forms at no cost to the taxpayer.

B. Disbursement to Commission and by municipality.

(1) Seventy percent of the amount collected from room taxes shall be forwarded to the room tax commission created hereunder for tourism promotion and development.

(2) The remaining funds shall be used and disbursed at the discretion of the Village Board.

Sec. 2.06.04 Lodging registration permit

A. Every taxpayer furnishing rooms or lodging under §2.06.02 above shall obtain a lodging registration permit for such place of business from the Village Treasurer. Every application for a permit shall be made upon a form prescribed by the Village Treasurer. The taxpayer or its legal representative shall sign the application for a lodging registration permit.

B. After compliance with Subsection A, the Village Treasurer shall grant and issue to each applicant a separate lodging registration permit for each place of business within the Village. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be available for inspection at the place for which issued.

Sec. 2.06.05 Collection of tax

The room tax shall be collected each calendar quarter. The tax is due and payable and must be received in the office of the Village Treasurer at the Village Hall on or before the last business day of the month next succeeding the calendar quarter for which it is imposed (e.g., first quarter is due on or before April 30, second quarter is due on or before July 31).

A. Quarterly room tax returns. Every taxpayer shall file a return with the Village Treasurer on or before the same date on which such tax is due and payable. Such return shall be on a form provided by the Village Treasurer and shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, illustrating and indicating thereon any exemption from an imposed room tax, billed to the state and/or its departments or agencies, the amount of taxes imposed for such period, and such other information as the Village Treasurer deems necessary, provided it is directly related to the tax.

B. Annual room tax return. Every taxpayer shall also file an annual calendar year return on a form provided by the Village Treasurer which shall be due and filed as part of the quarterly return for the fourth quarter of each calendar year. The annual return shall summarize the quarterly returns,

reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the Village Treasurer requires, provided it is directly related to the tax. All annual returns shall be signed by the taxpayer or its duly authorized agent. The Village Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.

Sec. 2.06.06 Audit authority

The Village Treasurer may, by field audit or office audit, determine the tax required to be paid to the Village or the refund due to any taxpayer under this article. The determination shall be made upon the basis of the facts contained in the return being audited and upon any other information available to the Village Treasurer. The Village Treasurer is authorized to examine and inspect the books, records memoranda and property of any person or taxpayer which are directly related to the tax or which have a direct bearing upon the gross receipts upon which the tax due, including state sales tax records, to determine or verify the tax liability of any taxpayer. Nothing herein shall prevent the Village Treasurer from making a determination of tax at any time. Any taxpayer who fails to comply with a request to inspect or audit records shall be subject to a forfeiture equal to 5% of the prior year's room tax. Multiple violations may result in multiple forfeitures.

Sec. 2.06.07 Delinquent tax returns

Tax returns not timely filed hereunder, and that are less than 30 days late, shall be deemed delinquent and shall be subject to a late filing fee of $10.

Sec. 2.06.08 Failure to file tax return

If any taxpayer fails to file a return within 30 days of its due date, the Village Treasurer shall make an estimate of the amount of the gross receipts upon which the tax is determined. Such estimate shall be made for the period for which such taxpayer failed to make a return and shall be based upon any information which is in the Village Treasurer's possession or may come into the Treasurer's possession or such other information as may have a bearing upon the determination of gross receipts. On the basis of this estimate, the Village Treasurer shall compute and determine the amount required to be paid to the Village, adding to the sum thus arrived at a penalty of 1% thereof per month on the unpaid balance. Such determination may be made for each quarterly period for which no return is filed. Such penalty shall be due upon written notice to the taxpayer and shall not be in lieu of the tax due hereunder.

Sec. 2.06.09 Interest on unpaid taxes

All unpaid taxes under this article shall bear interest at the rate of 12% per annum from the due date of the return until the first day of the month following the month in which the tax was paid.

Sec. 2.06.10 Liability for unpaid taxes

The room tax imposed herein shall be a continuing liability upon the taxpayer upon whom it is imposed until paid in full. The taxpayer's successors, heirs, partners or assigns shall be liable for any preceding calendar quarter or year for which a return has not been filed and payment not received.

Sec. 2.06.11 Records to be maintained

Every taxpayer shall keep or cause to be kept such records, receipts, invoices and other pertinent papers for seven years in such form so as to enable the Village Treasurer to determine the tax due hereunder.

Sec. 2.06.12 Confidentiality

A. All tax returns, schedules, exhibits, writings or audit reports relating to such returns on file with the Village Treasurer are deemed to be confidential, except the Village Treasurer may divulge their contents to the following and no others:

(1) The person who filed the return.

(2) Officers, agents or employees of the Federal Internal Revenue Service or the State Department of Revenue.

(3) Officers, employees or agents of the Village auditors.

(4) Such other public officials of the Village when deemed necessary.

B. No person having an administrative duty under this section shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this article or the amount or source of income, profits, losses, expenditures or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided above.

Sec. 2.06.13 Violations and penalties

Any violation of or noncompliance with any of the provisions of this article for which a penalty has not been prescribed herein shall subject the violator to a forfeiture of not less than $100 nor more than $500, together with allowable court costs and the costs of prosecution. Each day of violation or noncompliance shall constitute a separate offense.

Sec. 2.06.14 Room Tax Commission

A. Creation of a commission. The participating municipalities shall enter into a contract as required by sec. 66.0615, Wis. Stats., to create a commission under the intergovernmental agreement provisions of sec. 66.0301, Wis. Stats. The commission shall receive a minimum of 70% of the room tax collected by each municipality to be disbursed for tourism promotion and development.

B. Commission membership. Commission membership shall be determined in accordance with Wis. Stats. sec. 66.0615(1m)(c):

(1) The commission shall consist of one member from each municipality in which annual tax collections are $300,000 or less.

(2) Two additional members who represent the Wisconsin hotel and motel industry shall be appointed to the commission by the chairperson of the commission. Those individuals shall serve for a one-year term at the pleasure of the chairperson and may be reappointed to subsequent terms.

C. Commission appointments. The municipality's principal elected official shall appoint the municipality's representative to the commission, subject to confirmation by the governing body. Commissioners shall serve a one-year term, at the pleasure of the appointing official, and may be reappointed to subsequent terms. If a municipality's representative resigns or is removed for cause, then the municipality that appointed the member may appoint a successor to fulfill the unexpired term.

D. Members of the commission shall receive no pay, but may be reimbursed for travel expenses preapproved by the commission.

E. The commission shall perform the duties as specified in the intergovernmental agreement between the participating municipalities.

CHAPTER 2.07 MOTOR VEHICLE REGISTRATION FEE

Sec. 2.07.01	Authority
Sec. 2.07.02	Purpose
Sec. 2.07.03	Definitions
Sec. 2.07.04	Annual registration fee
Sec. 2.07.05	Administrative costs
Sec. 2.07.06	Exemptions
Sec. 2.07.07	Deposit of fee revenues
Sec. 2.07.08	Effective date

Sec. 2.07.01 Authority

This article is adopted pursuant to the authority granted by Wisconsin Statutes sec. 341.35, as from time to time amended.

Sec. 2.07.02 Purpose

The purpose of this article is to provide the Village of Sauk City a source of revenue to be used to assist with transportation related purposes.

Sec. 2.07.03 Definitions

As used in this Chapter, "motor vehicle" means an automobile or motor truck registered under Wisconsin Statutes sec. 341.25(1)(c) at a gross weight of not more than 8,000 pounds.

Sec. 2.07.04 Annual registration fee

A. Pursuant to sec. 341.35 of the Wisconsin Statutes, an annual flat village registration fee as set forth herein, in the amount of $20 is hereby imposed on all motor vehicles registered in the state of Wisconsin that are customarily kept in the Village of Sauk City.

B. This fee shall be paid by the registration applicant at the time that a motor vehicle is first registered and at each time of registration renewal.

C. The Village registration fee shall be paid as provided in Wisconsin Statutes sec. 341.35(5).

D. The Village registration fee shall be in addition to state registration fees.

Sec. 2.07.05 Administrative costs

The Wisconsin Department of Transportation shall retain a portion of monies collected equal to the actual administrative costs related to the collection of these fees. The method for computing the administrative costs will be reviewed annually by the Wisconsin Department of Transportation, as provided in sec. 341.35, Wis. Stats.

Sec. 2.07.06 Exemptions

A. The following motor vehicles are exempt from the annual Village of Sauk City's vehicle registration fee:

(1) All vehicles exempted by Wisconsin Statutes Chapter 341 from payment of a state vehicle registration fee.

(2) All vehicles registered by the State of Wisconsin under sec. 341.26 for a fee of $5.

(3) No Village vehicle registration fee may be imposed on a motor vehicle that is a replacement for a motor vehicle for which a current Village vehicle registration fee has been paid.

Sec. 2.07.07 Deposit of fee revenues

All monies under the applicable statute and this article remitted to the Village by the Wisconsin Department of Transportation or other applicable agency shall be deposited into the Village's general fund and be used solely for assisting with transportation related purposes.

Sec. 2.07.08 Effective date

Collection of the Village registration fee shall commence on May 1, 2020.

CHAPTER 2.08 SPECIAL CHARGES

Sec. 2.08.01	Method; authority
Sec. 2.08.02	Services subject to charges
Sec. 2.08.03	Notice and hearing
Sec. 2.08.04	Installment payments not permitted; Lien

Sec. 2.08.01 Method; authority

The Village Board authorizes the imposition of special charges against real property for current services rendered pursuant to sec. 66.0627 by allocating all or part of the cost to the property served, in accordance with the provisions of this Chapter.

Sec. 2.08.02 Services subject to charges

Services provided by the Village that may result in special charges against the property so served may include, without limitation because of enumeration, snow and ice removal, weed elimination, street sprinkling, oil and tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, including construction of storm water management facilities, tree care, sewer service repair, raze and removal costs, and costs and expenses related to public health remediation.

Sec. 2.08.03 Notice and hearing

A. Except in the case of street tarring or repair of sidewalks or curb or gutters, notice for special charges may be as determined by the Village Board. In the absence of expressly specific notice provisions by the Village Board, the Village Administrator, the Director of Public Works, or their designee, shall give the owner at least 24 hour notice of the services to be performed and the special charges that may be incurred if the Village performs the work.

B. In the case of street tarring or repair of sidewalks or curb or gutters a public hearing shall be held by the Village Board on whether the service in question will be funded in whole or in part by a special charge pursuant to sec. 66.0627(3)(b), Wis. Stats. Notice of the hearing shall be by class 1 notice published at least 20 days before the hearing, and a copy of such notice shall be mailed at least 10 days before the hearing to each interested person whose address is known or can be ascertained with reasonable diligence. The notice shall state the date, time and location of the hearing, the subject matter of the hearing and that any interested person may testify.

Sec. 2.08.04 Installment payments not permitted; Lien

Such special charges shall not be payable in installments. If not paid within thirty (30) days or such other period as fixed by the Village Board, such delinquent special charge shall become a lien on the property against which it is imposed and shall be included in the current or next tax roll for collection as provided in sec. 66.0627, Wis. Stats.

CHAPTER 2.09 FEES

Sec. 2.09.01	Publication fees
Sec. 2.09.02	Special meeting fees
Sec. 2.09.03	Copy fees for Village records
Sec. 2.09.04	Statement of real property status fee
Sec. 2.09.05	Insufficient funds check fee
Sec. 2.09.06	Mailing label fee

Sec. 2.09.01 Publication fees

Whenever a publication is required because of an application, license, permit, or other like kind of item, the cost of such publication may be charged to the person or entity causing the required publication. The fee shall be the actual cost of such publication. The fees for the publication shall be paid prior to the publication of the notice.

Sec. 2.09.02 Special meeting fees

Whenever a special meeting is required because of an application, license, permit, or other like kind of item, the cost of such special meeting shall be charged to the person or entity causing the required special meeting. The special meeting fee shall be as set by the Village Board; this fee may be changed by resolution of the Village Board without need to amend this article. The fees for the special meeting shall be paid prior to the date of the special meeting.

Sec. 2.09.03 Copy fees for Village records

A. The Village is authorized to charge an amount per page as set by the Village Board for the cost of duplicating and furnishing copies of a public record. If the form of public record does not permit copying or is not in a printed form, such as films, computer printouts or audio and videotapes, then the actual, necessary and direct cost of copying such record shall be charged to the requester. If mailing or shipping of the records is necessary, the actual cost thereof shall also be charged.

B. There shall be no charge for locating a record unless the actual location cost exceeds $50, in which case the actual, necessary and direct location cost shall be determined by the legal custodian and billed to the requester.

C. The public record custodian shall estimate the cost of all applicable fees and shall require an advance cash deposit adequate to assure payment, if such estimate exceeds $5.

D. Elected and appointed officials of the Village shall not be required to pay for public records that they may reasonably require for the proper performance of their official duties.

Sec. 2.09.04 Statement of real property status fee

The Village Administrator or its designee is 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, current and/or outstanding water, electric and sewer bills, contemplated improvements, floodplain status, violations of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. The Village Administrator shall collect a fee as stated in the Fee Schedule for furnishing such information on said form.

Sec. 2.09.05 Insufficient funds check fee

A. The Village Board may establish by resolution from time to time a fee ("NSF fee") for processing checks made payable to the Village that are returned by a bank or financial institution because of non-sufficient funds. Any person tendering a check returned for non-sufficient funds shall become liable for the payment of the original amount of the check plus the NSF fee.

B. If the check returned for non-sufficient funds was tendered to pay the sewer or water utility bill, and/or any other assessment or charge that may become a lien against real estate if unpaid, then the NSF fee, if unpaid, shall also become a lien against real estate in accordance with law.

C. If any license or permit was granted in reliance on the returned check, then the license or permit shall be null and void until such time as the balance due, including the amount of the NSF fee, and any additional charges imposed by the bank and incurred by the Village as a result of the returned check, have been paid in full.

D. At the discretion of the Village officers or employees to whom the returned check was tendered, said officer may provide any information or evidence to the appropriate law enforcement officials for investigation and issuance of appropriate citations.

Sec. 2.09.06 Mailing label fee

There shall be a fee as set by the Village Board for the provision of mailing labels to any person requesting prepared mailing labels for Village residents and/or businesses. This fee may be changed by resolution of the Village Board without need to amend this article.

TITLE 3. PUBLIC SAFETY

CHAPTER 3.01 FIRE PROTECTION

CHAPTER 3.02 FIRE PREVENTION

CHAPTER 3.03 OFFENSES AGAINST PUBLIC SAFETY

CHAPTER 3.04 EMERGENCY GOVERNMENT

CHAPTER 3.01 FIRE PROTECTION

Sec. 3.01.01 Village Fire Department
Sec. 3.01.02 Police Power of Fire Chief
Sec. 3.01.03 Emergency Key Box and Hazardous Materials Information

Sec. 3.01.01 Village Fire Department

A. The Sauk City Fire Department is recognized as the fire department of the Village, and the duty of firefighting and the prevention of fires in the Village is delegated to such Department. The Sauk City Fire Department is governed by the Sauk Fire District Commission created pursuant to the Sauk Fire District Inter-Governmental Agreement and the bylaws adopted by the Commission.

B. The Village Board shall appropriate funds to the Sauk Fire District Commission to provide for operating expenses and for such apparatus and equipment for the use of the Sauk City Fire Department in accordance with the Sauk Fire District Inter-Governmental Agreement.

Sec. 3.01.02 Police Power of Fire Chief

The Sauk City Fire Department Fire Chief, their subordinates or designees, shall have the authority pursuant to sec. 213.095, Wis. Stats., to do any of the following:

A. Suppress any disorder and order all individuals or companies to leave the neighborhood of any fire or first aid scene.

B. Command from the inhabitants of the city, village or town all necessary assistance for the suppression of fires and the preservation of property exposed to fire.

C. Enter any property or premises to do whatever may reasonably be necessary in the performance of the officer's duties while engaged in the work of extinguishing any fire or performing any duties incidental thereto.

D. Enter any property or premises to do whatever may reasonably be necessary in the performance of the officer's duties while engaged in the work of aiding persons or minimizing the loss to property at a first aid scene.

Sec. 3.01.03 Emergency Key Box and Hazardous Materials Information

A. Intent and purpose. It is hereby declared the intent of the Village Board, through the enactment of this section, to establish requirements for the installation of a Fire Department emergency key box and/or an accessible on-site inventory of hazardous materials at properties within the Village limits for purposes of rapid entry for fire-fighting or rescue activities when life or property is threatened. The purpose of the emergency key box is to allow Fire Department personnel to gain access to specified buildings at times when the buildings are not occupied or when an occupant is unable to provide ingress. The purpose of the Hazardous Materials Inventory (HMI) is to provide accurate reference materials for rescue and fire-fighting personnel prior to the entry of a structure so as to prepare themselves for entry into potentially hazardous environments during emergency responses. The KNOX-BOX® Rapid Entry System is designated as the type of lock box system to be implemented within the Village of Sauk City.

B. Emergency key box required. With the exception of one- and two-family dwellings, the following properties shall be required to install a Fire Department emergency key box:

(1) Any businesses, public or commercial buildings in excess of 5,000 square feet;

(2) Any multiple-family dwelling where access to interior units is through a common secured entrance;

(3) Any industrial facilities;

(4) Any residential care facilities;

(5) Any building or structure within the Fire Department's jurisdiction protected by an automatic fire alarm or fire sprinkler/suppression system;

(6) Any building where the Fire Chief or their designee determines that the lack of access may result in loss of life or extensive property damage, based on factors including, but not limited to, fire load, occupant load, exposures, building construction, age of building, or storage of hazardous materials;

(7) Condominium complexes where the Fire Chief or their designee determines that the lack of access may result in loss of life or extensive property damage, based on factors, including, but not limited to, fire load, occupant load, exposures, or building construction; or

(8) All properties having security gates or devises that limit access to the building or property.

C. Installation and maintenance. The KNOX-BOX® Rapid Entry System box (access box) installation shall be in accordance with the following criteria:

(1) The access box shall be at or near the main entrance or such other location as approved by the Fire Chief or its designee prior to installation.

(2) The access box shall be located at a height of not less than four feet and not more than six feet above final grade.

(3) The owner(s) of the property shall keep keys, key cards, or codes in the access box that will allow access to the building and all locked or secured areas within the building.

(4) All newly constructed or remodeled structures subject to this subsection shall have the access box installed and operational prior to the issuance of the occupancy permit by the building inspector.

(5) It is up to the property owner(s) of the building to notify the Fire Department of updated or added keys for the facility. It is the responsibility of the building owner(s) to keep the area around the access box clear of obstructions, including, but not limited to, vegetation, paint, or clutter.

D. Hazardous materials inventory required.

(1) Applicability. With the exception of one- and two-family dwellings, the following properties shall be required to maintain a hazardous materials inventory:

(a) All buildings required to have and maintain one or more material safety data sheets (MSDS) by the Occupational Safety and Health Administration (OSHA) Standard 29 CFR 1910.1200; or

(b) Any building as directed by the Fire Chief.

(2) Contents and location. The hazardous materials inventory shall include an alphabetical list of hazardous materials, their location, and the approximate quantity on site. The owner of any building required to have an HMI shall maintain one in a location and cabinet approved by the Fire Chief or its representative. The cabinet shall also include material safety data sheets (MSDS) of all chemicals located on the premises, in alphabetical order.

E. Compliance. Owners of all existing buildings to which this section applies shall comply with the requirements of this section within 36 months of the effective date. All newly constructed buildings or buildings under construction shall comply immediately.

F. Penalties. Any building owner violating any provision of this section after receiving a notice of noncompliance from the Fire Chief or their designated fire inspectors shall be subject to a fine as stated in the schedule of fees each day of noncompliance.

CHAPTER 3.02 FIRE PREVENTION

Sec. 3.02.01	Fire inspections and enforcement
Sec. 3.02.02	State codes adopted
Sec. 3.02.03	Gas system regulations
Sec. 3.02.04	Downtown Business Fire District

Sec. 3.02.01 Fire inspections and enforcement

It shall be the duty of the Fire Chief or their designees to inspect all public buildings and places of employment in the Village of Sauk City for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of any law, ordinance, or regulation relating to fire hazards or to the prevention of fires. The Fire Chief is authorized to reduce the frequency of the inspections required by SPS 314.01(13)(b)3., Wis. Admin. Code, to at least once per calendar year, provided the interval between those inspections does not exceed 15 months. The Fire Chief or their designated fire inspectors are authorized to enforce the provisions of this chapter.

Sec. 3.02.02 State codes adopted

The following chapters of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this chapter as if set forth in full.

Ch. ATCP 93	Flammable and combustible liquids
Ch. SPS 305	Licenses, Certifications and Registrations
Ch. SPS 307	Explosive Materials
Ch. SPS 309	Manufacture of Fireworks
Ch. SPS 310	Flammable and Combustible Liquids
Ch. SPS 314	Fire Prevention
Ch. SPS 316	Electrical
Ch. SPS 318	Elevators, Escalators and Lift Devices
Ch. SPS 323	Heating, Ventilating and Air Conditioning
Ch. SPS 328	Smoke Detectors
Ch. SPS 330	Fire Department Safety and Health Standards
Ch. SPS 340	Gas Systems
Ch. SPS 343	Anhydrous Ammonia
Ch. SPS 362	Buildings and Structures

Ch. SPS 366	Existing Buildings
Ch. SPS 370	Historic Buildings
Ch. SPS 375-79	Existing Buildings
SPS 381-87	Plumbing

Sec. 3.02.03 Gas system regulations

A. The regulations in this section are intended to supplement existing state codes with additional or more stringent requirements. To the extent any local regulation herein conflicts with state law, then the state law shall control.

B. Installation Standards. All gas piping equipment and appliances for the conveyance and use of natural or artificial gas shall be installed to conform with Ch. SPS 340, Wis. Adm. Code.

C. Piping equipment and appliances.

(1) All gas-consuming appliances installed shall be equipped with an effective draft diverter, shall be properly vented to a suitable flue, and shall be inspected to determine that no products of combustion escape into any room, except that gas refrigerators, gas mangles, gas laundry dryers, domestic gas ranges bearing approval of the American Gas Association (AGA) and other appliances, the total consumption of which is less than 5,000 Btu per hour, need not have draft diverters or be vented to flues.

(2) Piping shall be of a size and so installed as to provide a supply of gas sufficient to meet the maximum demand of all appliances served by that piping without undue loss of pressure between the meter and appliance or appliances. The AGA table shall apply where pertinent.

(3) All piping, equipment and appliances shall be tested for tightness before being used, either by a meter turn-on test or an air-pressure test as follows:

(a) Meter turn-on test. All gas outlets shall be closed and gas shall be turned into the system and the hand on the test dial of the meter carefully watched to ascertain that no gas is passing through the meters. This test shall be applied for a reasonable length of time, but in no case for less than 15 minutes.

(b) Air-pressure test. Air pressure of not less than three pounds per square inch above the atmospheric pressure shall be applied to the system for a period of not less than 10 minutes. In case of concealed piping, the air pressure test must be used, with pressure at not less than six pounds per square inch above atmospheric pressure.

(c) Standard full weight wrought iron or steel pipe, free from defects, shall be used in conveying gas from meter to appliances, except that approved seamless, well-annealed, nonferrous tubing with approved fittings may be used for permanent connections of small stationary appliances such as radiant fires installed in fireplaces, etc. All fittings for wrought iron or steel pipe, except stop cocks or valves, shall be of best quality malleable iron. Threads shall be in accordance with the American Pipe Thread Standard.

D. Prohibited equipment.

(1) Rubber hose connections or fittings arranged for rubber hose connection for gas space heaters or similar appliances shall not be permitted.

(2) Concealed unions or bushings of any type will not be permitted.

Sec. 3.02.04 Downtown Business Fire District

A. District designated. All that part of the Village included within the following described territory shall be known as the "Downtown Business Fire District": Blocks 12, 13, 24, 25, 26, 27, 40, 42 and 43, Original Plat, and Lots 1 to 6, inclusive, Block 28 and Lots 1 to 6, inclusive, Block 14, Original Plat.

B. Definitions. Relevant terms will have the meaning as proscribed in the Wisconsin Administrative Code.

C. Storage of flammable liquids. The storage of Class I and Class II flammable liquids, as defined in Ch. ATCP 93, Wis. Adm. Code, in aboveground tanks outside of buildings is prohibited within the downtown business fire district.

D. Removal of old or damaged buildings. Any existing building of frame construction within the fire limits which may hereafter be damaged by fire, or which has deteriorated to an amount greater than 1/2 of its value exclusive of the foundation as determined by the Village Assessor, shall

not be repaired or rebuilt but shall be ordered removed by the Building Inspector under the provisions of sec. 66.0413, Wis. Stats.

E. Fire-retardant roofing.

(1) Every roof hereafter constructed within the fire district shall be covered with a roofing having a fire-resistive rating equivalent to Class "B" or better of the Underwriters' Laboratories, Inc., classification in its List of Inspected Materials, which is adopted by reference and incorporated in this section as if fully set forth in this section.

(2) No roofing on an existing roof shall be renewed or repaired to a greater extent than 1/10 of the roof surface, except in conformity with the requirements of Subsection (1) above.

CHAPTER 3.03 OFFENSES AGAINST PUBLIC SAFETY

Sec. 3.03.01 Open burning regulations
Sec. 3.03.02 Blocking fire hydrants prohibited

Sec. 3.03.01 Open burning regulations

A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

(1) "Bonfire" means a large, open fire kindled and maintained to mark a public event, celebration or similar occurrence which only uses dry, untreated and unpainted wood as the burning material.

(2) "Burning" means the kindling or maintaining of a fire that has hot ashes or cinders or is giving heat, or still glowing or giving light, or a fire that is still smoldering or giving off smoke, or a fire that has not been completely extinguished.

(3) "Open Burning" means burning done outside of a building.

(4) "Recreational Fire" or "Cooking Fire" means open burning for outdoor recreation, warming or cooking purposes in an enclosure designed specifically for ember and flame containment, excluding a barrel, such as rocked-in pits, fireplaces, or barbecue grills which use only charcoal, propane gas or dry, untreated and unpainted wood as the burning material and which satisfy the conditions set forth in subsec. 3.03.01.C.

B. Permit required; conditions. No person shall kindle or maintain any open fire (except as permitted in subsec. 3.03.01.C.) without first obtaining a permit from the Fire Department, and each such permit shall be subject to the following conditions:

(1) The hours of open burning shall be restricted to during the hours between 8:00 a.m. and 10:00 p.m., and when wind speed is not greater than five miles per hour, unless the Fire Department expressly authorizes otherwise. During all other hours and times, all burning authorized under this section shall be completely extinguished.

(2) No burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.

(3) Only untreated and unpainted wood which is suitable for burning shall be used as the burning material.

(4) No burning shall be kindled or maintained on or within any street, sidewalk, tree bank, alley, parking lot, drainage ditch, park, public place or public right-of-way, unless the Fire Department expressly authorizes otherwise.

(5) The fuel for igniting such burning shall consist of dry material or commercially available products designed for lighting fires.

(6) A responsible adult shall constantly supervise and personally attend all such burning until the fire is completely extinguished. The person in charge of the fire shall have fire-extinguishing equipment or materials available at all times and easily accessible for immediate use.

(7) Burning, under this section, shall not be kindled or maintained in a barrel.

(8) Whenever burning is undertaken in a pile, the maximum size of the burning materials shall be four feet in diameter, measured horizontally, and three feet measured vertically, and the pile of material being burned shall be at least 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit access or exit and at least 15 feet from a property line, unless the Fire Department expressly authorizes otherwise.

(9) No burning shall be maintained so that flames exceed four feet in height.

(10) No burning shall be kindled or maintained so as to cause a public nuisance, such as allowing soot, ash or smoke to travel beyond property lines.

(11) All such burning shall be conducted on a noncombustible surface.

C. Recreational fires or cooking fires. Recreational fires and cooking fires shall be exempt from the conditions set forth in subsec. 3.03.01.B.; however, the recreational fire or cooking fire shall comply with each of the following conditions:

(1) Burning shall not be kindled or maintained in a barrel.

(2) No recreational or warming fire shall be kindled or maintained on or within any public street, sidewalk, tree bank, alley, parking lot, drainage ditch or right-of-way.

(3) No burning shall be maintained such that the flames exceed four feet in height.

(4) No burning shall be maintained so as to cause a public nuisance, such as allowing soot, ash or smoke to travel beyond property lines.

(5) Except for barbecue, gas, and charcoal grills, any other burning receptacle, enclosure or pit shall be no greater than 36 inches in diameter at its greatest width.

(6) A responsible adult shall constantly supervise and personally attend all such burnings until the fire is completely extinguished. The person in charge of the fire shall have fire-extinguishing equipment or materials available at all times and easily accessible for immediate use.

(7) Except for barbecue, gas, and charcoal grills, no burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.

(8) Whenever a portable fireplace or grill is located on a combustible surface, such as a wooden patio or deck, a noncombustible material shall be placed under and around the fireplace or grill for a distance of at least 24 inches on each side thereof.

(9) Except for barbecue, gas, and charcoal grills, no such burning shall be undertaken within 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Department.

(10) Regardless of type or size, no barbecue, gas, charcoal or electric grill, or any other burning receptacle, shall be stored or used or be closer than 15 feet to a building with three or more dwelling units.

D. Outdoor wood stoves. It is unlawful to construct, maintain or use a wood stove or other enclosure or structure for burning wood that is attached in any manner, either above ground or below ground, to a residential structure or other building for the purpose of heating the same within the Village limits of the Village of Sauk City. Any such wood stove shall be dismantled and removed from any lot within the Village limits of the

Village of Sauk City. Any individual or business entity found to be in violation of this section shall be subject to a forfeiture in an amount not less than $100 per day for each day of a violation of this section.

E. Bonfires prohibited without a permit. No person shall kindle or maintain any bonfire without first obtaining a permit from the Fire Department, and each such permit shall be subject to the conditions established by the Fire Department.

F. Burning of certain materials prohibited. No person shall kindle or maintain open burning where the burning material is recyclable in any form, including but not limited to paper products, recyclable cardboard, rubbish, garbage, trash, refuse, painted wood, or pressure-treated lumber, and/or any material made of in whole or in part or coated with rubber, plastic, leather or petroleum-based materials, and/or products containing flammable materials.

G. Exemptions. The following fires or burning shall be exempt from the provisions of subsecs. 3.03.01.B and 3.03.01.C:

(1) Fires conducted inside of a building in code compliant fireplaces or incinerators.

(2) Fires conducted to remove frost from the ground by public utility companies, Village employees, and cemeteries.

(3) Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.

(4) Fires conducted for training or instruction of fire fighters or for the testing of fire equipment by the Fire Department.

(5) Any fire expressly authorized in writing by the Fire Chief. A permit issued by the Fire Chief shall be subject to the conditions established by the Fire Department.

H. Emergency regulations. The Fire Chief may, when necessary, declare an "Emergency Condition of Fire Hazard" for a specified period of time, and during such time no burning shall be permitted unless done or controlled by the Fire Department. In addition, during such declared fire emergency period, the Fire Chief may prohibit the use of the following:

(1) Fireworks as defined by sec. 167.10(1), Wis. Stats.

(2) Any of the items included under sec. 167.10(1)(e), (f), (i), (j), (k), (l), (m) and (n), Wis. Stats.

(3) Any other device that may pose a fire hazard.

I. Enforcement. The Fire Chief, designated fire inspectors, and police officers of the Village shall be authorized to enforce the provisions of this section.

J. Burning permit; fee. Any burning permits issued by the Fire Chief or their authorized designees under this section shall include:

(1) The name of person requesting the permit;

(2) The date, time, location of open burning fire;

(3) The conditions for the burning.

The Village Board may establish a burning permit fee by resolution. A separate burning permit shall be required for each separate day of burning.

K. Recovery of abatement costs. The Village has determined that a violation of this section creates a public nuisance or a hazard to the public safety. Therefore, in addition to any other penalty imposed by this Code for a violation of this section, if the Fire Department is dispatched to a fire caused as a result of any act, omission, condition, or thing that constitutes a violation of this section, the person causing, permitting, or maintaining such occurrence may be charged a fee to cover the cost for responding to such public nuisance. Any such fee shall be charged as set forth in the Sauk Fire District Official Fee Schedule. The charge shall be collected as a debt, and if the charge is not paid within 30 days of the date of billing, an administrative collection charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid. If the owner of the property where the public nuisance occurred caused, permitted, or maintained such public nuisance, such charge shall be extended upon the current or next tax roll, to the extent allowed by law.

Sec. 3.03.02 Blocking fire hydrants prohibited

No person shall interfere with the accessibility of any fire hydrant by parking, piling, dumping, or placing any obstructive material or object within ten (10) feet of a fire hydrant.

CHAPTER 3.04 EMERGENCY GOVERNMENT

Sec. 3.04.01 County Joint Action Ordinance Adopted
Sec. 3.04.02 Emergency Government Director
Sec. 3.04.03 Hazard Mitigation Plan

Sec. 3.04.01 County Joint Action Ordinance Adopted

A. A joint action ordinance of the Board of Supervisors of Sauk County providing for a county-municipal joint action emergency government plan of organization was adopted by said County Board on July 18, 1972. Said county ordinance is adopted by reference and made a part hereof as if fully set forth herein and is hereby ratified and accepted by the Village of Sauk City, County of Sauk. A copy of the county ordinance is on file at the office of the Village Administrator.

B. The ratification and acceptance of the joint action ordinance shall constitute a mutual agreement between the Village of Sauk City and the County of Sauk as provided in Section 3 of said joint action ordinance.

Sec. 3.04.02 Emergency Government Director

The Emergency Government Director for the Village of Sauk City shall be appointed by the Village President, with Board confirmation, subject to the conditions and provisions set forth in the Wisconsin Statutes and the joint action ordinance.

Sec. 3.04.03 Hazard Mitigation Plan

The Sauk County Hazard Mitigation Plan is hereby adopted for the Village, and the Village President and Administrator are hereby authorized to execute any and all documents and take any and all actions necessary in relation to the plan. A copy of the plan is on file at the office of the Village Administrator.

TITLE 4. PUBLIC WORKS AND PARKS

CHAPTER 4.01 GENERAL PROVISIONS

CHAPTER 4.02 STREETS, LIGHTING, AND SIDEWALKS

CHAPTER 4.03 REGISTRATION FOR RIGHT-OF-WAY OCCUPANCY

CHAPTER 4.04 EXCAVATIONS AND STREET OPENINGS

CHAPTER 4.05 LOCATION AND OPERATION OF FACILITIES

CHAPTER 4.06 ENCROACHMENTS; STREET PRIVILEGE PERMITS

CHAPTER 4.07 SNOW AND ICE REMOVAL

CHAPTER 4.08 TREES

CHAPTER 4.09 PARKS AND RECREATION

CHAPTER 4.01 GENERAL PROVISIONS

Sec. 4.01.01	Findings; Purpose
Sec. 4.01.02	Definitions
Sec. 4.01.03	Reservation of regulatory and police powers
Sec. 4.01.04	Violations and penalties
Sec. 4.01.05	Village work excluded
Sec. 4.01.06	Compliance with other laws
Sec. 4.01.07	[Reserved]

Sec. 4.01.01 Findings; Purpose

A. The Village Board finds that in the exercise of governmental functions the Village must have priority over all uses of the public rights-of-way. The Village Board finds that minimizing the number of obstructions and

excavations and regulating the placement of facilities in the public rights-of-way is necessary to ensure the rights-of-way remain available for public services and remain safe for public use and to reduce the financial burden on its taxpayers.

B. The Village Board finds that occupancy and excavation of its rights-of-way causes costs to be borne by the Village and its taxpayers, including but not limited to:

(1) Administrative costs associated with rights-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials.

(2) Management costs associated with ongoing management activities necessitated by public right-of-way users.

(3) Repair or restoration costs to the roadway associated with the actual excavation into the public right-of-way.

(4) Degradation costs and depreciation of the Village's rights-of-way infrastructure in terms of decreased useful life.

C. As a result of the above findings, the Village finds it necessary to regulate and administer permits to excavate, obstruct, and/or occupy the public rights-of-way. This chapter imposes regulations on the placement and maintenance of current and future facilities and equipment within its rights-of-way. This chapter imposes reasonable restrictions on the placement of obstructions or other use of the rights-of-way. This chapter is intended to complement the regulatory roles of state and federal agencies and provide a consistent legal framework to regulate and manage the public rights-of-way and provide for the recovery of the costs incurred in administering these provisions. This chapter is intended to provide for the health, safety, and public welfare by maintaining safe rights-of-way, reducing the financial burden on Village taxpayers, protecting the structural integrity of the Village's infrastructure, and preserving property rights.

Sec. 4.01.02 Definitions

For the purposes of this chapter, except where context clearly indicates a different meaning:

APPLICANT

Any person requesting permission to excavate, obstruct, and/or occupy a public right-of-way.

BOND

A performance bond, a letter of credit, or cash deposit posted to ensure the availability of sufficient funds to assure that right-of-way excavation repair work is completed in both a timely and quality manner per Village specifications.

EMERGENCY

A condition that either poses a clear and immediate danger to life, health, or of a significant loss of property or requires immediate repair or replacement to restore service to a customer.

ENGINEER

The Village Engineer.

EXCAVATE

To dig, cut, or in any way remove or physically disturb or penetrate any part of a right-of-way.

FACILITY OR FACILITIES

Any equipment owned, operated, leased, or subleased in connection with the operation of a service or utility service, whether active or inactive, and shall include, but is not limited to: poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber-optic cables, antennas, receivers, lines, and any other structures and appurtenances.

IN OR WITHIN

When used in conjunction with "right-of-way," means over, above, in, within, on, or under a right-of-way.

LOCAL REPRESENTATIVE

A person located within this state, or a designee of such person, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this title.

OBSTRUCT

To place any object in a right-of-way that hinders free and open passage over that or any part of the right-of-way.

OCCUPY

To be placed above, on, in, or below the boundaries of a public right-of-way.

PERMITTEE

Any person to whom the Village grants a permit to occupy, excavate, or obstruct a right-of-way.

PUBLIC UTILITY

Has the meaning as provided in sec. 196.01(5), Wis. Stats.

REGISTRANT

Any person who has registered with the Village either to have facilities located in any right-of-way or to use or seek to occupy or use the right-of-way of any facilities in the right-of-way.

REPAIR

To perform construction work necessary to make the right-of-way usable for travel according to Village specifications or to return facilities to an operable condition.

RESTORE

To reconstruct an excavated right-of-way and surrounding area, including pavement and foundation, per Village specifications, to its pre-excavation condition.

RIGHT-OF-WAY

The surface and space above, below, and adjacent to an improved or unimproved public roadway, highway, street, public sidewalk, bicycle lane or path, in which the Village has an interest, including other dedicated rights-of-way.

Sec. 4.01.03 Reservation of regulatory and police powers

The Village, by the granting of a permit or registration to excavate, obstruct and/or occupy the right-of-way, or by registering a person under this chapter, does not surrender or in any extent lose, waive, impair, or lessen the lawful powers and rights which it has now or may be hereafter granted to the Village under the Constitution and Statutes of the State to regulate the use of the rights-of-way by the permittee; and the permittee by its acceptance of a permit to excavate, obstruct and/or occupy the right-of-way or by registration under this chapter agrees that all lawful powers and rights, regulatory powers, or police power, or otherwise as are or the same may be from time to time vested in or reserved to the Village, shall be in full force and effect and subject to the regulatory and police powers of the Village to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general laws and ordinances enacted by the Village pursuant to such powers.

Sec. 4.01.04 Violations and penalties

Any person who violates this chapter or fails to comply with the provisions of this chapter shall be subject to a forfeiture of not less than $100 nor more than $600. Each day such violation or failure to comply continues shall be considered a separate offense. In addition to the forfeiture, any person who violates this chapter shall be liable for any and all costs incurred by the Village in removing obstructions and/or restoring the right-of-way to its condition prior to the occupancy or obstruction.

Sec. 4.01.05 Village work excluded

The provisions of this title shall not apply to excavation work done under the supervision of the Public Works and Utility Director by Village employees or contractors performing work under contract with the Village necessitating excavations in Village streets.

Sec. 4.01.06 Compliance with other laws

Registering or obtaining a permit under this chapter does not relieve the registrant or permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other municipal, county, state, or federal rules, laws or regulations, including building codes. A permittee shall comply with all requirements of local, state and federal laws. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

Sec. 4.01.07 [Reserved]

CHAPTER 4.02 STREETS, LIGHTING, AND SIDEWALKS

Sec. 4.02.01 Street Grades
Sec. 4.02.02 LED lighting required
Sec. 4.02.03 Sidewalk construction and repair

Sec. 4.02.01 Street Grades

A. Establishment of grades. The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Administrator. No street, alley or sidewalk shall be worked until the grade thereof is established.

B. Alteration of grade. No person shall alter the grade of any street, alley, sidewalk, or public ground or any part thereof in the Village by any means whatsoever unless the Village Board or its authorized representative instructs that person to do so. All such alterations of grade shall be recorded in the office of the Village Administrator by the Administrator or the officer authorizing the alteration.

Sec. 4.02.02 LED lighting required

All new streetlights or streetlamps constructed, erected, or installed by any entity on any public road, street, highway, or right-of-way and on or within any Village park or Village-owned land within the Village limits shall only use light-emitting-diode (LED) technology and shall be constructed or equipped such that LED lights shall be the sole source of illumination or light emanating from the streetlight or street lamp. The best available LED technology should be used whenever possible.

Sec. 4.02.03 Sidewalk construction and repair

A. Duty of property owner. It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village and to pay the entire cost thereof. Whenever the Village Board by resolution determines that a sidewalk shall be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley, or highway within the Village, it shall proceed according to sec. 66.0907, Wis. Stats.

B. Permit required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village unless the person is under contract with the Village to do such work or has obtained a permit therefor from the Village Board, or its authorized representative, at least seven (7) days

before work is proposed to be undertaken. No fee shall be charged for such permit.

C. Specifications. All sidewalks within the Village hereafter shall be repaired, rebuilt, and constructed in accordance with the following specifications:

(1) Subgrade. The subgrade shall be prepared by excavating to the line, grade and cross section as established by the Village Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Village Board or its authorized representative, a sub-base of sand, sand and gravel, or other approved porous material shall be placed under the sidewalk. On embankments, the subgrade shall extend at least one foot beyond each edge of the sidewalk.

(2) Material. All sidewalks shall be of air-entrained concrete composed of six bags per cubic yard of one-course construction and built to the established line and grade. Gravel shall be of good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.

(3) Forms. Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two-inch thickness, except for sharply curved sections. Metal forms shall be of approved sections. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of 1/4 inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth-inch-radius edging tool.

(4) Width and thickness. Residential walks shall be four feet in width and not less than four inches thick, provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this article.

Sidewalks in front of commercial or industrial establishments shall be not less than eight feet in width and five inches in thickness.

(5) Finishing. Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before final finishing, the surface shall be checked with a ten-foot straight edge, and any areas departing more than 1/8 inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.

(6) Jointing. Transverse, full depth, one-half-inch-thick expansion joints of pre-molded expansion material shall be located every 30 feet and at the property line, and where the walk intersects another walk, curbline, building or driveway approach, and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly above the finished sidewalk surface. Dummy grove joints for controlled cracking, at least one inch in thickness and 5/16 inch in depth, shall be placed at intervals of approximately five feet. Steel division plates shall be placed at right angles to the center line of the sidewalk at intervals of not less than 15 feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Village Board or its authorized representative.

(7) Curing and drying. As soon as any of the concrete work mentioned in this section 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 Specification C156-44T, Method of Test for Efficiency of Materials for Curing Concrete, shall be used. The specifications are adopted by reference as if fully set forth in this section. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 50° F.) for 96 hours. No concrete shall be poured when the temperature may be expected to fall below 35° F. in any seventy-two-hour period or upon frozen subgrade.

CHAPTER 4.03 REGISTRATION FOR RIGHT-OF-WAY OCCUPANCY

Sec. 4.03.01	Registration for right-of-way excavation, construction, or occupation
Sec. 4.03.02	Registration Information
Sec. 4.03.03	Registration fee
Sec. 4.03.04	Reporting obligations

Sec. 4.03.01 Registration for right-of-way excavation, construction, or occupation

A. Each person who occupies, uses, or seeks to occupy or use, the right-of-way or any facilities located in any right-of-way, including by lease, sublease or assignment, or who has, or seeks to have, facilities located in any right-of-way shall register with the Village. Registration will consist of providing application information and paying a registration fee. This section shall not apply to those persons who have facilities in the right-of-way pursuant to a franchise or other agreement or those exclusively utilizing facilities provided by another registrant.

B. No person may construct, install, maintain, repair, remove, relocate or perform any other work on, or use any equipment or any part thereof in, any right-of-way unless that person is registered with the Village.

C. Nothing herein shall be construed to repeal or amend any Village ordinance requiring property owners to maintain the terrace area in the right-of-way between their property and the street curb and such activities shall not require a permit under this chapter.

Sec. 4.03.02 Registration Information

A. The application to register under this chapter shall include:

(1) Each registrant's name, Diggers Hotline registration certificate number, street address and e-mail address, if applicable, and telephone and facsimile numbers.

(2) The name, address, e-mail address, if applicable, telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(3) A certificate of insurance evidencing that the registrant has public liability insurance of not less than $100,000 for any one person,

$300,000 for any one accident, and $50,000 for property damage in full force and effect and will maintain said insurance during the term of the permit from a reputable insurance company licensed to do business in Wisconsin.

(4) If the registrant is a corporation, an LLC or LLP, a copy of any certificate required to be filed under the state statutes as recorded and certified by the Secretary of State.

(5) A copy of the registrant's certificate of authority from the State Public Service Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.

B. The registrant shall keep all of the information listed above current at all times by providing to the Village information as to changes within fifteen (15) business days following the date on which the registrant has knowledge of any change.

Sec. 4.03.03 Registration fee

The Village shall establish an annual registration fee as set forth in the Village's Fee Schedule. The fee shall be computed as the average of labor costs, indirect costs, and other costs associated with processing and administering registration.

Sec. 4.03.04 Reporting obligations

A. Every registrant shall, at the time of registration and no later than December 31 for the following each year, file a construction and major maintenance plan with the Village's Public Works and Utility Director. The Village shall make available at the time of registration, and on January 15 of each year the Village's construction and major maintenance plan. The registrant's plan and the Village's plan shall be submitted on a form prescribed by the Village and shall contain the information determined by the Village to be necessary to facilitate the coordination and reduction in the frequency of excavations of rights-of-way. The plan shall include, but shall not be limited to, the following information:

(1) The locations and the estimated beginning and ending dates of all projects planned to be commenced during the next calendar year; and

(2) The tentative locations and estimated beginning and ending dates for all projects contemplated for the following two calendar years.

B. Until February 1 of each year, a registrant may change any project in its list and must notify the Village of all such changes in said list. The Village will make all such changes available for inspection in its office. Notwithstanding the foregoing, a registrant may at any time join in a project of another registrant listed by the other registrant or undertake any maintenance or construction project not listed in registrant's plan.

C. By February 15 of each year, the Village will have available for inspection a composite list of all projects of which the Village has been informed in the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

CHAPTER 4.04 EXCAVATIONS AND STREET OPENINGS

Sec. 4.04.01	Excavation permit required
Sec. 4.04.02	Excavation permit fee
Sec. 4.04.03	Emergency situations
Sec. 4.04.04	Requirements and procedures for street openings
Sec. 4.04.05	Site inspection
Sec. 4.04.06	Authority to suspend work
Sec. 4.04.07	Revocations, suspensions, and refusals to issue or extend permits
Sec. 4.04.08	Indemnification

Sec. 4.04.01 Excavation permit required

A. No person shall make any opening in any street, alley, sidewalk, or any public right-of-way within the Village without first obtaining a permit from the Village pursuant to this chapter. A copy of any permit issued under this chapter shall be made available at all times by the permittee at the respective work site and shall be made available for inspection by Village officials or employees upon request.

B. Application for a permit shall be made on a form supplied by the Village Administrator and shall be submitted to the Public Works and Utility Director. The application shall include and will only be considered complete upon compliance with the following requirements:

(1) Registration with the Village as required by this chapter.

(2) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed facilities that are part of applicant's proposed project.

(3) Payment of all money due to the Village for:

(a) Applicable permit fees, costs, and forfeitures for previous violations as set forth in this chapter;
(b) Any unpaid fees or costs due for prior excavations; or
(c) Any loss, damage, or expense suffered by the Village because of the applicant's prior excavations of the rights-of-way, including any emergency actions taken by the Village to remedy or mitigate such loss, damage, or expense.

(4) Post bond in an amount determined by the Village Administrator based on the level of excavation to be done, with a minimum required amount of $1,000 and a maximum amount of $10,000.

(5) Signed acknowledgement of the indemnification provisions in §4.04.08 holding the Village harmless from any liability arising from the work or activity covered by the permit.

C. The Village shall approve or deny a permit application no later than 60 days after receipt of the application, pursuant to sec. 182.017(9), Wis. Stats. If the Village fails to do so, the Village shall be considered to have approved the application and granted the permit. If a Village denies a permit application, the Village shall provide the applicant a written explanation of the reasons for the denial at the time that the Village denies the application.

D. Excavation permits shall be void 45 days after issuance unless the work has commenced.

Sec. 4.04.02 Excavation permit fee

A. The Village Board shall annually establish the excavation permit fee in an amount sufficient to recover the costs incurred by the Village in the Village's Fee Schedule. This fee shall recover administrative and inspection costs, as well as a portion of degradation costs. Payment of said fees shall be collected prior to issuance of the permit; however, the Village may establish a fee collection process from governmental agencies and private utilities in order to expedite the permitting system and recognize that certain excavations are deemed emergencies.

B. For projects that will include a substantial undertaking of excavation within the public right-of-way and will, in the discretion of the Village Administrator and Public Works and Utility Director, pose a significant disruption of traffic and to the general public such that additional Village resources will be required to oversee the excavation, the Village reserves the right to assess the actual costs of the Village Engineer or other Village personnel's time engaged in the review and inspection of the anticipated work in addition to the standard excavation permit fee.

C. Permit fees shall not be waived unless the work involved is a direct result of the Village Engineer's demand that facilities owned by a utility be removed or relocated.

D. The Village and its contractors shall not be required to pay excavation permit fees due to general government functions.

E. Permit fees paid for a permit that the Village later revokes are not refundable.

Sec. 4.04.03 Emergency situations

A. In the event of an emergency, each registrant shall immediately notify the Village by verbal notice on an emergency phone number provided by the Village of any event regarding its facilities that it considers to be an emergency. The registrant may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day after the occurrence of the emergency and otherwise fully comply with the requirements of this chapter.

B. If the Village becomes aware of any emergency regarding a registrant's facilities, the Village may attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. The Village may take whatever action it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

Sec. 4.04.04 Requirements and procedures for street openings

A. Frozen ground. No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15 and March 1 except where it is determined by the Public Works and Utility Director to be an emergency excavation.

B. Protection of public.

(1) Every opening and excavation shall be enclosed with sufficient barriers, signs and such other traffic control devices as may be required by the Public Works and Utility Director and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, the permittee's agents, or employees. The permittee, the permittee's agents or employs shall lock or otherwise effectively safeguard all machinery and equipment from unauthorized use when not in use. Except by special permission from the Public Works and Utility Director, no trench shall be excavated more than 150 feet in advance of pipe or conduit laying

nor left unfilled more than 300 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 Village in defending any action brought against it for damages, as well as costs of any appeal, that may result from the neglect by such person or the person's 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 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 the project. In the event traffic is limited to less than one 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 workmen or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Public Works and Utility Director 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 §4.04.03.

(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 12 hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in §4.04.03.

C. Pavement removal.

(1) Removal of existing pavement shall be to neat, and done in 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 the permittee's 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 opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The Public Works and Utility Director 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 dimensions parallel with the curbline 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 Public Works and Utility Director may order the permittee to remove and replace up to one 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 ensure a full depth of concrete at the joint.

D. Excavation.

(1) Prior to starting excavation work, the contractor shall first contact the Diggers Hotline to determine the location of underground facilities.

(2) 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.

(3) 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.

E. Backfilling.

(1) All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight inches in their greatest dimension, frozen lumps or other material which, in the opinion of the Public Works and Utility Director, is unsuitable.

(2) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with trucked-in material, approved prior to use by the Public Works and Utility Director.

(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 located and mark their facilities prior to excavation.

(4) Mechanical compaction shall be used on all materials used for trench backfill. Each layer (12 inches maximum) shall be uniformly compacted to a dry density of at least 95% of the maximum dry density as determined by the Modified Proctor Test (ASTM-1557). Compaction or consolidation by flooding shall not be permitted.

(5) All excavations shall be subject to testing by the Village. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The permittee shall pay all retesting costs.

(6) When the sides of the trench will not be standard 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.

F. Notice. It shall be the duty of the permittee to notify the Public Works and Utility Director and all public and private individuals, firms and corporations affected by the work to be done at least one business day before such work is to commence. The permittee shall notify the Public Works and Utility Director at least four hours prior to backfilling and/or restoring the surface and again upon completion of the work.

G. Pavement replacement.

(1) Backfill material shall be left below the original surface to allow for 12 inches of three-inch crushed stone and four inches of three-quarter-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-inch crushed stone.

(2) Bituminous pavement shall be placed the full depth of the existing pavement or 3 ½ inches, whichever is greater. Bituminous pavement shall be placed in a maximum of a two-inch base layer and a top layer of 1 ½ inches, with each layer compacted to maximum density, and shall consist of Wisconsin Department of Transportation Pavement Type E-1. 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 ¼ inch as measured with a ten-foot straight edge.

(3) Concrete pavement shall be placed to the full depth of the existing pavement or seven 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 days. Tie bars shall be installed as directed by the Public Works and Utility Director.

(4) 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 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 1 except as provided above. Permanent pavements shall be replaced within 60 days of the date of the permit.

Sec. 4.04.05 Site inspection

The permittee shall make the work site available to the Public Works and Utility Director and its designees and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Sec. 4.04.06 Authority to suspend work

At the time of inspection, the Village may order the immediate cessation of any work that poses a threat to the life, health, safety, or welfare of the public. The Village may issue an order to the registrant or permittee for any work that does not conform to the applicable Village standards, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within 10 days after issuance of the order, the registrant or permittee shall present proof to the Public Works

and Utility Director that the violation has been corrected. If such proof has not been presented within the required time, the Village may revoke the excavation permit.

Sec. 4.04.07 Revocations, suspensions, and refusals to issue or extend permits

A. The Village may refuse to issue a permit or may revoke, suspend, or refuse to extend an existing permit if it finds any of the following grounds:

(1) The applicant or permittee is required to be registered and has not done so;

(2) Issuance of a permit for the requested date would interfere with an exhibition, celebration, festival or other event;

(3) Misrepresentation of any fact by the applicant or permittee;

(4) Failure of the applicant or permittee to maintain required bonds and/or insurance;

(5) Failure of the applicant or permittee to complete work in a timely manner;

(6) The proposed activity is contrary to the public health, safety or welfare;

(7) The extent to which right-of-way space where the permit is sought is unavailable as determined by the Engineer;

(8) The competing demands for the particular space in the right-of-way;

(9) The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the permittee or applicant;

(10) The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;

(11) The condition and age of the right-of-way, and whether and when it is scheduled for total or partial reconstruction; or

(12) The applicant or permittee is otherwise not in full compliance with the requirements of this chapter or state or federal law.

B. Discretionary issuance. Despite the foregoing, the Village may issue a permit where issuance is necessary to:

(1) Prevent substantial economic hardship to a customer of the permittee or applicant;

(2) Allow such customer to materially improve its utility service; or

(3) Allow the permittee or applicant to comply with state or federal law or Village ordinance or order of a court or administrative agency.

C. Appeals. Any person aggrieved by a decision of the Village revoking, suspending, refusing to issue or refusing to extend a permit may file a request for review with the Village Board. A request for review must be filed within 10 days of the decision. Following a hearing, the board may affirm, reverse, or modify the decision.

Sec. 4.04.08 Indemnification

The permittee expressly acknowledges and agrees, by acceptance of the permit, to indemnify, defend, and hold harmless the Village, its officers, boards, committees, commissions, elected officials, employees, and agents, from and against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon the Village of its agents or employees for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the permittee's acts or omissions in the exercise of its rights under this permit, whether caused by or contributed to by the Village or its agents or employees.

CHAPTER 4.05 LOCATION AND OPERATION OF FACILITIES

Sec. 4.05.01	Location regulations
Sec. 4.05.02	Interference with other facilities during municipal construction
Sec. 4.05.03	Relocation of facilities
Sec. 4.05.04	Discontinued operations
Sec. 4.05.05	Abandoned facilities

Sec. 4.05.01 Location regulations

A. The Village may prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of persons to occupy and use the right-of-way. In making such decisions, the Village will strive to the extent possible to accommodate all existing and potential uses of the right-of-way.

B. Any occupation and location of any facilities in the right-of-way shall be in compliance with the following standards in order to promote the health, safety, and welfare of the public.

(1) No structures more than one foot in diameter at a point higher than two feet above grade may be located within 30 feet of any intersection of two or more public streets, alleys, or bike paths.

(2) No aboveground structures shall be located within two feet of any curb, gutter, or sidewalk.

(3) No aboveground structures shall be placed in any drainageway or gutter that will impede the flow of any stormwater or may collect debris that will impede the flow of any stormwater.

(4) No aboveground structure shall be located within 15 feet of any fire hydrant.

(5) The fall zone, if applicable, of any aboveground structure shall not:

(a) Extend beyond a line 10 feet from the curb on the opposite side of a public highway or street; and
(b) Extend over any overhead electrical power lines.

(6) No structures shall interfere with the Village's planned expansion and installation of future sidewalks.

(7) Structures and facilities shall be placed on lot lines perpendicular to the street when feasible, unless the lot frontage at the location is greater than 80 feet.

Sec. 4.05.02 Interference with other facilities during municipal construction

When the Village performs work in the right-of-way and finds it necessary to maintain, support, shore, or move a registrant's facilities, the Village shall notify the local representative. The registrant shall meet with the Village's representative within 24 hours and coordinate the protection, maintenance, supporting, and/or shoring of the registrant's facilities. The registrant shall accomplish the needed work within 72 hours, unless the Village agrees to a longer period. If the registrant fails to meet with the Village's representative or fails to accomplish the needed work within the time prescribed, the Village may decide upon the work to be performed and arrange to perform the work, and shall invoice the costs thereof to the registrant, which shall be paid within 30 days. The Village shall not be responsible for any costs, damages, or liabilities that may result from the failure of the registrant to comply with the requirements of this section.

Sec. 4.05.03 Relocation of facilities

A. Except as prohibited by state or federal law, upon request by the Village for adequate health, safety, and public welfare reasons, a registrant must promptly, with due regard for seasonal working conditions, and at its own expense, permanently remove and relocate its facilities in the right-of-way and shall restore the right-of-way to the same condition it was in prior to said removal or relocation.

B. A person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a nongovernmental entity unless and until the reasonable costs of the removal, relocation, and restoration are paid to the person.

Sec. 4.05.04 Discontinued operations

A. A registrant who has determined to discontinue its operations in the Village must either:

(1) Provide information satisfactory to the Village that the registrant's obligations for its facilities under this article have been lawfully assumed by another registrant; or

(2) Submit to the Public Works and Utility Director a proposal and instruments for dedication of its facilities to the Village. If a registrant proceeds under this section, the Village may, at its option:

(a) Accept the dedication for all or a portion of the facilities;
(b) Require the registrant, at its own expense, to remove the facilities in the right-of-way at ground or above ground level; or
(c) Require the registrant to post a bond or provide payment sufficient to reimburse the Village for reasonably anticipated costs to be incurred in removing the facilities.

B. However, any registrant who has unusable and abandoned facilities in any right-of-way shall remove them from that right-of-way within two years, unless the Village waives this requirement.

Sec. 4.05.05 Abandoned facilities

A. Facilities of a registrant shall be deemed abandoned if the registrant fails to comply with this chapter and if the facilities remain unused for two years. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the Village may, at its option:

(1) Abate the nuisance;

(2) Take possession of the facilities; or

(3) Require removal of the facilities by the registrant or the registrant's successor in interest.

B. This section shall not apply to a public utility that is required to follow the provisions of sec. 196.81, Wis. Stats.

CHAPTER 4.06 ENCROACHMENTS; STREET PRIVILEGE PERMITS

Sec. 4.06.01	Encroachments prohibited
Sec. 4.06.02	Exceptions
Sec. 4.06.03	Street privilege permits
Sec. 4.06.04	Removal by village

Sec. 4.06.01 Encroachments prohibited

No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public right-of-way 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 the person is the owner or occupant, except as provided in this chapter.

Sec. 4.06.02 Exceptions

The prohibition of Section 4.06.01 shall not apply to the following:

A. Signs or clocks attached to buildings which project not more than four feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street or alley.

B. Awnings that do not extend below any point eight feet above the sidewalk, street or alley.

C. Public utility encroachments duly authorized by state law and by the provisions of this chapter.

D. Goods, wares, merchandise, or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided that such goods, wares, and merchandise do not remain thereon for a period of more than six hours.

E. Temporary encroachments or obstructions authorized by permit under this chapter.

F. Excavations and street openings as permitted under this chapter.

Sec. 4.06.03 Street privilege permits

A. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Village Board or

its authorized representative 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 or for special exhibitions, celebrations, festivals or other events.

B. No street privilege permit shall be issued until the applicant shall execute and file with the Village Administrator a bond in an amount determined by the Village Board, or its authorized representative, conditioned that the applicant will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under the permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village caused by reason of the applicant's operations.

C. If the street privilege permit is issued for use in connection with the actual erection, alteration, repair, removal, or moving of buildings or structures, it is granted upon the following terms and conditions and is subject to revocation without notice by the Village for violation of these terms and conditions: The Village may revoke the street privilege permit if such permit is issued for use in connection with the actual erection, alteration, repair, removal, or moving of buildings or structures if the permittee, their employees or their authorized agents or representatives violates any of these terms and conditions:

(1) Such temporary obstruction shall cover not more than one-third 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 feet in width guarded by a closed fence at least four feet high on both sides, may be maintained during the period of occupancy.

(4) The process of moving any building or structure shall be as continuous as practicable until completed and, if ordered by the Village Board or its authorized representative, shall continue during all hours of the day and night.

(5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.

(6) Buildings shall be moved only in accordance with the route prescribed by the Village Board or its authorized representative.

(7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks, or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions, and placed in a safe condition for public travel at the expense of the permittee.

D. All street privilege permits shall automatically terminate at the end of three months from the date of issuance, unless an earlier termination date is specified on the permit at the time of issuance.

Sec. 4.06.04 Removal by village

In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed street or sidewalk shall refuse or neglect to remove any obstruction within 48 hours after notice from the Village Administrator, the Village may remove such obstruction and charge the costs thereof to the property owner as a special charge, and if such charge remains unpaid, the Village Administrator may enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed street or sidewalk, to be levied and collected as a tax lien against the real estate.

CHAPTER 4.07 SNOW AND ICE REMOVAL

Sec. 4.07.01 Duty to remove snow and ice
Sec. 4.07.02 Enforcement of snow and ice removal

Sec. 4.07.01 Duty to remove snow and ice

A. Removal of snow and ice from sidewalks. The owner, occupant or person in charge of any parcel or lot that fronts upon or abuts any sidewalk shall keep such sidewalk clear of all snow and ice. If snow accumulates on the sidewalk due to natural means or by any other means, the sidewalk shall be cleared of all accumulated snow and ice within 24 hours from the time the snow ceases to accumulate on the sidewalk. If ice has formed on any sidewalk in such a manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins the sidewalk shall keep the sidewalk sprinkled with sand or salt to permit safe travel by pedestrians.

B. Snow removal into streets, sidewalks, or adjacent property prohibited. No person shall push, shove, blow, or in any way deposit snow or ice onto any public streets, alleys, public or private sidewalks, or public lands dedicated to public use, or onto adjacent property under different ownership; however, for parcels or lots located where existing buildings are constructed within five feet of the street right of way and the sidewalks exist from the right-of-way to the curb-line, the owner, occupant, or employee of the owner or occupant, may deposit snow and ice from the sidewalk onto the public street.

Sec. 4.07.02 Enforcement of snow and ice removal

A. If the owner, occupant, or person in charge of any parcel or lot that fronts upon or abuts any sidewalk fails to keep the sidewalk clear of snow and ice as required by ordinance, the Public Works and Utility Director, the Director's agents, or other agent as designated by the Village may provide written notice to the owner or occupant directing that the snow and ice be removed no later than 12:00 noon the day following the date notice is given. Notice may be hand-delivered or mailed to the last known address of the owner of the property.

B. If the owner, occupant, or person in charge of any parcel or lot fails to keep the sidewalk clear of snow and ice, regardless of whether notice has been given, the Public Works and Utility Director may cause such sidewalks to be cleared of snow and ice and shall report the expenses to

the Village Administrator. The Village Administrator shall bill the owner for the removal of snow or ice at the tax bill address, which shall be payable within 10 calendar days. Any bills not paid shall be entered in the tax roll as a special charge against the lot or parcel and collected like other taxes upon real estate as provided in sec. 66.0907, Wis. Stats.

C. Any person who violates or fails to comply with any provision of this chapter shall be subject to a forfeiture of not less than $25 nor more than $500. Each day such violation or failure to comply continues shall be considered a separate offense. Any forfeiture imposed shall be in addition to any special charges imposed by the Village for removing the snow and ice.

CHAPTER 4.08 TREES

Sec. 4.08.01	Trimming
Sec. 4.08.02	Tree bank planting requirements
Sec. 4.08.03	Hazardous and infected trees
Sec. 4.08.04	Cottonwood and box elder trees
Sec. 4.08.05	Planting of certain trees restricted
Sec. 4.08.06	Planting in right-of-way

Sec. 4.08.01 Trimming

Trees standing in or upon any lot or land adjacent to any public street or place, but specifically excepting trees located on tree banks, shall be pruned and trimmed so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet, and a clearance of not less than 10 feet over any other public place, and so that no dead, broken, or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not trimmed as provided in this section shall be deemed hazardous.

Sec. 4.08.02 Tree bank planting requirements

No person shall hereinafter plant any tree or shrub in or upon any tree bank within the Village except as provided in this section.

A. On corner lots, no tree or shrub shall be planted within 20 feet from the point of intersection of the curblines of intersecting streets.

B. On lots containing less than a seventy-five-foot frontage, not more than one tree per lot frontage shall be planted. On lots of 75 feet or more, spacing of at least 30 feet between trees shall be maintained.

C. On side yard tree banks, not more than two trees per 120 feet of frontage shall be planted, and the same shall not be nearer than 20 feet to the intersection, as specified in Subsection A of this section, and shall be at least 20 feet from the alley line.

D. In all instances where a tree or trees shall be removed from the tree bank as provided in Section 4.08.03, the Village may replace such tree or trees with an approved variety and in conformity with the planting requirements set forth in this section.

Sec. 4.08.03 Hazardous and infected trees

A. Any tree or part thereof, whether alive or dead, which the Village Board or agents designated by it find to be infected, hazardous, or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements, and growing upon private property, but specifically excepting trees located on the tree bank, shall be removed, trimmed, or treated by the owner of the property upon or adjacent to which such tree or part thereof is located.

B. The Village Board or its designated agents shall give written notice to the owner to remedy the situation. The notice shall be served personally or posted upon the affected tree and shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days, as determined by the Village Board or agents designated by it on the basis of the seriousness of the condition of the tree or danger to the public.

C. If the owner fails to remove, treat or trim the tree within the time limit, the Village Board or its designated agents shall cause the tree to be removed, treated, or trimmed and shall report the full cost thereof to the Village Administrator, who shall thereupon enter such costs as a special charge against the property.

Sec. 4.08.04 Cottonwood and box elder trees

No person shall hereafter plant or maintain within the Village any female tree of the species Populus celtoides, commonly called the "Cottonwood" or any tree commonly called the "seed-bearing Box Elder" or "Ace Negundo," which may now or hereafter become infested with box elder bugs, and such trees are declared a nuisance.

Sec. 4.08.05 Planting of certain trees restricted

No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, Basswood, Black Willow or Soft Maple trees or evergreens, or any fruit or nut tree in or upon tree bank, public street, parkway, boulevard, or other public place within the Village, unless the person shall first secure written permission from the Village Board or its designated agents, who shall not approve any such planting if in their opinion the tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Village Board or its designated agents shall cause the removal of any tree planted in violation of this section.

Sec. 4.08.06 Planting in right-of-way

No person shall hereafter plant any tree, shrub or flower within any street right-of-way.

CHAPTER 4.09 PARKS AND RECREATION

Sec. 4.09.01	Operation and maintenance
Sec. 4.09.02	Hours of use
Sec. 4.09.03	Use of motorized vehicles or equipment
Sec. 4.09.04	Prohibited acts
Sec. 4.09.05	Jaycee Athletic Park and Chuck Hall Memorial Field
Sec. 4.09.06	Sauk City Riverfront Park
Sec. 4.09.07	Violations and penalties

Sec. 4.09.01 Operation and maintenance

All Village parks, recreational land, and open public areas within the Village shall be operated and maintained under the general supervision of the Village Board.

Sec. 4.09.02 Hours of use

Except as otherwise specified in this chapter or permitted by the Village Board for special events, all Village parks, recreational land, and public areas shall be closed to the public between the hours of 10:00 p.m. and 5:00 a.m.

Sec. 4.09.03 Use of motorized vehicles or equipment

No motorized vehicle of any kind, including non-licensed vehicles or motorized play equipment, shall use any portion of any park, recreational and open area for the use of the public within the Village, other than:

A. Maintenance vehicles, owned or engaged by the Village; and

B. Licensed vehicles using established parking lots for parking purposes only, unless such parking area is being used for another authorized purpose.

Sec. 4.09.04 Prohibited acts

No person in a park, recreation or open use area shall:

A. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fireplaces, signs, notices, or placards, whether temporary or permanent, monuments, stakes, posts, or other structures or equipment, facilities, or park property.

B. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, stream, or other body of water in or adjacent to any park area any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters.

C. Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash in any park area within the Village, nor shall such refuse or trash be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but the same shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such refuse or waste shall be carried away from the park area by the person responsible for its presence and properly disposed of elsewhere.

Sec. 4.09.05 Jaycee Athletic Park and Chuck Hall Memorial Field

Chuck Hall Memorial Field encompasses the enclosed area in Blocks 5 and 6, Steidtmann's Addition to the Village, and shall be used principally for organized recreational purposes. Use of Jaycee Athletic Park and Chuck Hall Memorial Field shall be subject to the following rules and regulations.

A. Use of facilities.

(1) The enclosed area at the tennis courts shall be used only for the game of tennis or pickleball, and all persons using the courts must wear soft-soled shoes and use appropriate sport equipment.

(2) The areas without enclosures shall be for the general leisure use of the public. Baseball, softball, golf, or any other use that may be a hazard or an inconvenience to the general public is strictly prohibited.

(3) The Village shall have the final authority to cancel the use of Chuck Hall Memorial Field prior to or during any event because of inclement weather. The Village or its designee shall have the responsibility of policing the premises to carry out the intent of this chapter.

B. Agreements or contracts. Nothing in this chapter shall prohibit the Village Board, at its discretion, from entering into an agreement or contract with any bona fide nonprofit group for the use of the Athletic Park facilities or any other park, recreational and open use area within the Village.

C. User fees. In establishing user fees for the Chuck Hall Memorial Field, the term "local" shall apply to organized athletic teams whose participants are

made up chiefly of residents of the Sauk Prairie School District. The Village Board shall from time to time establish user fees for the field and other related amenities, for example the batting cages, by resolution.

D. The Village shall establish an additional rental fee for the use of the concession stand.

E. The use of the concession facilities is optional for the user renting the field. If the user does not rent the concession facilities, the Village or its designee may rent the concession facilities to others at its discretion. The fees stated above do not permit the sale of fermented malt beverages on the premises without a license.

F. Park user fees, including shelter rental, shall be set by the Village Board as part of the Village Fee Schedule.

G. Hours of use. The enclosed area for recreational purposes shall be divided into day and night use categories as follows:

(1) Day use is between the hours of 8:00 a.m. and 6:30 p.m., except that such use may be extended in the instance of "extra innings" softball or baseball games.

(2) Night use is between the hours of 6:30 p.m. and 11:00 p.m., except that such use may be extended in the instance of "extra innings" softball or baseball games.

(3) The hours of use may be changed only by a specific written agreement between the user and the Village Board.

(4) The concession facility may be operated only during the hours stated above, and the use exception with respect to "extra innings" games shall not apply.

H. Use of any other areas will conform to the "day" and "night" use hours noted in this section.

Sec. 4.09.06 Sauk City Riverfront Park

Use of Sauk City Riverfront Park shall be subject to the following rules and regulations:

A. Regulations for the splash pad and concessions area.

(1) The splash pad in Sauk City Riverfront Park shall be in operation from 9:00 a.m. to 8:00 p.m. from May 15 to October 1 of each year, depending on the seasonal weather.

B. The Riverfront Park shall be a smoke-free and tobacco-free environment.

C. The remainder of the park shall be open daily to the public from 5:00 a.m. to 10:00 p.m.

D. It is unlawful for any person, other than Village personnel conducting Village business thereon, to occupy or be present in the park during any hours in which the park or its amenities are not open to the public.

Sec. 4.09.07 Violations and penalties

Any person who violates the provisions of this chapter shall be subject to a penalty as provided in Chapter 1.02 of this Code.

TITLE 5. SEWER & PUBLIC UTILITIES

CHAPTER 5.01 SEWER SYSTEM

CHAPTER 5.02 WATER UTILITY

CHAPTER 5.03 STREETLIGHT ELECTRIC EXPENDITURE CHARGE

CHAPTER 5.01 SEWER SYSTEM

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Article I. General Provisions

Sec. 5.01.01 Purpose

The purpose of this chapter is to provide for the use of the publicly owned sewerage facilities located within the area served by the Village of Sauk City, Sauk County,

Wisconsin, in such a way as to prevent damage to the physical facilities and to avoid impairment of the normal function of collecting and transporting wastewater. This chapter also provides for the proper development and use of the user charge system for the Village and treatment facilities.

Sec. 5.01.02 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

APPROVING AUTHORITY
The Village Board or its authorized deputy, agent, representative or consulting engineer. "Approving authority" and "Village" may be used interchangeably.

BIOCHEMICAL OXYGEN DEMAND OR "BOD"
The quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five days at 20° C and expressed in milligrams per liter.

COMBINED SEWER
A sewer intended to receive both wastewater and stormwater or surface water.

COMMERCIAL AND INSTITUTIONAL USERS
Those users of the publicly owned treatment works which are not residential and are not classified as an industrial user.

COMPATIBLE POLLUTANTS
Those pollutants generally characterized as BOD, suspended solids, pH and fecal coliform, together with any additional pollutants defined in the WPDES permit issued for the joint treatment facilities, unless the concentrations of any of these pollutants are such that they interfere with the operation of the treatment works or exceed the limits established under Articles III and IV of this chapter.

DEBT SERVICE CHARGE
The charge to the users in the Village service area which shall defray the costs of retiring the debts incurred by the Village in construction of the joint sewage treatment facilities plus any existing debts on the Village sewerage facilities.

DOMESTIC WASTEWATER
Waterborne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration of suspended solids is established at or below 290 milligrams per liter and the BOD is established at or below 250 milligrams per liter.

INCOMPATIBLE POLLUTANTS
All pollutants that are not compatible, as defined in this section.

INDUSTRIAL USER

Any user of the publicly owned treatment works that engages in the processing, blending, assembling or in some way transforming of materials or substances into new products. This type of user would normally occupy an establishment described as a plant, factory or mill.

INDUSTRIAL WASTE

The wastewater from an industrial user as distinct from domestic wastewater.

MINIMUM CHARGE

The amount charged to each user in the Village, regardless of use.

OPERATION AND MAINTENANCE COSTS

The Village's share of the joint treatment plant operation and maintenance costs plus the operation and maintenance cost of the Village sewerage system. These costs shall include labor, energy, chemicals and equipment replacement costs but shall not include debt retirement.

PERSON

Any individual, partnership, association, and any body, politic or corporate.

pH

The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration in gram moles per liter of solution as determined by acceptable laboratory procedures.

REPLACEMENT COSTS

The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works and Village sewerage system.

RESIDENTIAL USER

A user of the Village-owned sewerage system that would occupy an establishment considered a dwelling and other facilities in which people live.

SANITARY SEWER

A sewer that conveys domestic wastewater or industrial waste or a combination of both and to which stormwater, surface water and groundwater or unpolluted industrial wastewater is not intentionally passed.

SAUK PRAIRIE SEWERAGE COMMISSION OR "COMMISSION"

The Commission appointed by the Village Boards of Sauk City and Prairie du Sac to supervise the operation of the joint treatment facility. The Commission shall be comprised of five members, two members from each Sauk City and Prairie du Sac, with a fifth at-large member to be chosen from either of the two communities by the other four Commissioners. Commission duties include supervision and control of plant operation and maintenance, determination of plant expenses and revenue requirements, and assessment of the proportionate share of expenses to the communities.

SEWER SERVICE CHARGE

The sum of the minimum charge, user charge, debt service charge and any applicable surcharge.

SLUG

Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration of flows during normal operation and which adversely affects the collection system and/or performance of the wastewater treatment plant.

STANDARD METHODS

The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage and Industrial Wastes, published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

STORM SEWER

A sewer that carries storm and surface drainage but excludes domestic wastewater and industrial wastes.

SURCHARGE

An additional charge related to industrial wastes being discharged by any user having unusual characteristics, such as excessive BOD, excessive suspended solids or other pollutants.

SUSPENDED SOLIDS OR "SS"

Total suspended matter that either floats on the surface of or is in suspension in water, sewage, or other liquids and which is removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in Standard Methods.

UNPOLLUTED WATER

Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards.

USAGE CHARGE

That charge to users of the wastewater treatment plant which adequately provides for proportionate recovery of the operation and maintenance, replacement, administrative and billing costs associated with the activities of the Sauk Prairie Sewerage Commission.

USER

Any person discharging domestic wastewater or industrial wastes into the collection system.

USER CLASS

A group of users having similar wastewater flows and characteristics, levels of BOD, suspended solids, etc.

VILLAGE SEWERAGE SYSTEM

The wastewater collection system of the Village of Sauk City, including lift stations and force mains.

WASTEWATER

A combination of the water-carried waste discharged into the collection system from residences, commercial buildings, institutions and industrial establishments together with such groundwater, surface water and stormwater as may be present.

WASTEWATER TREATMENT FACILITIES

The complete facilities for treating and disposing of the domestic wastewater and industrial wastes from the communities of Sauk City and Prairie du Sac.

WPDES PERMIT

The Wisconsin Pollutant Discharge Elimination System permit issued for the Sauk Prairie wastewater treatment facilities. The permit allows for land disposal of the treatment plant effluent, provided that it meets the conditions stipulated in the permit.

Sec. 5.01.03 Discharge of wastewater

It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of the Village any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

Sec. 5.01.04 Privies, septic tanks and cesspools

Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

Sec. 5.01.05 Connection with public sewer required

The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line. Where a public sanitary sewer is not available under

the provisions of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter.

Sec. 5.01.06 Private wastewater disposal systems

A. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Sauk County Zoning Administrator and comply with the then-applicable Sauk County sanitary laws. The Village expressly consents to the enforcement of such laws by the Sauk County Zoning Administrator and other Sauk County officials within the Village. Violations of this subsection may also be prosecuted by the Village.

B. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the approving authority. The approving authority shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the approving authority when the work is ready for final inspection and before any underground portions are covered. The approving authority shall make the inspection within 48 hours of the receipt of notice.

C. The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Health and Family Services of the state. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

D. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection in compliance with this chapter shall be made to the public sewer within 90 days, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

E. The owner shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times, at no expense to the Village.

Sec. 5.01.07 Authority of Health Officer

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Sec. 5.01.08 Wastewater discharge permit

A wastewater discharge permit may be required of any person desiring to discharge wastewater to the Village sewerage system and shall be of two classes: domestic and industrial.

A. Domestic. A domestic wastewater discharge permit may be required of any person desiring to discharge domestic waste and shall be considered as part of the building permit if required and issued by the Village.

B. Industrial. An industrial wastewater discharge permit may be required of any person desiring to discharge any industrial waste and shall be completely separate from any other permits issued by the Village. Further requirements for this class of permit can be found in Article VII of this chapter.

Sec. 5.01.09 Costs and fees

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The fees for a street opening permit and for a sewer connection permit shall be as provided in the Village Fee Schedule.

Sec. 5.01.10 Construction standards

The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the Village. Street repair shall conform to Village standard specifications for street construction on file with the Village. Temporary pavement patching may be required until hot-mix asphalt is available.

Sec. 5.01.11 Inspections

The Village shall be permitted to have an authorized representative inspect any new or old installation for compliance with the regulations of this chapter. If, in the sole discretion of the Village or its authorized representative, any grease, oil or sand interceptor or trap required under applicable Village ordinances ("trap") is not being maintained or cleaned in compliance with applicable ordinances and regulations, the trap may be inspected and cleaned by the Village or its authorized representative at the expense of the user or individual property owner. The Sauk Prairie Sewerage Commission shall be considered an authorized representative of the Village for the purposes of this section.

Sec. 5.01.12 New connections

New sewers and connections to the sewer system shall not be allowed unless all downstream components have a reserve capable of accepting them and unless the new sewer and connections to the sewer system are properly designed and constructed in accordance with accepted practices and codes.

Sec. 5.01.13 Manholes

The Village reserves the right to require any user of the system to install and maintain, at the user's expense, a control or monitoring manhole on the user's discharge pipeline. The user shall provide the Village free and unobstructed access to the installed manhole.

Article II. Prohibited Discharges

Sec. 5.01.14 Unpolluted waters

A. No person shall discharge or cause to be discharged any unpolluted waters, such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water, to any sewer, except that stormwater runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by permission of the approving authority.

B. The approving authority may permit the discharge of stormwater runoff, which may be polluted at times, from limited areas to the sanitary sewer.

C. Stormwater, other than that exempted under Subsection A above, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the approving authority. Unpolluted industrial cooling water or process waters may be discharged, on approval of the approving authority, to a storm sewer or natural outlet.

Sec. 5.01.15 Prohibited wastes and substances

Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

A. Gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

B. Water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to

injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment plant [the toxic substances prohibited are those consistent with Section 307(a) of the Clean Water Act of 1977];

C. Water or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive capable of causing damage or hazard to structures, equipment and personnel of the Village sewerage system; or

D. Solid or viscous substances in such quantities or of such size as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Village sewerage system, such as, but not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Article III. Limited and Restricted Discharges

Sec. 5.01.16 Discharge limitations

The following described substances, materials, waters or wastes shall be limited, in discharges to the Village sewer system, to concentrations or quantities which will not harm the sewers, lift stations or the wastewater treatment facility; will not have an adverse effect on the receiving stream; or will not otherwise endanger life, limb or public property or constitute a nuisance. The approving authority may set limitations lower than the limitations established in the regulations below if such limitations are necessary to meet the above objectives. In forming an opinion as to acceptability, the approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer, which shall not be violated without approval of the approving authority, are as follows:

A. Temperature. Wastewater having a temperature higher than 150° F. or (65° C.).

B. Oil content. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

C. Floatable or mineral oils. Wastewater from industrial plants containing floatable oils or products of mineral oil origin.

D. Garbage. Garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

E. Toxic metals. Water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the joint Commission in compliance with state regulations.

F. Odor-producing substances. Water or wastes containing odor-producing substances exceeding limits that may be established by the approving authority in compliance with state regulation.

G. Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the approving authority in compliance with state or federal regulations.

H. Slug. Quantities of flow, concentrations, or both, which constitute a slug, as defined in this chapter.

I. Untreatable wastes. Water or wastes containing substances that are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the WPDES permit.

J. Obnoxious gases and destructive wastes. Water or wastes which, by interaction with other water or wastes in the Village sewerage system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

K. Animal or vegetable oil or grease. Wastewater containing more than 100 milligrams per liter of oil or grease of animal or vegetable origin.

L. Other restricted materials. Materials which exert or cause unusual BOD or chemical oxygen demand in such quantities as to constitute a significant load on the wastewater treatment plant; unusual volume of flow or concentration of wastes constituting slugs; unusual concentrations of inert suspended solids, such as fuller's earth, lime slurries and lime residues, or

of dissolved solids, such as sodium sulfate; or excessive discoloration, such as dye wastes and vegetable tanning solutions.

Article IV. Pretreatment

Sec. 5.01.17 Pretreatment facilities

If in the opinion of the approving authority (and in accordance with Title 40, Part 128 of the Code of Federal Regulations and other applicable state and federal regulations) pretreatment is required to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater treatment facility, the person creating the wastes shall provide, at their expense, such preliminary treatment or processing facilities as may be determined required to render their wastes acceptable for admission to the Village sewerage system.

Sec. 5.01.18 Grease, oil and sand interceptors

Grease, oil and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling of such wastes, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the State Plumbing Code and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal, by appropriate means, of the captured material and shall maintain records of the dates and means of disposal that are subject to review by the approving authority. Any removal and handling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

Article V. Special Agreements

Sec. 5.01.19 Agreements for certain industrial wastes

No statement contained in this chapter shall be construed as prohibiting any special agreement between the Village and any person or between the Commission and any person whereby an industrial waste of unusual strength or character may be admitted to the Village sewerage system, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of such wastes and no extra costs are incurred by the Village or by the Commission without recompense by the person. All special agreements between the Village and any person that affect the wastewater treatment plant shall be reviewed and approved by the Commission in addition to review and approval by the Village. The

user charge system established through this chapter takes precedence over any preexisting agreements between the Village, Commission and any person that may be inconsistent with the governing regulations of this program.

Article VI. Industrial Wastes

Sec. 5.01.20 Industrial wastewater discharge permit

A. A person must obtain an industrial wastewater discharge permit under Section 5.01.08 at least 180 days prior to any industrial wastewater discharge into the Village sewer system. The application for an industrial wastewater discharge permit shall include the following information:

(1) Name of the permit applicant;

(2) Address and standard industrial classification number of applicant;

(3) Average volume of wastewater to be discharged;

(4) Wastewater constituents and characteristics as determined by examination according to Standard Methods;

(5) Time and duration of discharge;

(6) Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(7) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;

(8) Description of activities, facilities and plant processes on the premises, including all materials and types of materials which are, or could be, discharged;

(9) Each product produced by type, amount and rate of production;

(10) Number and type of employees and hours of work; and any other information as may be deemed by the approving authority to be necessary to evaluate the permit application.

B. Data evaluation. The approving authority, with the concurrence of the Sauk Prairie Sewerage Commission, will use a consulting engineer to evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, the

approving authority may issue a wastewater discharge permit subject to appropriate terms and conditions.

Article VII. Sewer Service Charge

Sec. 5.01.21 Authority

The Village Board shall have the authority to establish and collect a sewer service charge for the use of the Village sewer system and for the wastewater treatment plant owned and operated by the Sauk Prairie Sewerage Commission. The Sauk Prairie Sewerage Commission shall have the authority to review the sewer service charges prior to the Village's enactment of the service charges.

Sec. 5.01.22 Classes of users

A. The following user classes are established:

(1) Metered residential;

(2) Metered commercial;

(3) Specified industrial;

(4) Metered public.

B. All metered residential, public and commercial users shall pay at the residential rate plus the appropriate surcharges for their user class.

C. The specified industrial users shall pay rates as determined by the Sauk Prairie Sewerage Commission and the Village on the basis of their actual waste load contributions, as well as on their agreed-upon debt service charge should it be applicable.

Sec. 5.01.23 Method of computing charges

The Sauk Prairie Sewerage Commission shall determine the yearly cost of operation and maintenance of the treatment facility and, by taking the total flow-BOD-suspended solids load treated by the facility, determine the resulting flow, BOD and suspended solids unit rates. Quarterly, the Commission shall bill the Villages of Sauk City and Prairie du Sac on actual usage and waste strength. In addition, the Commission shall bill any specified industrial user on actual usage and waste strength at the same unit rates as determined above, in accordance with any special agreements between the Commission and that specified industrial user. The service charge shall be based on

water or wastewater meter readings. If service is to be interrupted for any full quarter, the charge is to be based on the actual use for the period of service.

Sec. 5.01.24 Debt service charge

All charges for debts incurred by the Village for construction of the wastewater treatment works shall be paid for by a debt service charge which is part of the total sewer service charge. The amount of this charge will be reviewed annually and adopted by ordinance.

Sec. 5.01.25 Collection system charge

The collection system charge shall be the charge to cover billing and collecting of accounts and the operation, maintenance and replacement cost of the sewage collection system and shall be paid for each connection for the availability of the service.

Sec. 5.01.26 Usage charge

The usage charge shall be based on the volume used by each user of the wastewater treatment plant and shall adequately provide for proportionate recovery of operation, maintenance, replacement, administrative and billing costs associated with the activities of the Sauk Prairie Sewerage Commission. This charge shall be reviewed annually and adopted by ordinance and shall be sufficient to generate enough revenue to pay all such charges associated with the activities of the Sauk Prairie Sewerage Commission. The Village will maintain a proportionate distribution of operation, maintenance, replacement, administrative and billing costs among user classes and will apply any excess revenues collected from a user class to operation, maintenance and replacement costs attributable to that class for the next year. The Village will annually notify users of the portion of their bill attributable to wastewater treatment services.

Sec. 5.01.27 Surcharges

The metered commercial class of users shall be charged at the residential user rate and such additional surcharges as may be found equitable by the approving authority. The specified industrial class of users shall be charged at the user rates established by the Commission on the basis of actual production of flow, BOD, and suspended solids, at such time as the industrial user applies to discharge to the sewerage system.

Sec. 5.01.28 Connection charge for lands served by west side interceptor sewer

A. Background.

(1) The Village of Sauk City is growing rapidly, and the upgrade of US Highway 12 to a four-lane highway is expected to produce

additional development pressure on the Village and the surrounding area. Existing development in the Village is served by a gravity sanitary sewage collection system. Lands lying generally to the west of Lueders Road in the Village of Sauk City previously had limited gravity sewer service available to them based on the topography of the land and the depth of existing sanitary sewers along Lueders Road. To provide sanitary sewer service to these lands, the Village entered into an agreement whereby the Sauk Prairie Sewage Commission (SPSC) would cause the west side interceptor sewer (WSI) to be installed and the Village, along with the Village of Prairie du Sac, would split the cost of the installation based on a flow split methodology.

(2) The SPSC contracted with the engineering firm of Mead and Hunt in 2002 to prepare the engineering plans and reports necessary to construct the WSI. Mead and Hunt prepared a facility plan for the WSI in May of 2003. The Village Engineer, MSA Professional Services, Inc., also prepared an engineering report and public needs assessment for the west side interceptor sewer dated October 2005 ("needs assessment") which reviewed the WSI facilities plan and which demonstrated that the WSI was necessary for continued development in a westerly direction for the Village. The needs assessment showed that the Village lands served by the WSI are the only properties in the Village benefited by the sewer installation, and therefore these benefiting property owners should bear the cost of the installation as these lands are developed and a connection is made to the interceptor sewer. The needs assessment also concluded that the total cost of the WSI sewer installation and the benefit to the benefiting property owners is $574,920.33.

B. Purpose. The purpose of this section is to set a special sewer connection charge to recover the actual expenditures incurred by the Village for the WSI project. In order to recover the costs advanced by the Village, the Village hereby elects to proceed under the provisions of sec 66.0821, Wis. Stats., and to thereby establish the west side interceptor sanitary sewer connection charge. The Village has determined that the WSI connection charge should be paid on a per-acre basis. Portions of an acre shall be paid on a pro rata basis.

(1) The WSI connection charge shall be paid on a per-acre basis on any lands located within the Village and also located within the WSI sanitary sewer service area upon the occurrence of any of the following events, whichever occurs first:

(a) Approval of a final subdivision plat or certified survey map; or

(b) Approval or granting of a conditional use permit or special zoning exception or issuance of a building permit.

(2) This WSI connection charge shall be in addition to any and all other sewer service or connection fees imposed by other provisions of the Village Code. The WSI connection charge imposed by this section is a sanitary sewer rate charged by the Village and is not intended to be a charge levied as a special assessment.

C. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this section of the Village Code shall be as follows:

(1) "West Side Interceptor Sanitary Sewer Connection Charge" or "WSI Connection Charge" means a special sanitary sewer rate applied by the Village to lands within the WSI sanitary sewer service area within the Village and/or lawfully annexed into the Village, which is more specifically set forth in the subsection below. This special sanitary sewer connection charge is a sewer rate applied pursuant to the provisions of sec. 66.0821, Wis. Stats., and shall be in addition to all other sanitary sewer charges or connection fees imposed by other provisions of the Village Code. The per-acre connection charge is calculated as follows: $574,920.33 divided by 406.6 acres equals $1,413.97 per acre.

(2) "WSI Sanitary Sewer Service Area" means the area generally including lands west of Lueders Road and certain lands south of US Highway 12 which access the WSI via two crossing pipes under US Highway 12, all of which are more specifically shown and described on Plate 1 attached as an appendix. The total land area in the WSI sanitary sewer service area is 442 acres. The Village Ordinances requires a dedication of 8% of land area in a proposed development for parks. Because park areas will not be charged for the WSI connection charge, the service area for purposes of calculating the WSI connection charge has been reduced by 8% and is 406.06 acres.

D. WSI sanitary sewer connection charge.

(1) A WSI connection charge of $1,413.97 per acre, on a pro rata basis, shall be paid to the Village by the property owner of any lands within the Village and within the WSI sanitary sewer service area

upon the occurrence of any one of the following events, whichever occurs first:

(a) Approval of a final subdivision plat;
(b) Approval of a certified survey map;
(c) Granting of a conditional use permit or special zoning exception;
(d) Issuance of a building permit.

(2) All lands included within a subdivision plat, certified survey map, conditional use permit, special zoning exception, or building permit application shall be subject to the charge. The basis for the WSI connection charge is gross land acreage serviceable by the WSI, less park land. The charge for any parcel of land within the WSI sanitary sewer service area is calculated by measuring the entire area of the parcel and subtracting those lands that are dedicated as park land.

(3) The Village Administrator shall maintain a record of all WSI sanitary sewer connection charges paid to the Village.

Sec. 5.01.29 Review of wastewater contributions

The Village will review the wastewater contributions of its users no less than biennially and shall align its revenue system to recover actual costs.

Sec. 5.01.30 Industrial cost recovery

The Village will include a charge for industrial cost recovery to the Sauk Prairie Sewerage Commission for reimbursement of capital costs of construction in accordance with any special agreements made between the Commission and the specified industrial discharger, whereby the specified industrial user uses Village funds for financing any such capital costs of construction. Such special agreements shall require that capital costs to be paid by the specified industrial user be a proration of the local capital costs for the construction, including any associated costs, based on the design flow-BOD-suspended solids treatment needs of the specified industrial user to those of the total system.

Sec. 5.01.31 Total sewer service charge

The total sewer service charge shall be the sum of the collection system charge, the debt service charge, usage charge, and any applicable surcharges and industrial cost recovery charges.

Sec. 5.01.32 Billing periods

The Village shall establish a schedule for the payment of the sewerage bill. These bills are normally payable in 12 monthly payments each year.

Sec. 5.01.33 Enforcement

In the event of failure to pay sewer charges after they become delinquent, the Village shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes. The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the Village and a lien upon the property and may be recovered by civil action in the name of the Village against the property owner, the person, or both. Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration, shall have been paid. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

Sec. 5.01.34 Annual audit

The Village shall conduct an annual audit, the purpose of which shall be to maintain the proportionality and adequacy of the sewer service charge relative to changing system operation, maintenance and debt service costs.

Article VIII. Violations and Penalties

Sec. 5.01.35 Notice of violation

Any person found to be violating any provisions of this chapter, except §5.01.40, shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 5.01.36 Accidental discharge into sewers

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall pay an amount to cover any increased operation, maintenance and equipment replacement costs caused by such deleterious discharge.

Sec. 5.01.37 Continued violations

Any person, partnership or corporation, or any officer, agent or employee thereof, who or which shall continue any violation beyond the notice time limit provided in this

chapter shall, upon conviction thereof, forfeit not more than $500 together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.

Sec. 5.01.38 Liability for expense, loss or damage

Any person violating this chapter shall become liable to the Village for any expense, loss or damage occasioned by reason of such violation that the Village may suffer as a result thereof.

Article IX. Sewer Service Rates

Sec. 5.01.39 Connection charges, service rates and surcharges

Current sewer rates and connection charges shall be on file at the office of the Village Administrator.

Sec. 5.01.40 Billing and payment; Late charges

All sewer use charges shall be billed monthly, coincidental with the reading of Water Utility meters. All sewer use charges shall be billed not later than the fifth day of the month succeeding the date for reading of the Water Utility meters. Payment of the service charges shall be due on the 25th day of the month following billing. If payment in full has not been made by that time, there shall be a late payment penalty equal to 1.5% per month of the balance due.

Sec. 5.01.41 Summer rates

Commencing on May 30 of every year, and terminating on August 30 of every year, the sewer service rate shall be adjusted as follows: a flat rate shall be used during said three months based upon the previous year's consumption of October, November and December by use of the following formula: discard the lowest month and average the remaining two months.

CHAPTER 5.02 WATER UTILITY

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Article I. Water: Cross-Connections

Sec. 5.02.01 Authority

Chapters NR 110, and NR 809 to NR 812 of the Wisconsin Administrative Code require protection of the public water system from contaminants due to backflow of contaminants through the water service connection, and the Wisconsin Departments of Natural Resources and Commerce require the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems.

Sec. 5.02.02 Definitions

In this article the following definitions apply:

CROSS-CONNECTION

Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Sauk City water system and the other water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

Sec. 5.02.03 Prohibited acts

No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the regular public water supply of the Village of Sauk City, may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village of Sauk City Water Utility and by the Wisconsin Department of Natural Resources in accordance with Ch. NR 811, Wis. Adm. Code.

Sec. 5.02.04 Inspections

The Village of Sauk City Water Utility shall inspect all properties served by the public water system where cross-connection with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Village of Sauk City Water Utility and as approved by the Wisconsin Department of Natural Resources.

Sec. 5.02.05 Right of entry

Upon presentation of credentials, the representative of the Village of Sauk City Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village of Sauk City for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under sec. 66.0119, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

Sec. 5.02.06 Discontinuance of water service

The Village of Sauk City Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this article exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in §5.02.07. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this article.

Sec. 5.02.07 Emergencies

If Village of Sauk City Water Utility determines that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Administrator of the Village of Sauk City and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.

Sec. 5.02.08 Plumbing Codes

This article does not supersede the State Plumbing Code and Village of Sauk City Plumbing Code but is supplementary to them.

Article II. Emergency Water Rationing

Sec. 5.02.09 Declaration of emergency

Whenever conditions exist which affect the availability of water so as to endanger the health, safety, and welfare of the persons and property within the Village, the Village Administrator, after consultation with the Public Works and Utility Director, shall, by appropriate public media declare the beginning of a water emergency and the

application of emergency water regulations, such regulations shall remain in force and effect until lifted by the Village Administrator. For the purposes of this article, a water emergency shall exist whenever the Water Utility is unable to provide sufficient water to meet the normal usage needs of the municipality and its citizens due to drought, mechanical failure, or other like kind of conditions.

Sec. 5.02.10 Restrictions

Emergency water regulations mean there shall be no water usage for swimming pools, birdbaths, fountains, ponds, car washing, lawns and gardens except as hereinafter provided.

Sec. 5.02.11 Agricultural and commercial uses

Irrigation and/or usage for agricultural or commercial uses, such as, but not limited to, strawberry patches, tree farms, and vegetable plots, shall be allowed for those persons or entities who or which have obtained a permit from the Village Board. This section shall not be applicable to personal use gardens. Upon receipt of the application the Village Board shall consider the same at its next regularly scheduled meeting. The application for a permit shall contain the following information:

A. The name and address of the applicant.

B. A description of the site location for the proposed irrigation.

C. The requested times and days for such irrigation.

D. A brief statement setting forth the applicant's need for the requested hours of irrigation, an estimate of the amount of water usage on a per-hour basis, and the type of irrigation method to be employed.

E. Such other information as may be required by the Village Board as necessary to determine and provide for the adequate conservation of the water resources of the Village.

Sec. 5.02.12 Exceptions

Birdbaths, ponds, fountains, and swimming pools, all of which do not exceed 20 gallons in capacity, and pools located in school buildings are excepted from these regulations.

Sec. 5.02.13 Public notice

The Village Administrator shall disseminate as fully as possible, including news bulletins to local radio and television stations, news bulletins to local newspapers, and

by other appropriate means, any statement that a water emergency exists and shall set forth the restrictions regulating water usage.

Sec. 5.02.14 Violations and penalties

Any person who shall violate any provision of this article shall be subject to a penalty as provided in §1.02.02 of this Code.

Article III. Water: Abandoned Wells

Sec. 5.02.15 Purpose

The purpose of this article is to prevent unused or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable groundwater.

Sec. 5.02.16 Applicability

All private wells located on any premises served by the public water system for the Village of Sauk City shall be properly filled by December 31, 1986. Only those wells for which the Village Administrator has granted a well operation permit may be exempted from this requirement, subject to the conditions of maintenance and operation.

Sec. 5.02.17 Well operation permits

A permit may be granted to a well owner to operate a well for a period not to exceed one year if the following requirements are met. Application shall be made on forms provided by the Village Administrator.

A. The well and pump installation meet the requirements of Ch. NR 812, Wis. Adm. Code, and a well constructor's report is on file with the Department of Natural Resources or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.

B. The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three samplings two weeks apart.

C. The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.

D. No physical connection shall exist between the piping of the public water system and the private well.

Sec. 5.02.18 Method of abandonment

Wells to be abandoned shall be filled and sealed according to the procedures outlined in Ch. NR 812, Wis. Adm. Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

Sec. 5.02.19 Report and inspection

A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by the Department (available at the office of the Village Administrator). The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of this municipality.

Sec. 5.02.20 Violations and penalties

Any person, firm or other well owner violating any provision of this article shall upon conviction be subject to a penalty as provided in §1.02.02 of this Code. Each twenty-four-hour period during which a violation exists shall be deemed and constitute a separate offense.

Article IV. Water: Wellhead Protection

Sec. 5.02.21 Title

This article shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereafter "this article").

Sec. 5.02.22 Purpose and authority

A. The residents of the Village of Sauk City depend on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this article is to institute land use regulations and restrictions to protect the Village municipal water supply and well fields and to promote the public health, safety and general welfare of the residents of the Village.

B. These regulations are established pursuant to the statutory authority granted to villages by the Wisconsin Legislature in secs. 61.35 and 62.23(7)(a) and (c), Wis. Stats. Under these statutes, the Village has the authority to enact this article to encourage the protection of groundwater resources.

Sec. 5.02.23 Applicability

The regulations specified in this article shall apply within the Village boundary limits.

Sec. 5.02.24 Prohibited acts

It shall be unlawful to construct or use any structure, land or water in violation of this article.

Sec. 5.02.25 Wellhead protection area

The area to be protected as the wellhead protection area is the area identified in the map in Appendix E of the Village of Sauk City's Wellhead Protection Plan, which encompasses the area that lies within the five-year time of travel area for each Village well.

Sec. 5.02.26 Permitted uses

Subject to the exemptions and waivers listed in §5.02.29, the following are the only permitted new uses within the wellhead protection area. Uses not listed are to be considered nonpermitted uses.

A. Public open space, including parks, playgrounds, wildlife areas, and nonmotorized trails, such as biking, skiing, nature and fitness trails, provided that there are no on-site waste disposal or fuel storage tank facilities associated with this use.

B. Municipally sewered residential development, free of flammable and combustible liquid underground storage tanks.

C. Municipally sewered business development zoned B-H, B-C or B-N, except for the following uses:

(1) Aboveground storage tanks.

(2) Asbestos product sales.

(3) Automotive service and repair garages and body shops.

(4) Blueprinting and photocopying services.

(5) Car washes.

(6) Equipment repair services.

(7) Laundromats and diaper services.

(8) Dry cleaning.

(9) Gas stations.

(10) Holding ponds or lagoons.

(11) Infiltration ponds.

(12) Nurseries and lawn and garden supply stores.

(13) Small engine repair services.

(14) Underground storage tanks.

(15) Private wells, production wells, injection wells or other nonmunicipal wells.

(16) Any other use determined by the Village Zoning Administrator to be similar in nature to the above-listed items.

(17) Agricultural uses in accordance with the County Soil Conservation Department's best management practices guidelines.

Sec. 5.02.27 Separation distances

The separation distances specified in sec. NR 811.12(5)(d), Wis. Adm. Code, as may be amended from time to time, shall be maintained and shall not be exempted as listed in §5.02.29.

Sec. 5.02.28 Existing facilities

A. Existing facilities shall provide to the Village copies of all:

(1) Facility operation approvals or certificates issued by federal, state and local regulatory agencies within 60 days following the adoption of this article.

(2) Applications for federal, state and local facility operation approvals or certificates, at the time such application is made.

(3) Federal, state and local facility operation approvals or certificates, at the time such approvals or certificates are issued.

(4) Ongoing environmental monitoring reports and results that are made available to federal, state and local regulatory agencies, at the

time such reports or results are made available to the regulatory agency.

B. Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include but is not limited to stormwater runoff management and monitoring.

C. Existing facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency.

D. Existing facilities cannot engage in or employ a nonpermitted use, activity, or structure which they did not engage in or employ at the time of enactment of the wellhead protection area in which they are located and can only replace in kind or rebuild those present uses, activities, equipment, or structures on the site or property of record associated with the facility at the time of enactment of that wellhead protection area. This subsection does not apply to normal maintenance or minor repairs.

Sec. 5.02.29 Exemptions and waivers

A. Individuals and/or facilities may request the Village, in writing, to permit additional land uses in the wellhead protection area.

B. All requests shall be in writing, whether on or in substantial compliance with forms the Village provides, and may require an environmental assessment report prepared by a licensed environmental engineer.

C. Said report shall be forwarded to the Village and/or designee(s). The Village Board may make recommendations and shall make the final decision.

D. The individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.

E. Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements and/or bonds and/or securities satisfactory to the Village.

Sec. 5.02.30 Enforcement

A. Any person who is specifically damaged by a violation of this article may institute appropriate action or proceeding to enjoin a violation of this article.

B. In the event that an individual and/or facility causes the release of any hazardous substance, as defined under sec. 292.11(5), Wis. Stats., which endangers the wellhead protection area, the individual and/or facility causing said release shall immediately notify the Village of the release, stop the release and clean up the release to the satisfaction of the Village.

C. The individual/facility shall be responsible for all costs of cleanup, including all of the following:

(1) Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.

(2) The cost of Village employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

(3) The cost of Village equipment employed.

(4) The cost of mileage reimbursed to Village employees attributed to the cleanup.

D. Following any such discharge the Village may require additional test monitoring and/or bonds/securities.

Sec. 5.02.31 Violations and penalties

Any person, firm or corporation who or which fails to comply with the provisions of this article shall, upon conviction thereof, forfeit not less than $100 nor more than $500 plus the costs of the prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days, or in the alternative shall have such costs added to the person's or its real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

Attachments:
Wellhead Protection Map 1
Wellhead Protection Map Well 4
Wellhead Protection Map Well 5

CHAPTER 5.03 STREETLIGHT ELECTRIC EXPENDITURE CHARGE

Sec. 5.03.01	Purpose and authorization
Sec. 5.03.02	Definitions
Sec. 5.03.03	Charge for streetlight electric expenditure
Sec. 5.03.04	Billing
Sec. 5.03.05	Payment, lien, late payment penalty
Sec. 5.03.06	Appeal

Sec. 5.03.01 Purpose and authorization

The Village Board has determined that in order to promote the health, safety, morals, and general welfare of the community, it is in the best interest of the citizens that the Village operates and maintains a streetlighting system. The Village Board has further determined that the operation and maintenance of the streetlighting system provides a service to real properties with improvements within the Village. The Village Board has therefore determined that it is fair, appropriate, and reasonable that the costs of electricity for such system be paid on a fair and reasonable basis by all improved lots in the Village so served and the cost should be charged and collected from all such served lots, except for those exempted herein, through the imposition of charges as provided in this chapter. In promulgating the regulations contained in this chapter, the Village is acting pursuant to authority granted by Wisconsin Statutes, including, but not limited to, sec. 66.0627.

Sec. 5.03.02 Definitions

The following terms shall have the following meanings:

IMPROVED LOT

A tax parcel of land that has located thereon improvements, such as a building, garage, shed, storage facility, or any other type of structure providing housing, storage, or any type of commercial, industrial, or institutional use.

NONRESIDENTIAL UNITS(S) OR "NRU(S)"

An improved lot with nonresidential uses, a multifamily use consisting of four or more dwelling units, or mixed uses.

RESIDENTIAL UNITS(S) OR "RU(S)"

An improved lot containing a single-family, two-family, or multifamily use with three or less dwelling units.

Sec. 5.03.03 Charge for streetlight electric expenditure

The basis for computation of the charge for streetlight electric expenditure recovery to improved lots within the Village is established under this section. Sufficient charges shall be imposed to recover the annual cost of paying for the electricity used to operate the streetlighting system.

A. Billing unit system. Expenditure recovery shall be allocated through a per unit billing system defined under this section.

(1) A residential unit shall be assigned one billable unit.

(2) A nonresidential unit shall be assigned two billable units.

B. Expenditure recovery. The total recovery amount shall be determined for each forthcoming calendar year, based upon budgeted streetlight electricity expenditures plus reasonable administration costs. The total recovery amount for the following calendar year shall be determined before December 1 insofar as is practicable and adopted by a majority of the Village Board by resolution. Once so determined, the total recovery amount shall constitute the amount to be recovered from improved lots for the following calendar year for streetlighting electric services provided in such year.

C. Base charge. Once the total recovery amount has been determined as provided for above, it shall be divided by the total of the number of billable units located in the Village. The resultant is herein referred to as the base charge.

$$\text{Base Charge} = \frac{\text{Recovery Amount}}{\text{Total Billable Units}}$$

D. Streetlight electric expenditure recovery service charge. Each residential unit shall be charged a streetlight electric expenditure recovery service charge equal to the base charge. Each nonresidential unit shall be charged a streetlight electric expenditure recovery service charge equal to the base charge multiplied by a factor of 2.0.

E. The streetlight electric expenditure recovery service charge shall be invoiced to the unit billed by the Village for public electric service on a monthly basis, with each monthly invoice being for 1/12 of the streetlight electric expenditure recovery service charge.

Sec. 5.03.04 Billing

Streetlight electric expenditure recovery service charges shall be billed on the regular monthly utility invoice to the recipient designated by the owner of the tax parcel or the lessee to which the bill relates, provided that such mailing shall not relieve the owner of rental property from liability for the streetlight electric expenditure recovery service charges in the event payment is not made. The owner of any tax parcel, which is occupied by tenants, shall have the right to examine the appropriate records to determine whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office at which the records are kept during normal business hours.

Sec. 5.03.05 Payment, lien, late payment penalty

A. Streetlight electric expenditure recovery charges shall be payable upon receipt. Monthly streetlight electric expenditure recovery charges, or arrears, shall not be payable in installments. If a charge remains unpaid for a period of 20 days after it is due and payable said charge shall be deemed delinquent. Such delinquent charge shall be subject to a late payment penalty. Said late payment penalty shall be 1% of the delinquent charge per month.

B. On October 15 in each year the Village Administrator shall give notice to the owner or occupant of all improved lots to which streetlight system services have been provided prior to that date and which are outstanding and in arrears at that time. The notice shall include the following information:

(1) The amount of arrears, including any penalties assessed;

(2) That, if not paid by November 1, a penalty of 10% of the amount of arrears shall be added to that amount;

(3) That, unless paid by November 15, the delinquent charge(s) will be forwarded to the county treasurer for placement on the tax roll.

Sec. 5.03.06 Appeal

A. A streetlight electric expenditure recovery charge may be appealed to the Village Board. An appeal can be undertaken by filing a written appeal with the Village Clerk prior to the due date of the charge or within 30 days of payments. However, no appeal can be taken unless the disputed charges have been paid in full. The written appeal shall specify all grounds for challenge to the amount of the charge and shall state the amount of charge that the appellant considers being appropriate. Failure

to appeal within 30 days of payment shall deprive the Village Board of jurisdiction to hear the appeal.

B. In considering an appeal, the Village Board shall determine whether the streetlight electric expenditure recovery charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The Village Board shall conduct a formal or informal hearing and obtain sufficient facts upon which to make a determination. The decision of the Village Board shall be based upon the evidence presented to it. The Village Board shall notify the appellant in writing of its determination.

TITLE 6. HEALTH AND SANITATION

CHAPTER 6.01 GENERAL PROVISIONS

CHAPTER 6.02 GARBAGE AND REFUSE

CHAPTER 6.03 RECYCLING

CHAPTER 6.01 GENERAL PROVISIONS

Sec. 6.01.01 Purpose
Sec. 6.01.02 Hauler Licensing
Sec. 6.01.03 Dumping Prohibited
Sec. 6.01.04 Word Usage and Definitions
Sec. 6.01.05 Enforcement

Sec. 6.01.01 Purpose

The collection of garbage and/or refuse and recyclable material as defined in this title and its disposition and removal are declared to be a municipal function and enterprise in the interest of public health, welfare, safety and sanitation.

Sec. 6.01.02 Hauler Licensing

No person or corporation shall engage in the business of contracting for garbage or recycling collection within the Village of Sauk City without being licensed by the Village and by the Department of Natural Resources under sec. NR 502.06, Wis. Adm. Code.

Sec. 6.01.03 Dumping Prohibited

It shall be unlawful for any person to dispose of or dump garbage, refuse, or recyclable materials upon any street, alley, or other public place within the Village of Sauk City, or upon private property or in private receptacles without the owner's consent.

Sec. 6.01.04 Word Usage and Definitions

For the purpose of administering and enforcing this title, the terms or words used in this article shall have the meaning set forth below:

BIMETAL CONTAINER

A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

CONTAINER BOARD

Corrugated paperboard used in the manufacture of shipping containers and related products.

DWELLING OR DWELLING UNIT

A separate dwelling place, including a residence with a kitchen; apartment unit; or rooming houses with six (6) or fewer persons.

FOAM POLYSTYRENE PACKAGING

Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

A. Is designed for serving food or beverages.

B. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

C. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

GARBAGE

All refuse accumulations of animal, fruit or vegetable matter that attend the preparation, processing, use, cooking, sale, dealing in or storage of meat, fish, fowl, fruit or vegetables and containers or wrappers originally used for foodstuffs.

"HDPE"

High-density polyethylene, labeled by the Serial Peripheral Interface (or SPI) Code No. 2.

"LDPE"

Low-density polyethylene, labeled by the SPI Code No. 4.

LICENSED SITE

Any disposal site that has been properly and officially licensed by the Department of Natural Resources.

MAGAZINES

Magazines and other materials printed on glossy paper.

MAJOR APPLIANCES

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

MULTI-FAMILY DWELLING

A property containing five or more residential units, including those which are occupied seasonally.

NEWSPAPER

A newspaper or other materials printed on newsprint paper.

NONRESIDENTIAL FACILITY OR NONRESIDENTIAL PROPERTY

Any commercial, retail, industrial, institutional and governmental facility and property. This term does not include multiple-family dwellings.

OFFICE PAPER

High-grade printing and writing papers. This term does not include industrial process waste, newspaper, or packaging.

OTHER RESINS OR MULTIPLE RESINS

Plastic resins labeled by the SPI Code No. 7.

PERSON

Any individual, corporation, partnership, association, local governmental unit as defined in sec. 66.0131(1)(a) Wis. Stats., state agency or authority, or federal agency.

"PETE" OF "PET"

Polyethylene terephthalate, labeled by the SPI Code No. 1.

PLASTIC CONTAINER

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

POST-CONSUMER WASTE

Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in sec. 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in sec. 289.01(17), Wis. Stats.

"PP"

Polypropylene, labeled by the SPI Code No. 5.

"PS"

Polystyrene, labeled by the SPI Code No. 6.

"PVC"

Polyvinyl chloride, labeled by the SPI Code No. 3.

RECYCLABLE MATERIALS

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

REFUSE

Any papers, cartons, boxes, barrels, wrappings, containers, bedding, and noncombustible trash, including but not limited to broken glass, rubber and non-recyclable plastic materials, crockery, other mineral wastes, street rubbish and litter, sweepings, dirt, and ashes. Refuse does not include dead animals; toxic and hazardous waste materials as defined in the Department of Natural Resources Solid Waste Disposal Standards; automobiles, auto bodies, doors, trunk covers, frames and engines; tires used for autos and farm implements and machinery; home appliances; or dirt, waste materials and debris resulting from building construction, remodeling or demolition, including shingles and roofing debris.

SOLID WASTE

Has the meaning specified in sec. 289.01(33), Wis. Stats.

SOLID WASTE FACILITY

Has the meaning specified in sec. 289.01(35), Wis. Stats.

SOLID WASTE TREATMENT

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

TOTER

The standard containers supplied by or through the Village's sanitation contractor for the collection of garbage and refuse or recycling, respectively a "garbage toter" or "recycling toter".

USER

Any owner, tenant, or occupant of residential, commercial, industrial, or agricultural property within the Village limits who presents garbage, refuse, or recycling for collection.

WASTE TIRE

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

YARD WASTE

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

Sec. 6.01.05 Enforcement

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

B. Any person who violates a provision of this title may be issued a forfeiture citation by the Village of Sauk City. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

C. Penalties for violating this title may be assessed as follows:

(1) Any person who violates sec. 6.03.08 of this title may be required, pursuant to secs. 287.95 and 287.97, Wis. Stats., to forfeit $50 for a first violation, $200 for a second violation, and not more than $2,000 for a third or subsequent violation.

(2) Any person who violates a provision of this title, except sec. 6.03.08, may be required to forfeit not less than $10 nor more than $1,000 for each violation.

CHAPTER 6.02 GARBAGE AND REFUSE

Sec. 6.02.01	Collection and disposal
Sec. 6.02.02	Collection fee and special charge
Sec. 6.02.03	Placement for residential collection
Sec. 6.02.04	Nonresidential collection

Sec. 6.02.01 Collection and disposal

A. It shall be mandatory upon all occupants or persons in possession, charge or control of places or premises within the Village in or from which garbage and/or refuse is created, accumulated or produced to collect, remove, and dispose of garbage or refuse at a licensed site.

B. All commercial, industrial, institutional, or similar establishments must provide or contract for their own garbage and refuse collection, removal, and disposal at a licensed site in accordance with this Chapter.

C. Residential garbage and refuse collection service to dwellings will be provided by the Village or its designated sanitation contractor. Any contract providing for the residential collection, removal and disposal of garbage and refuse within the Village shall be prepared under the direction of the Village Administrator and approved by the Village Board. Such contract, when awarded, shall be subject to local ordinances and other applicable state law and regulations.

D. No person, firm or corporation shall collect garbage and refuse for hire from any residential premises within the Village other than the Village or the Village's contractor holding the contract for such collection, unless such person, firm or corporation has a license from the Village to make such collections. The Village shall set the license fee for such additional collection.

Sec. 6.02.02 Collection fee and special charge

As authorized by secs. 66.0405 and 66.0627, Wis. Stats., there is hereby created a garbage and refuse collection fee which shall be established by resolution by the Village Board from time to time and shall be paid within 30 days of billing. Fees for the garbage and refuse collection services shall be a special charge against the property served. If the special charge is not paid within 30 days the charge becomes delinquent and shall become a lien against the property and shall be included in the current or next tax roll for collection and settlement with interest and penalties as provided by law.

Sec. 6.02.03 Placement for residential collection

A. All residential garbage and refuse shall be placed in the garbage toter at the curb or near the street edge with reasonable clearance and space from nearby obstacles to allow for automated collection. No more than 95 gallons of garbage and refuse may be placed in the garbage toter per collection. The Village Administrator or its designee may require the relocation of the toter by the resident to provide for proper automated collection.

B. Garbage toters are to be placed at the curb or street edge no more than 18 hours before collection time and shall be removed from the curb or street edge within 18 hours after pickup. Under no circumstances shall garbage toters be stored in the street or alley right-of-way.

Sec. 6.02.04 Nonresidential collection

All nonresidential garbage and refuse shall be placed in containers until collected that will reasonably prevent the garbage or refuse from being scattered about the premises, prevent it from being a health hazard or a nuisance, protect it from weather or vandalism, and prevent it from having an adverse effect on adjacent properties. The Village Administrator or its designee may require the owner to construct adequate enclosures for containers to ensure these standards are met. Any enclosures for refuse containers shall be large enough so that the containers will not bend and shall have adequate openings so it will be feasible to remove the containers by sliding rather than lifting.

CHAPTER 6.03 RECYCLING

Sec. 6.03.01	Authority and Purpose
Sec. 6.03.02	General Provisions
Sec. 6.03.03	Separation of Recyclable Materials
Sec. 6.03.04	Disposal of lead acid batteries, major appliances, waste oil, yard waste
Sec. 6.03.05	Residential collection of recyclables
Sec. 6.03.06	Multiple-family residential collection of recyclables
Sec. 6.03.07	Nonresidential facilities and properties
Sec. 6.03.08	Prohibitions on disposal of recyclable materials

Sec. 6.03.01 Authority and Purpose

This Chapter is adopted pursuant to the authorization in sec. 287.09, Wis. Stats., and Ch. NR 544, Wis. Adm. Code. The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in sec. 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

Sec. 6.03.02 General Provisions

A. Interpretation. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other powers the Wisconsin Statutes grant. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the article provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the adoption of this article or in effect on the date of the most recent text amendment to this article.

B. Applicability. The requirements of this article apply to all persons within the Village of Sauk City, Sauk County, Wisconsin.

C. Administration. The Village Board of the Village of Sauk City, Sauk County, Wisconsin shall administer the provisions of this article.

Sec. 6.03.03 Separation of Recyclable Materials

A. Separation requirements. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and

properties shall separate the following materials from post-consumer waste:

(1) Lead acid batteries.

(2) Major appliances.

(3) Waste oil.

(4) Yard waste.

(5) Aluminum containers.

(6) Bimetal containers.

(7) Corrugated paper or other container board.

(8) Foam polystyrene packaging.

(9) Glass containers.

(10) Magazines.

(11) Newspaper.

(12) Office paper.

(13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.

(14) Steel containers.

(15) Waste tires.

B. Exceptions to separation requirements. The separation requirements of Subsection A do not apply to the following:

(1) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Subsection A from solid waste in as pure a form as is technically feasible.

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

(3) A recyclable material specified in Sec. 276-11.A(5) through (15) for which a variance has been granted by the Department of Natural Resources under sec. 287.11(2m), Wis. Stats., or sec. NR 544.14, Wis. Adm. Code.

C. Care of separated recyclable materials. To the greatest extent practicable, the recyclable materials separated in accordance with this Chapter shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers.

D. Storage. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Sec. 6.03.04 Disposal of lead acid batteries, major appliances, waste oil, yard waste

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

A. Lead acid batteries. Lead acid batteries shall be taken to a retail business that sells batteries.

B. Major appliances. Major appliances shall be set at curbside for disposal by the Village's sanitation contractor at the fees set by said contractor.

C. Waste oil. Residents shall contact the Village's sanitation contractor for information on disposal of waste oil.

D. Yard waste.

(1) Except as otherwise provided in this subsection, all yard waste set out for collection, including grass clippings, shall be bagged. All yard waste shall be placed on the tree bank behind the curb and not in the gutter or street or may be taken to a Village compost site at designated open times. Yard waste bags set out for collection shall not exceed 40 pounds. During the time period designated by the Village for leaf collection, leaves may be placed on the tree bank behind the curb and not in the gutter or street without being bagged, however at all other times leaves must be bagged. No person shall deposit grass clippings into the street or street gutter.

(2) Yard waste must be bagged using only bio-degradable paper lawn/leaf bags. All other containers, including plastic bags, garbage bags, plastic containers, or similar containers are prohibited. Yard waste in prohibited containers will not be collected at the curb or accepted at the Village Compost Site.

(3) Branches and limbs do not need to be bagged. Brush must be piled neatly with all ends placed toward the curb. Brush must be cut no larger than three inches in diameter. Residents who hire a contractor to remove any tree are responsible for removing all logs and branches from the tree, regardless of size.

Sec. 6.03.05 Residential collection of recyclables

A. Except as otherwise directed by the Village Board, occupants of single-family and two- to four-unit residences shall prepare the following recyclable materials for collection and place them in the toter provided for collection of recyclables:

(1) Aluminum containers shall be thoroughly rinsed free of product.

(2) Bimetal containers shall be thoroughly rinsed free of product.

(3) Corrugated paper or other container board shall be free of debris, flattened, and if necessary, cut into smaller pieces to freely fit into the toter.

(4) Foam polystyrene packaging shall be free of debris and placed in clear plastic bags before being placed in the toter.

(5) Glass containers shall be rinsed free of product.

(6) Magazines shall be free of debris and may be bundled and tied.

(7) Newspaper shall be free of debris and food contamination and may be bundled and tied.

(8) Office paper shall be free of debris and may be placed in clear plastic bags.

(9) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins shall be rinsed free of product, have their tops removed.

(10) Steel containers shall be rinsed clean and have labels removed.

B. All residential recyclables shall be placed in the recycling toter at the curb or near the street edge with reasonable clearance and space from nearby obstacles to allow for automated collection. No more than 95 gallons of recyclables may be placed in the toter per collection. The Village Administrator or its designee may require the relocation of the toter by the resident to provide for proper automated collection.

C. Recycling toters are to be placed at the curb or street edge no more than 18 hours before collection time and shall be removed from the curb or street edge within 18 hours after pickup. Under no circumstances shall containers be stored in the street or alley right-of-way.

D. Waste tires. Residents disposing of waste tires shall purchase a disposal ticket from the Village's sanitation contractor and place it on the waste tire prior to setting the waste tire at curbside for disposal by the Village's sanitation contractor.

Sec. 6.03.06 Multiple-family residential collection of recyclables

A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in sec. 6.03.03.A(5) through (15):

(1) Provide adequate, separate containers for the recycling program established in compliance with this Chapter. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:

(a) The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit;
(b) The ratio of trash container volume to recycling container volume is at most 2:1; or
(c) An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.

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

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

(4) Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

B. The requirements specified in Subsection A do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in sec. 6.03.03.A(5) through (15) from solid waste in as pure a form as is technically feasible.

Sec. 6.03.07 Nonresidential facilities and properties

A. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in sec. 6.03.03.A(5) through (15):

(1) Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.

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

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

(4) Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

B. The requirements specified in Subsection A do not apply to the owners or designated agents of nonresidential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in sec. 6.03.03.A(5) through (15) from solid waste in as pure a form as is technically feasible.

Sec. 6.03.08 Prohibitions on disposal of recyclable materials separated for recycling

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in sec. 6.03.03.A(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

TITLE 7. LICENSING AND REGULATION

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CHAPTER 7.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

CHAPTER 7.03 NONINTOXICATING BEVERAGES

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CHAPTER 7.01 ANIMALS

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Sec. 7.01.01 Definitions

In this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meaning indicated:

ANIMAL
Any mammal, reptile, or bird.

AT LARGE
To be off the premises of the owner and not under the control of some person by leash, 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.

CAT
Any feline, regardless of age or sex.

DOG
Any canine, regardless of age or sex.

HARBORING OR KEEPING
To provide providing food or shelter to an animal such that the animal returns multiple times to the person's property for a period of more than 10 days.

FARM ANIMAL
Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

LAW ENFORCEMENT OFFICER
Has the meaning as proscribed by sec. 967.02(5), Wis. Stats., and includes a humane officer appointed under sec. 173.03, Wis. Stats., but does not include a conservation warden appointed under sec. 23.10, Wis. Stats.

OWNER

Any person owning, harboring, or keeping an animal or the occupant of any premises on which an animal is harbored or kept.

NEUTERED OR SPAYED

Condition of having the reproductive organs of an animal removed.

UNTAGGED

Not having a valid license tag attached to a collar kept on the animal whenever the animal is outdoors and not securely confined in a fenced area.

Sec. 7.01.02 Rabies vaccination required

A. Rabies vaccination. The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within 30 days after the dog or cat reaches five months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the Village of Sauk City after the dog or cat has reached five months of age, the owner shall have the dog or cat vaccinated against rabies within 30 days after the dog or cat is brought into the Village, unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination.

B. The owner of a dog or cat shall have the dog or cat 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 three years after the previous vaccination. The certificate of vaccination shall meet the requirements of sec. 95.21(2), Wis. Stats.

C. Issuance of certificate of rabies vaccination. A veterinarian who vaccinates a dog or cat 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 Village stating the owner's name and address, the name of the dog or cat, sex of the dog or cat, whether the animal is spayed or neutered, the breed and color of the dog or cat, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, and the date that the immunization expires as specified for that type of vaccine by the Centers for Disease Control of the United States Department of Health and Human Services and the Village.

D. 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 or cat is revaccinated, whichever occurs first.

E. 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.

F. 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 or cat at all times, but this requirement does not apply to a dog or cat during competition or training, to a dog while hunting, to a dog or cat securely confined indoors or to a dog or cat 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 subsection do not apply to a dog which is not required to be vaccinated under Subsection A.

G. 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.

Sec. 7.01.03 Dog and cat licenses

A. It shall be unlawful for any person in the Village of Sauk City to own, harbor or keep any dog or cat more than five months of age without complying with the provisions of secs. 174.05 through 174.09, Wis. Stats., relating to the listing, licensing and tagging of the same.

B. The owner of any dog or cat more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog or cat becomes five months of age, shall obtain the respective license from the Village and pay the license fees as established by Village Board.

C. Upon payment of the required license fee and upon presentation of evidence that the dog or cat is currently immunized against rabies, as required by this chapter, the Village Administrator shall complete and issue to the owner a license for such dog or cat containing all information required by state law. The Village Administrator 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.

D. The owner shall securely attach the tag to a collar, and the collar with the tag attached shall be kept on the dog or cat for which the license is issued at all times, except as provided in §7.01.02.F.

E. The fact that a dog or cat is without a tag attached to the dog or cat by means of a collar shall be presumptive evidence that the dog or cat is unlicensed. Any law enforcement or humane officer may seize, impound or restrain any dog or cat for which a dog or cat license is required which is found without such tag attached.

F. Late Fees. If an owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable cat or dog, or if the owner failed to obtain a license on or before the cat or dog reached licensable age, then the Village may collect a late fee as established by sec. 174.05, Wis. Stats.

G. Notwithstanding the foregoing, any service dog under the Americans with Disabilities Act is exempt from the dog license fee. The Village Administrator shall annually issue a free dog license to any such owner upon receipt of said owner's application therefor.

Sec. 7.01.04 Limitation on number of dogs and cats

A. Purpose. The keeping of a large number of dogs and cats within the Village of Sauk City 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. No person or family shall own, harbor or keep more than two dogs and two cats in any residential unit, except that a litter of pups or kittens or a portion of a litter may be kept for not more than 10 weeks from birth.

Sec. 7.01.05 Rabies quarantine

A. Dogs and cats confined. If a district is quarantined for rabies, all dogs and cats within the Village 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 Village Administrator shall promptly post in at least three public places in the Village notices of quarantine. Posting on the official Village website shall be considered a public place for the purposes of this chapter.

B. Exemption of vaccinated dog or cat from Village 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 Village 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 humane officer 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 kill or order killed 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 humane officer 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 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 10 days after the incident occurred. In this subsection, "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 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 180 days. The owner shall have the animal vaccinated against rabies between 155 and 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 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 prepare the carcass, 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.

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 Village, 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. If the owner is unknown, the county is responsible for these expenses.

Sec. 7.01.06 Restrictions on keeping animals

A. Restrictions. It shall be unlawful for any person within the Village of Sauk City to own, harbor or keep any dog or cat that:

(1) Habitually pursues any vehicle upon any public street, alley or highway in the Village;

(2) Is deemed vicious;

(3) Is at large within the limits of the Village;

(4) Habitually barks or howls to the annoyance of any person or persons;

(5) Kills, wounds, or threatens any domestic animal;

(6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies; or

(7) In the case of a dog, is unlicensed.

B. Animals running at large.

(1) No person having in the person's possession or ownership any animal or fowl shall allow the same to run at large within the Village. The owner of any animal, whether licensed or unlicensed, shall keep the animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. A humane or law enforcement officer shall seize and impound any animal running at large if such animal is unlicensed, and state law or Village ordinance requires such animal to be licensed.

(2) A dog or cat shall not be considered to be running at large if it is on a leash not to exceed 10 feet in length and under control of a person physically able to control it when the animal is off of the owner's premises.

C. Animals restricted on public grounds and cemeteries. No dog or cat shall be permitted in any public playground, school grounds, public park,

beach, or swimming area within the Village unless such dog or cat is on a leash and under control. Dogs and cats are prohibited from being in cemeteries. Every service dog under the Americans with Disabilities Act shall be exempt from this subsection.

D. 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.

Sec. 7.01.07 Impoundment

A. Impounding of animals. In addition to any penalty hereinafter provided for a violation of this chapter, a law enforcement officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this subsection or possess a signed statement of a complaining witness alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.

B. Claiming animal; disposal of unclaimed animals. After a law enforcement officer seizes an animal under this section, the animal shall be impounded. The officer shall notify the owner, personally or through the United States mail, if such owner is known to the officer or can be ascertained with reasonable effort, but if such owner is unknown or unascertainable, the officer shall post written notice in three public places in the Village, giving a description of the animal and stating where it is impounded and the conditions for its release, after the officer or warden has taken such animal into their possession. If within seven days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner, provided that, if an animal before being impounded has bitten a person, the animal shall be retained in the animal shelter for 10 days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees. No animal shall be released from the pound without being properly licensed if state law or Village ordinance requires such licensing.

C. Sale of impounded animals. If the owner does not reclaim the animal within seven days, the animal may be sold to any willing buyer.

D. Village not liable for impounding animals. The Village shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.

Sec. 7.01.08 Duty of owner in case of dog or cat bite

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the Police Department and shall keep such dog or cat confined for not less than 10 days or for such period of time as directed. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

Sec. 7.01.09 Keeping of vicious dogs

A. Under this section "vicious dog" means a dog that satisfies any of the following criteria:

(1) Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, barking excessively and/or snarling in a threatening manner or making excessive noise, or running after automobiles.

(2) Any dog which, within any twenty-four-month period, bites any domestic animal (not necessarily the same domestic animal) two or more times in unprovoked circumstances off the owner's premises or inflicts serious injury to any one domestic animal in unprovoked circumstances off the owner's premises.

(3) Any dog which, within any twenty-four-month period, bites two or more persons (not necessarily the same persons) in unprovoked circumstances off the owner's premises or inflicts serious injury to any one person in unprovoked circumstances off the owner's premises.

(4) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

B. Requirements and prohibitions for vicious dogs.

(1) Leash and muzzle. No person owning, harboring or having the care of a vicious dog may suffer to permit such dog to go outside its kennel or pen unless such dog is securely leashed with a leash no

longer than four feet in length in the charge of the owner or a member of the owner's immediate family over 16 years of age. No person shall permit a vicious 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 vicious dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious 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. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Police Chief.

(2) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Village. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) Confinement indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(4) Prohibited in multiple unit dwellings. No vicious dog may be kept within any portion of any multi-unit building.

(5) Signs. All owners, keepers, or harborers of vicious dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(6) Insurance. All owners, keepers, or harborers of vicious dogs shall, within 30 days of the effective date of this section, provide proof to the Police Chief of public liability insurance for bodily injury to or death of any person or for the damage to property owned by any

person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a ten-day written notice is first given to the Police Chief. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This subsection does not apply to dogs kept by law enforcement agencies.

C. Vicious dog determination. The Police Chief or its designee shall investigate every dog complaint and make a determination as to whether or not such dog is vicious, as defined herein. In the event the Police Chief or its designee makes a determination that a dog is vicious, the Police Department shall so inform the owner, keeper, or harborer of such dog and provide such person with a copy of this section.

D. Appeal of vicious dog determination. Any person aggrieved by the determination under this section may appeal such determination to the Village Board.

E. Disposition of vicious dogs. Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a law enforcement officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

Sec. 7.01.10 Animal feces

A. Removal of fecal matter. The owner or person in charge of any animal shall not permit solid fecal matter of such animal to be deposited on any street, alley, park, 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 owner's property. The owner or person in charge of an animal must prevent accumulation of animal waste on the owner's property by regularly patrolling and properly disposing of the fecal matter in a timely manner.

Sec. 7.01.11 Injury to property by animals

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal to go upon any private property without the permission of the owner of

such premises, or to permit such animal to break, bruise, tear up, crush or injure any flowerbed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

Sec. 7.01.12 Protected and prohibited animals; 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 Village 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), or Mexican ridley turtle (lepidochelys kempi).

(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 Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This subsection 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 Subsection A 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 person holding a scientific collector's permit issued by the Secretary of the Department of Natural Resources of the state, or by any person or organization licensed to present a circus.

Sec. 7.01.13 Prohibited Animals

A. It shall be unlawful for any person to keep, maintain, or possess within the Village 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. This includes, but is not limited to, the following animals, reptiles, or insects:

(1) All poisonous animals and reptiles, including rear-fang snakes.

(2) All apes, including 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 (Crocodilia), 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, wasps, or hornets.

B. Exceptions; pet shops. The prohibitions of this section shall not apply where the creatures are in the care, custody, and control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; an itinerant or transient carnival or circus; public or private educational institutions; licensed pet shops; and zoological gardens, if:

(1) Their location conforms to the Village's zoning ordinances.

(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 100 feet of the quarters in which the animals are kept.

Sec. 7.01.14 Farm Animals

A. No person shall bring into, keep or maintain in the Village any horses, mules, ponies, donkeys, cattle, swine, goats, sheep, chickens, ducks, geese, more than four rabbits, or any animal being raised for furbearing purposes or other wild animals unless otherwise expressly permitted elsewhere in this Code. For purposes of this section, the term "swine" shall not include any miniature pigs of either sex weighing less than 80 pounds which are intended for and kept as domestic pets.

B. Exceptions.

(1) The prohibitions herein do not apply to the keeping or maintaining of farm animals in areas zoned for agricultural use.

(2) The prohibitions herein do not apply where the creatures are temporarily kept or maintained in the care, custody, and control of:

(a) a veterinarian for treatment;
(b) operators and participants of temporary agricultural fairs, shows, or displays;
(c) owners, employees or agents of properly permitted transient carnival, circus or other similar shows;
(d) public or private educational institutions, including 4-H Clubs.

(3) The prohibitions herein do not apply to the keeping or maintaining of hen chickens on a residential lot provided that:

(a) No more than five (5) hen chickens are kept, maintained, or housed per lot. Roosters are not allowed.
(b) All hen chickens are kept in a secured enclosure which shall be located no closer than twenty (20) feet to any neighboring residential dwelling and the enclosures are kept in a sanitary condition and comply with any other applicable regulations set forth in the Code;
(c) The enclosure has a minimum of ten (10) square feet of coop or run space per hen chicken;
(d) All food for the hen chickens is securely stored and sealed;
(e) The hen chickens are registered with the Wisconsin Department of Agriculture, Trade, and Consumer Protection, with proof of DATCP registration provided to the Village; and,
(f) The Village has issued a license to keep and maintain hen chickens to the owner and/or resident of the lot on which the hen chickens are to be kept and maintained.

C. License to Keep or Maintain Hen Chickens.

(1) Any person seeking to obtain a license to keep or maintain hen chickens must submit to the Village Administrator the fee established by resolution of the Board and a completed application, as provided by the Village, which shall contain the following:

(a) The lot owner's name and address, the applicant's name and address where the applicant will keep or maintain hen

chickens (if different from the owner's address), and the applicant's email address and phone number; and,

(b) Written certification that the hen chickens will be kept in an enclosure that complies with Sec. 7.01.14.B(3)(b) and all applicable code regulations, including zoning and setback regulations.

(2) The Village Administrator shall issue a license if the application is complete, the applicant has provided proof of the hen chicken DATCP registration, and the owner and applicant have no unpaid fees, utilities, or special charges with the Village.

Sec. 7.01.15 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. 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.

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

Sec. 7.01.16 Providing proper food and drink

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.

Sec. 7.01.17 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.

(2) Shelter from inclement weather. Natural or artificial shelter from precipitation and wind appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

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.

Sec. 7.01.18 Neglected or abandoned animals

A. Neglected or abandoned animals.

(1) No person may abandon any animal that the person previously owned, kept, or harbored.

(2) Any law enforcement 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 days after notice, redeem the animal by paying the expenses incurred, the animal 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 the owner shall prove that such killing was unwarranted.

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 Village 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 who or which provides treatment for the costs of such treatment.

Sec. 7.01.19 Cruelty to animals and birds

A. Acts of cruelty prohibited. No person except a law enforcement officer in the line of duty shall, within the Village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any active bird's nest or bird's eggs.

B. Leading animal from motor vehicle. No person shall lead any animal upon a Village street from a motor vehicle or from a trailer or semitrailer 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 animal may eat such substance 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 of any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

Sec. 7.01.20 Trapping of animals

A. In the interest of public health and safety, it shall be unlawful for any person in or on Village-owned land within the Village of Sauk City 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 Ch. 29, Wis. Stats., as it relates to trapping.

D. This section shall not apply to trapping on private property.

E. Nothing in this section shall prohibit or hinder the Village of Sauk City or its employees or agents from performing their official duties.

Sec. 7.01.21 Keeping of bees

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 Village.

Sec. 7.01.22 Violations and penalties

A. Any person violating any provision in §§7.01.16 through 7.01.21 may be subject to a forfeiture of not less than $50 and not more than $250. This subsection shall also permit the Village Attorney to apply to a court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this chapter.

B. Anyone who violates any provision in §§7.01.02 through 7.01.05 of this Chapter or the incorporated provisions of Ch. 174, Wis. Stats., may be subject to a forfeiture of not less than $30 and not more than $250 for the first offense and not less than $100 and not more than $400 for any subsequent offenses.

C. An owner who refuses to comply with an order issued under §7.01.05 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 may be subject to a forfeiture of not less than $100 nor more than $1,000, together with costs of prosecution, and, in default of payment of such forfeiture and costs, may be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 60 days.

D. Any person who violates any provision in §§7.01.06 through 7.01.15 of this chapter may be subject to a forfeiture of not less than $30 and not more than $100 for the first violation and not less than $50 and not more than $200 for subsequent violations.

E. 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 chapter shall be subject to immediate seizure, impoundment and removal from the Village by Village officials in the event that the owner or keeper of the dog fails to remove the dog from the Village. 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.

CHAPTER 7.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

Sec. 7.02.01	Statutory provisions adopted
Sec. 7.02.02	License required
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Sec. 7.02.07	Revocation or nonrenewal of license
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Sec. 7.02.09	Outdoor Consumption Permits
Sec. 7.02.10	Nude dancing in licensed establishments

Sec. 7.02.01 Statutory provisions adopted

The provisions of Ch. 125 and secs. 938.344 and 778.25, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, are adopted as a portion of this chapter so far as applicable, except as otherwise lawfully provided by the Village Code. Any act required to be performed or prohibited by any statute incorporated herein is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to made a part of this chapter.

Sec. 7.02.02 License required

No person, firm or corporation shall vend, sell, deal, or traffic in or have in the person's 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 whatsoever, 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 so exempted by the Wisconsin Statutes. No license or permit may be issued to any person except as provided in this chapter, and any license or permit issued in violation of this chapter is void.

Sec. 7.02.03 Classes of licenses

A. Retail "Class A" intoxicating liquor license. A retail "Class A" intoxicating liquor license, when issued by the Village Administrator and approved by the Village Board, shall permit its holder to sell, deal and traffic in

intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.

B. Retail "Class B" intoxicating liquor license. A retail "Class B" intoxicating liquor license, when issued by the Village Administrator and approved by the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed, and in the original package or container, in multiples not to exceed four liters at any one time, and to be consumed off premises. 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. Class "A" fermented malt beverage retailer's license. A Class "A" fermented malt beverage retailer's license, when issued by the Village Administrator and approved by the Village Board, shall entitle the holder thereof to possess, sell, or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers, or bottles.

D. Class "B" fermented malt beverage retailer's license. A Class "B" fermented malt beverage retailer's license, when issued by the Village Administrator and approved by the Village Board, shall entitle the holder thereof to possess, sell, or offer for sale fermented malt beverages to be consumed either upon the premises where sold or away from such premises. Persons holding a Class "B" license may sell beverages containing less than 0.5% of alcohol by volume without obtaining a license to sell such beverages.

E. "Class A" (Cider Only) license. A "Class A" (Cider Only) license, when issued by the Village Administrator and approved by the Village Board in conjunction with a properly issued Class "A" (Beer) license, shall entitle the holder thereof to possess, sell, or offer for sale cider to consumers in original packages for off-premises consumption. Persons holding a "Class A" (liquor) license may engage in such activities without obtaining a "Class A" (Cider Only) license.

F. "Class C" (Wine Only) license. A "Class C" (Wine Only) license, when issued by the Village Administrator and approved by the Village Board, shall entitle the holder thereof to sell wine by the glass or in an opened original container for on-premises consumption. A "Class C" (Wine Only) license cannot be issued for premises that do not meet the restaurant standards set by the Department of Agriculture, Trade, and Consumer Protection.

G. Temporary Class "B" fermented malt beverage gathering license. A temporary Class "B" gathering license, as specifically provided for in sec. 125.26(6), Wis. Stats., shall entitle the holder thereof to possess, sell, or offer for sale fermented malt beverages at a particular picnic, post meeting, fair, or similar gathering as provided by statute. Such license may be issued only to bona fide clubs, state, county or local fair associations or agricultural societies, churches, lodges or societies that have been in existence for not less than six months prior to the date of application for such license, to posts of veterans' organizations, or chambers of commerce or similar civic or trade organized under Ch. 181, Wis. Stats., to promote economic growth and opportunity within a local geographical area. The license shall specify the hours and the dates of license use and shall further provide the name, address and any other information needed in order to ascertain the person who shall be held responsible.

H. Temporary "Class B" wine gathering license. A temporary "Class B" wine gathering license, as specifically provided for in sec. 125.51(10), Wis. Stats., shall entitle the holder thereof to possess, sell, or offer for sale wine at a particular picnic, post meeting, fair, or similar gathering as provided by statute. Such license may be issued only to bona fide clubs, state, county or local fair associations or agricultural societies, churches, lodges or societies that have been in existence for not less than six months prior to the date of application for such license, to posts of veterans' organizations, or chambers of commerce or similar civic or trade organized under Ch. 181, Wis. Stats., to promote economic growth and opportunity within a local geographical area. The license shall specify the hours and the dates of license use and shall further provide the name, address and any other information needed in order to ascertain the person who shall be held responsible.

Sec. 7.02.04 License fees

Fees for licenses issued under this chapter shall be set from time to time by the Village Board. A "Class C" (Wine Only) license fee cannot exceed $100. There is no annual fee or initial fee for a "Class A" (Cider Only) license.

Sec. 7.02.05 Qualifications of applicants

The provisions of sec. 125.04, Wis. Stats., relating to the qualifications for licenses for natural persons and corporations, are hereby adopted by reference as if fully set forth herein. In addition, the following shall apply:

A. Right to premises. No applicant shall be considered unless the applicant has the right to possession of the premises described in the application for the license period by lease or by deed. Evidence of such right shall be submitted upon filing the application.

B. Separate licenses. A separate license shall be required for each business premises where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.

C. Investigation. The Village Administrator shall notify the Chief of Police, Fire Inspector, and Building Inspector of each new application and these officers and officials shall inspect and cause to be inspected each application and the premises together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Board in writing the information derived from such investigation and shall make a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and a reinvestigation and the resubmission of reports as originally required.

D. Factors and approval. In determining the suitability of an applicant, the following shall apply:

(1) Consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be granted.

(2) No license shall be granted for operation on any premises or with any equipment for which taxes or assessments or other financial claims of the Village are delinquent and unpaid.

(3) No license shall be issued unless the premises conforms to the sanitary, safety and health requirements of the State Building Code and the regulations of the State Department of Commerce and the Village Code.

E. Opportunity to be heard. The governing body shall give an opportunity to be heard to any person for or against the granting of any license. Upon the Village Board's approval, the Village Administrator shall issue the applicant a license, upon the applicant's payment of the appropriate license fees.

Sec. 7.02.06 Temporary Class "B" (Beer) and Temporary "Class B" (Wine) licenses

A. General conditions. Groups that have been granted a temporary Class "B" (Beer) or temporary "Class B" (Wine) license shall comply with the following conditions of the license:

(1) There shall be at least one person properly licensed as an operator under the provisions of this Code on the premises at all times to supervise the service of beverages.

(2) License holders shall fully comply with all provisions of this Code and the State of Wisconsin Statutes.

(3) License holders shall provide suitable facilities for both indoor and outdoor events, including adequate sanitary facilities to accommodate the size of the group.

(4) The temporary license shall be posted in a conspicuous place.

(5) The applicant for a temporary license may be required to indemnify, defend, and hold the Village 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 license 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 to the Village Board. The applicant may also be required to furnish a performance bond prior to being granted the license.

B. Regulations concerning temporary Class "B" (Beer) or temporary "Class B" (Wine) licenses in parks.

(1) All organizations issued a license under this section shall post in a conspicuous location at the main point of sale facility and at all remote sales facilities a sufficient number of signs disclosing that no fermented malt beverage shall be served to any underage person or without proper age identification.

(2) All organizations shall install a fence around the main point of sale facility to control ingress and egress and shall station a licensed operator or private security officer at the entrance after 9:00 p.m. for the purpose of checking age identification.

(3) The sale of fermented malt beverages from remote sites, that is other than the main point of sale facility, shall be prohibited after the hour of 9:00 p.m.

(4) No underage persons shall be allowed to assist in the sale of fermented malt beverages at any point of sale, nor shall they be allowed to loiter or linger in the area of any remote sale facility.

(5) A licensed operator shall be stationed at all points of sale at all times.

(6) All organizations shall comply with such other regulations as may be adopted by the Village Board by resolution from time to time. [Amended 6-13-2006 by Ord. No. 2006-4]

Sec. 7.02.07 Revocation or nonrenewal of license

A. Procedure. Whenever the holder of any license under this chapter violates any portion of this chapter, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by Ch. 125, Wis. Stats., and the provisions therein relating to the granting of a new license shall likewise be applicable.

B. Automatic revocation. Any license issued under the provisions of this chapter shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent, or representative thereof for a second offense under this chapter or for the violation of Ch. 125 or 139, Wis. Stats., or any other state or federal liquor or fermented malt beverage laws or for the single conviction of a felony.

C. Nonrenewal of licenses. Before renewal of any license issued under this chapter is refused, the licensee shall be given written notice of any charges or violations against the licensee or the reasons proposed for nonrenewal and a copy for any proposed motion for nonrenewal and shall have an opportunity to be heard at a date and time specified within 30 days of such written notice. Such hearing shall take place before the entire Village Board.

D. Abandonment of premises. Any person holding a license to sell alcohol beverages who abandons such premises shall forfeit any right or preference the person may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The closing of the licensed premises for at least 90 days shall be prima facie evidence of an abandonment.

Sec. 7.02.08 Operator's license

A. Operator's license required. Any premises operating under a license issued this Chapter shall have on the premises at all times either the licensee or some other person holding a valid operator's license that shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the issued license unless the person possesses a valid operator's license or unless the person is under the immediate supervision of the licensee or a person holding a valid operator's license and said licensee or operator is on the premises at the time of such service.

B. Procedure.

(1) Application. Applicants must be at least 18 years of age and must accurately complete, sign, and submit the Application for Operators License form provided by the Village to the Village Administrator.

(2) Review. Applications are subject to an investigation by the Chief of Police or their designee. 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. The purpose of the inquiry is to determine the applicant's arrest and conviction record and the veracity of the applicant. Based on such investigation, the Chief of Police or their designee shall recommend approval or denial of the application. If it is the recommendation of the Chief of Police that the application be denied, the reasons for the denial shall be provided to the Village Administrator in writing.

(3) Issuance. The Village Administrator is authorized under sec. 125.17(1), Wis. Stats., to issue operator's licenses. If the Chief of Police recommends approval of the application, the Village Administrator may issue an operator's license to the applicant. Operator's licenses shall be issued and numbered in the order they are granted and shall include the applicant's name, address, and the date of license expiration.

(4) Denial. If the Village Administrator denies the license application, the Village Administrator shall inform the applicant in writing: (i) that the Village Administrator has denied the license application;

(ii) of the specific reasons for the denial; and (iii) that the applicant may request a reconsideration of the denial before the Village Board. The notice must be sent by first class mail or served upon the applicant within ten (10) days of the Village Administrator's decision to deny the application.

(5) Reconsideration. If an applicant requests a reconsideration of the denial before the Village Board, the Village Administrator shall set a hearing on the application for the next Village Board meeting for which an agenda has not yet been posted. At the reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted. The Village Board may approve, deny, or approve the license with a probationary term or conditions.

C. Criteria for Review. Consideration for granting or denying an operator's license will be based on the following:

(1) Arrest and conviction record of the applicant, subject to the limitations imposed by secs. 111.321, 111.322, 111.335, and 125.12(1)(b), 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;

(4) The applicant's fitness for the public trust to be reposed.

The Village may deny the application if the license applicant has been convicted of an offense substantially related to the licensed activity, has been convicted of a felony (unless duly pardoned), or has habitually been a law offender. The license is a privilege, and the Village Administrator and Village Board reserves the right to consider the severity, facts, and circumstances of an offense when making the determination to issue, deny, or not renew a license.

D. Fees. The fee for an operator's license and/or a renewal license shall be as provided in the Village Fee Schedule.

E. Revocation. Violation of any of the terms or provisions of state law or of this Code relating to alcohol violations, or any violations of either state or federal laws relating to alcohol offenses, or the conviction of a felony, shall be cause for revocation of an operator's license.

F. Provisional license. A provisional operator's license may be issued to an applicant who is enrolled yet has not completed a responsible beverage serving training course as required by sec. 125.17(6), Wis. Stats. A provisional license is valid for 60 days, during which time the applicant must complete the course and provide certification of completion to the Village Administrator. Upon receipt of such certification, the Village Administrator shall then issue a regular operator's license to the applicant. The fee for a provisional operator's license shall be set by the Village Board, not to exceed the statutory limit.

G. Duration. Except as otherwise provided, operator licenses issued under this section shall be valid for a period of two years and shall expire on the 30th day of June of the even numbered years.

H. Temporary operator's license. The Village of Sauk City may issue a temporary operator's license pursuant to the procedure set forth above provided that:

(1) A temporary operator license may only be issued to operators employed by, or donating their services to, nonprofit corporations.

(2) No person may hold more than two licenses of this kind per year.

(3) The temporary operator license may only be valid for a period not to exceed 14 days and the period for which the temporary operator's license is valid shall be stated on the license.

Sec. 7.02.09 Outdoor Consumption Permits

A. Permit required for 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 permit granted by the Village Board. Outdoor consumption permits are a privilege, and no rights shall vest in the permit holder. The Village Board may revoke such permit at any time, and the permits shall expire on June 30 of each year. Violation of any provisions of Ch. 125, Wis. Stats., or applicable provisions of this chapter shall be grounds for the Village Board to immediately revoke the outdoor consumption permit.

B. Applications for outdoor consumption permits. All applicants for an outdoor consumption permit must hold a Class "B" or "Class B" license under this chapter. Each applicant shall accurately describe the outdoor area the permit intends to cover by the permit and shall indicate the nature of fencing, screening, or other measures intended to designate and provide control over the operation of the outdoor area.

C. Adjoining property owners to be notified of applications. All property owners within 150 feet of the boundaries of the outdoor area submitted by an applicant shall be notified of the application by first-class mail.

D. Limitations on issuance of outdoor consumption permits.

(1) No permit shall be issued for outdoor consumption if any part of the outdoor licensed area is within 100 feet of any area zoned for residential use, except for conditional residential uses or mixed uses within business districts.

(2) No permit shall be issued for outdoor consumption if the outdoor area is not clearly designated and enclosed with a fence, wall, or other sufficient screening not less than three (3) feet in height.

(3) No permits shall be issued unless the licensed premises conform to all applicable zoning ordinances.

E. Regulations of outdoor consumption areas.

(1) Every permit holder under this section shall comply with and enforce all provisions of Ch. 125, Wis. Stats., applicable to Class "B" and "Class B" licensed premises, except insofar as such provisions are clearly inapplicable. No person shall consume or possess any alcohol beverages on any unenclosed part of a licensed premises that is not described in a valid outdoor consumption permit.

(2) There shall be a licensed operator supervising the permitted outdoor area at all times the outdoor area is in operation.

(3) All other applicable state and local laws and ordinances shall be in full force and effect.

Sec. 7.02.10 Nude dancing in licensed establishments

A. Findings.

(1) The Village Board of the Village of Sauk City 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.;

(2) The Village Board has authority under its general police powers set forth in sec. 61.34(1), Wis. Stats., to act for the good order of the municipality and for the health, safety and welfare of the public

and may use regulation and suppression to carry out its powers by regulation and suppression;

(3) The Village Board recognizes it lacks authority to regulate obscenity in light of sec. 66.0107(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;

(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;

(5) The Village Board recognizes that the United States 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;

(6) The governing body 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 Village of Sauk City;

(7) Among these secondary effects are the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses; the potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist; health risks associated with the spread of sexually transmitted diseases; and the potential for infiltration by organized crime for the purpose of unlawful conduct;

(8) The governing body desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general

welfare of the citizens of the Village of Sauk City; protect 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 governing body 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 the person's genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering;

(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 discernibly turgid state.

C. Exemptions. The provisions of this section do 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 Village Board of the Village of Sauk City to sell alcoholic 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" license granted by the Village Board of the Village of Sauk City pursuant to Ch. 125, Wis. Stats.

E. Penalties. Any person, partnership, or corporation who or which violates any of the provisions of this section shall be subject to a forfeiture of not less than $100 and not more than $500 per violation. A separate offense and violation shall be deemed committed on each day on which a

violation occurs and continues. In addition, violation of this section constitutes sufficient grounds for suspending, revoking, or not renewing an alcohol beverage license under sec. 125.12, Wis. Stats.

CHAPTER 7.03 NONINTOXICATING BEVERAGES

Sec. 7.03.01 Adoption of statutory provisions
Sec. 7.03.02 License fee

Sec. 7.03.01 Adoption of statutory provisions

The provisions of sec. 66.0433, Wis. Stats., relating to the sale of nonintoxicating and soda water beverages are adopted and made a part of this chapter by reference.

Sec. 7.03.02 License fee

The fee for such license shall be as set by the Village Board within the parameters set by state statute.

CHAPTER 7.04 CIGARETTES

Sec. 7.04.01 Adoption of statutory provisions
Sec. 7.04.02 License fee

Sec. 7.04.01 Adoption of statutory provisions

The provisions of sec. 134.65, Wis. Stats., relating to the sale or disposition of cigarettes, exclusive of any provision thereof relating to the penalty to be imposed or the punishment for violation thereof, are adopted and made a part of this chapter by reference.

Sec. 7.04.02 License fee

The fee for such license shall be as set by the Village Board.

CHAPTER 7.05 DIRECT SELLERS

Sec. 7.05.01	Registration required
Sec. 7.05.02	Definitions
Sec. 7.05.03	Exemptions
Sec. 7.05.04	Registration procedure
Sec. 7.05.05	Investigation; refusal to register
Sec. 7.05.06	Appeals
Sec. 7.05.07	Prohibited practices; disclosure requirements
Sec. 7.05.08	Record of violations
Sec. 7.05.09	Revocation of registration
Sec. 7.05.10	Sales and vending on municipal property
Sec. 7.05.11	Violations and penalties

Sec. 7.05.01 Registration required

It shall be unlawful for any direct seller to engage in direct sales within the Village without being registered for that purpose.

Sec. 7.05.02 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATOR
The Village Administrator.

CHARITABLE ORGANIZATION
Any organization that is organized and operated exclusively for religious, charitable, scientific, educational, or social welfare purposes.

DIRECT SELLER
Any individual who sells goods or takes sales orders for later delivery of goods for their direct benefit or for the benefit of a partnership, association or corporation, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants, and produce vendors. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

GOODS
Personal property of any kind and shall include goods provided incidental to services offered or sold.

PERMANENT MERCHANT

A direct seller who for at least one year has continuously operated an established place of business in the Village or has resided in the Village and now does business from their residence.

Sec. 7.05.03 Exemptions

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

A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

B. Any person selling goods at wholesale to dealers in such goods.

C. Any person selling agricultural products that such person has grown.

D. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business.

E. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact and specifically requested a home visit.

F. 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. Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.

H. 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. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Administrator proof that such charitable organization is registered under sec. 202.12, Wis. Stats. Any charitable organization not registered under sec. 202.12, Wis. Stats., or which is exempt from the statute's registration requirements shall be required to register under this chapter.

J. Any person who claims to be a permanent merchant but against whom complaint has been made to the Administrator that such person is a transient merchant, provided that there is submitted to the Administrator

proof that such person has leased for at least one year, or purchased, the premises from which business is conducted or proof that such person has conducted such business in this Village for at least one year prior to the date complaint was made.

Sec. 7.05.04 Registration procedure

A. Applicants for registration must complete and return to the Administrator a registration form furnished by the Administrator which shall require the following information:

(1) Name, permanent address and telephone number, and temporary address, if any.

(2) Age, height, weight, and color of hair and eyes.

(3) Name, address and telephone number of the person, firm, association or corporation that the direct seller 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 goods offered and any services offered.

(6) Proposed method of delivery of goods, if applicable.

(7) Make, model and license number of any vehicle to be used by the applicant in the conduct of the business.

(8) Last cities, villages, and towns, not to exceed three, where the applicant conducted similar business.

(9) Place where the applicant can be contacted for at least seven days after leaving this Village.

(10) Statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the past five years, the nature of the offense and the place of conviction.

B. Applicants shall present to the Administrator for examination:

(1) A driver's license or some reasonable proof of identity.

(2) A state certificate of examination and approval from the Sealer of Weights and Measures where the applicant's business requires use of weighing and measuring devices approved by state authorities.

(3) A State Health Officer's certificate where the applicant's business involves handling of food or clothing and is required to be certified under state law, such certificate to state that the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

C. At the time the registration is returned, a fee as set by the Village Board shall be paid to the Administrator to cover processing and enforcement costs.

D. The applicant shall sign a statement appointing the Administrator as their agent to accept service of process in any civil action brought against the applicant arising out of any sale or service the applicant performs in connection with the direct sales activities of the applicant, in the event the applicant cannot be served personally.

E. Upon payment of said fee and the signing of said statement, the Administrator shall register the applicant as a direct seller and record date the entry. Said registration shall be valid for a period of six (6) months from the date of entry, subject to subsequent refusal or revocation as provided in §7.05.05 or §7.05.09.

Sec. 7.05.05 Investigation; refusal to register

A. Upon receipt of each application, the Administrator may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.

B. The Administrator 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 Village or in the last cities, villages, and towns, not exceeding three, in which the applicant conducted similar business, the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling, or the applicant failed to comply with any applicable provisions of §7.05.04.

Sec. 7.05.06 Appeals

Any person denied registration may appeal the denial through the appeal procedure provided by the ordinances or Village Board resolutions, or if no ordinances or resolutions have been adopted, through the provisions of secs. 68.01 through 68.16, Wis. Stats.

Sec. 7.05.07 Prohibited practices; disclosure requirements

A. Prohibited practices.

(1) A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 7:00 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, or remaining on any premises after the person in charge of the premises asks the direct seller to leave.

(2) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of the seller's visit, the seller's identity or the identity of the organization the seller represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods 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 goods.

(3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

(4) No direct seller 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-foot radius of the source.

(5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which the seller is conducting business.

B. Disclosure requirements.

(1) After the initial greeting, and before any other statement is made to a prospective customer, a direct seller shall expressly disclose the

seller's name, the name of the company or organization the seller is affiliated with, if any, and the identity of goods or services the seller offers to sell.

(2) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than $25, in accordance with the procedure as set forth in sec. 423.203, Wis. Stats. The seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of secs. 423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.

(3) If the direct seller takes a sales order for the later delivery of goods, the seller 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.

Sec. 7.05.08 Record of violations

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

Sec. 7.05.09 Revocation of registration

A. The Village Board may revoke registration, after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

B. Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Sec. 7.05.10 Sales and vending on municipal property

A. Registration required. It shall be unlawful for any direct seller to engage in direct sales upon municipally owned property, including parks, right-of-ways, parking lots, easements, and municipal buildings, without being registered for that purpose.

B. Registration; fee.

(1) Applicants for registration shall submit a registration form as required by §7.05.04. The applicant shall indicate on the application form the estimated length of time the applicant intends to conduct direct sales on municipal property.

(2) At the time the registration form is submitted, a fee as set by the Village Board shall be paid to the Village Administrator to cover processing and enforcement costs.

(3) Upon payment of said fee and the signing of said statement, the Village Administrator may approve the application and register the applicant, may deny the application on the grounds stated in §7.05.05, or shall place the application on the agenda for the next Village Board meeting for which an agenda has not yet been posted for consideration by the full Village Board. In the event the Village Board approves the application, the Village Administrator shall register the applicant. Such registration shall be valid for a period of six (6) months from the date of issuance.

C. Board review. If the Administrator forwards the application to the Village Board, then the Board shall consider the application and supporting documents. The Village Board may approve, deny, or conditionally approve the application considering the proper factors that will help protect the public health, safety, or general welfare.

D. Investigation. The Village Administrator may refer the application to the Chief of Police for an investigation as provided in §7.05.05.

Sec. 7.05.11 Violations and penalties

For a violation of any provision of this chapter the penalty shall be a forfeiture of not less than $25 nor more than $200 together with costs of prosecution.

CHAPTER 7.06 MOBILE FOOD ESTABLISHMENTS

Sec. 7.06.01	Purpose
Sec. 7.06.02	Definitions
Sec. 7.06.03	Exemptions
Sec. 7.06.04	License required
Sec. 7.06.05	License and application
Sec. 7.06.06	Mobile food truck application review procedure
Sec. 7.06.07	License information and display
Sec. 7.06.08	Regulations
Sec. 7.06.09	Regulated areas of operation
Sec. 7.06.10	Suspension and revocation
Sec. 7.06.11	Violations and penalties

Sec. 7.06.01 Purpose

The purpose of this ordinance is: to ensure any mobile food establishment operating in the Village is adequate for protecting health, safety and general welfare; to establish minimum standards for operation and for operators offering these goods and services for sale; to provide the minimum standards necessary to ensure the health, safety, and wellbeing of persons purchasing food from these establishments or frequenting areas where mobile food establishments operate and provisions for administration and enforcement thereof.

Sec. 7.06.02 Definitions

As used in this chapter, the following terms have the meaning indicated:

A. "Mobile food establishment" means a restaurant or retail food establishment where food is served or sold from a movable vehicle, push cart, trailer or boat which requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance.

B. "Mobile food vehicle" means the vehicle, trailer, push cart, or boat which serves as a transient point of sale for finished food products.

C. "Operator" means any individual person operating a mobile food establishment.

Sec. 7.06.03 Exemptions

Transient retail food establishments, as defined in ATCP §75.04(39), Wis. Admin. Code, shall be exempt from this Chapter.

Sec. 7.06.04 License required

It shall be unlawful to do any of the following within the Village without a valid mobile food establishment license as prescribed in this section:

A. Operate a mobile food establishment for which there is no license holder;

B. Serve, sell, or distribute food or beverages from a mobile food vehicle; or,

C. Cook, wrap, package, process, or portion food in a mobile food vehicle for service, sale, or distribution of the same.

Sec. 7.06.05 License and application

Any person seeking to obtain or renew a mobile food establishment license must:

A. Submit to the Administrator a completed application, as provided by the Village, which shall contain the following:

(1) The establishment name (the name under which the Mobile food establishment will do business);

(2) The applicant's name, address, email address, telephone number;

(3) The legal licensee's name and address (name of sole proprietor, LLC, LLP, corporation, etc.);

(4) The name, address, and telephone number of the service base or permanent, physical establishment that supports the operation of the mobile food vehicle;

(5) A brief description of the nature of the goods being sold and the planned duration and location(s) of operation, if known;

(6) The make, model, license number, and vehicle identification number (VIN) of the vehicle being used as the mobile food vehicle;

(7) A list of recent cities, villages, and towns where the applicant conducted similar business, if any; and

(8) A written statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's mobile food vehicle business within the past five years, the nature of the offense, and the place of conviction.

B. Include the following supporting documents with their application:

(1) Applicant's driver's license;

(2) State and County Health Officer's certificates, licenses, and permits as law requires;

(3) Wisconsin Department of Revenue Seller's Permit;

(4) If the nature of the applicant's business requires the use of weighing and measuring devices approved by state authorities, a State certificate of examination and approval from the Sealer of Weights and Measures; and,

(5) Proof of liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than three hundred thousand dollars ($300,000) per person and one million dollars ($1,000,000) aggregate that covers liability arising from operating a Mobile food establishment.

C. Provide the following information for Operator(s) other than the licensee, if any, who will operate the mobile food establishment:

(1) Name;

(2) Phone number and email address; and,

(3) Copy of the operator's driver's license or some other proof of identification as may be reasonably required.

D. Sign a statement appointing the Administrator as their 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 be served personally.

E. Pay the application fee as set by the Village Board.

Sec. 7.06.06 Mobile food truck application review procedure

A. When an application for a license is filed with the Administrator, the Administrator shall conduct a review and reasonable investigation of the application. If the Administrator determines that the application is incomplete or determines that the applicant has omitted or misrepresented any required information, then the Administrator shall inform the applicant of such finding.

B. If the Administrator determines that the application is complete and free of omissions or misrepresentations, then the Administrator may:

(1) approve the application;

(2) deny the application; or,

(3) forward the application to the Village Board for review at the next meeting for which an agenda has not yet been posted.

C. Administrative Review.

(1) Administrator approval. If the Administrator approves a completed application, then Administrator shall promptly issue the mobile food establishment license to the applicant for the Mobile food establishment for which the application was filed.

(2) Administrator denial. If the Administrator denies a completed application, then Administrator shall promptly notify the applicant and state the reasons for denial in writing, and the Applicant may not reapply for a mobile food establishment license until six (6) months have passed.

(3) Administrative deference. If the Administrator forwards the application to the Village Board for further review, the Administrator shall promptly notify the Applicant in writing and provide the applicant the Village Board meeting date, time, and location at which their application will be reviewed.

D. Board review. If the Administrator forwards the application to the Village Board, then the Board shall consider the application and supporting documents. The Village Board may approve, deny, or conditionally approve the application considering the proper factors that will help ensure the quality of Mobile food establishments within the Village to protect the public health, safety, or general welfare. The Village Board may take into consideration the number, frequency, and/or severity of legal violations substantially related to the operation of a Mobile food establishment and whether such violations substantially harm or adversely impact, or may substantially harm or adversely impact the public health, safety, or general welfare of the public.

E. If the Village Board approves the license application, the Administrator shall promptly issue the mobile food establishment license to the applicant for the mobile food establishment for which the application was filed.

F. If the Village Board denies the license application, the Village Board shall state its reasons for denial and the Administrator shall promptly notify the applicant in writing setting forth the reasons for denial, and the applicant may not reapply a mobile food establishment license until six (6) months have passed.

G. If the Village Board conditionally approves a license application, the Board shall state the conditions required for approval and the Administrator shall promptly notify the applicant in writing stating the conditions required for approval. If the applicant has satisfied the conditions within thirty (30) days of the date of notice, the Administrator shall issue the mobile food establishment license to the applicant. If the conditions for approval are an ongoing requirement, the administrator shall issue the license to the applicant and the conditions shall be stated on the license.

H. Issuance. Licenses shall be issued on an annual basis, effective from April 1 of one calendar year through March 31 of the next calendar year. Each license shall expire on March 31, except that if a Licensee's first license is initially issued during the period beginning January 1 and ending on March 31, the license shall expire on March 31 of the following year.

Sec. 7.06.07 License information and display

A. License Information. The mobile food establishment license issued by the Village shall include:

(1) Identity of the licensee and the name of the mobile food establishment;

(2) Name, address, and phone number of the supporting service base;

(3) Effective and termination date of the license; and,

(4) Vehicle identification number.

B. Licensees must display their mobile food establishment license during operation pursuant to this chapter.

Sec. 7.06.08 Regulations

A. Compliance with other laws. Operators shall comply with all national, state, and local laws applicable to the mobile food establishment operation.

B. Other licenses and permits. Licensees must obtain and properly display applicable permits and licenses as required by the State of Wisconsin and local ordinances. Such permits shall be made available for inspection upon request.

C. Licensees must notify the Administrator in writing pursuant to Sec. 7.06.05.C above before any additional individuals may become Operators of their Mobile food establishment.

D. Parking. Mobile food vehicles shall comply with all applicable parking regulations under Chapter 8.01 of this Code.

E. Operating on private property. Mobile food establishments operating on private property shall obtain written consent from the owner of the property upon which the establishment operates.

F. Mobile food vehicles shall not obstruct any street, pedestrian pathway, or public way, or obstruct visibility of any cross walk, street corner, driveways or intersections, and operators shall take affirmative steps to ensure that any current or potential patrons refrain from causing such obstructions.

G. The sales window of the mobile food establishment operating in a public space must face and abut a sidewalk, pedestrian pathway, or other public area of sufficient space as to not restrict the flow of traffic or to put any pedestrians, passersby, or other persons in danger due to the operation of the establishment, any line that may form, or other result of operation.

H. Fermented malt beverages and intoxicating liquors. Mobile food establishments shall not sell, serve, or otherwise furnish fermented malt beverages or intoxicating liquors.

I. Mobile food establishments shall provide appropriate waste receptacles for public use. Mobile food establishments shall dispose of waste, trash, and garbage off-site at their own expense. Mobile food operators shall be responsible for cleaning the immediate vicinity of their operation as reasonable to protect the public health, safety, and welfare.

J. Portable Signs. Each mobile food establishment may erect one (1) portable sign during operation in accordance with sec. 10.03.72.B.

K. Mobile food establishments shall not place seating within the public right-of-way for use during operation.

L. The mobile food establishment vending hours are from 7:00 a.m. to 9:00 p.m. The mobile food vehicle must vacate the area of operation within one hour after the specified vending hours.

M. Any power or fuel required for the mobile food vehicle shall be self-contained, and a mobile food vehicle shall not use utilities drawn from the public right-of-way or drawn in a manner that blocks the public right-of-way.

N. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only with the written consent of the owner of the property from which the utilities are being drawn. No power cable or equipment related to powering the mobile food vehicle shall be extended at or across any public right-of-way, street, alley, or sidewalk.

O. The mobile food vehicle may be inspected by the Village Fire Department. The mobile food establishment shall pay any applicable inspection fee as established by the fire department or the Village Board. The Fire Department reserves the right to conduct on-site inspections when the mobile food vehicle is operational. Any certificate of compliance issued by the Fire Department shall be affixed to the mobile food vehicle.

P. Transfer. Mobile food establishment licenses granted by the Village shall not be transferred or assigned.

Q. Nothing in this article shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours, or parking except as specifically provided in this article. Mobile food establishments must take every reasonable precaution to ensure that their operations do not materially affect the peace or welfare of the general public or cause any unreasonably loud, disturbing, and unnecessary noise or any noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or which is in disturbance of public peace and welfare, and/or which creates a nuisance.

Sec. 7.06.09 Regulated areas of operation

A. Mobile food establishment shall not operate upon the following public properties and right-of-ways without express, written permission from the Village Board:

(1) Water Street between U.S. Highway 12 and Van Buren Street;

(2) John Adams St. between U.S. Highway 12 and Jackson Street;

(3) John Adams Street municipal parking lot.

Sec. 7.06.10 Suspension and revocation

A. The Village Board may suspend or revoke a license, after notice and hearing, if the licensee made any material omission or materially inaccurate statement in the application for the license, violated any provision of this Chapter, or was convicted of any crime or ordinance or statutory violation which is directly related to the licensee's fitness to operate a mobile food establishment.

B. Written notice of the hearing shall be served personally on the licensee at least five (5) days prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

C. Any suspension or revocation of a permit or license issued by the state or county to a licensee that this Chapter requires for the Village's mobile food establishment license shall effectively suspend the licensee's Village mobile food establishment license until the suspension or revocation of the other permit or license is cured.

Sec. 7.06.11 Violations and penalties

A. Any person, partnership, corporation, or other legal entity that violates Sec. 7.06.04 and operates mobile food establishment without a valid License shall be subject to a forfeiture of not less than Five Hundred Dollars ($500.00) and no more than One Thousand Dollars ($1,000.00), plus any applicable surcharges, assessments, and costs for each violation. Each day a mobile food establishment is operated without a mobile food establishment license in violation of this Chapter shall constitute a separate violation.

B. Any person, partnership, corporation, or other legal entity that violates any other provision of this Chapter shall be subject to a forfeiture of not less than One Hundred Dollars ($100.00) and no more than Five Hundred Dollars ($500.00), plus any applicable surcharges, assessments, and costs, for each violation. Each day a violation exists or continues constitutes a separate violation under this Chapter.

C. In addition to the issuance of citation(s) above, the Village Board may suspend or revoke a mobile food establishment license pursuant to this Chapter.

D. The Village Board may refuse to issue or renew a mobile food establishment license for any licensee or mobile food establishment that has violated this Chapter within a twelve (12) month period prior to the date of the license application.

CHAPTER 7.07 FLEA MARKETS AND GARAGE SALES

Sec. 7.07.01 Flea markets
Sec. 7.07.02 Garage sales

Sec. 7.07.01 Flea markets

A. As used in this chapter, the following terms shall have the meanings indicated:

FLEA MARKET
A market, indoors or out of doors, where used or second-hand items are predominantly sold by multiple vendors who operate independently from each other, selling such items such as household wares, clothing, antiques, vintage or rare items, furniture, decorations, used books or magazines, or similar items. A "flea market" does not include a market that predominantly features vendors that sell farm produce, fruits, products, meats, or vendors that sell arts or crafts made by vendors.

FLEA MARKET SELLER
A person, firm or corporation selling items or offering items for sale at a flea market.

MARKET
A place where goods are sold to the public.

B. License required. No person, firm or corporation shall operate the business of renting space or allocating space to flea market sellers without first obtaining a license therefor from the Village Board. Applications for license shall be made to the Village Administrator on forms be provided by the Administrator. Only one license shall be required for each flea market, and the individual flea market sellers shall not be required to obtain a license under this section. The fee for such license shall be set by the Village Board. The Village Board may restrict the license for use on certain dates and times.

C. Information to be filed. The information to be filed with the Administrator, pursuant to this section, shall be as follows:

(1) Name of the person, firm, group, corporation, association, or organization conducting said sale.

(2) Name of the owner of the property on which said sale is to be conducted, and consent of the owner if the applicant is other than the owner.

(3) Location at which the sale is to be conducted.

(4) Number of days of the sale.

(5) Date and nature of any past sale.

(6) Relationship or connection the applicant may have had with any other person, firm, group, organization, association, or corporation conducting said sale and the date or dates of such sale.

(7) Whether or not the applicant has been issued any other vendor's license by any local, state or federal agency.

(8) Sworn statement or affirmation by the person signing that the information therein given is full and true and known to the affiant to be so.

D. Records to be kept by licensee. Each person required by this section to obtain a license shall keep accurate records of the names and addresses of each flea market seller, together with a brief description of the type or types of merchandise the seller will offer for sale.

E. Secondhand stores excepted. No person, firm or corporation having a license as a secondhand store shall be required to obtain a license under this section for the same business location.

F. More than one market. Any person, firm or corporation renting or allocating space to flea market sellers in more than one place of business shall be required to obtain a license for each place of business, provided that one license shall be adequate for locations that are on the same lot, adjacent lots or lots separated only by an alley.

G. Unlawful transactions. No person shall sell or offer for sale at any flea market any goods known to such person to be stolen.

H. Purchases from children. No flea market seller shall purchase any used household item, antique or used article whatsoever from any person under the age of 18 years, unless such person is accompanied by the person's parent or guardian.

I. Hours; duration. Flea markets may remain open for business between the hours of 7:00 a.m. and 8:00 p.m., for a maximum of three days, unless otherwise specified on the license by the Board at time of issuance.

J. Location; frequency. Flea markets are not permitted in any zoning district except for business or industrial zoned districts except with written

permission from the Village Board. Written owner's permission of the property location must be on file with the Village Administrator prior to the date(s) of the event. Flea markets may be held a maximum of two occurrences per year in the Village and a maximum of one event per location annually, unless the Village Board approves otherwise.

K. Penalty. In addition to the suspension or revocation of a license issued under this section, any person who shall violate any provision of this section or any regulation, rule or order made hereunder shall be subject to the general penalty provided under this Code.

Sec. 7.07.02 Garage sales

A. Frequency of sales; ownership of merchandise.

(1) Garage sales, yard sales and similar merchandise sales may be held no more than twice per year at any residence, and for a total of not more than six days in that year. The Administrator may authorize additional sales and/or sale days if warranted by unusual circumstances. All goods offered for sale shall be household goods or personal possessions from the residence where the sale is being held or, in the case of a group sale, from the residences of the participating households.

(2) Any garage sales, yard sales and similar merchandise sales by nonprofit, philanthropic, or civic organizations must be approved by the Administrator and may be held no more than twice per year for not more than a total of six days in that year. The Administrator may authorize additional sales and/or sale days if warranted by unusual circumstances.

(3) In no case shall any sales become outlets for wholesale or retail commercial sales.

B. Hours. Garage sales shall be conducted between 7:00 a.m. and 8:00 p.m. Each sale shall last no longer than four consecutive days.

C. Signs.

(1) Garage sale signs may not have an area more than six square feet with a maximum of two faces. Garage sale signs shall identify the location of the sale and must be located at least five feet from the street line or nearest lot line.

(2) No garage sale sign may be located on utility poles, traffic control devices, or on property where the property owner has not given explicit permission for its location.

(3) No garage sale sign shall be displayed before one day before the sale.

(4) Garage sale signs shall be removed within 24 hours following the sale.

(5) No more than one garage sale sign may be located at the sale site and no more than two garage sale signs may be located off the site, except that two signs are permitted on corner lots, one facing each street.

D. Definitions. The following definitions are applicable to this section:

(1) Garage Sale. All general sales open to the public, conducted from or on a residential premises, for the purpose of disposing of personal property, including but not limited to all sales titled rummage, lawn, yard, porch, room, backyard, patio, or garage sale.

(2) Personal Property. Property which is owned, utilized and maintained and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

E. Penalty. In addition to the suspension or revocation of a license issued under this section, any person who shall violate any provision of this section shall be subject to the general penalty provided under this Code.

CHAPTER 7.08 FIREWORKS

Sec. 7.08.01	Statutory provisions adopted
Sec. 7.08.02	Definitions
Sec. 7.08.03	Regulation of Use
Sec. 7.08.04	Regulation of Sale
Sec. 7.08.05	User Permit
Sec. 7.08.06	Penalties

Sec. 7.08.01 Statutory provisions adopted

The provisions of sec. 167.10, Wis. Stats., relating to the sale and use of fireworks, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation thereof, are adopted and made a part of this chapter by reference.

Sec. 7.08.02 Definitions

A. "Fireworks" as used in this section has the same meaning as that set forth in Wis. Stats. Sec. 167.10(1).

B. "Novelty fireworks" as used in this section means:

(1) A cap containing not more than one-quarter grain of explosive mixture;

(2) A "black snake" that contains no mercury;

(3) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects;

(4) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture;

(5) A fuseless device that is designed to produce audible or visible effects and that contains less than one-quarter grain of explosive mixture;

(6) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects;

(7) A cone fountain or a cylindrical fountain that consists of one or more tubes, provided the cone or cylindrical fountain is classified

by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(8) A novelty device that spins or moves on the ground.

Sec. 7.08.03 Regulation of Use

A. No person shall possess or use fireworks without a user's permit issued pursuant to this section, except as provided in Wis. Stats. Sec. 167.10(3)(b). The possession or use of novelty fireworks does not require a user permit.

B. No person my use fireworks or novelty fireworks while attending a fireworks display for which a permit has been issued if the display is open to the general public or if the permit holder is a public authority, fair association, amusement park, park board, or civic organization.

Sec. 7.08.04 Regulation of Sale

No person shall sell or possess with the intent to sell fireworks. This prohibition does not apply to novelty fireworks. Novelty fireworks may be offered for sale at permanent year-round business locations that are inspected annually by the fire department.

Sec. 7.08.05 User Permit

A. The Village President or other Village officials designated by the Village President may issue user permits after review and recommendation by the Fire Chief. User permits may not be issued to minors. The user permit shall include the following information:

(1) the name and address of the permit holder, and if a group, the name of each individual that is authorized to make purchases on behalf of the group;

(2) the date of the permitted use;

(3) the date on and after which fireworks may be purchased;

(4) the specific location within the Village where the fireworks may be possessed or used (a permit may not specify multiple locations);

(5) the general kind and approximate quantity of fireworks which may be purchased; and

(6) for any public firework display, the qualifications of the person who will possess and discharge the fireworks and the details of any precautions that the applicant will undertake to ensure the public safety and general welfare.

B. The official issuing the permit shall require a bond or insurance policy indemnifying the Village for any damages that may result from the possession or use of fireworks in an amount the official deems necessary. A copy of the permit and the proof of bond or insurance shall be filed by the Village official with a copy of the issued permit. A copy of the issued permit must be provided to the Fire Chief no less than two (2) days before the date of authorized use.

Sec. 7.08.06 Penalties

A. A person who possesses or uses fireworks in violation of this section shall be subject to a forfeiture of no less than $250 and no more than $1,000 per violation.

B. A person who sells fireworks in violation of this section shall be subject to a forfeiture of no less than $500 and no more than $1,000 per violation. Each firework illegally sold may be a separate violation.

C. A parent or guardian who allows a minor to possess or use fireworks (not including novelty fireworks) shall be subject to a forfeiture of no less than $250 and no more than $1,000 per violation.

CHAPTER 7.09 SPECIAL EVENTS

Sec. 7.09.01	Definitions
Sec. 7.09.02	Permit Required
Sec. 7.09.03	Application and Permit Procedure
Sec. 7.09.04	Permit Issuance and Conditions
Sec. 7.09.05	Violations and penalties

Sec. 7.09.01 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

A. "Special Event" means:

(1) any planned extraordinary occurrence on the public right-of-way or public premises, including, but not limited to: markets, parades, processions, races, sports competitions, festivals, or other events for which a significant crowd and increased traffic is expected; or,

(2) any event occurring on public property in which alcoholic beverages are either to be sold or are to be served under a temporary Class "B" retailer's permit.

Sec. 7.09.02 Permit Required

No person may hold a special event within the public right-of-way or upon public premises without obtaining a special event permit from the Village. Annual events must obtain a new permit each year the event is planned.

Sec. 7.09.03 Application and Permit Procedure

A. Permit Application. The Village Administrator shall make special event permit applications available to the public. All applications must be submitted to the Village Administrator no less than thirty (30) days prior to the event with the required permit review fee. The Village Administrator may waive the permit review fee if, in the Administrator's discretion, the review is anticipated to be minimal. Permit applications shall include the following information:

(1) Applicant's name and event organizer or sponsor contact information;

(2) Beginning and end dates and times for the event;

(3) A detailed aerial map of the location of the special event, including any routes for parades, races, or processions, with arrows indicating the direction of travel, the locations of any equipment, structures, and facilities;

(4) Estimated attendance of the event and whether the event is open to the public, ticketed, or otherwise restricted to the public;

(5) Detailed description of the event and all primary event features, including whether alcohol and/or food will be served, whether the event will include music, amplified sound, or fireworks;

(6) Description of any services or equipment requested from the Village or police department; and,

(7) Any other information as requested by the Village Administrator that is necessary to evaluate the event's impacts on the health, safety, and well-being of the public.

B. Permit Review.

(1) The Administrator shall conduct a review and reasonable investigation of the application. If the Administrator determines that the application is incomplete or determines that the applicant has omitted or misrepresented any required information, then the Administrator shall inform the applicant of such finding and reject the application if not timely corrected.

(2) Staff Review. The Village Administrator shall forward completed applications to the Police Chief and Director of Public Works/Utilities for review.

(a) The Police Chief shall review the application, determine if on-site police personnel will be required, including labor cost thereof, based upon expected number of participants, sale of alcoholic beverages, traffic and parking issues, and shall make a recommendation to the Village Administrator for approval, denial, or suggested modifications to the event features.

(b) The Director of Public Works/Utilities shall review the application, determine any additional services or equipment necessary, including any costs thereof, and shall make a recommendation to the Village Administrator for approval, denial, or suggested modifications to the event features.

(3) Administrator Review. The Village Administrator shall consider the application and recommendations of the Police Chief and Director of Public Works. Depending on their recommendations and other factors such as the size, location, timing, and manner of the event, the Village Administrator may either:

(a) approve the special permit application;
(b) deny the special permit application;
(c) conditionally approve the special permit application;
(d) defer the application to the Village Board for consideration at the next meeting for which an agenda has not yet been posted.

Any applicant who has been denied a special event permit or has had an application conditionally approved may, upon written request to the Village Administrator, have the action reviewed and reconsidered by the Village Board.

(4) Board Review. For applications that are deferred to the Village Board or for which a reconsideration has been requested by the applicant, the Village Board shall approve, deny, or conditionally approve the application after considering all the recommendations and other factors such as the size, location, timing, and manner of the proposed event and the public health, safety, or general welfare. Such determination by the Village Board shall constitute final action.

(5) Permit approval may be conditioned upon:

(a) specific insurance coverage;
(b) indemnification agreements;
(c) deposit fees, reimbursement agreements or other financial arrangements to ensure reimbursement to the Village for costs of the event;
(d) contractual arrangements and review;
(e) and any other conditions deemed necessary to protect the health, safety, and general welfare.

Sec. 7.09.04 Permit Issuance and Conditions

Unless expressly waived upon approval, the following conditions shall be satisfied for any special event permit. The Village reserves the right to require the special event organizer to enter into a written agreement including these and any other conditions of the permit approval.

A. Insurance. Each applicant for a special event permit shall furnish the Village Administrator with a certificate of insurance written by a company licensed in the State of Wisconsin and covering any and all liability or obligations which may result from the operations by the applicant, the applicant's employees, agents, or contractors and including worker's compensation coverage in accordance with Wis. Stats. Ch. 102 in connection with the event. This certificate shall be written in comprehensive form and shall have the Village as an additional insured. The policy of insurance shall provide minimum combined single limits for bodily injury and property damage of $1,000,000 or such other insurance limits as required as a condition of approval. The certificate shall be provided to the Village Administrator at least seven (7) business days prior to the date of the special event, and the policy of insurance shall be timely made available upon the Village's request.

B. Deposit Fee. The applicant shall provide any required deposit fee or other financial security with the Village prior to the issuance of the permit.

C. Indemnification. The applicant shall indemnify and save the Village harmless from and against all liabilities, claims, demands, judgments, losses, and all suits at law or in equity, costs, and expenses, including reasonable attorney fees, for injury or death of any person or damage to any property arising from the holding of such special event.

D. Restoration. It will be the responsibility of the applicant to restore the special event location or any included route of all litter, waste, recyclables, signs, tents, materials or equipment left as a result of the event within 24 hours of the event's completion. Applicant will be responsible for any damage to any public premises other than normal wear and tear.

Sec. 7.09.05 Violations and penalties

Any person who shall violate any provisions of this chapter shall be subject to a penalty as provided in §1.02.02 of this Code. Additionally, failure to comply with any provisions of this Chapter may result in the withholding of approval on any subsequent permit applications for this or other permits required by the Village.

CHAPTER 7.10 SHORT TERM RENTALS

Sec. 7.11.01	Purpose
Sec. 7.11.02	Definitions
Sec. 7.11.03	Applicability; Exemptions
Sec. 7.11.04	Short-term Rental License
Sec. 7.11.05	License Application
Sec. 7.11.06	Property Manager Qualifications
Sec. 7.11.07	Application Review Procedure
Sec. 7.11.08	License Information and Display
Sec. 7.11.09	Regulations for the Operation of a Short-term Rental
Sec. 7.11.10	Non-transferability of License
Sec. 7.11.11	Fees
Sec. 7.11.12	Enforcement and Penalties

Sec. 7.10.01 Purpose

The purpose of this ordinance is to ensure a short-term rental operating in a tourist rooming house within the Village of Sauk City is adequate for protecting health, safety, and general welfare. The Village has determined that it can serve this purpose by establishing minimum standards for human occupancy and parking; establishing adequate levels of maintenance and determining the responsibility of Property Owners, Property Managers, and their agents offering these properties for rent; providing minimum standards necessary for the health, safety, and welfare of persons occupying or using buildings, structures, or premises, as well as the surrounding community; and establishing provisions for the administration and enforcement thereof.

Sec. 7.10.02 Definitions

A. For purposes of this Chapter, the following definitions shall apply:

(1) "Bathroom" means an enclosed room with a toilet and a washbasin.

(2) "Property Owner" means the property owner of a tourist rooming house.

(3) "Property Manager" means a person who has been designated by the Property Owner to operate the short-term rental who meets the qualifications within this Chapter.

(4) "Short-term rental" means the Rental of a tourist rooming house for twenty-nine (29) consecutive days or less.

(5) "Tourist rooming house" means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Ch. ATCP 73, Wis. Admin. Code. A lodging place includes a residential dwelling as defined by Sec. 661014(1)(b), Wis. Stats.

(6) Unless the context indicates otherwise, other terms used in this Chapter that are defined in Ch. ATCP 72, Wis. Admin. Code shall have the meaning as defined therein.

Sec. 7.10.03 Applicability; Exemptions

A. Applicability. This Chapter applies "tourist rooming houses" as defined herein that are offered to the public for a rental period of twenty-nine (29) consecutive days or less.

B. Exemptions. The following businesses and operations are exempt from the requirements from this Chapter.

(1) Any hotel, motel, or resort licensed by the State of Wisconsin under sec. 97.605, Wis. Stats.

(2) Private boarding or rooming houses not accommodating tourists or transients.

(3) Bed and breakfast establishments licensed by the State of Wisconsin under Ch. ATCP 73, Wis. Admin. Code.

Sec. 7.10.04 Short-term Rental License

A. License Required. No person shall operate a tourist rooming house offering short-term rentals for more than ten (10) nights each year without a short-term rental license. A short-term rental license is required for each tourist rooming house. Any person wishing to maintain, manage, or operate multiple tourist rooming houses will have to apply for and be issued multiple licenses.

B. License Duration. Each license shall expire on June 30, except that licenses initially issued during the period beginning April 1 and ending June 30 shall expire on June 30 of the following year.

Sec. 7.10.05 License Application

Any person seeking to obtain a short-term rental license must:

A. Submit to the Administrator a completed application, as provided by the Village, which shall contain the following:

(1) The name, mailing address, email address, and phone number of the Property Owner(s).

(2) The name, mailing address, physical address (if different from mailing address), email address, and telephone number of the designated Property Manager for the tourist room house.

(3) An affirmative statement from at least one Property Owner that the Property Manager is authorized to act as an agent for the Property Owner with respect to the short-term rental of the tourist rooming house, including taking remedial action and promptly responding to any violation of this ordinance or the Village Code relating to the licensed premises, and receiving service of notice of any violation of this ordinance.

(4) The address of the tourist rooming house subject to the license.

(5) The desired maximum occupancy of the tourist rooming house.

(6) Written certification by at least one of the Property Owners that state that the short-term rental of the tourist rooming house meets the requirements of this Chapter and applicable state and local laws, ordinances, and regulation, including the maintenance of a guest register as required by State laws.

B. The applicant shall include the following documentation with the short-term rental license application:

(1) A State of Wisconsin tourist rooming house license issued by the Department of Agriculture, Trade and Consumer Protection under the authority granted in Sec. 97.605 Wis. Stats.

(2) A completed State Lodging Establishment Inspection report dated within one (1) year of the date of application.

(3) A Wisconsin Department of Revenue Seller's Permit in the name of the Property Owner.

(4) A completed fire inspection report by the Village's fire inspector dated within one (1) year of the date of application that shows no uncorrected violations.

(5) Proof of insurance for the tourist rooming house that meets the standards set by this Chapter.

(6) Floor plan (drawn to approximate scale) showing the number of bedrooms and bathrooms within the tourist rooming house.

(7) If the Property Manager is different from the Property Owner(s), a signed statement from the Property Manager that:

(a) Accepts the designation as the Property Manager for the tourist rooming house;
(b) Acknowledges receipt of a copy of this Chapter; and,
(c) Certifies that the signor qualifies as a Property Manager under this Chapter.

C. Any applicant seeking renewal of a currently valid short-term rental license for a tourist rooming house that has not been materially modified or expanded since its issuance and that requests the same maximum occupancy for the tourist rooming house shall not be required to re-submit the floor plan under Sec. 7.11.05.B(6).

Sec. 7.10.06 Property Manager Qualifications

A. To qualify as a Property Manager the person must meet the following requirements:

(1) They are a natural person living in the Village of Sauk City or within thirty-five (35) miles of the tourist rooming house; or be a corporate entity routinely engaged in the business of property management with offices located within the Village or within thirty-five (35) miles of the tourist rooming house. An entity is "routinely engaged in the business of property management" if an owner, employee, or other contracted party is on-call to respond to property or occupancy emergencies seven (7) days a week.

(2) The person has no pending criminal charges, nor have they been convicted of any felony or misdemeanor, involving any offense related to dishonesty, fraud, deceit, robbery, use or threat of force

or violence against another, or sexual immorality under Ch. 944 Wis. Stats., as amended.

(3) They are authorized by the owner(s) to accept service of process for all Village notices, citations, and other legal documents related to the operation of the tourist rooming house and to enter upon the property to promptly and safely respond to complaints, correct any violations of this Chapter, or to handle immediate issues concerning the tourist rooming house or its occupants.

Sec. 7.10.07 Application Review Procedure

A. When an application for a short-term rental license is filed with the Administrator, the Administrator shall conduct a review and reasonable investigation of the application. If the Administrator determines that the application is incomplete determines that the applicant has omitted or misrepresented any required information, then the Administrator shall inform the applicant of such finding.

B. After the Administrator determines that the application is complete and free of omissions or misrepresentations, then the Administrator shall forward all new short-term rental license applications to the Village Board for review at the next meeting for which an agenda has not yet been posted. The Administrator shall promptly notify the Applicant in writing and provide the applicant the Village Board meeting date, time, and location at which their application will be reviewed. Applications for short-term rental license renewals for a tourist rooming house that has not been materially modified or expanded since the previous license issuance and that requests the same maximum occupancy for the tourist rooming house may be approved by the Administrator without review by the Village Board provided applicant has no previous license violations.

C. Review Criteria. In reviewing any application, the information and supporting documents of the application should be evaluated to ensure the quality and safety of tourist rooming houses within the Village to protect the public health, safety, or general welfare and to assess the applicant's compliance with the requirements of this Chapter. The number, frequency, and/or severity of legal violations substantially related to the operation of the tourist rooming house as a short-term rental and whether such violations substantially harm or adversely impact, or may substantially harm or adversely impact the public health, safety, or general welfare of the public may be considered.

D. If the Village approves the license application, the Administrator shall promptly issue the short-term rental license to the Applicant for the tourist rooming house for which the application was filed.

E. If the Village Board denies the License application, the Village shall state its reasons for denial and the Administrator shall promptly notify the Applicant in writing setting forth the reasons for denial, and the applicant may not reapply for a short-term rental license for 6 months.

F. If the Village Board conditionally approves a License application, the Board shall state the conditions required for approval and the Administrator shall promptly notify the applicant in writing stating the conditions required for approval. If the applicant has satisfied the conditions within thirty (30) days of the date of notice, the Administrator shall issue the short-term rental license to the applicant. If the conditions for approval are an ongoing requirement, the conditions shall be stated on the issued License.

Sec. 7.10.08 License Information and Display

A. Each short-term rental license issued shall contain the following information:

(1) Identity of the Property Owner;

(2) Physical address of the tourist rooming house;

(3) Identity, phone number, and physical address of the Property Manager;

(4) The maximum occupancy for the licensed premises;

(5) The license issuance date and the date of expiration;

(6) Short-term rental license number;

(7) State lodging license number.

B. Display. The current short-term rental license shall be prominently displayed on the inside of the main entrance door of the tourist rooming house.

Sec. 7.10.09 Regulations for the Operation of a Short-term Rental

A. Each short-term rental of a tourist rooming house shall comply with the applicable provisions of Ch. 97, Wis. Stats., and Ch. ATCP 72, Wis. Admin. Code, which are adopted herein and incorporated by reference. In addition to these state and local rules, the following regulations shall apply:

(1) The tourist rooming house shall have not less than one hundred and fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room except for kitchens, bathrooms, closets, garages, or room not meeting the Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people.

(2) A minimum of one (1) off-street parking stall shall be provided for every two guest bedrooms.

(3) Nameplates or other signage for the tourist rooming house shall comply with all local ordinances.

(4) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on the lot as a means of providing additional accommodations for paying guests or other invitees. Sleeping quarters related to a short-term rental shall only be located within the tourist rooming house.

(5) The Property Owner and Property Manager shall be responsible for trash, garbage, refuse, and recyclable material as well as ensuring compliance with local ordinances.

(6) The tourist rooming house shall have a safe, unobstructed means of ingress and egress leading to a safe, open space at ground level.

(7) The tourist rooming house shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Ch. SPS 362 Wis. Admin. Code.

(8) Does not have an accessible wood burning fireplace unless the owner or resident operator provides a certificate from a licensed commercial building inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney

have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.

(9) The owner shall carry casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than three hundred thousand dollars ($300,000) per individual and one million dollars ($1,000,000) aggregate that covers liability arising from short-term rentals.

(10) No gas-grill, charcoal grill, hibachi, smoker, or other similar devices with a heating element shall be placed on any balcony or deck, or under any overhanging structure or within ten (10) feet of any structure.

(11) All guests shall comply with all applicable state and local laws.

(12) Quiet time. The Property Owner shall notify the guests of all applicable ordinances relating to noise and maintenance of peace and quiet enjoyment and the specific times at which these ordinances apply.

(13) Each tourist rooming house shall comply and be operated in accordance with all conditions required by any state or local licenses, permits, or orders, including orders issued by the Village's building inspector or its agent.

(14) Each Property Owner and each lot upon which a tourist rooming house is located shall have no delinquent fees, taxes, assessments, special charges, or forfeitures owed to the Village, unless the Property Owner and the Village Board have entered in to a written agreement for payment of the outstanding balances owed.

Sec. 7.10.10 Non-transferability of License

A short-term rental license is nontransferable and shall expire upon a transfer of legal control of the property on which the tourist rooming house sits. The holder of any license shall promptly notify the Administrator in writing of any transfer of the legal control of any property covered by the license. A transfer of property to an entity or trustee shall not be considered a transfer of legal control as long as the owner(s) continue to have majority control of the entity or are trustees of the trust with control of the property; however, such new form of ownership shall be identified on any license renewal application after such transfer.

Sec. 7.10.11 Fees

The fees for a short-term rental license shall be set by resolution of the Village Board.

Sec. 7.10.12 Enforcement and Penalties

A. Any person, partnership, corporation, or other legal entity that violates Sec. 7.11.04 and operates a tourist rooming house without a valid License shall be subject to a forfeiture of not less than Five Hundred Dollars ($500.00) and no more than One Thousand Dollars ($1,000.00), plus any applicable surcharges, assessments, and costs for each violation. Each night a tourist rooming house is rented without a short-term rental license in violation of this Chapter shall constitute a separate violation.

B. Any person, partnership, corporation, or other legal entity that violates any other provision of this Chapter shall be subject to a forfeiture of not less than One Hundred Dollars ($100.00) and no more than Five Hundred Dollars ($500.00), plus any applicable surcharges, assessments, and costs, for each violation. Each day a violation exists or continues constitutes a separate violation under this Chapter.

C. In addition to the issuance of citation(s) above, the Village Board may suspend or revoke a previously issued short-term rental license.

D. The Village Board may refuse to issue or renew a short-term rental license for any Property Owner or Owner-applicant that has violated this Chapter within a twelve (12) month period prior to the date of the short-term rental license application.

CHAPTER 7.11 TAXICAB LICENSES

Sec. 7.12.01	License Required; Exemptions
Sec. 7.12.02	Application for License
Sec. 7.12.03	Taxicab Rules and Regulations
Sec. 7.12.04	Violations and penalties

Sec. 7.11.01 License Required; Exemptions

A. Except as provided in sec. 349.24(2), Wis. Stats., no person, firm or corporation shall, for hire or other remuneration, transport passengers or offer taxicab service to the public within the limits of the Village without first having obtained a license from the Village Board.

B. Exemptions. A taxicab license is not required for vehicles licensed to operate on a fixed route, vehicles owned by rental auto services when operated by the renter or the renter's agent, vehicles owned and operated by government funded taxi services, or to vehicles operated solely as funeral or ambulance vehicles.

Sec. 7.11.02 Application for License

Any person, firm or corporation desiring to acquire a taxicab license shall first apply in writing on forms provided by the Village. Each application shall be accompanied by the applicable license fee, which shall be set by the Village Board. The license period shall be from July 1 in each year through June 30 in the succeeding year. License fees shall be prorated for portions of the licensing period but in no case shall be less than the license fee for a six-month period. Each application for a license shall be accompanied by a certificate of insurance issued by a company authorized to do business in the state, in an amount to be determined by the Village Board. Each insurance policy shall contain the provision that the same may not be cancelled before expiration of its term, except upon 10 days' written notice to the Village.

Sec. 7.11.03 Taxicab Rules and Regulations

A. All drivers for a licensee shall be at least 18 years of age and hold a valid Wisconsin driver's license and comply with the licensing requirements of Chapter 343, Wis. Stats.

B. Any licensee shall maintain the taxicab(s) in good sanitary and mechanical condition at all times and shall produce satisfactory proof thereof upon reasonable demand of the Village Board, its duly appointed representative, or any police officer.

C. Every licensed taxicab shall be conspicuously identified as a taxicab in the public view.

D. No taxicab shall be operated except by the owner thereof, or the owner's agent, and it shall be unlawful for such owner or agent to permit the operation of the vehicle by any other person.

E. Every licensee shall file annually a schedule of the rates charged for service with the Village Administrator. In the event of revision of the schedule during the license year, a revised schedule shall be filed.

Sec. 7.11.04 Violations and penalties

Any person violating any provision of this chapter shall, upon conviction thereof, be subject to a penalty as provided in §1.02.02 of this Code. Each day of operation in violation hereof shall constitute a separate offense.

CHAPTER 7.12 JUNKYARDS

Sec. 7.13.01	License Required
Sec. 7.13.02	Application and Term of License
Sec. 7.13.03	Fence or Other Barrier Required
Sec. 7.13.04	Revocation of License

Sec. 7.12.01 License Required

It is unlawful for any person within the Village limits of the Village to maintain or operate a "junkyard" or "automobile graveyard", as those terms are defined in sec. 84.31, Wis. Stats., without a license from the Village.

Sec. 7.12.02 Application and Term of License

Any person desiring a license as set out in this chapter shall file an application in writing with the Village Administrator and pay the license fee as set by the Village Board. A license may be issued if the junkyard complies with all applicable zoning requirements and the regulations of this Chapter and all requirements of the Administrative Code of the Wisconsin Department of Natural Resources. All license terms shall be from July 1 until June 30 of the next succeeding year.

Sec. 7.12.03 Fence or Other Barrier Required

A fence or other natural screening not less than seven feet in height shall enclose the boundaries of any junkyard or junk dealer premises. Such fence or screening shall be maintained in good condition at all times. No articles of junk or material shall be piled so as to protrude above the height of the fence or screening.

Sec. 7.12.04 Revocation of License

The Village may revoke any license issued under this Chapter if the licensed premises is not in compliance with the requirements of this Chapter, local zoning, or applicable state law.

TITLE 8. MOTOR VEHICLES AND TRAFFIC

CHAPTER 8.01 VEHICLES AND TRAFFIC

CHAPTER 8.02 ALL TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES AND REGULATIONS

CHAPTER 8.03 BICYCLES AND PLAY VEHICLES

CHAPTER 8.04 SNOWMOBILES

CHAPTER 8.05 VEHICLES AND APPLIANCES, ABANDONED AND JUNKED

CHAPTER 8.01 VEHICLES AND TRAFFIC

Sec. 8.01.01 State traffic laws adopted
Sec. 8.01.02 Deposit and bond schedules adopted
Sec. 8.01.03 Dynamic braking devices
Sec. 8.01.04 Speed limits
Sec. 8.01.05 Arterial highways
Sec. 8.01.06 Heavy traffic routes
Sec. 8.01.07 Parking, stopping and standing
Sec. 8.01.08 Parking during snow emergencies
Sec. 8.01.09 Trucks prohibited on certain streets
Sec. 8.01.10 Removal of illegally parked vehicles
Sec. 8.01.11 Wisconsin Traffic Violation and Registration Program
Sec. 8.01.12 Traffic signs and signals
Sec. 8.01.13 Neighborhood electric vehicles
Sec. 8.01.14 Enforcement
Sec. 8.01.15 Violations and penalties

Sec. 8.01.01 State traffic laws adopted

A. Except as otherwise specifically provided in this chapter, all provisions of Chs. 340 to 348, 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 procedure for prosecution, are adopted and by reference made a part of this chapter as if fully set forth in

this chapter. Any act required to be performed or prohibited by any statute incorporated in this chapter by reference is required or prohibited by this chapter.

B. There are also adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chs. 340 to 348, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as provided in sec. 8.01.15 of this chapter:

(1) Sec. 941.01(1), Wis. Stats. (negligent operation of vehicle)

Sec. 8.01.02 Deposit and bond schedules adopted

The deposit schedules as established by the Wisconsin Judicial Conference and the Municipal Bond Schedule as adopted by the Sauk Prairie Court Commission are hereby incorporated by reference.

Sec. 8.01.03 Dynamic braking devices

A. Definitions. "Dynamic braking device" (commonly referred to as a "jacobs brake," "jake brake," "engine brake" or "compression brake") means a device primarily on trucks for conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

B. Use prohibited. It is unlawful for any person to operate any motor vehicle with a dynamic braking device engaged, except for the aversion of imminent danger, within the Village limits.

C. Penalty. Any person, partnership, or corporation who or which violates any of the provisions of this section shall be subject to a forfeiture as provided in this chapter.

Sec. 8.01.04 Speed limits

The Village Board determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe or imprudent and modifies such speed limits under authority granted by sec. 349.11, Wis. Stats., as follows:

A. Speed limits established by secs. 346.57(4)(e), (f) and (g), Wis. Stats., are increased as hereafter set forth upon the following streets or portions thereof.

(1) Thirty (30) miles per hour in the following areas:

(a) Phillips Boulevard, from the east corporate limits of the Village to 930 feet east of the curbline of Sycamore Street.

(2) Thirty-five (35) miles per hour in the following areas:

(a) Water Street, from the north curbline of Bates Street to the north corporate limits of the Village.
(b) Phillips Street, from the west corporate limits of the Village to its intersection with Water Street
(c) Phillips Boulevard, from 930 feet east of the curbline of Sycamore Street to the west corporate limits of the Village.
(d) All of Lueders Road.
(e) Oak Street, from Lueders Road west to the Village limits.

B. Speed limits established by sec. 346.57(4)(f), Wis. Stats., are decreased as hereafter set forth upon the following streets or portions thereof:

(1) Twenty-five (25) miles per hour in the following areas:

(a) Carolina Street from Lueders Road to Dallas Street
(b) Industry Road from Sycamore Street to Dallas Street
(c) Sycamore Street from Phillips Street to Carolina Street.
(d) Dallas Street from Industry Road to Phillips Boulevard.
(e) All of Community Drive.
(f) All of Independence Drive.
(g) Water Street, from its intersection with Phillips Street to the south line of the Great Sauk State Trail Bridge crossing.

Sec. 8.01.05 Arterial highways

A. Through streets. In the interest of public safety and pursuant to sec. 349.07, Wis. Stats., the following streets or portions thereof are declared to be through highways, and traffic signs or signals giving notice thereof shall be erected by the Public Works and Utility Director in accordance with this chapter:

(1) Water Street south from the north corporate limits of the Village to the intersection of Water Street with the north curbline of Phillips Boulevard and from the south curbline of Phillips Boulevard to Water Street.

(2) Madison Street south from the north corporate limits of the Village to the intersection of Madison Street with the north curbline of

Phillips Boulevard and from the south curbline of Phillips Boulevard to Water Street.

(3) Phillips Boulevard west from the west curbline of Water Street to the west corporate limits of the Village.

(4) Jackson Street west from the west curbline of Water Street to the east curbline of Madison Street and from the west curbline of Madison Street to the east curbline of Dallas Street.

(5) Van Buren Street west from the west curbline of Water Street to the east curbline of Madison Street and from the west curbline of Madison Street to the west curbline of Maple Street.

(6) Polk Street west from the west curbline of Water Street to the east curbline of Madison Street and from the west curbline of Madison Street to the east curbline of Maple Street.

(7) Washington Avenue west from the west curbline of Water Street to the east curbline of Madison Street and from the west curbline of Madison Street to the east curbline of Lueders Road and from the west curbline of Lueders Road to the corporate limits of the Village.

(8) Hemlock Street west from the west curbline of Water Street to the east curbline of Madison Street and from the west curbline of Madison Street to the east curbline of Spruce Street.

(9) Webster Avenue west from the west curbline of Water Street to the east curbline of Madison Street.

(10) Maple Street north from the north curbline of Washington Avenue to the north corporate limits of the Village.

(11) Spruce Street north from the north curbline of Washington Avenue to the north corporate limits of the Village.

(12) Sycamore Street south from the north corporate limits of the Village to the intersection of Sycamore Street with the north curbline of Washington Avenue and from the south curbline of Washington Avenue to Phillips Boulevard.

(13) Bates Street west from the west curbline of Maple Street to the east curbline of Sycamore Street and from the west curbline of Sycamore Street to the west curbline of Lueders Road and from the west curbline of Lueders Road to the west corporate limits of the Village.

(14) Lueders Road north from the north curbline of Phillips Street to the south curbline of Phillips Boulevard and from the north curbline or Phillips Boulevard to the north corporate limits of the Village.

(15) John Adams Street south from the south curbline of Phillips Boulevard to the west curbline of Water Street.

(16) Jefferson Street south from the south curbline of Phillips Boulevard to the west curbline of Water Street.

(17) Monroe Street south from the south curbline of Phillips Boulevard to the north curbline of John Quincy Adams Street.

(18) Franklin Street south from the south curbline of Phillips Boulevard to the north curbline of John Quincy Adams Street.

(19) John Quincy Adams Street west from the west curbline of Madison Street to the east curbline of Dallas Street.

B. One-way streets and alleys.

(1) The following streets are declared to be one-way streets:

(a) Riviera Drive between Jackson Street and Van Buren Street.
(b) Jackson Street east of Water Street.
(c) Van Buren Street east of Water Street.

(2) The following alleys are declared to be one-way alleys:

(a) The alleyway in the block bounded by Phillips Boulevard, John Adams Street, Carolina Street, and Jefferson Street.

C. Four-way stop signs. Four-way stop signs shall be maintained at the following intersections:

(1) Oak Street and Washington Avenue.

(2) Oak Street and Helen Street.

Sec. 8.01.06 Heavy traffic routes

A. Heavy traffic routes designated. The following highways or parts thereof within the jurisdiction of the Village of Sauk City are hereby designated heavy traffic routes:

(1) Phillips Street from Lueders Road to Water Street;

(2) Water Street from Phillips Street to Phillips Boulevard;

(3) Madison Street from Water Street to John Quincy Adams Street;

(4) John Quincy Adams Street from Water Street to Dallas Street;

(5) Dallas Street from Phillips Boulevard to John Quincy Adams Street;

(6) All streets, existing and future, within the Sauk City Industrial Park.

B. Heavy traffic defined. In this chapter, "heavy traffic" means all vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 6,000 pounds.

C. Restrictions on use of other streets by heavy traffic. No person shall operate or move a vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 6,000 pounds on any highway not part of the heavy traffic route designated in this Section, except for the purpose of obtaining orders for or moving or delivering supplies or commodities to or from a place of business or residence which has an entrance thereon, provided that in no event shall the weight of vehicle and load on any street not defined or designated as a heavy traffic route under this Section exceed the limitations pertaining to Class "A" highways or deliveries on Class "B" highways established by the Wisconsin Statutes.

Sec. 8.01.07 Parking, stopping and standing

A. Parking, stopping or standing prohibited. Fire Department personnel are exempt from the following parking restrictions during fire emergencies.

(1) No person shall at any time park any vehicle at:

(a) The south curbline of Van Buren Street between Water Street and Madison Street.

(b) The west curbline of Madison Street between the north curbline of Polk Street and the south curbline of Washington Avenue.

(c) The south side of Oak Street from a point lying 70 feet west of the west line of Helen Street to a point lying 85 feet east of the east line of Washington Street.

(2) There shall be no parking, stopping or standing at:

(a) The west curbline of Madison Street between the south curbline of Van Buren Street and the north curbline of Phillips Boulevard.
(b) The west curbline of Madison Street between the north curbline of Van Buren Street and the south curbline of Polk Street.
(c) Along the north curbline of Van Buren Street, between the east curbline of Monroe Street and the west curbline of Madison Street.
(d) The south curbline of Jackson Street, for a distance of 44 feet east of the east curbline of Water Street.
(e) The west curbline of Water Street between the north corporate limits of the Village and a point 125 feet to the south.
(f) The west curbline of Water Street north of the Great Sauk State Trail for a distance of 850 feet, to the intersection of Madison Street and Water Street.
(g) The east curbline of Water Street north of the Great Sauk State Trail for a distance of 550 feet.

(3) No person shall park any vehicle at any time on Madison Street near the intersection with US Highway 12 as follows:

(a) East and west curbline of Madison Street for a distance of 100 feet north of US Highway 12;
(b) East and west curbline of Madison Street for a distance of 100 feet south of US Highway 12.

(4) No person shall at any time park, stop or stand on either the north or south side of Phillips Boulevard between Water Street and Lueders Road.

(5) No person shall park, stop or stand on either side of Water Street from Van Buren Street to Phillips Boulevard between the hours of 3:00 a.m. and 6:00 a.m.; no person shall park, stop or stand on either side of Water Street from Phillips Boulevard to Carolina Street between the hours of 3:00 a.m. and 6:00 a.m.

B. Trucks. No person shall park any truck tractor, trailer, or tractor-semitrailer combination as such terms are defined in secs. 340.01(73), (71) and (67r), Wis. Stats., at any time on any street, road, boulevard, avenue, lane, alley, or other thoroughfare within the limits of the Village of Sauk City. No person shall park any recreational vehicles, camping trailers, motor homes, boats, or boat trailers on any Village street or other public way for a period longer than seventy-two (72) hours.

C. Limited parking. When signs are posted in any block giving notice thereof, no person shall park a vehicle for longer than the periods specified in this subsection at any time between the hours of 8:00 a.m. and 6:00 p.m., and except Sundays and the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas, upon the following streets or portions of streets:

(1) Two-hour parking limit:

(a) Water Street between Van Buren Street and Phillips Boulevard.
(b) The north curbline of Jackson Street between Water Street and Washington Street.
(c) The east side of Water Street from the north curbline of Van Buren Street to the south curbline of Polk Street.

(2) Four-hour parking limit:

(a) Along the west curbline of Water Street for a distance of 170 feet south of the intersection of Water Street and Phillips Boulevard.
(b) At the east curbline of Water Street for a distance of 145 feet south of the intersection of Water Street with Phillips Boulevard.

(3) Twenty-four-hour parking limit:

(a) All of spaces in the municipal parking lot in Block 24 of the original plat of the Village, the same being bounded by Phillips Boulevard, Water Street, Jackson Street and John Adams Street.
(b) All of the spaces along the east curbline of Riviera Drive located in Blocks 25 and 26 of the original plat of the Village.

(4) School zones.

(a) On school days between the hours of 7:30 a.m. and 3:30 p.m., no person shall park on the south side of Oak Street between Maple Street and Spruce Street and as marked in front of St. Aloysius School and on the north side of Polk Street between Jefferson Street and John Adams Street.
(b) On school days between the hours of 8:30 a.m. and 4:30 p.m., no person shall park for more than one hour on either side of Maple Street and Spruce Street from the south curbline of Oak Street for a distance of 580 feet to the south.

(5) Compact cars only. As posted, the following parking spaces shall be used only for the parking of compact cars: the northerly three parking spaces on the east side of Water Street between Jackson Street and Van Buren Street and the southerly three parking spaces on the east side of Riviera Drive between Jackson Street and Van Buren Street.

(6) Post office. As posted on the west side of Water Street between Jackson Street and Van Buren Street, no person shall park for more than five minutes in the parking stall in front of the post office.

(7) One-hour parking limit:

(a) The south side of Webster Avenue from the intersection with Water Street, a distance of 170 feet.

D. Additional parking restrictions.

(1) No person shall park or stand any vehicle for a period of time longer than 24 consecutive hours on any street, alley, parking lot or parking area in the Village from 12:00 midnight Monday through 12:00 midnight Saturday except on weekdays the Village observes as holidays.

(2) It is unlawful for the operator of any vehicle to park such vehicle in any space appropriately marked for "No Parking" as so designed officially.

(3) No person shall stand or park a vehicle on any street or alley in the Village for the purpose of repairing such vehicle or for storage purposes.

(4) No person shall park any car with trailer attached or any vehicle longer than 20 feet on any street where angle parking is provided.

(5) No person shall park any vehicle or other piece of equipment on any tree bank in the Village, except in such areas where stand-up curbing does not exist. No person shall park any vehicle or other piece of equipment on any sidewalk, or on any portion of the street right-of-way that has been designated as sidewalk area, in the Village.

(6) No person shall park any vehicle or other piece of equipment directly in front of or within 15 feet in either direction of a mailbox. This restriction shall apply from 8:00 a.m. through 3:00 p.m., Mondays through Saturdays.

(7) Physically disabled parking. Except for vehicles displaying special registration plates or cards issued under Wis. Stats. sec. 341.14(1), (1a), (1m), (1q), or sec. 343.52, as may be amended, which designates the vehicle as being used by a physically disabled person, or vehicles similarly registered from another jurisdiction and displaying the required plate, card or emblem, no person shall park, stop or leave standing any vehicle or other piece of equipment, whether attended or unattended and whether temporarily or otherwise, upon any portion of the following Village locations:

(a) The south side of Oak Street, starting at the intersection of Washington Street and Oak Street and continuing east on Oak Street for the first four parking stalls.

(b) Any other Village street, road, highway or parking facility posted with a standard uniform traffic control sign, signal or marking prohibiting parking by vehicles other than those described above.

E. Angle parking. All vehicles shall be parked parallel to the curb except on such streets where angle parking spaces are so designated and so provided by appropriate markings.

F. Signage authority. The Public Works and Utility Director is hereby authorized to erect such signs as are in conformity with the rules promulgated by the Department of Transportation governing the design, size and installation of the official traffic signs.

G. Parking map. Any person may request access to the parking map maintained on file at the Village Hall a map entitled "Village of Sauk City Parking Map" showing the parking restrictions set forth in this section, as may be amended.

Sec. 8.01.08 Parking during snow emergencies

Except as provided in Subsection C of this section, whenever there is an accumulation of snow not less than two inches during a twenty-four-hour period and such accumulation hinders the safe movement of traffic or impedes the ability of an emergency vehicle or public transportation vehicle to travel safely and expeditiously over the streets and highways of the Village, there shall then exist a snow emergency and the following restrictions shall go into effect.

A. Emergency snow parking regulations shall mean that no person shall park on any public street or highway in the Village of Sauk City during any such snow emergency condition as described above, immediately

following or during such emergency. Such emergency regulation shall continue in effect for 48 hours after the snow has ceased to fall, or until such time as the snow has been removed from the streets or highways within said Village.

B. For the purpose of this section, "parking" is defined to mean leaving a vehicle or permitting it to remain unattended but shall not include the following vehicles:

(1) A vehicle by a doctor making a house call.

(2) Business vehicles being used for temporary deliveries or temporary pickups during these hours.

(3) Police, fire or other emergency vehicles.

(4) A vehicle holding a valid permit issued by the Village Administrator after approval of the Village Board for a handicapped person.

(5) A vehicle holding a valid permit issued by the Village Administrator after approval of the Village Board for extreme hardship cases.

C. Whenever an emergency snow removal condition exists as defined within this section, the following parking restrictions shall apply to the area so designated:

(1) Alternate side parking regulations shall be in effect on Water Street between Jefferson Street and Carolina Street. Parking is permitted on the odd-numbered side of the street during the odd-numbered days and parking is permitted on the even-numbered side of the street during the even-numbered days. Parking is prohibited on the opposite side of the street during a snow emergency. The status of the days, as to whether they are even or odd, shall be determined as of 12:01 a.m. that day.

(2) Sycamore Street - Industrial Park. On the east side of Sycamore Street, between Carolina Street and Industry Road, trucks having a gross weight of 6,000 pounds or more shall be permitted to park during any such snow emergency from 6:00 p.m. to 9:00 a.m. the following day.

D. The Village Public Works and Utility Director is hereby instructed to secure and have posted on all county trunk highways and state highways

leading into the Village of Sauk City a sign giving notice to the effect that the Village of Sauk City has an emergency snow ordinance.

E. In addition to the penalties set forth in sec. 8.01.15 for violations of this section, the owner of the vehicle shall pay the reasonable cost for moving, towing, and any storage of the vehicle parked in violation of this section.

Sec. 8.01.09 Trucks prohibited on certain streets

Any person owning or having control of any truck, truck power unit, tractor, trailer, semitrailer, or bus in excess of 10,000 pounds' gross weight, or having a length over 16 feet in length, except for pickup trucks, in which case, having a length in excess of 21 feet, or having an enclosed area of a height of more than eight feet from the roadway, is prohibited from driving on Business Drive, located south of Phillips Boulevard, in Sauk City.

Sec. 8.01.10 Removal of illegally parked vehicles

A. Hazard to public safety. Any vehicle parked, stopped or standing upon a highway 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 traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.

C. Removal by traffic officer. Any traffic 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 which 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 reasonable costs 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. 8.01.11 Wisconsin Traffic Violation and Registration Program

A. Purpose. The development and execution of this section are based upon the problems associated with the collection of forfeitures for moving and nonmoving violations. Furthermore, the policies, goals and objectives of the Village relating to moving and nonmoving violations have not been effectively communicated to these operators. The Village Board, after studying the various problems and considering possible solutions, hereby finds that a traffic violation and registration program would best suit the needs of the Village.

B. Participation. The Village of Sauk City shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in sec. 345.28, Wis. Stats., and Ch. Trans 128, Wis. Adm. Code, and all amendments or changes thereto.

C. Designation and authority. The Sauk Prairie Police Department is hereby designated as a delegated authority for purposes of secs. 85.13 and 345.28, Wis. Stats., and Ch. Trans 128, Wis. Adm. Code.

(1) The Sauk Prairie Police Department is authorized to perform, on behalf of the Village of Sauk City, all functions required of a local authority under said statutes and code, including but not limited to:

(a) Prepare and complete all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for nonmoving traffic violations.

(b) Specify whether the registration of vehicles involved in unpaid citations for nonmoving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for nonmoving traffic violations.

(c) Determine the method by which the Village of Sauk City will pay the Wisconsin Department of Transportation for administration of the program and establishing the effective date for participation.

(d) Take such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.

(2) The Chief of Police is hereby authorized to assign a member of the Sauk Prairie Police Department to perform such acts as are necessary to effectuate this section.

D. Program costs.

(1) 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 Sauk Prairie Police Department may refuse to notify the Wisconsin Department of Transportation of payment of a citation until all applicable fines and costs, including costs assessed under this section, are paid.

(2) This section shall not be interpreted as requiring all unpaid citations for nonmoving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village of Sauk City's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

E. Requirements. The Sauk Prairie Police Department shall follow the following procedures in issuing nonmoving violations:

(1) Issue citation. A notice of the violation should be left on the parked vehicle.

(2) Two warning notices of an unpaid citation must be sent to the owner of the vehicle within a twenty-eight-day period from the violation, which should include the date the citation was issued; the license number of the vehicle involved; the place the citation may be paid; the means by which the citation must be paid or contested to avoid further action; and the action which will be taken by the Sauk Prairie Police Department should the operator fail to respond.

(3) In the event no action is taken by the operator, the Sauk Prairie Police Department shall direct such violation to the Wisconsin Department of Transportation Traffic Violation and Registration Program, indicating how the Sauk Prairie Police Department wishes to proceed. The following actions may be directed to the Wisconsin Department of Transportation Traffic Violation and Registration Program:

(a) Suspend only (illegal to operate cited plate);

(b) Refuse only (prevent the violator from obtaining any new registration); or

(c) Suspend and refuse (illegal to operate cited plate and prevent the violator from obtaining any new registration).

(4) Upon payment of the citation by the operator, the Sauk Prairie Police Department shall notify the Wisconsin Department of Transportation Traffic Violation and Registration Program within three working days, at which time any suspension shall be lifted.

Sec. 8.01.12 Traffic signs and signals

A. Erection and maintenance. The Public Works and Utility Director is authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Highway Division giving such notice of the provisions of this chapter as required by state law. Signs shall be erected in such locations and manner as the Village Board shall determine will best attain the purposes of this chapter and give adequate warning to users of the streets or highways.

B. Removal of unofficial signs or signals. The Public Works and Utility Director shall have the authority granted by sec. 349.09, Wis. Stats., and is directed to order the removal of a sign, signal, marking or device placed, maintained, or displayed in violation of this chapter or sec. 346.41, Wis. Stats. Any charge imposed on a premises for removal of such an illegal sign, signal, or device shall be reported to the Village Board at its next regular meeting for review and certification.

Sec. 8.01.13 Neighborhood electric vehicles

A. Purpose and authority. This section is adopted pursuant to the authority set forth in Wisconsin Statutes sec. 349.26 and adopted for the protection of the public health, benefit and welfare of the Village.

B. Definition. "Neighborhood Electric Vehicle" or "NEV" means a self-propelled motor vehicle that has successfully completed the Neighborhood Electric Vehicle America test program conducted by the federal Department of Energy, and that conforms to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for low-speed vehicles under 49 CFR 571.3(b) and 571.500. An NEV does not include an electric golf cart.

C. Neighborhood Electric Vehicle requirements. NEVs shall be four-wheeled and have a speed range of at least 20 miles per hour and not more than 35 miles per hour on a paved surface and have a gross vehicle weight at rest of less than 2,500 pounds. All NEVs shall be equipped with the following:

(1) Headlamps.

(2) Front and rear turn signals.

(3) Stop lamps.

(4) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear (three total).

(5) An exterior mirror mounted on the passenger side or an interior rearview mirror.

(6) Parking brakes.

(7) A windshield that conforms to the requirements of the Federal Motor Vehicle Safety Standard on glazing materials (49 CFR 571.205).

(8) A vehicle identification number that complies with federal law (49 CFR 565).

(9) A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209 and Federal Motor Vehicle Safety Standard No. 209, for each designated seating position.

D. Permitted Use of NEV on Village Streets. An NEV that meets the NEV requirements above and is operated by an individual with a valid Wisconsin driver's license is permitted on any Village streets having a posted speed limit of 35 miles per hour or less. Headlamps must be on at all times during operation on Village streets.

E. Compliance with traffic laws. NEVs shall comply with all state and local traffic laws, including but not limited to Chapter 8.01 of the Sauk City Village Code, and owners and operators of NEVs shall be subject to citations and forfeitures for any such violation.

F. License requirements; fee.

(1) Neighborhood electric vehicles shall be licensed by the Village, and the license shall be issued to the owner of the vehicle. The licenses shall be issued by the Sauk City Village Administrator or designee.

(2) Owners shall complete a license application prior to issuance of a license, which application shall be provided by the Village Administrator, or designee.

(3) Fees for licenses issued under this section shall be set by the Village Board as part of the Village fee schedule.

(4) The license shall only be issued following inspection of the vehicle by the Village Administrator, or designee, for compliance with the requirements of Section 8.01.13.C above. The Village Administrator may require a manufacturer's certification indicating compliance with such requirements.

(5) Prior to obtaining a license, the applicant must furnish proof of insurance for the NEV and a current valid driver's license.

(6) The license shall be displayed on the rear of the NEV.

G. Enforcement. Any person who violates any provision of this section shall be subject to forfeiture as provided in Section 8.01.14 of the Sauk City Village Code.

Sec. 8.01.14 Enforcement

A. Generally. The provisions of this chapter shall be enforced in accordance with the provisions of secs. 345.20 through 345.53, Ch. 799 and sec. 66.0114, Wis. Stats.

B. Uniform citations. The uniform citations promulgated under sec. 345.11, Wis. Stats., shall be used for all moving traffic violations under this chapter.

C. Parking citations. Citations for all nonmoving traffic violations under the provisions of this chapter shall conform to sec. 345.28, Wis. Stats., and shall permit direct mail payment of the applicable minimum forfeiture to the Police Department within seven days of the issuance of the citation in lieu of court appearance. The issuing officer shall specify thereon the amount of the applicable forfeiture as provided in this chapter.

D. Notice of demerit points and receipt. Every officer accepting a forfeited penalty or money deposit under this chapter 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 chapter shall comply with the provisions of secs. 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 citation and complaint promulgated under sec. 345.11, Wis. Stats.

E. Forfeitures in treasury. Any officer accepting deposits or forfeited penalties under the provisions of this chapter shall deliver them to the Chief of Police within 24 hours.

Sec. 8.01.15 Violations and penalties

A. Forfeiture penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as provided in this section, together with court costs and fees prescribed by secs. 814.63(1) and (2), or 814.65(1), Wis. Stats., and if applicable, the penalty surcharge imposed by sec. 757.05, Wis. Stats., the driver improvement surcharge imposed by sec. 364.655, Wis. Stats., and the safe ride programs surcharge imposed by sec. 346.657, Wis. Stats. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, or any applicable surcharge or penalty imposed for violation of this chapter may be imprisoned until such amounts are paid, but not to exceed 90 days, upon order of the court entering judgment and having jurisdiction of the case.

B. Other sanctions.

(1) By court. Nothing herein shall preclude or effect 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 Village Administrator, except a dog license, until the forfeiture, court costs, and any applicable surcharges or penalties for such violation is paid.

C. Forfeitures for violation of moving traffic regulations.

(1) Forfeitures for violations of any moving traffic regulations set forth in the Wisconsin Statutes and adopted by reference in sec. 8.01.01 of this Code 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 through 348, Wis. Stats., for which an imprisonment penalty may be imposed upon the defendant.

D. Forfeitures for parking violations.

(1) Forfeitures for uniform statewide parking, stopping and standing offenses. Forfeitures for violation of nonmoving traffic violations adopted by reference in sec. 8.01.01 of this Code as described in Chapters 341 to 348, Wis. Stats., shall be as provided for the comparable state nonmoving traffic violation as set forth in the State Uniform Traffic Deposit Schedule, as amended or revised.

(2) Forfeitures for parking violations during snow emergencies. Forfeitures for violations of sec. 8.01.08 shall be $40.

(3) Forfeitures for other parking violations. The penalty for any other parking violation not included in paras. (1) or (2) above shall be a forfeiture of not less than $20 and not more than $50 for the first offense, and for any subsequent offense within one year shall be forfeiture of not less than $30 and not more than $100.

E. Other violations. The forfeiture for any violation not otherwise established by this section shall be not less than $10 and not more than $200.

CHAPTER 8.02 ALL TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES AND REGULATIONS

Sec. 8.02.01	Purpose and Statutory Authority
Sec. 8.02.02	State Laws Adopted
Sec. 8.02.03	Designated Routes
Sec. 8.02.04	Signs
Sec. 8.02.05	Restrictions on Operation
Sec. 8.02.06	Enforcement and Penalties
Sec. 8.02.07	[Reserved]

Sec. 8.02.01 Purpose and Statutory Authority

The purpose of this Chapter is to establish all-terrain vehicle routes in the Village and to regulate the operation of all-terrain vehicles and utility-terrain vehicles within the Village limits. The Village has specific authority to designate routes and adopt restrictions on periods of use pursuant to Wis. Stats. sec. 23.33(8).

Sec. 8.02.02 State Laws Adopted

The statutory provisions in Wis. Stat. Chapters 23.33 and 340 to 348, establishing definitions and regulations with respect to ATVs and UTVs, and Wis. Admin. Code Chapter NR 64, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Unless otherwise provided in this chapter, any act required to be performed or prohibited by any statute or regulation incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions, or modifications of the statues or regulations herein are made a part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs. Any terms used in this Chapter that are defined in sec. 23.33(1), Wis. Stat., shall have the meaning proscribed by statute.

Sec. 8.02.03 Designated Routes

A. All Village-maintained streets within the jurisdiction of the Village of Sauk City are authorized as all-terrain vehicle routes except as may be posted.

B. Pursuant to Wis. Stats. sec. 23.33(11)(am)4., state highways 60 and 78 from the north Village limits to U.S. Highway 12/Phillips Blvd. within the territorial boundaries of the Village where the speed limit is 35 miles per hour or less is authorized as an all-terrain vehicle route.

C. U.S. Highway 12 is not authorized as a UTV/ATV route.

Sec. 8.02.04 Signs

The Village Public Works Department shall place signs as required by law to designate all Village streets as all-terrain vehicle routes. Route signs shall be provided by the Honey Creek ATV/UTV Club, LLC, or their successor, with uniform all-terrain vehicle route signs in accordance with Wisconsin Administrative Code 64.12(7).

Sec. 8.02.05 Restrictions on Operation

A. In addition to the state laws adopted herein by reference, the following restrictions and rules shall apply to operation of and riding on ATVs and UTVs within the limits of the Village of Sauk City:

(1) The operation of ATVs and UTVs is restricted to the hours between 6:00 a.m. to 10:00 p.m.

(2) Operators shall observe the posted roadway speed limits and all other applicable traffic regulations.

(3) Operators shall always ride in a single-file.

(4) ATV/UTV head lamps and tail lamps must be turned on at all times and must have operational brake lights. ATV/UTVs also must confirm to the Wisconsin State Statute 23.33 regarding the color of head lamps and tail lamps. Auxiliary light bars must be turned off at all times.

(5) UTV operators and passengers must wear seat belts at all times, and if under the age of 18, operators and passengers must also wear a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened as required by Wis. Stat. sec. 23.33.

(6) ATV operators and passengers under the age of 18 must wear a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened as required by Wis. Stat. sec. 23.33.

(7) ATV/UTV operators cannot have a passenger riding in or on any part of ATV/UTV that is not designed and not intended for use by passengers. After market seating does not comply with the law. It must be manufactured as a multiple passenger machine to be legal for passengers.

(8) ATV/UTV operators shall possess a valid operator's license as defined in sec. 340.01(41g), Wis. Stats., as may be amended.

(9) Operators of ATV/UTVs must possess proof of current liability insurance on the ATV/UTV and show such proof if requested by law enforcement.

(10) ATV/UTV operators born after January 1st, 1988 must have a valid safety certificate and present that certificate if requested by law enforcement.

(11) It shall be unlawful for any person to operate an ATV or UTV in such a manner as to cause, or disturb the peace, by excessive and unnecessary acceleration, the tires of such vehicle to spin or emit loud noises, to unnecessarily throw stones or gravel, or to cause the wheels to leave the ground.

(12) ATV/UTVs must have a current registration, which will include a rear license plate.

(13) No person may operate an ATV/UTV upon any sidewalk or pedestrian way.

Sec. 8.02.06 Enforcement and Penalties

Violations shall incur the maximum penalties set forth in sec. 23.33(13), Wis. Stats., as amended. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

Sec. 8.02.07 [Reserved]

CHAPTER 8.03 BICYCLES AND PLAY VEHICLES

Sec. 8.03.01	Responsibility of parent or guardian; operation of play vehicles
Sec. 8.03.02	Operation of bicycles
Sec. 8.03.03	Riding bicycle on roadway
Sec. 8.03.04	Bicycle equipment
Sec. 8.03.05	Violations and penalties

Sec. 8.03.01 Responsibility of parent or guardian; operation of play vehicles

A. No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Subsection C below and Sections 8.03.03 through 8.03.05.

B. No person while riding upon any coaster, roller skates, skateboards, sled, toboggan or toy vehicle shall be attached in any manner to any vehicle upon a roadway or go upon any roadway except while crossing a roadway at a crosswalk.

C. No motor-driven play vehicle unlicensed by the state may be operated in the Village, except in such areas as are specifically designated and marked for such use by the Village.

Sec. 8.03.02 Operation of bicycles

Whenever a bicycle is operated upon a highway, the following rules shall apply:

A. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

C. No person operating a bicycle shall carry any package, bundle, or article which prevents the operator from keeping at least one hand upon the handlebars.

D. No person while riding a bicycle shall be attached in any manner to any vehicle upon a roadway.

E. No person shall ride a bicycle on the sidewalk along Water Street between Phillips Blvd. (Hwy 12) and Van Buren Street.

Sec. 8.03.03 Riding bicycle on roadway

A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Persons riding bicycles upon a roadway shall ride single file.

C. 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.

D. The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching the sidewalk or sidewalk area.

Sec. 8.03.04 Bicycle equipment

A. No person may operate a bicycle upon a highway, bicycle lane or bicycle way during hours of darkness unless such bicycle is equipped with or the operator is wearing a lamp emitting a white light visible from a distance of at least 500 feet to the front of such bicycle. Such bicycle shall also be equipped with a red reflector that has a diameter of at least two inches of surface area on the rear so mounted and maintained as to be visible from all distances from 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to but not in lieu of the red reflector.

B. No person may operate a bicycle upon a highway, bicycle lane or bicycle way unless all braking equipment with which the bicycle was originally provided is in good working order. No person may operate a bicycle equipped with a coaster brake upon a highway, bicycle lane, or bicycle way unless such brakes will enable the operator to make the rear wheel skid on dry, level, clean pavement.

Sec. 8.03.05 Violations and penalties

The first violation of this chapter shall result in a verbal or written warning, and for a second and subsequent violations the person, or the parent or guardian in the case of a minor child, shall be subject to a fine of not less than $10 nor more than $100.

CHAPTER 8.04 SNOWMOBILES

Sec. 8.04.01	Statutory provisions adopted
Sec. 8.04.02	Restrictions on operation
Sec. 8.04.03	Speed limit
Sec. 8.04.04	Operation on sidewalks prohibited
Sec. 8.04.05	Snowmobile routes designated
Sec. 8.04.06	Enforcement and penalties

Sec. 8.04.01 Statutory provisions adopted

A. 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, as may be amended or revised, are adopted by reference and made part of this Chapter as if fully set forth in this Chapter. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter.

§350.01	Definitions
§350.02	Operation of snowmobiles on or in the vicinity of a highway
§350.03	Right-of-way
§350.035	Meeting of snowmobiles
§350.04	Snowmobile races, derbies and routes
§350.045	Public utility exemption
§350.05	Operation by youthful operators restricted
§350.07	Driving animals
§350.08	Owner permitting operation
§350.09	Head lamps, tail lamps and brakes, etc.
§350.095	Noise level requirements
§350.10	Miscellaneous provisions for snowmobile operation
§350.101	Intoxicated snowmobiling
§350.11	Penalties
§350.115	Snowmobile registration restitution surcharge
§350.12	Registration of snowmobiles; trail use stickers
§350.135	Interferences with uniform trail signs and standards prohibited
§350.15	Accidents and accident reports

§350.17	Enforcement
§350.19	Liability of landowners
§350.99	Parties to a violation

B. Applicability of Traffic Laws. No person shall operate a snowmobile upon any street, highway or alley within the Village of Sauk City in violation of the provisions of Sections 346.04, 346.06, 346.11, 346.14(1m), 346.18, 346.19, 346.20, 346.21, 346.215(3), 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), 346.935, and 346.94(1) and (9), Wis. Stats. Any act that is required to be performed or that is prohibited by such traffic laws is required or prohibited by this Chapter.

C. Conformity with State Law. This Chapter shall be construed to be in strict conformity with ss. 350.02 to 350.05, 350.07 to 350.107, 350.11, 350.12, 350.13, 350.135, 350.15 to 350.17, 350.19 and 350.99, Wis. Stats.

Sec. 8.04.02 Restrictions on operation

Except as provided in secs. 350.02 and 350.03, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park or on any other public property in the Village.

Sec. 8.04.03 Speed limit

No person shall operate a snowmobile at a speed in excess of 15 miles per hour within the Village.

Sec. 8.04.04 Operation on sidewalks prohibited

No person shall operate a snowmobile on any sidewalk, pedestrian way, or tree bank within the Village except for the purpose of crossing in compliance with state and local snowmobile and traffic laws.

Sec. 8.04.05 Snowmobile routes designated

A. The following listed public right-of-ways and shoulders thereof within the Village of Sauk City will be designated as snowmobile routes for the purpose of residential access or for the purpose of access from lodging accommodations:

(1) Phillips St. from Sycamore to Water St.

(2) Water St. From Phillips St. to the Great Sauk State Trail

(3) The Great Sauk State Trail from south Water St. to Carolina St.

(4) Carolina St. from the Great Sauk State Trail to Lueders Rd.

B. The Village Board may designate additional snowmobile routes across Village-owned property at its discretion.

C. The Chief of Police shall have the power to declare the state snowmobile routes and trails either open or closed.

Sec. 8.04.06 Enforcement and penalties

A. This Chapter may be enforced by any law enforcement officer listed in sec. 350.17(1), Wis. Stats.

B. Violations of this Chapter shall incur the maximum penalties allowed as set forth in sec. 350.11, Wis. Stats.

CHAPTER 8.05 VEHICLES AND APPLIANCES, ABANDONED AND JUNKED

Sec. 8.05.01 Abandoned vehicles
Sec. 8.05.02 Junked vehicles and appliances

Sec. 8.05.01 Abandoned vehicles

A. Prohibition. No person shall leave unattended any motor vehicle, trailer, semitrailer, or mobile home on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any Village street or highway or on any public or private property within the Village without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

B. Removal and impoundment. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under this section, except that if the Police Chief or its duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Village prior to expiration of the impoundment period upon determination by the Police Chief or its duly authorized representative that the vehicle is not wanted for evidence or other reason.

C. Disposal.

(1) If the Police Chief or its duly authorized representative determines that the value of the abandoned vehicle exceeds $800, the officer shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the Village and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges and if not so reclaimed shall be sold.

(2) In the event an abandoned vehicle determined to exceed $800 in value is not reclaimed within the period and under the conditions as provided in para. (1) above, it may be sold by sealed bids. The description of the vehicle and the terms of sale shall be published as a Class 1 notice five days before the sale.

(3) After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the treasury.

(4) Any abandoned vehicle which is determined by the Police Chief or its duly authorized representative to have a value of less than $800 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

D. Costs. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.

E. Notice of sale or disposition. Within five days after the sale or disposal of a vehicle as provided in Subsection C, the Police Chief or its duly authorized representative shall advise the Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such form shall also be given to the purchaser of the vehicle. A copy shall also be retained on file in the Village.

Sec. 8.05.02 Junked vehicles and appliances

A. Storage restricted. No disassembled, abandoned, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery or appliances shall be stored or allowed to remain in the open upon private property within the Village for a period exceeding 20 days.

B. Definitions. The following words when used in this section shall have the meaning ascribed to them as follows:

(1) Disassembled, Inoperable, Junked or Wrecked Motor Vehicles, Truck Bodies, Tractors, and Trailers. Includes but is not limited to motor vehicles, truck bodies, tractors, trailers, tractor-trailers, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways or which are 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) Inoperable Appliance. Includes but is not limited to any stove, washer, dishwasher, trash compactor, or refrigerator which is no longer operable in the sense for which it was manufactured.

(3) Unlicensed Motor Vehicles, Truck Bodies, Tractors, Tractor Trailers, or Other Trailers. Includes but is not limited to motor

vehicles, truck bodies, tractors, tractor-trailers, or other trailers which do not bear lawfully current license plates.

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 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 that such vehicles are stored in rear yard areas. Such business enterprises shall include auto junkyards and auto repair and body shops but shall not include automobile service stations or automotive accessory or parts stores, except those service stations which operate a duly licensed wrecker service. Also excepted are motor vehicles registered pursuant to secs. 341.265 and 341.266, Wis. Stats. In other situations, the Chief of Police may issue permits permitting an extension of not to exceed an additional 30 days 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 Village, it shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this section. If said vehicle or appliance is not removed within five 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 20 days after issuance of a citation, the Chief of Police shall cause the vehicle or appliance to be removed and impounded and it shall thereafter be disposed of as prescribed in Sec. 8.05.01 by the Chief of Police or its 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 of a forfeiture of not less than $25 nor more than $500

together with the costs of prosecution. Each motor vehicle or appliance involved shall constitute a separate offense.

TITLE 9. OFFENSES AND NUISANCES

CHAPTER 9.01 GENERAL PROVISIONS AND ENFORCEMENT

CHAPTER 9.02 OFFENSES AGAINST BODILY SECURITY

CHAPTER 9.03 OFFENCES AGAINST PUBLIC SAFETY AND WELFARE

CHAPTER 9.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY

CHAPTER 9.05 OFFENSES AGAINST PUBLIC PEACE, GOOD ORDER AND OTHER PUBLIC INTEREST

CHAPTER 9.06 OFFENSES AGAINST PUBLIC DECENCY

CHAPTER 9.07 ENFORCEMENT

CHAPTER 9.08 DRUGS AND DRUG PARAPHERNALIA

CHAPTER 9.09 NUISANCES

CHAPTER 9.10 BRUSH, GRASS AND WEEDS

CHAPTER 9.11 MINORS; UNDERAGE PERSONS

CHAPTER 9.01 GENERAL PROVISIONS AND ENFORCEMENT

Sec. 9.01.01 Definitions
Sec. 9.01.02 Incorporation of certain statutory offenses
Sec. 9.01.03 Attempt
Sec. 9.01.04 Parties to offense

Sec. 9.01.01 Definitions

For the purpose of this chapter, the definitions of words and phrases contained in the Wisconsin Criminal Code, specifically sec. 939.22, Wis. Stats., and Ch. 990 and

sec. 990.01, Wis. Stats., are hereby adopted and by reference made a part hereof with the same force and effect as if fully set forth herein.

Sec. 9.01.02 Incorporation of certain statutory offenses

A. The sections and subsections of the Wisconsin Statutes describing, defining and prohibiting conduct and cross-references contained therein, which are enumerated from time to time in this Title, are hereby adopted and by reference made a part of this Title with the same force and effect as if fully set forth herein, exclusive of any provision relating to penalties. Any act required or prohibited by any statute incorporated by reference is required or prohibited by this Title.

B. Interpretation. In those enumerated sections and subsections of the Wisconsin Statutes:

(1) Whenever the word "crime" is used, it shall be taken to mean "offense."

(2) Whenever the phrase "criminal intent" is used, it shall be taken to mean "intent."

Sec. 9.01.03 Attempt

A. Whoever attempts to commit an offense under this chapter may be fined not to exceed one-half of the maximum penalty for the completed offense.

B. An attempt to commit an offense requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute such offense and that the actor does acts toward the commission of the offense which demonstrates, under all the circumstances, that the actor formed that intent and would commit the offense except for the intervention of another person or some other extraneous factor.

Sec. 9.01.04 Parties to offense

A. Whoever is concerned in the commission of an offense is a principal and may be charged with and convicted of the commission of the offense although the person did not directly commit it and although the person who directly committed it had not been convicted or has been convicted of some other offense based on the same act.

B. A person is concerned in the commission of the offense if that person:

(1) Directly commits the offense;

(2) Intentionally aids and abets the commission of it; or

(3) Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it.

CHAPTER 9.02 OFFENSES AGAINST BODILY SECURITY

Sec. 9.02.01 State laws adopted

Sec. 9.02.01 State laws adopted

The following Wisconsin Statutes are hereby adopted by reference as though fully set forth herein:

A. Battery (sec. 940.19);

B. Physical abuse of a child (sec. 948.03);

C. Battery: special circumstances (sec. 940.20);

D. Injury by negligent handling of dangerous weapon, explosives or fire (sec. 940.24);

E. False imprisonment (sec. 940.30);

F. Sexual assault [sec. 940.225(3m)];

G. Representations depicting nudity (sec. 942.09);

H. Crimes against children (Ch. 948).

CHAPTER 9.03 OFFENCES AGAINST PUBLIC SAFETY AND WELFARE

Sec. 9.03.01	State laws adopted
Sec. 9.03.02	Firearms and ammunition
Sec. 9.03.03	Throwing or shooting arrows, stones and other missiles
Sec. 9.03.04	Bow hunting within the Village
Sec. 9.03.05	Blasting
Sec. 9.03.06	Certain weapons restricted

Sec. 9.03.01 State laws adopted

The following Wisconsin Statutes are hereby adopted by reference as though fully set forth herein:

A. Possession of controlled substances (Uniform Controlled Substances Act) (secs. 961.38 to 961.69)

B. Negligent operation of vehicle (sec. 941.01)

C. Negligent handling of burning materials (sec. 941.10)

D. Unsafe burning of buildings (sec. 941.11)

E. Interfering with fire-fighting (sec. 941.12)

F. False alarms (sec. 941.13)

G. Endangering safety by use of dangerous weapon (sec. 941.20)

H. Carrying concealed weapon (sec. 941.23)

I. Carrying a concealed knife (sec. 941.231)

J. Emergency telephone calls (sec. 941.35)

K. Molotov cocktails (sec. 943.06)

Sec. 9.03.02 Firearms and ammunition

A. Discharge of firearms prohibited. No person except a sheriff, police officer or other law officer shall fire or discharge any firearm, rifle, spring gun, air gun, or pneumatic pellet gun of any description within the Village of Sauk City.

B. Restrictions on Possession of Firearms. No person except a sheriff, police officer or other law officer shall have any firearm, rifle, spring gun, air gun, or pneumatic pellet gun in the person's possession or under the person's control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container in which the weapon is not visible, except as may be permitted under sec. 175.60, Wis. Stats., or sec. 167.31, Wis. Stats.

C. Possession of ammunition and sale to minors. No person under the age of 16 years of age shall have in the person's possession any ammunition for any spring gun, air gun, or pneumatic pellet gun unless accompanied by a parent, guardian or any person 18 years of age or more or unless the person has a Department of Natural Resources certificate.

D. No person shall intentionally sell or give away any firearm, rifle, spring gun, air gun, or pneumatic pellet gun, or ammunition therefor, to any person under the age of 18 years of age unless accompanied by a parent or legal guardian.

E. No person under the age of 14 years of age shall have in the person's possession any firearm, rifle, or ammunition therefor, unless the juvenile has complied with and been certified with the standards set down by the Department of Natural Resources in the hunter safety course offered to juveniles 12 years old and older.

F. Supervised ranges within Village. This section shall not prevent the maintenance and the use of duly supervised rifle or pistol ranges authorized by the Village Board.

G. Hunting. This section prohibits hunting within the Village and on all Village owned lands for public safety reasons, except where the Chief of Police has issued a written permit to the owners or occupants of private premises to hunt or shoot on such premises after determining that such privileges are necessary for the protection of life and/or property and subject to such safeguards as the Chief of Police may impose for the safety of the lives and property of other persons within the Village, and further provided that the hunting activity complies with state law.

H. Exceptions; Interpretation. This section shall not apply to authorized gun repair shops; the firing of blanks as part of a funeral service, civic ceremony or authorized parade or reenactment; or the use of air guns within a private building, provided that an adequate backstop or trap is provided. This section shall be construed to be no more stringent than applicable state law.

Sec. 9.03.03 Throwing or shooting arrows, stones and other missiles

No person shall discharge, throw or shoot any dangerous object, arrow, stone, snowball, or other missile or projectile, at any other person or at or into any building, street, sidewalk, alley, highway, park, playground, or other public place within the Village of Sauk City. No person shall throw or shoot any arrow in a private or public place within the Village of Sauk City. This section shall not prevent the maintenance and use of duly supervised ranges authorized by the Village Board or Police Chief or bow hunting as may be permitted under Sec. 9.03.04.

Sec. 9.03.04 Bow hunting within the Village

Notwithstanding any other provision in this Chapter, no person is prohibited from bow hunting, meaning hunting with a bow and arrow or cross bow, within the Village provided the person strictly adheres to the following restrictions:

A. Bow hunting shall not occur within 100 yards of any building located on another person's land. For purposes hereof, the term "building" means a permanent structure used for human occupancy and includes a manufactured home as defined in Wis. Stats. sec. 101.91(2). The foregoing restriction shall not apply if the person who owns land on which the building is located allows the hunter to hunt within the specified distance of the building.

B. The person must discharge the arrow or crossbow bolt toward the ground.

C. Bow hunting is prohibited on any Village owned lands.

Sec. 9.03.05 Blasting

It shall be unlawful to blast within the Village limits of the Village of Sauk City, unless the person or firm desirous of blasting first secures a permit from the Village Administrator and pays a permit fee as set by the Village Board and provides notice to the Chief of Police and Fire Chief of the date, time and location of such blasting.

Sec. 9.03.06 Certain weapons restricted

A. No person shall sell, manufacture, purchase, possess, or carry a num-chuk (also called a "nunchaku") or a churkin or a sucbai or similar weapon within the Village of Sauk City, except the Knights of Columbus or establishments duly authorized to provide instruction in karate, in their establishments or in ceremonies.

B. For the purpose of this section the following definitions shall apply:

(1) Churkin. A round throwing knife consisting of several sharp points protruding from a rounded disc.

(2) Num-chuk or Nunchaku. An instrument consisting of two or more sticks, clubs, or rods connected by a rope, cord, wire or chain.

(3) 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 hand.

C. No person shall sell or offer for sale and no person shall purchase, carry, go armed with or shoot or use any slingshot or similar device designed to throw or propel any missile within the Village of Sauk City.

D. No person may sell, possess, use or transport any bomb, hand grenade, projectile, shell or other container of any kind or character into which tear gas or a similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property in the Village of Sauk City.

E. No person shall go armed with or possess any brass knuckles, clubs, or other such items designed primarily as weapons in any public place within the Village of Sauk City.

F. Police officers and sheriff's officers are exempt from this section.

G. Law enforcement officers are to confiscate and destroy all of the above after termination of legal action.

CHAPTER 9.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY

Sec. 9.04.01	State laws adopted
Sec. 9.04.02	Destruction of property
Sec. 9.04.03	Loitering or prowling
Sec. 9.04.04	Obstructing streets and sidewalks
Sec. 9.04.05	Littering
Sec. 9.04.06	Issuance of worthless checks

Sec. 9.04.01 State laws adopted

The following Wisconsin Statutes are hereby adopted by reference as though fully set forth herein:

A. Criminal damage to property (sec. 943.01)

B. Criminal trespass to land (sec. 943.13)

C. Entry into locked vehicle (sec. 943.11)

D. Criminal trespass to dwellings (sec. 943.14)

E. Theft (sec. 943.20)

F. Fraud on hotel or restaurant keeper (sec. 943.21)

G. Operating vehicle without owner's consent (sec. 943.23)

H. Issue of worthless checks (sec. 943.24)

I. Removing or damaging encumbered real property (sec. 943.26)

J. Receiving stolen property (sec. 943.34)

K. Alteration of property identification marks (sec. 943.37)

L. Forgery (sec. 943.38)

M. Credit card crime (sec. 943.41)

N. Obtaining telecommunications service by fraud (sec. 943.45)

O. Shoplifting (sec. 943.50)

P. Entry into locked coin box (sec. 943.125)

Q. Entry onto a construction site or into a locked building, dwelling, or room (sec. 943.15)

R. Cheating tokens (sec. 943.22)

S. Storage of junked automobiles (sec. 175.25)

Sec. 9.04.02 Destruction of property

No person shall willfully, maliciously, or wantonly deface, injure or destroy any public property or any private property. Likewise, a parent or legally appointed guardian of any minor who shall fail to exercise reasonable care so as to prevent such minor from intentionally damaging public or private property or from behaving in such a manner as may reasonably be calculated to result in damage to any of such property shall be deemed to have violated this section, and such parent or guardian shall be personally liable to the owner for such damage, subject to the limitations imposed thereon by sec. 895.035, Wis. Stats.

Sec. 9.04.03 Loitering or prowling

A. 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 peace officer, refuses to provide identification, or conceals any object or attempts to be concealed from view. Unless flight by the person or other circumstances make it impractical, a peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting identification and an explanation of the person's conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence or if the explanation given by the person is deemed to be true and, if it had been believed by the peace officer at the time, would have dispelled the alarm.

B. No person shall loaf or loiter:

(1) In a public or private place conspicuously posted "No Loitering."

(2) Upon a public street, alley, sidewalk, street crossing or bridge or in any other public place within the Village in such a manner as to prevent, interfere with, or obstruct the ordinary free use of such place by persons passing along and over the same.

(3) In groups or crowds in or upon private premises after being requested to move by the owner of the premises or their designee having authority over the private premises.

Sec. 9.04.04 Obstructing streets and sidewalks

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

Sec. 9.04.05 Littering

No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the Village, or upon any private property not owned by the person, or upon the surface of any body of water within the limits of the Village.

Sec. 9.04.06 Issuance of worthless checks

A. Whoever issues any check or other order for the payment of money of not more than $2,500 which, at the time of issuance, the person intends shall not be paid is guilty of a violation of this section.

B. Any of the following is prima facie evidence that the person at the time the person 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;

(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 days after receiving notice of nonpayment 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 days after receiving notice of nonpayment or dishonor, to pay the check or other order.

C. This section does not apply to a postdated check or to a check given in past consideration, except a payroll check.

D. Any person violating any provision of this section shall forfeit not less than $100 if the worthless check is for an amount not more than $2,500, together with the costs of prosecution and any service fee(s) assessed by the Sauk Prairie Police Department and/or the bank upon which the check is drawn from, and in default of payment shall be imprisoned in the Sauk County Jail until forfeiture and costs are paid, but not to exceed 60 days.

CHAPTER 9.05 OFFENSES AGAINST PUBLIC PEACE, GOOD ORDER AND OTHER PUBLIC INTEREST

Sec. 9.05.01	State laws adopted
Sec. 9.05.02	Noise
Sec. 9.05.03	Obscene language and sexual conduct in public places
Sec. 9.05.04	Conduct towards wildlife
Sec. 9.05.05	Unauthorized presence on school property
Sec. 9.05.06	Child sex offender restrictions
Sec. 9.05.07	Possession of controlled substances
Sec. 9.05.08	Aid to prisoners
Sec. 9.05.09	Alcoholic beverages in public areas.
Sec. 9.05.10	Disorderly conduct with a motor vehicle.

Sec. 9.05.01 State laws adopted

The following Wisconsin Statutes are hereby adopted by reference as though fully set forth herein:

A. Disorderly conduct (sec. 947.01)

B. Bomb scares (sec. 947.015)

C. Unlawful assemblies and their suppression (sec. 947.06)

D. False swearing (sec. 946.32)

E. Fraudulent tapping of electric wires of gas or water meters or pipes (sec. 941.36)

F. Refusing to aid officer (sec. 946.40)

G. Resisting or obstructing officer (sec. 946.41)

H. Escape (sec. 946.42)

I. Impersonating a peace officer (sec. 946.70)

J. Falsely assuming to act as a public officer or employee or a utility employee (sec. 946.69)

K. Crimes against animals. (secs. 951.015 to 951.15). [Amended 3-14-2017 by Ord. No. 2017-1]

L. Tampering with public records and notices [sec. 946.72(2)].

M. Unlawful use of telephone (sec. 947.012)

N. Unlawful use of computerized communication systems (sec. 947.0125)

O. Harassment (sec. 947.013)

P. Lewd and lascivious behavior (sec. 944.20)

Q. Underage and intoxicated persons; presence on licensed premises; possession (sec. 125.07)

R. Lewd, obscene, or indecent matter, pictures and performances (sec. 944.21)

S. Making lewd, obscene, or indecent drawings (sec. 944.23)

T. Prostitution (sec. 944.30)

U. Patronizing prostitutes (sec. 944.31)

V. Pandering (sec. 944.33)

W. Keeping place of prostitution (sec. 944.34)

Sec. 9.05.02 Noise

A. No person occupying or having charge of any building or premises, or any part thereof, shall within the Village of Sauk City:

(1) Make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented or is necessary for the protection of or preservation of property or of the health, safety, life or limb of some person.

(2) Cause, suffer, or allow any loud, excessive or unusual noise in the operation of or use of any mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise disturbs the reasonable comfort, quiet and repose of persons therein or in the vicinity.

(3) Keep or allow to be kept any animal or bird which habitually, by any noise, disturbs the reasonable comfort, quiet, and repose of any person in the vicinity thereof.

B. No person shall use or operate, or cause to be used or operated, in or upon any public street, within a public park, or from any aircraft, any device, apparatus or instrument for the amplification of the human voice or any sound or noise, or other sound-making or sound-reproducing device which disturbs the reasonable comfort, quiet, and repose of persons in the vicinity thereof.

C. No person shall make or cause to be made, for the purpose of advertising or announcing a vocation or presence, or in connection with the buying or selling of any goods, wares, merchandise, services, or anything whatsoever, or with the carrying on of any trade, occupation, vocation or profit-making activity, an immediate or excessive use of the voice or of any bell, gong, horn, instrument, or other noise-producing device. The violation of this section in connection with any license or permit shall be cause for the revocation thereof.

D. Exceptions. The following activities are exempt from the application of this section.

(1) Noise from construction projects during the hours of 6:00 a.m. to 9:00 p.m., or in cases of emergency construction work, during all hours.

(2) Noise from lawn equipment, snowblowers, and other non-construction maintenance equipment during the hours of 7:00 a.m. to 9:00 p.m., and snowblowers used at any time to gain access to a Village street.

(3) Noise from outdoor events or special events as permitted by the Village.

(4) Noise from police, fire, or other emergency service personnel in the performance of their duties.

E. Standards for loud or excessive noises.

(1) Noise from a stationary source may not exceed the following standards for maximum sound pressure levels measured at the source's property line.

Zoning Districts	7AM-9PM Noise Rating	9PM - 7AM Noise Rating
All Residential	60 dB	50 dB
All Business	70 dB	70 dB
All Other Districts	75 dB	75 dB

(2) Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor in determining permissible noise limits. If the subject noise being measured exceeds the ambient noise by the following amounts, the subject noise may be deemed excessive.

Zoning Districts	Increase in Noise Level over Ambient Noise Level
All Residential	3 dB
All Business	5 dB
All Other Districts	8 dB

(3) Pure tones and impulsive noises may be determining factors. Five noise rating numbers shall be taken and compared to the appropriate standard in Paragraph (1) above.

(4) Methods of measurement. Noise measurement shall be made with minimum of a Type 2 sound meter than complies with ANSI standard S1.4-1983, using "A" weighted values. Noise measurement shall be made at a location directly across the street from the source of the sound. The noise meter shall be placed at a height at least three (3) feet above the ground and at least three (3) feet away from walls, barriers, obstructions, and all other sound reflective surfaces.

Sec. 9.05.03 Obscene language and sexual conduct in public places

A. In this Section, the following definitions apply:

(1) "Language" means words, sounds, or gestures or any combination thereof.

(2) "Obscene" means language or sexual conduct which taken as a whole:

(a) Appeals to a prurient interest in sex;
(b) Portrays sexual conduct in a patently offensive way; and
(c) Does not have serious literary, artistic, political or scientific value.

(3) "Sexual conduct" means acts of sexual intercourse between humans, actual or simulated acts of masturbation, fellatio, cunnilingus, and acts of excretory functions, lewd exhibition of the

genitals, especially in a stimulated condition, and sexual relations between humans and animals.

B. No person shall use any obscene language or sexual conduct in any public place within the Village of Sauk City.

Sec. 9.05.04 Conduct towards wildlife

A. No person shall willfully or wantonly kill, destroy, catch, wound, maim, worry or molest any songbird or squirrel, nor shall any person permit any dog or cat owned by the person or in the person's care to chase, worry, molest, or disturb any songbird or squirrel within the Village of Sauk City.

B. No person shall intentionally feed or participate in feeding any waterfowl, geese, gulls, pigeons, or other birds on any property owned by the Village, including in parks, on trails, on sidewalks, or in other recreation areas.

Sec. 9.05.05 Unauthorized presence on school property

A. It shall be unlawful for any person, except as provided in Subsection B hereof, to be present in any public school building or on any public school grounds without the permission of the school principal, custodian, or other person in charge thereof.

B. This section shall not apply to:

(1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian, or other person in charge thereof to leave the school building or school grounds.

(2) Persons coming into the school building or grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which such facilities are located and during the hours such facilities are specifically opened to the general public or an invited portion thereof.

(3) Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.

C. The exceptions set forth in this Section shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.

Sec. 9.05.06 Child sex offender restrictions

A. Findings. The Village Board of the Village of Sauk City, Wisconsin, has determined that there is a risk that persons convicted of a sexual offense against a child may reoffend in locations close to where children tend to congregate. Due to the high rate of recidivism for child sexual offenders, reducing the opportunity and temptation is important to minimizing the risk of re-offense. Accordingly, there is a need to protect children where they congregate or play in public places. Therefore, it is the intent of this section to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the children of the Village of Sauk City by prohibiting convicted sexual offenders from loitering or being present in specified areas around locations where children regularly congregate in concentrated numbers. In addition to schools and day-care centers, the Village finds and declares that children congregate or play at child-oriented facilities, such as parks and playgrounds and libraries. This section also recognizes that convicted sexual offenders must reenter the community and the Village of Sauk City accepts that it has a responsibility to convicted sexual offenders and the surrounding area municipalities to ensure that its regulatory measures are not aimed at prohibiting convicted sexual offenders from being part of this society. This section is not intended to be a criminal penalty.

B. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning. All other terms are to be given their commonly used and understood meaning:

(1) "Child" means a person under the age of fifteen (15).

(2) "Designated Offender" means any person:

(a) Who has been convicted of a sexual offense against a child, and is required to register under Wis. Stat. sec. 301.45; or

(b) Is under court-ordered supervision by the Wisconsin Department of Corrections for any sexual offense against a child.

(c) The term "designated offender" does not include a person who:

(i) At the time of the offense was under the age of 18; and,

(ii) Was not tried and convicted of the offense as an adult.

(3) "Loiter-free zone" means a one-hundred-foot radius surrounding all restricted zones, except businesses defined in the Restricted Zone Map on file at the Village Clerk's office.

(4) "Loitering" means to stand or wait around idly or without an apparent or legitimate purpose.

(5) "Restricted Zone Map" means an official map, maintained by the Village, showing restricted zones designated in red and loiter-free zones designated in yellow. The Village shall update the Restricted Zone Map as needed to reflect any changes in the location of restricted zones and loiter-free zones. Any such changes shall be made at a regularly scheduled meeting of the Village Board with approval by the full board. Restricted Zone Maps will be available at the Village Office.

(6) "Restricted Zones" means certain areas that are designated by the Village as areas children congregate, including, but not limited to, schools, parks, libraries, playgrounds, licensed day-care centers, or any other place designated by the Village as a place where children are known to congregate. Restricted zones will not expand beyond the real estate parcel or parcel(s) upon which the building, park, or establishment is located that prompted the Village's designation of the property as a restricted zone. A restricted zone will include contiguous parcels used for ancillary purposes, such as an athletic field located adjacent to a school.

C. Locations and acts prohibited.

(1) Restricted zones:

(a) Prohibitions. It is unlawful for any designated offender to be physically present within a restricted zone under any of the following circumstances:

(i) When children are present or should be known to be present; or

(ii) Monday through Friday, in a school or day-care center restricted zone between 7:00 a.m. and 11:00 p.m.; or

(iii) In a park or playground restricted zone between 7:00 a.m. and 11:00 p.m.

(b) Exceptions. A designated offender may be physically present on any day or time within a restricted zone if either of the following conditions are met:

(i) The designated offender has official business in the zone; or

(ii) The zone includes a facility, which is lawfully attended by the designated offender's natural or adopted children; or

(iii) The designated offender has received preapproval from the Sauk Prairie Police Department.

(2) Loiter-free zones. It is unlawful for any designated offender to loiter within a restricted zone or loiter-free zone.

D. Penalty. A person who violates this section shall be subject to a forfeiture of not less than $250, nor more than $500, exclusive of costs, for the first offense. Any subsequent violation of this section shall result in a forfeiture of not less than $750, nor more than $1,000.

E. Effective date. This section shall become effective upon its passage and publication.

Sec. 9.05.07 Possession of controlled substances

It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in Schedule I or II 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 the practitioner's professional practice, or except as otherwise authorized by this chapter.

Sec. 9.05.08 Aid to prisoners

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

Sec. 9.05.09 Alcoholic beverages in public areas

A. Definitions. As used in this section, the following definitions apply:

(1) "Alcoholic beverage" means fermented malt beverages and intoxicating liquor as defined by §125.02, Wis. Stats.

(2) "Public Area" means any location within the Village which is open to access to persons not requiring specific permission of the owner to be at such location, including all parking lots serving commercial establishments.

B. Regulations. It shall be unlawful for any person to sell or serve, or offer to sell or serve, or to consume, or to carry or expose to view any open container of any alcoholic beverage upon any street, sidewalk, alley, public parking lot, highway, cemetery or other public area within the Village or on private property without the owner's consent. Village-owned parks or recreation areas are exempt from this prohibition, except that glass containers are prohibited.

C. Exceptions.

(1) The provisions of this section may be waived by the Village Board for duly authorized events.

(2) This section shall not apply to any organization which has been issued a special Class "B" fermented malt beverage picnic license pursuant to Village Ordinances.

Sec. 9.05.10 Disorderly conduct with a motor vehicle

No driver of any vehicle, including motorcycles, all-terrain vehicles, and bicycles, shall cause the tires of such vehicle or cycle to spin and emit loud noises or to unnecessarily throw stones or gravel as a result of excessive and unnecessary acceleration; nor shall such driver cause to be made any loud noise by excessive and unnecessary acceleration as would disturb the public peace.

CHAPTER 9.06 OFFENSES AGAINST PUBLIC DECENCY

Sec. 9.06.01 Gambling and fraudulent devices

Sec. 9.06.01 Gambling and fraudulent devices

All forms of gambling and fraudulent devices and practices are prohibited within the limits of the Village. Any peace officer or policeman of the Village is authorized to seize anything devised solely for gambling or found in actual use for gambling within the Village and to dispose thereof, after a judicial determination that the device was used solely for gambling or found in actual use for gambling.

CHAPTER 9.07 ENFORCEMENT

Sec. 9.07.01 Violations and penalties

Sec. 9.07.01 Violations and penalties

Except where another penalty is provided in this Title Nine, any person who shall violate any provision of this Title shall, upon conviction thereof, be punished as follows:

A. For a violation of any provision of this chapter which adopts a state law by reference, the forfeiture shall be the same as the penalty for violation of the statute, and where the state provides no monetary penalty, the forfeiture shall be no greater than $500.

B. For a violation of any other provision of this chapter the penalty shall be a forfeiture of not less than $50 nor more than $300 for a first violation and not less than $75 nor more than $500 for subsequent violations, together with costs of prosecution.

C. In the event proceedings are commenced against children aged 16 years or older for violations of this chapter, the provisions of secs. 938.17(2) and 938.343, Wis. Stats., shall be applicable.

CHAPTER 9.08 DRUGS AND DRUG PARAPHERNALIA

Sec. 9.08.01	Marijuana
Sec. 9.08.02	Drug Paraphernalia
Sec. 9.08.03	Drugs and Drug Paraphernalia: Synthetic Cannabinoid

Sec. 9.08.01 Marijuana

A. Findings. The people of the Village specifically determine that the regulations herein contained concerning marijuana and cannabis are necessary to serve the public interest by providing just and equitable legal treatment of the citizens of this community and to preserve the respect of such citizens for law, its process and its administration.

B. Definitions. As used in this chapter, the following definitions apply:

(1) "Cannabis" means the resin extracted from any part of the plant Cannabis Sativa L. or any other nonfibrous extract from any part of the plant containing delta-9-tetrahydrocannabinol.

(2) "Casually possess" means the possession of not more than 25 grams of a substance containing cannabis or marijuana.

(3) "Marijuana" means all parts of the plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. "Marijuana" does include the mature stalks if mixed with other parts of the plant, but does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

(4) "Practitioner" means:

(a) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

(b) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct

research with respect to or administer a controlled substance in the course of professional practice or research in this state.

(5) "Public Place" means a place which is in public ownership or a place to which the public has access, distinguished from a private place.

C. Prohibited acts. No person shall:

(1) Casually possess marijuana or cannabis, unless such marijuana or cannabis was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice.

(2) Knowingly possess or produce the Cannabis Sativa L. plant.

Sec. 9.08.02 Drug Paraphernalia

A. Definitions. As used in this chapter, the following definitions apply:

(1) "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 chapter. "Drug paraphernalia" includes but is not limited to:

(a) 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.
(b) Kits used, intended for use, or designed for use in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, or preparing controlled substances.
(c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
(d) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.

(f) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.

(g) 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.

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.

(i) Capsules, balloons, envelopes or other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

(k) Hypodermic syringes, needles, or other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

(l) 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:

(i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls.

(ii) Water pipes.

(iii) Carburetion tubes and devices.

(iv) Smoking and carburetion masks.

(v) 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.

(vi) Miniature cocaine spoons and cocaine vials.

(vii) Chamber pipes.

(viii) Carburetor pipes.

(ix) Electric pipes.

(x) Air-driven pipes.

(xi) Chillums.

(xii) Bongs.

(xiii) Ice pipes or chillers.

B. Determination of drug paraphernalia. In determining whether an object is drug paraphernalia, the following shall be considered, without limitation, or 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 chapter.

(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 chapter. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this chapter 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 sole 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 in violation of this chapter.

(2) Manufacture or delivery of drug paraphernalia. No person may deliver, or possess with intent to deliver, drug paraphernalia, knowing that it will be solely 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 in violation of this chapter.

(3) Delivery of drug paraphernalia by a minor to minor. Any person who is under 18 years of age who violates subsection B above by delivering drug paraphernalia to a person under 18 years of age who is at least three years younger than the violator is guilty of a special offense.

(4) Exemption. This chapter does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961, Wis. Stats. This chapter does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 961, Wis. Stats.

D. Adoption of statutory provisions. The Village does hereby adopt by reference secs. 961.573, 961.574 and 961.575, Wis. Stats., relating to the possession, manufacture, sale and delivery of drug paraphernalia.

E. Violations and penalties. Any person who violates sec. 9.08.02.C(1), (2), or (3) shall, upon conviction, be subject to disposition under sec. 938.344(2e), Wis. Stats.

Sec. 9.08.03 Drugs and Drug Paraphernalia: Synthetic Cannabinoid

A. Findings. The Village Board of the Village of Sauk City, Wisconsin, has determined that herbal preparations powdered or sprayed with a chemical synthetic cannabinoid are available for sale in the Sauk County area that claim to produce intoxicating effects similar to THC or marijuana. While the substances are not yet categorized as illegal controlled substances under Wisconsin or federal law, several other countries, states and municipalities have already taken action to prohibit these substances due to increased overdoses and other negative health

concerns. While these synthetic cannabinoid substances are often marketed as benign and legal alternatives to marijuana, they are potentially dangerous to users as the substances can create potency from three up to 100 times greater than marijuana, produce severe adverse health conditions such as hallucinations, paranoia, seizures, and vomiting based on reported emergency room experiences in areas of the country where use is more prevalent, and further that long-term health effects of use of these substances are not yet known. It has been determined that the effects of these substances are a health, safety, and welfare concern to the citizens of the Village of Sauk City.

B. Possession, use and, sale prohibited. It shall be illegal for any person to use, possess, transport, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, trade or barter any one or more of the following chemicals, whether under the common street names of "Spice," "K2," "Genie," "Yucatan Fire," "fake" or "new" marijuana, or by any other name, label or description:

(1) Salviadivinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;

(2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-l-ol some trade or other names: HU-210;

(3) 1-Pentyl-3-(1-naphthoyl) indole: some trade or other names: JWH-018\spice;

(4) 1-Butyl-3-(1-naphthoyl) indole: some trade or other names: JWH-073;

(5) 1-(3{trifluoromethylphenyl})piperazine: some trade or other names: TFMPP;

(6) Or any similar structural analogs.

C. Exception. Acts otherwise prohibited under this chapter shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts.

D. Violations and penalties. Any person violating this chapter shall be subject to a forfeiture of not less than $100 nor more than $500, exclusive of costs.

CHAPTER 9.09 NUISANCES

Sec. 9.09.01	Public nuisance prohibited.
Sec. 9.09.02	Definitions.
Sec. 9.09.03	Public nuisances affecting health.
Sec. 9.09.04	Public nuisances offending morals and decency.
Sec. 9.09.05	Public nuisances affecting peace and safety.
Sec. 9.09.06	Inspection of premises.
Sec. 9.09.07	Notice to owner.
Sec. 9.09.08	Abatement by Village.
Sec. 9.09.09	Abatement by court action.
Sec. 9.09.10	Recovery of costs.
Sec. 9.09.11	Other remedies.

Sec. 9.09.01 Public nuisance prohibited

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

Sec. 9.09.02 Definitions

A. As used in this chapter, the following definitions apply:

(1) "Public nuisance" means a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

(a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
(b) In any way render the public insecure in life or in the use of property.
(c) Greatly offend the public morals or decency
(d) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

Sec. 9.09.03 Public nuisances affecting health

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances affecting health, but such enumeration shall not be construed to exclude other possible acts, omissions, places, conditions and things as being defined as public nuisances affecting health within the scope of this chapter:

A. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

B. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

C. 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. All stagnant water in which mosquitoes, flies or other insects can multiply.

E. Private vaults and garbage cans which are not airtight.

F. All noxious weeds and other rank or unsightly growth of vegetation.

G. All animals running at large.

H. Accumulations of old cans, lumber, elm firewood and other refuse.

I. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Village.

J. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage or industrial wastes or other substances.

K. Any use of property, substances or other things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.

L. All abandoned wells not securely covered or secured from public use.

M. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.

N. All use or maintenance of building exteriors or surrounding premises which limits the use or enjoyment of neighboring property or which

causes or tends to cause diminution of the use and enjoyment of others in the neighborhood in which such premises is located by reason of exterior storage of scrap lumber, junk, trash, or other debris, including, without limitation because of enumeration, discarded objects or equipment such as motor vehicles, boats, furniture, appliances, farm or manufacturing equipment, building materials or litter.

Sec. 9.09.04 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 acts, omissions, places, conditions and things as being defined as public nuisances offending public morals and decency coming within the scope of this chapter:

A. 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. All gambling devices or slot machines.

C. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without permit or license as provided for in the ordinances of the Village.

D. Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

E. Any place or premises resorted to for the purpose of drinking intoxicating liquor of fermented malt beverages in violation of the laws of the state or ordinances of the Village.

Sec. 9.09.05 Public nuisances affecting peace and safety

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other acts, omissions, places, conditions and things as being defined as public nuisances affecting peace and safety coming within the scope of this chapter:

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

B. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures.

C. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railroad crossing which purport to be or may be mistaken as an official traffic-control device, railroad sign or signal or which because of their color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.

D. All trees, hedges, vegetation, 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. All use or display of fireworks except as provided by state law or local ordinance.

F. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

G. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the street surface or ground.

H. All loud, discordant and unnecessary noises or vibrations of any kind, which regularly or continually occur at levels that disturb the reasonable comfort, quiet, and repose of persons in the vicinity, including construction noise between the hours of 9:00 p.m. to 6:00 a.m., except in cases of emergency work.

I. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises greatly annoys or disturbs a neighborhood or any considerable number of persons within the Village.

J. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by Village ordinances, 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.

K. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.

L. All abandoned refrigerators from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

M. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

N. Repeated or continuous violations of state law or local ordinance relating to the storage of flammable liquids.

O. All snow and ice not removed or sprinkled with sand or salt as required by local ordinance.

Sec. 9.09.06 Inspection of premises

Whenever a written complaint is made to the Village Administrator that a public nuisance exists within the Village, the Administrator shall promptly notify the Chief of Police, Health Officer or Building Inspector who shall forthwith inspect or cause to be inspected the subject premises. The inspector shall make a written report of the findings to the Village Board. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Administrator.

Sec. 9.09.07 Notice to owner

If the inspecting officer determines that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village Board may direct the Chief of Police to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of the notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to take action to abate, remove or correct such nuisance within the period of time specified by the Village Board. Such notice shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

Sec. 9.09.08 Abatement by Village

If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Health Officer, in the case of health

nuisances, and the Chief of Police, in other cases, may cause the abatement or removal of such public nuisances.

Sec. 9.09.09 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 the findings with the Village Board which may cause an action to abate such nuisance to be commenced in the name of the Village in the Circuit Court of the county in accordance with the provisions of Ch. 823, Wis. Stats.

Sec. 9.09.10 Recovery of costs

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

Sec. 9.09.11 Other remedies

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the state.

CHAPTER 9.10 BRUSH, GRASS AND WEEDS

Sec. 9.10.01	Definitions
Sec. 9.10.02	Destruction of noxious weeds required
Sec. 9.10.03	Inspection; order to destroy; action by Village

Sec. 9.10.01 Definitions

As used in this chapter, the following definitions apply:

A. "Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by cutting, at such time and in such manner as will effectually prevent such plants from maturing to the bloom or flower stage.

B. "Noxious weeds" means:

(1) Canada thistle, leafy spurge, field bindweed (creeping jenny), ragweed, bull thistle, burdock, cocklebur, pigweed, and hemp;

(2) Tall grass exceeding an average of six inches in height, or any vegetation providing safe harborage for rats, mice, snakes, and other vermin;

(3) Noxious grasses, such as foxtail, redtop, orchard, timothy, and johnson;

(4) Any weed designated as a noxious weed by the Village Board within the Village limits; or,

(5) Any weed designated as a noxious weed by the department of natural resources by rule.

Sec. 9.10.02 Destruction of noxious weeds required

A person owning, occupying, or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on such lands.

Sec. 9.10.03 Inspection; order to destroy; action by Village

The Weed Commissioner or its designee shall inspect or cause to be inspected all premises within the Village to determine whether any noxious weeds, grass or brush as

defined herein exists. If the Weed Commissioner or its designee determines that such noxious weeds, grass or brush does exist, the Weed Commissioner shall serve or cause to be served upon the owner of the property a written notice to destroy the noxious weeds, grass or brush within five days of the service of the notice. If the owner does not destroy the noxious weeds, grass or brush within the specified time, the Weed Commissioner shall cause the same to be destroyed. The entire cost of the work performed by the Village shall be chargeable to and assessed against the parcel or lot affected as a special charge.

CHAPTER 9.11 MINORS; UNDERAGE PERSONS

Sec. 9.11.01	Curfew
Sec. 9.11.02	Alcoholic beverages
Sec. 9.11.03	Cigarettes and tobacco products
Sec. 9.11.04	Truancy
Sec. 9.11.05	Failure to exercise parental responsibility

Sec. 9.11.01 Curfew

No person who is under the age of 18 years of age shall be upon, or remain in or upon, any of the streets, alleys, parks, parking lots and/or public places in the Village of Sauk City between the hours of 10:30 p.m. and 4:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 4:00 a.m. Friday and Saturday unless such minor is accompanied by a parent, guardian or some person of lawful age having legal custody of such minor, or unless the minor is going home from a school-authorized activity or a church function, or unless the minor's employment makes it necessary for the minor to be upon said streets, alleys, parks, parking lots, or public places, in which case the provisions of this section shall not apply. If the minor is involved in a school activity, a church function or employment that requires the child to be upon said streets, alleys, parks, parking lots, or public places between the hours of 10:30 p.m. and 4:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 4:00 a.m. Friday and Saturday, such minor shall have a responsible adult that may be contacted in person or by telephone at that time to verify that minor's authorized school activity, church function, or employment attendance.

A. Responsibilities of parents. It shall be unlawful for a parent or guardian, or person in charge of a minor, to permit the minor under their control to be upon the streets, alleys, parks, parking lots, or other public places in the Village of Sauk City between the hours of 10:30 p.m. and 4:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 4:00 a.m. Friday and Saturday, unless accompanied by the minor's parent or guardian, or unless such minor is returning from either an authorized school or church function as provided in this section or from the minor's place of employment.

B. Any minor found violating the provisions of this section shall be taken and delivered by such police officer to the custody of the person having legal custody of the minor. A record of such violation shall be made and filed in the records of the Police Department. Any minor found violating the provisions of this section shall, upon conviction, be subject to a forfeiture of up to $25 for each offense; provided, however, that in the event proceedings are commenced against children aged 16 years or older

for violation of this section, the provisions of secs. 938.17(2) and 938.343, Wis. Stats., shall be applicable.

Sec. 9.11.02 Alcoholic beverages

A. Furnishing alcoholic beverages to underage persons. No person shall sell, furnish, or vend, or in any way deal or traffic in, or give away any intoxicating liquor or fermented malt beverage in any quantity whatsoever to any person under the age of 21.

B. Possession of false identification. No person shall possess identification that has been altered so as to not be true and accurate, nor shall any person present for identification purposes a document that is not true and accurate identification of said person.

C. Possession of alcoholic beverages by underage persons. No person under the age of 21 years shall procure, seek to procure, knowingly possess, or consume any intoxicating liquor or fermented malt beverage, except that fermented malt beverages may be consumed while under the immediate supervision of a parent or guardian.

Sec. 9.11.03 Cigarettes and tobacco products

A. Definitions. In this section, the following definitions apply:

(1) "Cigarette" has the meaning given in sec. 139.30(1m), Wis. Stats.

(2) "Child" means a person who is less than 18 years of age.

(3) "Law enforcement officer" has the meaning given in sec. 30.50(4s), Wis. Stats.

(4) "Tobacco product" has the meaning given in sec. 139.75(12), Wis. Stats.

B. Except as provided in Sec. 9.11.03.C, no child may do any of the following:

(1) Buy or attempt to buy any cigarette or tobacco product.

(2) Falsely represent the person's age for the purposes of receiving any cigarette or tobacco product.

(3) Possess any cigarette or tobacco product.

C. A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during the person's working hours if employed by a retailer licensed under sec. 134.65(1), Wis. Stats.

D. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Sec. 9.11.03.B committed in the officer's presence.

E. Penalties. A violation of this Section shall result in a forfeiture of not less than $25 together with costs of prosecution.

Sec. 9.11.04 Truancy

A. Definitions. In this section, the following definitions apply:

(1) "Acceptable excuse" has the meaning provided in secs. 118.15 and 118.16(4), Wis. Stats.

(2) "Habitual truant" means a pupil who is absent from school without an acceptable excuse for either of the following:

(a) Part or all of five or more days out of 10 consecutive days on which school is held during a semester.
(b) Part or all of 10 or more days on which school is held during a school semester.

(3) "Truant" means a pupil who is absent from school without an acceptable excuse under secs. 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. Prohibited conduct. Any person under the age of 18 years enrolled in school shall not be a habitual truant.

C. Penalties.

(1) Any person who is deemed to be a truant may be subject to one or more of the following dispositions by the Court:

(a) Order the person to attend school.
(b) Impose a forfeiture of not more than $50 plus costs for the first violation, or a forfeiture of not more than $100 plus costs for any second or subsequent violation committed within 12 months of the previous violation, subject to sec. 938.37, Wis. Stats., and subject to a maximum cumulative

forfeiture of not more than $500 for all violations committed during a school semester. All or part of the forfeiture(s) plus costs may be assessed against the person, the parents or guardian of the person, or both.

(2) Any person who is deemed to be a habitual truant may be subject to one or more of the following dispositions by the Court:

(a) Suspend the child's operating privilege, as defined in sec. 340.01(40), Wis. Stats., for not less than 30 days nor more than one year. The Judge 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 stating the reason for and the duration of the suspension.

(b) Order the child to participate in counseling, community service or a supervised work program under sec. 938.34(5g), Wis. Stats.

(c) Order the child to remain at home except during the hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave the home if the child is accompanied by a parent or guardian.

(d) Order the child to attend an educational program under sec. 938.34(7d), Wis. Stats.

D. Parental prohibitions. No parent, guardian or other adult may knowingly allow a student to be absent from attendance at school without an acceptable excuse. Each day or part of a day that a parent, guardian or other adult knowingly allows a student to be absent from school without an acceptable excuse shall constitute a separate offense.

E. Dropouts. The Court may suspend the operating privilege, as defined in sec. 340.01(40), Wis. Stats., of a person who is at least 16 years of age but less than 18 years of age and is a dropout, until the person reaches the age of 18. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for, and the duration of, the suspension.

F. Parental penalties. Any parent, guardian or other adult who knowingly allows a student to be absent from attendance at school without an acceptable excuse shall be in violation of sec. 118.15, Wis. Stats., and shall forfeit to the Sauk Prairie Municipal Court, upon conviction thereof, the following:

(1) Forfeiture of not less than $20 nor more than $200 for the first offense.

(2) Forfeiture of not less than $40 nor more than $300 for any subsequent offense within a one-year period.

(3) Fees and costs of prosecution as provided by sec. 814.63, Wis. Stats., together with any other fees authorized or required to be imposed by the Wisconsin Statutes.

G. Enforcement.

(1) Sworn law enforcement officers at all levels within the Village of Sauk City shall have authority to issue citations or complaints for violations of this chapter in the Village of Sauk City.

(2) Any citation written pursuant to this subsection for enforcement of this section shall conform to the requirements of sec. 66.0113, Wis. Stats. A person issued a citation for which a monetary forfeiture is provided under this section may remit a forfeiture of $50, or such other amount authorized pursuant to the Village of Sauk City Code, together with any other costs and fees authorized or required to be imposed by the Wisconsin Statutes, in cash or by certified check or money order, to the Sauk Prairie Municipal Court. The provisions of sec. 66.0113(3), Wis. Stats., entitled "Violator's Options; Procedure on Default" are hereby adopted.

Sec. 9.11.05 Failure to exercise parental responsibility

A. Definitions and word usage. In this section, the following definitions and meanings apply:

(1) "Child" means a person who is less than 18 years of age.

(2) "Legal custodian" means a person other than a parent or guardian or an agency to whom or to which legal custody of the child has been transferred by a court, but does not include a person who has only physical custody of the child.

(3) "Legal custody" means the legal status created by the order of a court which confers the right and duty to protect, train, and discipline a child, and to provide food, shelter, legal services, education, and ordinary medical and dental care, subject to the rights, duties and responsibilities and the provisions of any court order.

(4) "Parent" means either a biological parent, a spouse who has consented to the artificial insemination of their spouse under sec. 891.40, Wis. Stats., or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently marry under sec. 767.803, Wis. Stats., then "parent" includes the person adjudged in a judicial proceeding to be the biological father. "Parent" does not include any person whose parental rights have been terminated with respect to the child.

(5) "Physical custody" means the actual custody of the person in the absence of a court order granting legal custody to the physical custodian.

(6) In this section, "custody" does not include an agency or a person other than a child's birth or adoptive parent.

(7) In determining which parent has custody of a child for purposes of this section, the court shall consider which parent had responsibility for caring for and supervising the child at the time that the minor's act violated a provision of the Village of Sauk City Code.

B. Parental responsibility for acts of minor child.

(1) A person commits the offense of failing to exercise parental responsibility if the person is the parent or custodian with legal responsibility for the safety and welfare of a child and the child has been found on private or public property within the Village of Sauk City in violation of any provisions of the Village of Sauk City Code three times within any twelve-month period.

(2) A conviction or judgment, default or otherwise, by a court that the child violated an ordinance, based upon proof that the child committed the act, subject to its admissibility under sec. 904.10, Wis. Stats., shall in an action under Sec. 9.11.05.B(1) stop a child's parents or parent from denying that the child committed the act.

C. Defenses. It shall be a defense to the offense of failure to exercise parental responsibility if the child's violation of the Village of Sauk City Code occurred in the presence of the parents or person with legal responsibility for the safety and welfare of the child. It shall be a defense to the offense of failure to exercise parental responsibility if the violation occurred on private property of the parent or person with legal responsibility for the safety and welfare of the child.

D. Penalty. The offense described under Sec. 9.11.05.B(1) shall be subject to a penalty of not more than $1,000 plus all costs.

TITLE 10. LAND USE REGULATIONS

CHAPTER 10.01 COMPREHENSIVE PLAN

CHAPTER 10.02 LAND DIVISION

CHAPTER 10.03 ZONING

CHAPTER 10.04 FLOODPLAIN ZONING

CHAPTER 10.05 SHORELAND-WETLAND ZONING

CHAPTER 10.06 FAIR HOUSING

CHAPTER 10.07 BUILDING CONSTRUCTION

CHAPTER 10.08 HISTORIC PRESERVATION

CHAPTER 10.01 COMPREHENSIVE PLAN

Sec. 10.01.01	Statutory authority
Sec. 10.01.02	Procedures
Sec. 10.01.03	Plan Commission recommendation
Sec. 10.01.04	Public participation
Sec. 10.01.05	Plan adopted

Sec. 10.01.01 Statutory authority

Pursuant to sec. 62.23(2) and (3), Wis. Stats., the Village of Sauk City is authorized to prepare and adopt a comprehensive plan as defined in sec. 66.1001(1)(a) and (2), Wis. Stats.

Sec. 10.01.02 Procedures

The Village Board of the Village of Sauk City has adopted and followed written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by sec. 66.1001(4)(a), Wis. Stats.

Sec. 10.01.03 Plan Commission recommendation

The Plan Commission of the Village of Sauk City, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the Village Board the adoption of the document titled "Sauk Prairie Comprehensive Plan," containing all of the elements specified in sec. 66.1001(2), Wis. Stats.

Sec. 10.01.04 Public participation

The Village of Sauk City has held at least one public hearing on this chapter, in compliance with the requirements of sec. 66.1001(4)(d), Wis. Stats., and provided numerous other opportunities for public involvement per its adopted public participation strategy and procedures.

Sec. 10.01.05 Plan adopted

The Village Board of the Village of Sauk City, Wisconsin, does, by enactment of this chapter, formally adopt the document titled "Sauk Prairie Comprehensive Plan" pursuant to sec. 66.1001(4)(c), Wis. Stats.

CHAPTER 10.02 LAND DIVISION

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Article I. General Provisions

Sec. 10.02.01 Authority

These regulations are adopted under the authority of sec. 236.45, Wis. Stats.

Sec. 10.02.02 Purpose

The purpose of this chapter is to regulate and control the division of land within the Village limits and its extraterritorial jurisdiction in order to promote the public health, safety, convenience, aesthetics and general welfare of the Village and its environs.

Sec. 10.02.03 Intent

A. It is the general intent of this chapter to regulate the division of land so as to:

(1) Lessen congestion in the streets;

(2) Foster the orderly layout and appropriate use of land;

(3) Secure safety from fire, flooding, panic and other dangers;

(4) Provide adequate light and air;

(5) Discourage overcrowding of the land;

(6) Lessen concentration of population;

(7) Facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and

(8) Facilitate the further division of large tracts of land into smaller parcels.

B. The regulations are made with reasonable consideration of, but not limited to, the present character of the Village and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, and providing for the most appropriate use of land in the Village.

Sec. 10.02.04 Interpretation

The provisions of this chapter shall be held to be minimum requirements, shall be liberally construed in favor of the Village, and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

Sec. 10.02.05 Jurisdiction; applicability

A. No land within the corporate limits of the Village or within the extraterritorial plat approval jurisdiction shall, after the adoption of this chapter, be divided by a subdivision plat or certified survey map, nor may such document be entitled to be recorded in the office of the Register of Deeds, nor may any street be laid out, nor may any improvements be made to the land, until the provisions of this chapter and Ch. 236, Wis. Stats., are met, and the plat or certified survey map and the plan or plans of the subdivision have been approved by the Plan Commission and the Village Board and certified thereto by the Village Administrator.

B. Any division of land, other than a subdivision as defined in sec. 236.02(8) and (12), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in sec. 236.34, Wis. Stats.

C. No building permit shall be issued by the Village authorizing the building on or improvement of any parcel for land not on record as of the effective

date of this chapter, until the provisions and requirements of this chapter have been met.

D. The provisions of this chapter shall not apply to:

(1) Transfer of interest in land by will or pursuant to court order.

(2) Leases for a term of not exceeding 10 years, mortgages, or easements.

(3) Sale or exchange of parcels of land between owners of adjoining property, if additional lots are not created thereby, and if the resulting lots are not reduced below the minimum sizes required by Ch. 236, Wis. Stats., or any other ordinance of the Village.

Sec. 10.02.06 Compliance required

No person, firm or corporation shall divide any land located within the corporate limits of the Village of Sauk City or within the extraterritorial plat approval jurisdiction thereof which shall result in a subdivision, minor land division, condominium or replat as defined herein without complying with the provisions of Ch. 236, Wis. Stats., and the requirements of this chapter, whichever is more restrictive. No subdivision, minor land division or replat shall be entitled to be recorded and no street shall be laid out nor building permit issued where a subdivision, minor land division or replat results without compliance with all of the requirements of this chapter and the following:

A. The provisions of Ch. 236, Wis. Stats.

B. The rules contained in the Wisconsin Administrative Code and the state statutes for land divisions not served by public sanitary sewer system.

C. The rules of the Division of Highways, Wisconsin Department of Transportation, contained in Ch. Trans 233, Wis. Admin. Code, for subdivisions and minor land divisions that abut on a state trunk highway or connecting street.

D. The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administrative Code setting water quality standards preventing and abating pollution and regulating development within floodland, wetland and shoreland areas.

E. Comprehensive plans or components of such plans prepared by state, county or municipal agencies duly adopted by the Village Board.

F. All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.

G. Except to the extent expressly set forth in this chapter, all applicable regulations contained in the Wisconsin Administrative Code not listed in this section.

Sec. 10.02.07 Dedication of lands

A. Dedication of lands for streets and public ways. Whenever a lot or parcel of land to be divided as a subdivision or as a land division contains all or in part a street, highway, greenway, watercourse, or a drainageway or utility easement designated in the Comprehensive Plan or Official Map, said public way shall be platted and dedicated by the subdivider in the location and width indicated along with all other streets.

B. Dedication of lands for public parks and other public areas.

(1) Suitable sites for public areas, such as but not limited to parks, recreational areas, parkways, public building areas or other public uses, but excluding schools, shall be provided in one or more of the following manners:

(a) Dedication of 8% of the total area of the subdivision.
(b) Transfer of ownership by deed to the Village of the areas of land equivalent to the requirements of Subsection B(1)(a) of this section.
(c) Where the dedication of land under Subsection B(1)(a) or (b) of this section would result in lands which would not be useful to the Village, the Plan Commission may stipulate to the owner some other equitable means for making a dedication or a cash payment to the Village in lieu thereof.

(2) Where public parks and sites for other public areas, as shown on the Comprehensive Plan or Official Map, lie within the area proposed for development and are greater in area than required by Subsection B(1) of this section, the owner shall reserve, for acquisition by the Village through agreement, purchase or condemnation, the remaining greater public area for a period of one year.

(3) Park facilities impact fees required under Article VI shall be in addition to the dedication and/or fees imposed under this provision.

Sec. 10.02.08 Definitions

For the purpose of these regulations, the following words used in this chapter are defined. For additional definitions, see Chapter 10.03, Zoning, of this Code.

BUILDING LINE

A line parallel to a lot line and at a distance from the lot line to comply with the yard requirements of Chapter 10.03, Zoning, of this Code.

CERTIFIED SURVEY MAP

A map intending to create not more than four parcels of land as provided in sec. 236.34, Wis. Stats. Certified survey maps shall, in addition to the provisions of sec. 236.34, bear a certificate of approval of the Village Board, certified by the Village Administrator.

DIVISION OF LAND

Any splitting up of a recorded tract of land, except as provided in sec. 10.02.13 of this chapter.

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.

EXTRATERRITORIAL JURISDICTION

The unincorporated area with 1 and 1/2 miles of the corporate limits.

FINAL PLAT

A map of a subdivision prepared in accordance with the requirements of Ch. 236, Wis. Stats., and this chapter, with all necessary text, certificates and affidavits to qualify it for recording in the office of the Register of Deeds.

LOT

A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions pursuant to Chapter 10.03, Zoning, of this Code.

LOT AREA

The total area in a horizontal plane within the peripheral boundaries of a lot.

LOT, BUTT

A lot, the rear line of which abuts the side lot line of another lot or lots in the same block, but not separated by an open space.

LOT, CORNER

A lot abutting intersecting streets at their intersection.

LOT LINES
The peripheral boundaries of a lot as defined in this section.

LOT, REVERSED CORNER
A lot that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

LOT, THROUGH
A lot having a pair of opposite lot lines along two 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.

LOT WIDTH
The width of a parcel of land measured along the front building line.

OWNER
Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, limited liability company, public or quasi-public corporation, or combination of these having any pecuniary interest in lands regulated by this chapter.

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.

PLAN COMMISSION
The Village Plan Commission established in conformity with sec. 62.23, Wis. Stats.

PRELIMINARY PLAT
A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided and shows the approximate location of lots and other improvements.

STREET
A public or private way which may either provide for the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic, or both.

A. Arterial Street. A street used or intended to be used primarily for fast or heavy through traffic. "Arterial street" includes freeways, expressways, and other highways and parkways and any other major street in the Village that exceeds the standard width of a collector street.

B. Collector Street. A street which carries traffic between local streets and major thoroughfares, including the principal entrance streets of a residential development, and provides for circulation within such development.

C. Minor Street. A street which is used primarily for access to abutting properties.

D. Marginal Access Street. A street which is parallel to and adjacent to major thoroughfares and which provides access to abutting properties and protection from traffic on the major street.

E. Cul-de-Sac. A local street with only one outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

F. Dead-End Street. A local street with only one outlet and having no turnaround.

G. Alley. A public way which provides secondary access to abutting properties.

H. Substandard Street. An existing street that does not presently have curb and gutter installed along its length.

SUBDIVIDER

Any person, firm, partnership, corporation, association, estate, trust, or other legal entity requesting review of action on a land division or subdivision.

SUBDIVISION

The division of a lot or parcel of land for the purpose of ownership transfer or building development where:

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

B. The act of division creates five or more parcels or building sites of five acres each or less in area by successive divisions within a period of five years.

TENTATIVE APPROVAL

An approval, with or without recommended alteration, given to the preliminary plat by the Plan Commission. It constitutes the necessary authority to proceed with the preparation and presentation of the final plat or certified survey map for the consideration of the Village Board.

Article II. Application Procedure

Sec. 10.02.09 Preapplication conference

Prior to the filing of an application for the approval of a preliminary plat or certified survey map, it is recommended that the subdivider consult with the Plan Commission or the Village Engineer in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, other provisions of this Code, sewer and water availability, other engineering considerations, and duly adopted Village plans and to otherwise assist the subdivider in planning the development. In so doing, both the subdivider and the Plan

Commission may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and the community. The subdivider will also gain a better understanding of the subsequent required procedures.

Sec. 10.02.10 Preliminary plat

A. Before submitting the final plat for approval, the owner shall prepare and submit a preliminary plat. The subdivider shall file with the Village Administrator an application in writing for the tentative approval of the preliminary plat along with 10 copies of the plat. This submittal shall be made at least seven days in advance of a regularly scheduled Plan Commission meeting. The Village Plan Commission meets on the second and last Tuesday of the month. A preliminary plat submittal will require a minimum of two Plan Commission meetings for review and approval or rejection.

B. The preliminary plat shall be checked and reviewed as to its conformity to the Comprehensive Plan, Official Map, and the principal standards and requirements set forth in this chapter.

C. A public hearing shall be held at a time set by the Plan Commission regarding the preliminary plat where interested parties will be given an opportunity to address the Commission. The notice of the public hearing shall be published as a Class 2 notice in the official newspaper.

D. After hearing the comments at the public hearing, review of the preliminary plat or map, and conferences with the subdivider on any changes deemed advisable, and the kind and extent of public improvements which will be required, the Plan Commission shall within 60 days of submission approve, conditionally approve, or reject the plat.

E. If the Plan Commission rejects the plat or map, it shall return it to the owner. If it approves or conditionally approves the plat or map, it shall so notify the Village Board.

F. If the Plan Commission approves the preliminary plat, the Village Board shall, within 90 days of the date the plat was filed with the Village Administrator, 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 mutual consent of the Village and the subdivider. Failure of the Village Board to act within 90 days, or extension thereof, shall constitute an approval of the preliminary plat. The Administrator shall communicate to the owner the action of the Village Board. If the plat or map is approved, the Administrator shall endorse it for the Village Board.

Sec. 10.02.11 Final plat

A. Simultaneously with the filing of the final plat or map, the owner shall file with the Village Administrator four copies of the final plans and specifications of public improvements required by Article IV of this chapter. If the plat has not been certified by the state agencies under sec. 236.12(6), Wis. Stats., then copies as required by sec. 236.12(2), Wis. Stats., shall also be provided.

B. The Village Administrator shall forward the plat or map and plans and specifications of public improvements to the Plan Commission.

C. The Plan Commission shall refer the final plat and final plans and specifications of public improvements to the Village Engineer for review.

D. The Village Engineer shall examine the plat and final plans and specifications of public improvements for technical details and, if the Village Engineer finds them satisfactory, shall so certify in writing to the Plan Commission.

E. If the plat or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Plan Commission.

F. If the plat and plans and specifications of public improvements are satisfactory to the Plan Commission, it shall so certify in writing to the Village Board. If they are not satisfactory to the Plan Commission, they shall be rejected in writing and returned to the owner.

G. When the Village Board receives the approved plat or map and plans and specifications from the Plan Commission, it shall signify its action by motion or resolution. If rejected, the Administrator shall so notify the owner in writing; if approved, the Administrator shall endorse the plat or map as required by Ch. 236, Wis. Stats., and return it to the owner for recording.

H. The approval of the final plat or map by the Village Board shall constitute acceptance of the dedication of any public street, open space, or other public areas shown thereon.

I. If the final plat conforms substantially to the layout shown in the preliminary plat as approved, including any conditions of that approval, it shall be approved by the Village Board. The Board shall approve, conditionally approve, or reject such map within 60 days from the date when the Village receives all information requested as a condition of the approval of the preliminary plat. If the map is rejected by the Board, the

reason shall be stated in the minutes of the meeting and a written statement supplied to the subdivider upon request. If the final plat is not submitted within 24 months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat. If recommended by the Plan Commission, and if permitted by the Village Board, the final plat may constitute only that portion of the approved preliminary plat which the owner proposes to record at that time.

Sec. 10.02.12 Certified survey map

A. When it is proposed to divide land into at least two but no more than four parcels or building sites, the subdivider shall prepare a certified survey map in accordance with this chapter and shall file 10 copies of the map with the Village at least 10 days prior to a regularly schedule Plan Commission meeting.

B. The Administrator shall transmit the copies of the map to the Plan Commission.

C. The Plan Commission shall transmit a copy of the map to all affected boards, commissions, or departments for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 10 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, general plan and general plan components that affect it.

D. If a proposed land division involves the dedication of streets or other public lands, the Plan Commission shall recommend approval, conditional approval, or rejection of the map and shall transmit the map along with its recommendations to the Village Board. The Board shall approve, conditionally approve, or reject such map within 90 days from the date of the filing of the map. If the map is rejected by the Board, the reason shall be stated in the minutes of the meeting and a written statement supplied to the subdivider upon request.

E. Recordation. The subdivider shall record the map with the County Register of Deeds within six months after the date of the last approval. If the subdivider fails to record the map as required in this chapter, the land division shall become null and void.

Sec. 10.02.13 Extraterritorial plat approval jurisdiction

A. Compliance required. No person, firm or corporation shall divide any land located within the extraterritorial plat approval jurisdiction of the Village of Sauk City which shall result in a subdivision, minor land division or replat as defined herein without complying with the applicable provisions of Ch. 236, Wis. Stats., the provisions of this section and, to the fullest extent allowed by Ch. 236, Wis. Stats., the requirements of this chapter.

B. Application required. When the land to be subdivided lies within the Village extraterritorial plat approval jurisdiction, the subdivider shall proceed as specified in this section.

C. Extraterritorial land division requirements. No subdivision or minor land division within the Village extraterritorial plat approval jurisdiction shall be approved by the Plan Commission or the Village Board which does not satisfy each of the following requirements:

(1) Each subdivision or minor land division shall comply with the minimum lot size requirements set forth in Chapter 10.03, Zoning, of this Code.

(2) No subdivision or minor land division shall be considered for approval which does not have the prior approval by the approving authorities for the town(s) and county(ies), where required by town and county ordinances or by the Wisconsin Statutes.

(3) The Plan Commission and/or Village Board may require placement of covenants or deed restrictions that are deemed necessary and appropriate to protect the purpose and intent of the Comprehensive Plan and this chapter. Any such restrictions or covenants shall be recorded.

(4) A public hearing shall be held at a time set by the Plan Commission regarding the preliminary plat where interested parties will be given an opportunity to address the Commission. The notice of the public hearing shall be published as a Class 2 notice in the official newspaper.

(5) After hearing the comments at the public hearing and review of the preliminary plat or map, the Plan Commission shall, within 60 days of submission, approve, conditionally approve, or reject the plat.

D. Incorporation of Official Map. The boundaries of the Village extraterritorial plat approval jurisdiction are as shown on the map titled

the "Official Map of the Village of Sauk City Extraterritorial Plat/Land Division Approval Jurisdiction," which map is on file in the Village office and is incorporated herein by reference. This map shall be deemed amended to extend or expand the boundaries of the Village extraterritorial plat approval jurisdiction as new lands are annexed to the Village to the fullest extent authorized by applicable law.

Sec. 10.02.14 Preliminary plat submission requirements

A. General requirements. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor. The map shall be a legible drawing at a map scale of not more than 100 feet to the inch and shall show the following information:

(1) Date, graphic scale, and North arrow.

(2) Proposed name of the subdivision.

(3) Name and post office address of the owner, subdivider and land surveyor preparing the plat.

(4) Small drawing showing the location of the land to be divided, including quarter section, township and range.

(5) Location and names of adjoining subdivisions and the owners of undivided lands.

(6) Present zoning of land to be divided and adjoining lands.

(7) Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood.

(8) Location, width and names of all existing and platted streets, alleys, or other public ways and easements, railroad and public utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges, and other pertinent data, as required by the Plan Commission, within 300 feet of the proposed division of land or of property owned or controlled by the owner.

(9) Water elevations of adjoining lakes or streams at the date of survey and the approximate high and low water levels thereof. All elevations shall be referred to Village datum.

(10) Layout, width, and approximate grades of all streets and rights-of-way, such as alleys, highways, and easements for sewers, water mains and other public utilities.

(11) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes; the location of manholes, catch basins, hydrants, and electrical and communication facilities, whether aerial or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent to the tract. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.

(12) Approximate dimensions of and areas of all lots and parcels.

(13) Proposed building setback lines, if different from that required by Chapter 10.03, Zoning, of this Code.

(14) Contour lines at an interval of not more than one foot, with reference to Village datum.

(15) Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in United States Public Land Survey and the total acreage encompassed thereby.

B. Construction plans. As required by Articles III and IV of this chapter, the owner shall furnish with the preliminary plat or map preliminary construction plans of public improvements as may be necessary to determine that the construction is feasible. If only a portion of the preliminary plat is to be improved and submitted for final approval, construction plans and specifications need be prepared for only such portion. However, the design of public improvements shall be based on the needs of the whole area and such additional area as in the judgment of the Plan Commission is necessary.

C. Stormwater calculations. The subdivider shall submit to the Village, at the time of filing, a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff that would be generated by the development of the land within the subdivision. The design criteria for storm drainage shall be based upon information provided by the Village Engineer. 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:

(1) Estimate of the quantity of stormwater entering the subdivision naturally from areas outside the subdivision.

(2) Quantities of flow at each inlet or culvert.

(3) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

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 the surveyor has fully complied with the provisions of this chapter.

Sec. 10.02.15 Final plat submission requirements

A. A final plat of a subdivision shall comply in all respects with the requirements of Ch. 236, Wis. Stats.

B. Plans and specifications. Simultaneously with the filing of the final plat with the Village Administrator, or as soon thereafter as practicable, four copies of the construction plans and specifications shall be furnished for the following public improvements:

(1) Street grading and surfacing.

(2) Sanitary sewerage.

(3) Water mains and laterals.

(4) Curb, gutters, and sidewalks.

(5) Storm sewers and stormwater management facilities.

(6) Site grading and erosion control.

C. Deed restrictions and covenants. The Plan Commission may require that deed restrictions and restrictive covenants imposed by the subdivider be filed with the final plat.

D. The subdivider shall cause to be set upon the final plat arrows indicating the direction of drainage flows for each property line not fronting on a street on all parcels, as will result from the grading of the site and the

construction of the public improvements, or which are existing drainage flows and will remain. The arrows shall be accompanied on the plat with the following note: "Arrows indicate the direction of drainage. Drainage patterns shall be maintained by the lot owner unless written approval for modification is obtained from the Village."

Sec. 10.02.16 Certified survey map submission requirements

A. A final certified survey map of a division of land not requiring a plat shall comply in all respects with the requirements of sec. 236.34, Wis. Stats.

B. A minor subdivision created by certified survey map shall comply with the design standard and improvement requirements set forth in Articles II and IV of this chapter.

Article III. Design Standards

Sec. 10.02.17 General requirements

In laying out a subdivision, the owner shall conform to the provisions of Ch. 236, Wis. Stats., and all applicable ordinances of the Village. In all cases where the requirements of this chapter are different from the requirements of Ch. 236, the more restrictive provision shall apply.

Sec. 10.02.18 Streets

A. Streets shall be provided for convenient access to all parcels of land to be created by the subdivision. All streets shall be dedicated to the public, unless in areas outside the corporate limits the town board will permit private streets. Design of private streets shall be in full conformity with this chapter.

B. The layout of streets shall conform to the Official Map and Comprehensive Plan.

C. In areas not covered by the Official Map or 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 land to be served by such streets.

D. In general streets shall be laid out in a grid-type pattern to the greatest extent possible. Cul-de-sacs shall be avoided except in areas where, in the opinion of the Plan Commission, the shape of the parcel to be subdivided does not lend itself to the use of through streets.

E. Streets shall be classified as indicated in this subsection.

(1) Arterial streets are those streets which have the greatest importance to the development of the Village and which have a width of right-of-way as shown on the Official Map or of not less than 100 feet for a median-divided roadway nor less than 80 feet for a single roadway. The exact physical width of an arterial street will be determined by the Village Engineer based on street location and anticipated traffic patterns.

(2) Collector streets are streets of somewhat less importance than major thoroughfares and which have a right-of-way width as shown on the Official Map of not less than 66 feet. Collector streets are the standard Village street and shall have a width of 36 feet from back of curb to back of curb.

(3) Minor streets are streets designed primarily for access to abutting property and which have a right-of-way width of not less than 60 feet and cul-de-sacs not more than 600 feet long that may have a right-of-way width of not less than 60 feet and must be provided with a turnaround at the dead end of not less than 120 feet in diameter. The width of a minor street may be less than the standard for collector streets subject to the approval of the Village Engineer but in no cases shall be less than 28 feet from back of curb to back of curb.

(4) Marginal access streets as defined in §10.02.08 of this chapter may not be less than 50 feet wide.

F. 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 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. Temporary turnarounds may be required where the street ends at the boundary of a subdivision.

G. The grade of arterial streets shall not exceed 6% unless necessitated by exceptional topography and approved by the Plan Commission. Grades of

collector streets shall not exceed 10%. The minimum grade of all streets shall be 4/10 of 1%.

H. A minimum sight distance with clear visibility, measured along the center line, shall be provided of at least 500 feet on arterial streets, 200 feet on collector streets, and 120 feet on all other streets.

I. All changes in street grades shall be connected by vertical curves of a minimum length in feet equivalent to 30 times the algebraic difference in grade for arterial streets and 20 times this algebraic difference for all other streets.

J. A tangent of at least 100 feet long shall be introduced between reverse curves and between curves and a street intersection on arterial and collector streets.

K. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets.

L. Reserve strips controlling access to streets shall not be permitted unless this control is definitely placed with the Village under conditions approved by the Plan Commission.

M. Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider.

N. Intersections.

(1) Property lines at street intersections of arterial streets shall be rounded with a radius of 15 feet or of a greater radius where the Plan Commission considers it necessary.

(2) Street jogs with center-line offsets of less than 125 feet shall be avoided. Where streets intersect arterial streets, their alignment shall be continuous.

(3) The provisions of Chapter 10.03, Zoning, sec. 10.03.80 of this Code with respect to traffic visibility at street intersections shall also apply here.

Sec. 10.02.19 Block and lot layout

A. The length, width and shape of blocks shall be such as are appropriate to the locality and the type of development contemplated, but block length in residential areas shall not exceed 1,500 feet nor have less than sufficient

width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than 600 feet in length.

B. Pedestrian pathways, not less than 10 feet wide, may be required by the Plan Commission through the center of a block more than 900 feet long, where such pathways are deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

C. General considerations with regard to lots are as follows:

(1) Size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated, provided that no residential lot shall be smaller in area than the minimum lot size for the appropriate zone as established by Chapter 10.03, Zoning, of this Code.

(2) Lot dimensions shall conform to the requirements of Chapter 10.03, Zoning, but in no case shall have a frontage of less than 50 feet at the building line or a depth of less than 100 feet.

(3) 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 Chapter 10.03, Zoning.

(4) Residential lots fronting on arterial streets and highways shall be platted with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.

D. Corner lots for residential use shall have extra width to permit building setback from both streets, as required by Chapter 10.03, Zoning.

E. Every lot shall abut or face a public street. Lots outside the corporate limits may abut or face a private street, if permitted by the town board.

F. Butt lots will be permitted by the Plan Commission only in exceptional cases.

G. Side lot lines shall be substantially at right angles to or radial to abutting street lines.

H. In case a tract is divided into parcels of more than 1 1/2 acres in area, such parcels shall be so arranged to permit redividing into parcels in accordance with this chapter and with Chapter 10.03, Zoning.

I. 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.

Sec. 10.02.20 Flood protection

A. Filling of all lots in each subdivision is required to a point not less than one foot below the flood protection elevation for the particular area as determined by procedures specified in Chapter 10.04, Floodplain Zoning, of this Code.

B. Areas to be filled shall also include all street rights-of-way and other appropriate areas, such as park and open space lands, so that they bear a reasonable relationship to adjoining properties.

Sec. 10.02.21 Stormwater management

A. The following goals and objectives shall apply to stormwater management:

(1) To prevent significant loss of life and property due to runoff from any foreseeable rainfall event.

(2) To encourage the design of system which minimizes potential erosion and sedimentation problems.

(3) To maintain the water quality of the rivers, lakes, streams and ponds.

(4) To encourage the design of systems which respond to the need to maintain or enhance groundwater resources, including groundwater quality, except where land stability might be impaired.

(5) To encourage the design of systems which will reduce capital and environmental costs to the community.

B. The proposed development shall not increase stormwater runoff (peak) from that which would have resulted from the same storm occurring over the site with the land in its natural undeveloped state, for storms of a twenty-four-hour duration and all reoccurrence intervals of less than or equal to 100 years. "Land in its natural undeveloped state" shall mean land which has runoff characteristics equivalent to runoff curve numbers

(CN) of 30, 58, 71 and 78 for Hydrologic Soil Groups A, B, C and D, respectively.

C. Determination of storm volumes shall be computed by established procedures equivalent to and calibrated against that procedure promulgated by the United States Soil Conservation Service in its National Engineering Handbook or the technical publication titled "Urban Hydrology for Small Watersheds, TR-55" and accepted by the Village Engineer.

D. Stormwater peaks and volumes shall be addressed either through on-site detention, retention, infiltration, or a combination. It is the intent of these provisions to encourage on-site detention and infiltration to the greatest extent possible.

Sec. 10.02.22 Easements

A. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, and along front lot lines where necessary, for the installation of storm and sanitary sewers, gas, water mains, electric lines, telephone and cable television communication lines.

B. Easements for electric lines, telephone, gas and cable television communication lines shall be noted as "Utility Easements" on the final plat or certified survey map.

C. All easements for storm and sanitary sewers, water mains, pedestrian walks and other public purposes shall be noted on the final plat or certified survey as "Public Easement for" followed by reference to the use or uses for which they were intended.

D. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream:

(1) There shall be provided a stormwater 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, drainageway, channel, or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a stormwater 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 chapter.

E. Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. In all cases, such watercourse shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet.

Article IV. Public Improvements

Sec. 10.02.23 Intent

It is the intent of the Village to ensure quality in land development and to ensure that each development pays its share of the cost of public facilities and services. The improvements prescribed in this article are required as a condition of approval of a land division. The improvements described in this article shall be installed, furnished, and financed at the sole expense of the subdivider. In lieu of construction of any of the public improvements, the owner may furnish a surety bond as provided in this chapter.

Sec. 10.02.24 Required developer agreement

A. Agreement. Prior to installation of the required public improvements, the subdivider shall enter into a written contract with the Village requiring the subdivider to furnish and construct said improvements at the subdivider's sole cost and in accordance with the approved plans and specifications.

B. Financial guarantees.

(1) The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish an irrevocable letter of credit, the amount of which to be equal to 1 1/4 times the Village Engineer's estimate of the total cost of the public improvements to be constructed.

(2) The time for completion of the work or components thereof shall be determined by the Village Board upon recommendation of the Village Engineer after consultation with the subdivider. The completion date shall be a component of the agreement.

(3) The subdivider shall pay the Village for all costs incurred by the Village for review and inspection of the subdivision. This includes,

without limitation by enumeration, the legal, engineering and general administrative costs.

(4) In the event that the subdivision requires utility installation larger than would have been required by this chapter, the Village may, at the discretion of the Village Board, agree to participate in the cost of oversizing of the utility mains.

Sec. 10.02.25 Engineering plans and specifications

As required by Article II of this chapter, engineering plans and specifications shall be prepared for the public improvements required by this article in accordance with the standards set forth herein. Said plans 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 the engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for the engineer's approval.

Sec. 10.02.26 Action by Village Engineer

The Village Engineer shall review, or cause to be reviewed, the plans and specifications for compliance with the requirements of this chapter. If the Village Engineer rejects the plans and specifications, the Village Engineer shall notify the owner, who shall modify the plans or specifications, or both, accordingly. When the plans and specifications are corrected, the Village Engineer shall approve them in writing and so notify the Plan Commission so that it may approve the plans and specifications for transmittal to the Village Board. Upon approval of the plans and specifications, they shall become part of the developer agreement.

Sec. 10.02.27 Required improvements

The following public improvements shall be designed and constructed:

A. Streets. Plans shall include center-line profiles, cross sections, spot elevations and typical sections as necessary to convey the design. Streets shall be constructed to the widths described for the corresponding street type in Article III of this chapter. Streets shall be bounded on each side by twenty-four-inch concrete curb and gutter. Pavement structure shall be three inches of asphaltic pavement over nine inches of crushed limestone base course. Additional subbase excavation and granular fill may be required on a case-by-case basis at the discretion of the Village Engineer.

B. Sanitary sewer. Plans shall include the location, sizes and profiles of mains and laterals, manhole rim and invert elevations. Design shall conform to current Department of Natural Resources code requirements.

C. Water main. Plans shall include the locations, sizes of mains, service laterals, valves, hydrants or other appurtenances. Hydrants, valves, curb stops, boxes and corporations shall conform to Village standards available from the Village Water Utility. Water main shall be ductile iron and shall be a minimum of eight inches in diameter.

D. Storm sewer. The locations, sizes, profiles, rim and invert elevations shall be shown for all storm sewer pipes and structures. Where open swales are proposed, profiles and cross sections shall be provided. Smooth-walled, high-density polyethylene pipe with watertight joints may be used; however, in some circumstances the Village may require that reinforced concrete pipe be provided.

E. Erosion control. Plans shall show erosion control structures and practices necessary to prevent erosion, sedimentation and off-site tracking in accordance with State of Wisconsin Best Management Practices.

F. Site grading. Plans shall show existing and proposed grades and spot elevations and foundation elevations as required by the Village Engineer.

G. Sidewalks. At a minimum, sidewalks shall be placed on one side of every street. The Village standard is on the west side of north-south streets and on the north side of east-west streets. The Village reserves the right to require sidewalks on both sides in areas where density and projected pedestrian traffic warrants additional walks. Sidewalks shall be concrete, a minimum of four feet wide and four inches thick. The Village may require additional width on sidewalks in areas of higher anticipated pedestrian traffic.

H. Streetlights. The subdivider shall install streetlights along all streets proposed to be dedicated. Such lights shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board. Streetlight materials shall conform to standards utilized by the Village Electric Utility unless otherwise approved by the Village Board.

I. Street signs. The subdivider shall install along all streets to be dedicated a street sign of a design approved by the Village Board.

J. Other utilities. The subdivider shall cause gas, electrical 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.

Sec. 10.02.28 Additional improvements

Additional improvements, reasonable in nature, may be required by the Village even though the same are not herein specified. Such improvements shall be installed in accordance with the plans and specifications approved by the Village Engineer.

Sec. 10.02.29 Qualifications of contractors

All improvements shall be installed by contractors qualified to perform work in the State of Wisconsin and approved in advance by the Village Engineer.

Sec. 10.02.30 Material standards

All improvements constructed under this chapter shall be of the standards, where applicable, established by the State of Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction. Where the State of Wisconsin specifications do not apply, the standards shall be as approved by the Village Engineer.

Sec. 10.02.31 Permits

It shall be the responsibility of the subdivider to secure all required permits necessary for the construction of the improvements.

Sec. 10.02.32 Construction and inspection

A. Upon notification by the Village Administrator that the final plat or certified survey map has been approved by the Village Board, and upon execution of the developer agreement, the owner shall cause to be constructed and installed any required public improvements.

B. In lieu of Subsection A of this section, and with the approval of the Village Board, the owner may post with the Village cash, negotiable securities, or a surety bond running to the Village, in value sufficient to cover the full estimated cost as certified by the Village Engineer, to assure the satisfactory installation of the improvements as outlined in this article and contained in the plans and specifications. The surety bond shall be approved by the Village President and Village Board.

C. Prior to starting any of the work covered by the plans approved in §10.02.25 of this article, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of this article.

D. Construction of all improvements required by this chapter shall be completed within two years from the date of approval of the preliminary plat by the Plan Commission, unless agreed upon otherwise as a part of the developer agreement.

E. During the course of construction, the Village Engineer shall make such inspections as the Village Engineer deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspection. This fee shall be the actual cost to the Village of inspectors, engineers, and other parties necessary to ensure satisfactory work.

Sec. 10.02.33 Record drawings

After completion of all public improvements and prior to final acceptance of the improvements, the subdivider shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewers and water mains, and such other facilities as the Village Engineer shall require. If the engineering plans for the project are prepared in a computer format, then the record drawings shall also be prepared in a computer format and presented to the Village in such format. The presentation of the map shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

Sec. 10.02.34 Guarantee of materials and workmanship

The owner shall provide a surety bond running to the Village for a period of one year after completion of construction, in the amount of 20% of the cost of the improvements, to guarantee workmanship and materials of construction and to save the Village harmless from the cost to repair or replace the improvements.

Article V. Exceptions

Sec. 10.02.35 Cases of unnecessary hardship

In exceptional cases, where topography or other physical conditions would cause unnecessary hardship to the owner and not provide the Village substantial benefit, the Plan Commission may recommend to the Village Board special provisions to relieve such hardship. Any exception needed shall be requested in writing by the owner. If recommended by the Plan Commission, it shall be so endorsed by the Administrator and transmitted to the Village Board. The Village Board, if it approves, shall do so by motion or resolution and instruct the Village Administrator to notify the Plan Commission and the owner.

Article VI. Park Facilities Impact Fee

Sec. 10.02.36 Purpose

Consistent with sec. 66.0617, Wis. Stats., the purpose of this article is to establish a mechanism for the imposition of a park facilities impact fee upon new development to finance the capital costs of acquiring, establishing, upgrading, expanding and constructing public park facilities necessary to accommodate the new development. This article is intended to ensure that new development bears an appropriate share of the cost of capital expenditures necessary to provide public park facilities within the Village and that such costs are equitably apportioned on the basis of additional need created by the new development.

Sec. 10.02.37 Intent

This article is intended to impose an impact fee in order to finance park facilities, the demand for which is generated by new residential development. The Village is responsible for and will meet, through the use of general Village revenues, all capital improvement needs associated with existing development. Only needs created by new development will be met by impact fees. Impact fees shall be spent on new or enlarged capital facilities improvements required by new developments that pay the fees.

Sec. 10.02.38 Authority

Authority for this article is provided by sec. 66.0617, Wis. Stats. The provisions of this article shall not be construed to limit the power of the Village to adopt any ordinance or fee pursuant to any other source of local authority or to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in lieu of or in conjunction with this article.

Sec. 10.02.39 Applicability; effective date

This article shall be uniformly applicable to all new development that occurs within the Village. The effective date shall be April 25, 2006. Any building permit applications or subdivision requests filed on or after the effective date will be liable for any impact fees imposed under this article.

Sec. 10.02.40 Definitions

As used in this article, the following words and terms shall have the following meanings, unless the context indicates another meaning is clearly intended:

BUILDING PERMIT

The permit required for new construction and additions pursuant to the Village Code. The term "building permit," as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in the number of residential living units resulting therefrom.

CAPITAL COSTS

The capital costs to construct, expand or improve public park facilities, excluding land but including legal, engineering and design costs to construct, expand or improve public park facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the Village can demonstrate that its legal, engineering and design costs which relate directly to the park facilities exceed 10% of the capital costs.

CAPITAL IMPROVEMENTS

Public facilities that are treated as capital assets according to generally accepted accounting principles and does not include costs associated with the operation, administration, maintenance, or replacement of capital improvements, nor does it include administrative facilities. For purposes of this article, capital improvements specifically include any park and recreational facilities, including park improvements, park equipment, and construction and installation of the same, but excluding park land.

DEVELOPMENT

The construction or modification of improvements to real property that requires issuance of a building permit or that creates additional residential living units within the Village either of which creates a need for new, expanded or improved public facilities within the Village.

IMPACT FEE

The charge, fee, or assessment levied pursuant to this article and intended to fund any portion of the costs of capital improvements.

NEEDS ASSESSMENT

The needs assessment prepared by Virchow, Krause & Company, LLP and approved by the Village Board following public hearing on February 28, 2006, which identified the public facility costs for the purpose of calculating impact fees as defined by sec. 66.0617, Wis. Stats. The adopted needs assessment is on file with the Village Administrator.

PARK FACILITIES.

See "capital improvements."

RESIDENTIAL LIVING UNIT OR RLU.

A single-family residence, a separate living area within a multiunit residential apartment or condominium building, or a separate residential living area in a

mixed-use commercial/residential building. RLUs for multiunit residential buildings generally consists of a combination of bedroom(s), bathroom(s), kitchen(s) and/or living area for the purpose of providing a separate and distinct living space, or as otherwise may reasonably be designated as separate by the Village. (Examples: A single-family home shall count as one RLU, a duplex or side-by-side townhouse shall count as two RLUs, an eight-unit condominium building shall count as eight RLUs, and a four-unit apartment building shall count as four RLUs). An RLU for a mixed-use commercial/residential building generally consists of the separate and distinct residential living space within the mixed-use building, as may reasonably be designated by the Village as separate, but shall not include the commercial portion of the mixed-use building. (Examples: A mixed-use building with one apartment unit and a business shall count as one RLU, and a mixed-use building with two apartment units and a business shall count as two RLUs).

SUBDIVISION

A plat, certified survey map, or other method used to divide a parcel of property into two or more separate parcels or lots.

Sec. 10.02.41 Payment required; waiver or reduction of fee

A. General requirement. Any person who creates a new development in the Village shall be required to pay an impact fee as further set forth in this article.

B. Uniform application; discretion; affordable housing.

(1) Impact fees shall be assessed in such a manner that any new development having the same impacts on park facilities shall be assessed the same impact fee.

(2) Subsection 2(a) above notwithstanding, the Village Board may waive or reduce the impact fee required to be assessed against a new development if that development promotes other policies established by the Village Board from time to time, including but not limited to the provision of affordable housing. However, no amount of the impact fee for which the waiver or reduction is provided may be shifted to any other portion of the development in which the waiver or reduction has been granted, nor may it be shifted to any other land development in the Village.

Sec. 10.02.42 Imposition of impact fee

A. Amount and calculation.

(1) The park facilities impact fee shall be $675 per RLU until amended by the Village Board, except that this amount may be increased annually by the Consumer Price Index to reflect the inflationary increases of the costs of improving park facilities via Village Board resolution. No such amendment shall exceed $675 (as adjusted for inflation since 2026) unless a new needs assessment is prepared as provided in sec. 66.0617, Wis. Stats.

(2) The impact fee shall be assessed against each RLU created by the new development to calculate the total impact fee assessment. A developer shall be charged an impact fee for the maximum number of RLUs that could exist in the subdivision.

B. Payment due. The total impact fee assessment shall become due and payable at the time the final plat, final certified survey map, or other final subdivision approval is granted by the Board. In the absence of a subdivision, the total impact fee assessment shall become due and payable at the time of issuance of the building permit. Notwithstanding the foregoing, no final plat, certified survey map, or building permit shall be issued or executed until the impact fee imposed by this article has been paid in full.

C. Annual review. The Village may annually review the impact fee and make such modifications as are deemed necessary as a result of: development occurring in the prior year; capital improvements actually constructed; changing facility needs; inflation; revised cost estimates for land acquisition and capital improvements; changes in the availability of other funding sources applicable to public facility projects; and such other factors as may be relevant.

D. Segregated account. Upon receipt of impact fees, the funds shall be placed into a separate impact fee account. At the discretion of the Village, multiple impact fee accounts may be maintained for separate and distinct development or capital improvements projects. All such accounts shall be interest-bearing accounts and shall be held in a bank authorized to receive deposits of Village funds. Interest earned shall be credited to that account and shall be used solely for the purposes specified for such funds. The Village shall maintain and keep accurate financial records for the account, including the source and disbursement of all revenues, the amount of all funds collected, and the projects that were funded.

Sec. 10.02.43 Bonding of excess facility projects

The Village may issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law in furtherance of the provision of capital improvement projects. Funds pledged toward retirement of bonds, revenue certificates, or other obligations of indebtedness for such projects may include impact fees and other Village revenues as may be allowed by the Board. Impact fees paid pursuant to this article, however, shall be restricted to use solely and exclusively for financing directly or as a pledge against bonds, revenue certificates, and other obligations of indebtedness for the cost of capital improvements as specified herein.

Sec. 10.02.44 Refunds

A. Reasonable time determination. Pursuant to sec. 66.0617(9), Wis. Stats., the Village determines that 20 years is a reasonable length of time for the planning, financing, acquisition and construction of the public park facilities set forth in this article.

B. Refund requirement. Impact fees imposed and collected but not used within 20 years of payment to pay the capital costs for which they were imposed shall be refunded on a prorated, proportional basis, as determined by the Village Board, to the current record owner(s) of record of the property upon which the impact fee was originally imposed.

C. Refund petition. The applicable owner of record shall apply for a refund of all or part of such fee as follows:

(1) A petition for refund must be filed within one year of the event giving rise to the right to claim a refund.

(2) The petition for refund must be submitted in writing to the Village Administrator or its duly designated agent. The petition shall set forth the basis for petitioner's request for the refund.

(3) Within one month of the date of receipt of a petition for refund, the Village Administrator or its duly designated agent must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the Village Administrator or its duly designated agent shall request that a refund payment be made to petitioner.

(4) The petitioner may appeal the determination of the Village Administrator to the Village Board.

Sec. 10.02.45 Appeals

Appeals may be made to the Village Board as set forth below.

A. The applicant seeking appeal must file a written notice of appeal with the Village Board within 30 days following either the denial of execution of a final plat, certified survey map or other subdivision; denial of issuance of a building permit; denial of a refund; or date the impact fee was due, whichever is applicable, and in the event of a conflict the earliest date applicable.

B. The notice of appeal shall state the applicant's name, address, and telephone number, address and legal description of the applicable lot or parcel, and a statement of the nature of and reasons for the appeal. In the event that payment of an impact fee is being appealed, the notice of appeal shall be accompanied by full payment of the impact fee if such payment has not already been provided to the Village.

C. The Village Administrator shall schedule the appeal for consideration by the Village Board at a regular or special meeting no later than 60 days from receipt of the notice of appeal. The Village Administrator shall notify the applicant of the date, time and location of the meeting in writing, by regular mail, no less than three days before the date of such meeting.

D. Upon review of the appeal, the Village Board may adjust the amount, collection, refund or use of the impact fee upon reasonable cause shown in a manner consistent with the terms of this article. Approval, denial, or modification of the appeal request may be made by regular motion of the Board. The decision of the Board shall be a final administrative determination.

E. No impact fee payment shall be suspended or stayed during the pendency of any appeal filed pursuant to this article.

Sec. 10.02.46 Effect of impact fee on zoning and subdivision regulations

This article shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of capital improvements subject to the zoning and subdivision regulations or other regulations of the Village, which shall be operative and remain in full force and effect without limitation with respect to all such development.

Sec. 10.02.47 Impact fee as additional and supplemental requirement

The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the Village on the development of land or the issuance of building permits. It is intended to be consistent with and to further the objectives and policies of the Master Plan or Comprehensive Plan and other Village policies, ordinances and resolutions by which the Village seeks to ensure the provision of public facilities in conjunction with the development of land. In no event shall a property owner be obligated to pay for capital improvements in an amount in excess of the amount calculated pursuant to this article; provided, however, that a property owner may be required to pay, pursuant to Village ordinances, regulations, or policies, for other capital improvements in addition to the impact fee for capital improvements as specified in this article.

Sec. 10.02.48 Construal of provisions; severability

The provisions of this article are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience, and this article shall be liberally construed to effectively carry out its purposes. If any subsection, phrase, sentence or other portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent, and such holding shall not affect the validity of the remaining portions thereof.

CHAPTER 10.03 ZONING

ARTICLE I. GENERAL PROVISIONS

Sec. 10.03.01 Title
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Article I. General Provisions

Sec. 10.03.01 Title

This chapter shall be known as, referred to, or cited as "The Zoning Code, Village of Sauk City, Wisconsin."

Sec. 10.03.02 Authority

These regulations are adopted under the authority granted by secs. 62.23(7) and 61.35 and Chapter 91, Wis. Stats.

Sec. 10.03.03 Purpose

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community. This chapter also provides appropriate and necessary land use controls within the extraterritorial zoning jurisdiction of the Village of Sauk City in the Town of Prairie du Sac, consistent with the Comprehensive Plan for the orderly development of the Village and its environs.

Sec. 10.03.04 Compliance required

No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended enlarged, converted, or structurally altered without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.

Sec. 10.03.05 Intent

A. It is the general intent of this chapter to:

(1) Regulate and restrict the use of all structures, lands and waters;

(2) Regulate and restrict lot coverage, population distribution and density, and the size and location of all structures, so as to lessen congestion in and promote the safety and efficiency of the streets and highways;

(3) Secure safety from fire, flooding, panic and other dangers;

(4) Provide adequate light, air, sanitation and drainage;

(5) Prevent overcrowding;

(6) Avoid undue population concentration;

(7) Facilitate the adequate provision of public facilities and utilities;

(8) Stabilize and protect property values;

(9) Further the appropriate use of land and conservation of natural resources;

(10) Preserve and promote the beauty of the community; and

(11) Implement the community Comprehensive Plan or plan components.

B. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Sec. 10.03.06 Jurisdiction

A. Within the Village. The jurisdiction of this chapter shall include all lands and water within the Village.

B. Extraterritorial zoning jurisdiction. The unincorporated area outside the Village limits subject to the provisions of this chapter is shown on the map appended to this chapter as Exhibit A. The provisions of this chapter relating to the unincorporated area shall become effective when adopted by the Village Board, in accordance with the provisions of sec. 62.23(7a), Wis. Stats. The failure of the Village Board to take such action shall in no way invalidate the application of this chapter to any property, building, or structure located within the Village.

Sec. 10.03.07 Interpretation

The provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 10.03.08 Abrogation and greater restrictions

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

Sec. 10.03.09 Severability

The several provisions of this chapter are severable. If any provision of this chapter is adjudged to be invalid or ineffective as to any portion of the territory described, such judgment shall not affect the remainder of this chapter or its application to the remaining portion of the described territory.

Sec. 10.03.10 Definitions

For the purposes of this chapter, the definitions set out in this chapter shall be used. Words used in the present tense include the future tense; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

ABUTTING
Having a common property line or district line.

AGRICULTURAL USE
Any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; maple syrup production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program.

AQUACULTURE
The farming of aquatic organisms (plants and animals) under controlled conditions, which for purposes of this Chapter does not include any fish hatchery.

ALLEY
A way which affords only a secondary means of access to abutting property.

APARTMENT
See "dwelling unit" as defined in this section.

APARTMENT HOUSE
See "dwelling, multi-family" as defined in this section.

ARTISAN STUDIO OR WORKSHOP

A land use involving a building or portion thereof used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use, used by no more than five artists or artisans.

BASEMENT

A portion of a building located partly or wholly underground and having 2/3 or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

BED AND BREAKFAST

Any place of lodging that satisfies all of the following:

A. Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients.

B. Provides no meals other than breakfast and provides the breakfast only to renters of the place.

C. Is the owner's personal residence.

D. Is occupied by the owner at the time of rental.

E. Was originally built and occupied as a single-family detached dwelling, or, prior to use as a place of lodging, was converted to use and occupied as a single-family detached dwelling.

BILLBOARD

An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment or the property upon which it is located.

BLOCK

A tract of land bounded by streets, or by a combination of streets and public parks, or other recognized lines of demarcation.

BOARD

The Board of Appeals, as provided in Article **XXV** of this chapter.

BREWPUB

A land use that is accessory to a restaurant or tavern use, produces less than 10,000 barrels of beer per year, is permitted under Section 125.295, Wisconsin Statutes, and where beer is primarily produced for on-site consumption.

BUILDING

A structure having a roof and intended for the shelter, housing or enclosure of persons, animals, or chattels.

BUILDING INSPECTOR

The employee of the Village officially designated to administer the Building Code.

BUILDING LINE, FRONT

A line parallel to the street intersecting the point of the building closest to the front lot line, excluding uncovered steps, stoops, or decks.

BUILDING, ACCESSORY

A subordinate building, the use of which is purely incidental to that of the main building,

BUILDING, ALTERATION OF

Any change or rearrangement of the supporting members, such as bearing walls, beams, columns or girders, of a building, an addition to a building, or movement of a building from one location to another.

BUILDING, HEIGHT OF

The vertical distance from the mean elevation of the finished grade along the primary street frontage of the building to the highest point on a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip, or gambrel roofs.

BUILDING, PRINCIPAL

A building in which is conducted the main use of the lot on which the building is located.

BUSINESS

A commercial establishment engaged in the purchase and sale of goods and services, not including industrial, storage, and distribution establishments listed in **Attachment 2**.

CANOPY OR MARQUEE

A roof-like structure of a permanent nature which projects from the wall of a building.

CARPORT

See "garage, private" as defined in this section.

CARETAKER'S RESIDENCE

An accessory land use consisting of an attached or detached dwelling unit providing permanent housing exclusively for the owner, manager, or operator of a property on which the commercial, industrial, or institutional use being watched over is located.

CELLAR

See the definition of "basement" in this section.

CERTIFICATE OF OCCUPANCY

A written statement issued by the Zoning Administrator or Building Inspector which permits the use of a building or lot or a portion of a building or lot and which certifies compliance with the provisions of this chapter for the specified use and occupancy.

CHILD CARE, FAMILY HOME (4-8 CHILDREN)

An accessory use of an occupied residence in which one or more qualified occupants of the residence provides child care for four to eight children, and licensed by the State and following Sections 48.65 and 66.1017(1)(a), Wisconsin Statutes, and DCF 202, Wis. Admin. Code. Does not include a child provided care by a parent, legal guardian, grandparent, great-grandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption. Not classified as a "Home Occupation" for purposes of this Chapter. Home child care with fewer than four children is not subject to the regulations of this Chapter.

CHILD CARE, GROUP CENTER (9+ CHILDREN)

A land use in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers, preschools, and nursery schools. Such land uses may be operated in conjunction with another principal land use on the same premises, such as a church, primary school, business, civic organization, or multi-family residential complex.

CHILD CARE, INTERMEDIATE HOME (9-15 CHILDREN)

An accessory use in an occupied residence in which a qualified person(s) provides child care for 9 to 15 children. Does not include a child provided care by a parent, legal guardian, grandparent, great-grandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption. Not classified as a "Home Occupation" for purposes of this Chapter.

CLINIC

A building used by a group of doctors or dentists for the examination or treatment of persons on an outpatient or non-boarding basis only.

CLUB

A building owned, leased, or hired by a nonprofit association of persons who are bona fide members paying dues, the use of which is restricted to the members and their guests.

COMMERCIAL INDOOR ENTERTAINMENT AND DINING

All land uses that provide dining, drinking, and/or entertainment services within an enclosed building, not including an "Sexually-Oriented Land Use". Such land uses do include restaurants; cafes; coffee shops; taverns; brewpubs; wine bars; theaters; health or fitness centers; commercial indoor swimming pools (not including those in public or non-profit spaces); dance, art, martial arts, and other

forms of training studios; bowling alleys; arcades; roller rinks; indoor shooting, archery, and axe ranges; and pool halls. Any outdoor service area associated with such use shall be classified as an accessory "Outdoor Dining, Drinking, or Entertainment" land use.

COMPREHENSIVE PLAN

The comprehensive plan of the Village of Sauk City, as updated and amended from time to time by the Village under sec. 66.1001, Wis. Stats. See also Ch. 10.01 of the Village Municipal Code.

COMMUNITY LIVING ARRANGEMENT

A type of group living facility including only the following:

A. A community living arrangement for adults as defined in sec. 46.03(22), Wis. Stats.

B. A community living arrangement for children as defined in sec. 48.743(1), Wis. Stats.

C. A foster home as defined in sec. 48.02(6), Wis. Stats.

D. An adult family home as defined in sec. 50.01 (1) (a) or (b), Wis. Stats.

Community Living Arrangements do not include nursing homes, hospitals, prisons, or jails. Community Living Arrangements are regulated depending upon their capacity as provided for in secs. 61.35 and 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.

COMMUNITY SCALE SOLAR OR WIND ENERGY GENERATING FIELDS

A type of electric generating facility using solar panels or wind turbines, typically a principal use of a property, where the energy generated is primarily for off-site distribution and use, and which has energy generation capacity not exceeding 100 megawatts (which if exceeding that capacity are not subject to local zoning regulation under Wisconsin law).

CONFORMING USE

Any lawful use of a building or lot which complies with the provisions of this chapter.

CURB GRADE

The level of the established curb in the front of the building, measured at the center of such front. Where no curb has been established, the Village Board shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this chapter.

DECK

A horizontal platform that has structural members elevated above ground level, is supported by pillars or posts, and has no roof or walls.

DRIVE-THROUGH AND OTHER IN-VEHICLE SALES OR SERVICE

All land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity. Such uses often have their highest traffic volumes concurrent with peak traffic flows on adjacent roads. Examples include drive-in, drive-up, and drive-through facilities in conjunction with another principal use, gasoline stations, car washes, and outdoor drive-in theaters. If performed in conjunction with a principal land use (for example, a convenience store, drug store, restaurant, or bank), such land uses shall be considered accessory uses. Excludes "Automotive and Other Motorized Vehicle Service and Body Repair" land uses, which are separately listed and regulated.

DWELLING UNIT

A separate housekeeping unit designed and used for occupancy by a single family, with cooking facilities and a private bath.

DWELLING UNIT, ACCESSORY

A separate and secondary dwelling unit located on the same parcel as a "Single-family Detached Dwelling", but not meeting the definition of a "Two-family Dwelling" or an "In-family Suite" in this section. The accessory dwelling unit may be attached to or detached from the principal dwelling, but it shall not:

A. Have a floor area that exceeds 50% of the principal dwelling's floor area;

B. Where attached to the principal dwelling, alter the appearance and character of the building so it more closely resembles a Two-family Dwelling;

C. Be sold separately from that dwelling; or

D. Be occupied by more than two unrelated individuals, or by two or more persons each related by blood, marriage, adoption or guardianship, living together as a single housekeeping unit.

DWELLING UNIT, MIXED USE

A dwelling unit located within the same building as a nonresidential land use type. Generally located above the ground floor, or not within the first 24 feet of any ground floor as measured from the front building line.

DWELLING, MULTI-FAMILY

A residential building designed, arranged, used for, and occupied by three to eight individual attached dwelling units that each take access from a shared entrance or hallway, or any residential building with nine or more attached dwelling units. Each such building proposed to be built as or converted to a zero lot line structure, as defined herein, shall meet the same agreement or covenant requirements as "Two-family Dwellings" built as or converted to a zero lot line structure.

DWELLING, SINGLE-FAMILY DETACHED

A detached building designed, arranged, used for, and occupied exclusively by one family; having no roof, wall, or floor in common with any other dwelling unit

except for any "Accessory Dwelling Unit" as defined in this section; complying with the State of Wisconsin Uniform Dwelling Code (UDC) or having received a Federal Manufactured Housing Certificate label; attached to a finished, permanent foundation meeting UDC requirements such as a poured concrete slab or basement; and having not less than 700 square feet in floor area as defined in this section. May include an "In-family Suite" as defined in this section.

DWELLING, TOWNHOUSE

A building designed, arranged, used for, and occupied exclusively by three to eight families living in side-by-side attached dwelling units, with each unit having a private individual access to the outdoors and no shared internal access. Building shall have no common hallways, except within any approved underbuilding parking area. Also commonly referred to as a rowhouse. Each such building proposed to be built as or converted to a zero lot line structure, as defined herein, shall meet the same agreement or covenant requirements as "Two-family Dwellings" built as or converted to a zero lot line structure.

DWELLING, TWO-FAMILY

A building designed, arranged, used for, and occupied exclusively by two families living in two attached dwelling units, with each unit having a private individual access to the outdoors, no shared internal access, and not meeting the definition of an "Accessory Dwelling Unit". Units may be attached side-by-side, or with one unit above the other provided that building height limitations in **Attachment 1** are not exceeded. Also commonly referred to as a duplex, twin home, or two-flat. Where proposed as a zero lot line structure, as defined herein, the applicant shall provide a signed agreement or covenant with the building permit application specifying maintenance standards for the common wall, exterior surfaces of the building to maintain a neat and harmonious appearance over time, and any other common features; a funding mechanism for ongoing maintenance and repairs; restrictions against construction of detached single family residences on any of the affected lots in the event one or all sides of the zero lot line structure is destroyed; and a provision that it may not be terminated, amended, or otherwise altered without the approval of the Village Board. Each such agreement or covenant shall be subject to Village Attorney approval, and then recorded by the developer against all affected lots and maintained over such lots in perpetuity except by approval of the Village Board.

EMERGENCY SHELTER

Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare and fire, flood, windstorm, riot, or invasion.

EXPRESSWAY

A divided arterial street with full or partial control of access and, generally, with interchanges at major intersections. See also the definition of "freeway" in this section.

FAMILY

One of the following:

A. An individual person;

B. Two or more people related by blood, marriage, domestic partnership, or legal adoption (including foster children) living together as a single household;

C. Up to four adults and the dependents of each living together as a single household; or

D. Up to four people who have disabilities under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) living as a single household because of their disability and requiring assistance from a caregiver plus up to two people providing support services such personal care, housekeeping, meal preparation, laundry, and companionship.

FARM

All lands under contiguous common ownership in which a majority of land is devoted to an agricultural use. For purposes of this definition, "contiguous" means sharing a common boundary, except that parcels in common ownership which are directly across from a public street, rail right-of-way, easement, or navigable river, stream, or creek, along with parcels that meet only at a corner, shall also be considered contiguous.

FARM AND FORESTRY STRUCTURE

Any structure on a farm that is an integral part of, or is incidental to, a permitted agricultural use, including but not limited to barns, silos, and corn cribs.

FARM RESIDENCE

A type of one-family dwelling located on the farm and occupied by the owner or operator (or both) of the agricultural use. Where the associated lands are planned for agricultural preservation in the Comprehensive Plan, total number of dwelling units on any farm as it was configured on August 18, 2011 shall not exceed an overall density of one dwelling unit per 35 acres, with no rounding permitted. For example, a 160 acre farm as of that date shall be allowed to accumulate no greater than four total dwelling units (160/35 = 4.57 = 4).

FLOOR AREA

A. For residential uses, the sum of the gross horizontal areas of all floors of a dwelling unit, exclusive of decks, patios, exterior balconies, garages, basements, and porches not designed for all-season occupancy, as many of these terms are defined in this section and as measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating attached dwelling units.

B. For uses other than residential, the area measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating such

uses, including all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

FREEWAY

An expressway with full control of access and with grade separations at all intersections.

FREIGHT TERMINAL OR TRANSSHIPMENT DEPOT

A land use including lands and buildings representing either end of one or more truck carrier line(s) principally serving several or many businesses, which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities.

FRONTAGE, BLOCK

All of the property abutting on one side of a street between two intersecting streets.

FRONTAGE, LOT

The smallest dimension of a lot abutting a public street, measured along the street line.

GARAGE

An accessory building or portion of the principal building used primarily for vehicular storage. " Garage" also includes "carport" and, when related to the context, shall relate to the storage of one or more vehicles.

GARDEN, COMMUNITY

A garden, whether public or private, established by and/or for the use of multiple people, typically to grow vegetables for personal use. Typically the primary use of a property.

GARDEN, RESIDENTIAL

A garden established by and for the use and enjoyment of the resident(s) of the property on which it is located. An accessory use.

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 lubricating substances, or the 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 or servicing such vehicles.

GEOTHERMAL ENERGY SYSTEM (GES)

An accessory land use comprised of a central heating and/or cooling system that uses the moderate temperatures of subsurface ground or a body of water to assist with the heating or cooling of a building or a building's water. A GES requires an underground heat exchanger, in the form of a network of underground or underwater pipes or tubes filled with a liquid medium (refrigerant, water mixed

with anti-freeze, or water). The liquid medium within the heat exchanger is transferred between a structure and the heat exchanger via pumps. In an Open Loop GES, ground or surface water is continuously drawn from an outside source through the heat exchanger pipes and discharged after use. In a Closed Loop GES, the system is designed so that heat exchanger fluid does not come in direct contact with soils, groundwater, or surface water.

GROUND FLOOR

The first floor of a building above its basement or cellar as defined in this section.

HEIGHT

See Building, Height of.

HISTORIC STRUCTURE

Any building or portion of a building that is listed or eligible for listing on the National or State Registers of Historic Places and/or identified as having historic or architectural significance by a comprehensive survey of historic resources conducted by or with authorization of the Village.

HOME OCCUPATION

Any occupation for gain or support that is accessory a principal dwelling use on a lot at which all operations have or will have all of the following characteristics:

A. Undertaken only by one or more family members occupying the residence;

B. Conducted entirely within a building and not exceeding 25% of its floor area;

C. Having no activity, materials, goods, equipment, noises, odors, or emissions detectable from outside the lot, except for not more than 15 vehicle trips per day including those serving principal dwelling use;

D. Using no mechanical or electrical equipment other than such as customarily incidental to domestic use; and

E. Keeping or selling no stock-in-trade except that made on the premises.

HOTEL

An establishment for transient guests having more than six sleeping rooms, generally without individual cooking facilities, in which each unit accesses an interior common hallway.

INDOOR INSTITUTIONAL (LARGE-SCALE, SMALL-SCALE)

A category of land uses that includes all indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, colleges and universities; churches, nonprofit clubs, nonprofit fraternal organizations, funeral homes, tourist information and hospitality centers, convention centers not attached to hotels, auditoriums, hospitals, incarceration facilities, and similar land uses. Also includes accessory uses often associated with such principal land uses, including but not limited to

storage garages, gazebos, gardens, paths, shops designed for the exclusive use of patrons or guests such as a pharmacy or gift shop, and helipad. For purposes of this Chapter, a new or expanded "Indoor Institutional" use shall be considered "Large-scale" if one or more of the following thresholds is exceeded: includes 25,000 square feet in indoor floor area or more; will provide overnight accommodations for 10 or more persons; any college, university, hospital, or sanitarium; and/or includes a helipad. All other "Indoor Institutional" uses are considered "Small-scale."

INDOOR SALES OR SERVICE

Includes all land uses, except as otherwise separately listed in this Chapter, which conduct or display sales or rental of merchandise or equipment, and/or that conduct non-personal or non-professional services, entirely within an enclosed building. Display of products outside of an enclosed building shall be considered an "Outdoor Display Incidental to Indoor Sales" accessory use, where meeting the definition of that term. Includes a wide variety of retail stores and commercial service uses not otherwise listed in this Chapter, such as antique shops; appliance sales; art, office, stationary and school supply stores, automotive parts sales (but not automotive service or repairs), bakeries (for predominately on-site retail sales); bicycle sales and service; clothing and shoe sales and repair; book stores; confectionary, candy and ice cream stores; delicatessens; department stores; drug stores and pharmacies; florist shops; furniture stores; gift stores; grocery stores; hardware and home improvement stores; jewelry stores; optical stores; paint sales; photographic studios; upholsterers; and variety stores. Also includes self-service facilities such as coin-operated laundromats. Does not include sales or commercial service uses that are accessory to a principal residential use of a property, which are instead regulated as "Home Occupations" if meeting the applicable definition in this section.

INDOOR SALES INCIDENTAL TO INDUSTRIAL USE

An accessory land use that involves retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling, or "Industrial" land use on the same site, where the total floor area devoted to sales activity shall not exceed 15% of the total floor area of the buildings on the property.

INDUSTRIAL – HEAVY

A category of land uses and including industrial and manufacturing facilities where operations do not, or are not expected to, be separately listed in this Chapter and comply with one or more of the characteristics defining an "Industrial – Light" use in this section. Notwithstanding any such actual or expected compliance, the following uses shall always be classified as "Industrial – Heavy" uses slaughter houses; tanneries; primary meat, fish, and cabbage processing; canneries; paper, pulp, or paperboard producers; chemical and allied product producers (except drug producers); petroleum and coal product producers; asphalt, concrete, or cement producers; stone, clay, or glass product producers; primary metal

producers (including forges and foundries); electroplating, enameling, or lacquering of metal products on an industrial scale; textile manufacturing on an industrial scale; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; railroad switching yards; auction yards; and smelting plants.

INDUSTRIAL – LIGHT

A land use category including industrial, manufacturing, assembly, data centers, and trade and contracting facilities at which all operations have or will have all of the following characteristics:

C. Conducted entirely within an enclosed building with the exception of any outdoor storage component that the Village explicitly allows;

D. Not involve materials that pose a significant safety hazard, such as highly-flammable or explosive chemicals, materials, or liquids or danger of explosion, in production process or in bulk storage;

E. Reasonably assured to comply with all of the performance standards listed in **Article XIII** and not provide a nuisance per **Chapter 224**;

F. In the Village Engineer's opinion, not include high strength wastewater or water usage that significantly exceeds the expected average daily demand of a typical industrial user relative to current or anticipated water supply;

G. Not include the testing of animals; and

H. Not be one of the listed examples of an "Industrial – Heavy" in this section or another listed land use in this Chapter including **Attachment 2**.

IN-FAMILY SUITE

An area and accessory use within a "Single-Family Detached Dwelling" land use that is occupied by a family member and may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas, but which also includes a permanent interior, non-locking access way between the habitable area of the in-family suite and the remainder of the dwelling. Distinguished from an "Accessory Dwelling Unit" as defined elsewhere in this section.

INTERCHANGE

A grade-separated intersection with one or more direct connections for vehicular travel between the intersecting streets or highways.

JUNKYARD

An open space where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires and bottles. "Junkyard" also includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.

LIVESTOCK

Domestic animals traditionally used in Wisconsin in the production of food, fiber, or other animal products. Livestock includes bovine animals, equine animals, goats (except pigmy), poultry, sheep, swine (except pot-bellied pigs), farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

LOADING AREA

A completely off-street space or berth on the same lot, for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LOT

A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

LOT AREA

The total area in a horizontal plane within the peripheral boundaries of a lot.

LOT COVERAGE

The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.

LOT LINES

The peripheral boundaries of a lot as defined in this chapter.

LOT WIDTH

The width of a parcel of land measured along the front building line.

LOT, CORNER

A lot abutting intersecting streets at their intersection.

LOT, REVERSED CORNER

A corner lot which is oriented such that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

LOT, THROUGH

A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both public streets shall be deemed front lot lines.

LOT, ZONING

A single tract in a single block which, at time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.

MACHINE SHOP

A workshop for making or repairing mechanical items.

MANUFACTURED HOME

A home built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. A manufactured home may be constructed of single or multiple sections.

MANUFACTURED HOME PARK

A parcel or contiguous large parcels of land under single ownership that has been improved with sites for the placement of two or more manufactured homes but not mobile homes, recreational vehicles, or travel trailers.

MICROBEVERAGE PRODUCTION FACILITY

A type of beer, wine, spirits, or coffee production facility that does not exceed the following production quantities per year: microbrewery, 5,000 U.S. barrels or equivalent; microdistillery, 5,000 gallons or equivalent; microwinery, 5,000 gallons or equivalent; microroastery, 5,000 pounds or equivalent. Such a facility often includes a tasting or tap room and on-site purchase of beer and related products, including gifts and food. In the event such a use exceeds the above quantitative limits, either at time of commencement or via growth, it shall instead be classified as a "Industrial – Light" land use.

MOBILE HOME

A transportable factory-built structure as is defined in sec. 101.91(10), Wisconsin Statutes, designed for long term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act. Mobile homes are not permitted within the Village or extraterritorial zoning area.

MOTEL

A series of attached, semidetached, or detached sleeping units for the accommodation of transient mobile tourists, in which access to and from each unit is through an exterior door.

MOTOR VEHICLE

Any passenger vehicle, truck, truck trailer or semitrailer propelled or drawn by mechanical power.

NONCONFORMING BUILDING OR STRUCTURE

Any building or structure which:

A. Does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.

B. Is designed or intended for a nonconforming use.

NONCONFORMING USE

Any use of land, buildings, or structures which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

NURSERY

Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

NURSING HOME

Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

OFFICIAL MAP

A map adopted and designated by the Village Board as being the "Official Map," pursuant to sec. 62.23(6), Wis. Stats., that shows current and planned new and expanded community facilities; roadways highways, and trails; and drainageways and environmental corridors.

ON-SITE AGRICULTURAL RETAIL

A type of land use that includes the sale of agricultural products grown on the farm and potentially on other farms within 10 miles, where such sales are integral or accessory to an agricultural use, and where such sales are on a year-round basis or require permanent structures.

OUTDOOR PUBLIC RECREATION

A land use that includes all recreational land uses located on public property or public easement. Such land uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses, arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas, picnic areas, picnic shelters, fishing areas, and similar land uses.

OUTDOOR SOLID FUEL FURNACE

An outdoor accessory structure designed to heat air or water through a fire and then transmit that heated air or liquid to a different structure for direct use and/or structural heating.

OUTDOOR STORAGE OR DISPLAY

Generally, an accessory land use to a principal commercial or industrial use that includes the storage or display of items or equipment not fully enclosed within a building, excluding active loading and parking. Examples include contractors' outdoor storage yards, equipment yards, lumber yards, coal yards, landscaping materials yards, construction materials yards, shipping materials yards, and storage or display of equipment or materials to be rented or leased.

PARKING FACILITY

A structure or an open area other than a street or alley used for temporary parking of more than four self-propelled vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

PARKING STALL

An off-street space available for the parking of motor vehicles, which in this chapter is held to be an area nine feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PATIO

A hard surfaced area adjoining a house, not above the grade line, typically used for outdoor dining, lounging, or recreation.

PERSONAL OR PROFESSIONAL SERVICES

An exclusively indoor land use whose primary function is the provision of one or more professional or personal services directly to an individual on a walk-in or on-appointment basis. Examples include banks, insurance or financial services, realty offices, barber shops, beauty shops, dental and medical offices and clinics (but not hospitals), and small animal veterinary clinics. Veterinary clinics catering to animals larger than domestic dogs and/or requiring outdoor kennels shall be regulated as "Commercial Animal Service and/or Sales" land uses. Does not include personal or professional service uses that are accessory to a principal residential use of a property, which are instead regulated as "Home Occupations" if meeting the applicable definition in this section.

PERSONAL STORAGE FACILITY

A land use that includes indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also commonly referred to as mini-warehouses or mini-storage.

PLANNED UNIT DEVELOPMENT

A development that allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures, conceived and implemented as a comprehensive and cohesive, unified project. Also the name of a zoning district that allows such developments.

PORCH

A covered shelter to an entrance to a building which may be partly enclosed with low walls or fully enclosed including screens and/or windows.

PROPERTY LINES

The lines bounding a tract of land in single ownership.

PUBLIC SERVICE OR UTILITY

A category of land uses that includes all municipal, county, state and federal buildings and facilities (except those separately addressed in this Chapter); public

emergency service facilities such as fire departments and rescue operations and shelters; emergency shelters; water towers; utility and public service related substations and distribution facilities; public transportation terminals; and similar public or utility land uses but not including any power-generating facility where power is intended primarily for off-site.

PUBLIC WAY

Any sidewalk, street, alley, highway, or other public thoroughfare.

RAILROAD RIGHT-OF-WAY

A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

RESTAURANT

A space within a suitable building provided with adequate and sanitary kitchen equipment and a dining room of related capacity, having employees for preparing, cooking and serving suitable food for sale to the general public.

SETBACK

The minimum horizontal distance between the front lot line, side lot line or rear lot line and a structure.

SEXUALLY-ORIENTED LAND USE

Any establishment oriented to the display or sales of sexually-oriented materials such as videos, movies, slides, photos, books, or magazines; or the display of actual persons displaying and/or touching sexually specified areas. For the purpose of this Chapter, "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually-oriented material" including any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less than 5 percent of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas.

SHOPPING CENTER

A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

SIGN, TEMPORARY

A nonpermanent sign or advertising display intended to be displayed for a short, usually fixed period of time generally not exceeding 30 consecutive days unless in conjunction with an approved temporary use or as outlined in Article **XX**. Temporary signs include wall, freestanding, and banner signs mounted on walls.

SIGNS

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, or designs visible from a public street or highway which convey information regarding the use or ownership of the establishment on the same property upon which they are located, as distinguished from the definition of "billboard" set forth in this section.

SMALL SOLAR OR WIND ENERGY SYSTEM

A system the converts solar or wind energy to usable thermal, mechanical, chemical, or electrical energy through use of panels, turbines, or similar equipment; is accessory to the principal use of the lot; primarily supplies energy to such principal use; and does not provide energy greater than 150% of the principal use's average annual energy demand. Each small wind energy system shall meet applicable setback, height, noise, shadow flicker, signal interference mitigation, construction, operation, decommissioning, and other requirements of PSC 128, Wis. Admin. Code.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF

A story under a gable, hip or gambrel roof, the wall plates of which on at least two exterior walls are not more than two feet above the floor of such story.

STREET

A public or private thoroughfare which may either provide the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic, or both.

STREET, ARTERIAL

A public street or highway used or intended to be used primarily for fast or heavy through traffic. "Arterial streets and highways" includes freeways and expressways, as well as major thoroughfares, highways and parkways.

STRUCTURAL ALTERATION

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.

TRAVEL TRAILER

A vehicular portable structure, built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use, limited in weight or

length to either a maximum weight of 4,500 pounds or a maximum length of 28 feet.

USE

The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this chapter.

USE, ACCESSORY

A use subordinate in nature, extent, or purpose to the principal use of a building or lot.

USE, CONDITIONAL

A use, either public or private, which because of its unique characteristics cannot be properly classified as a permitted use in any particular district or districts.

USE, PERMITTED

A use which may be lawfully established in a particular district or districts provided that it conforms to all requirements, regulations and performance standards, if any, of such districts.

USE, PRINCIPAL

The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be a permitted use or conditional use.

USE, TEMPORARY

A land use which is present on a property for a limited and specified period of time.

VARIANCE

A specified exception to the strict and literal enforcement of the dimensional standards indicated in this chapter, to alleviate a unique and unusual hardship for a property owner resulting from the physical characteristics of the land.

WAREHOUSING, WHOLESALING, AND/OR DISTRIBUTION

A category of land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Includes conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities, but does not include any "Freight Terminal or Transshipment Depot" use.

WASTE MANAGEMENT FACILITY

Any land use engaged in the collection, transfer, storage, processing, incineration, and/or disposal of solid waste, sanitary waste, organic materials for composting, and recycled materials, including those solid wastes defined by sec. 289.01(33), Wis. Stats. Does not include any junkyard use, remanufacture of products from recycled

materials, or reverse vending machine for consumer recyclables occupying not more than 36 square feet.

YARD

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted, and except for permitted accessory buildings in rear yards.

YARD, CORNER SIDE

A side yard which adjoins a public street.

YARD, FRONT

A yard extending across the full width of a lot, having a depth equal to the minimum horizontal distance between the front lot line and a line parallel thereto through the nearest point of the principal structure.

YARD, INTERIOR SIDE

A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

YARD, REAR

A yard extending across the full width of a lot, having a depth equal to the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure.

YARD, SIDE

A yard extending between the front and rear yards of a lot, having a width equal to the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

ZERO LOT LINE STRUCTURE

A building that is built over a lot line, where walls separating occupancy units follow lot lines, such as a zero lot line dwelling or series of zero lot line commercial occupancies in a single commercial building.

ZONING ADMINISTRATOR

The person authorized and charged by the Village Board with the administration of this chapter, except as where otherwise indicated. In the event the Zoning Administrator is temporarily unable to fulfill this charge, the Zoning Administrator or the Village Board may temporarily assign such responsibility to another individual.

ZONING DISTRICT

An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

ZONING PERMIT

A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is to be located.

Article II. Districts, Boundaries and Zoning Map

Sec. 10.03.11 Districts Established

For the purposes of this chapter, the Village and its Extraterritorial Zoning Jurisdiction are divided into the following zoning districts:

R-1-A	Single-Family Residential District
R-1-B	Single-Family Residential District
R-2	Two-Family Residential District
R-M	Multifamily Residential District
B-H	Highway Business District
B-C	Central Business District
B-N	Neighborhood Business District
B-T	Transitional Business District
M-L	Limited Industrial District
M-G	General Industrial District
A-G	Agricultural District
A-P	Agricultural Preservation District
A-H	Agricultural Holding District
A-T	Agricultural Transition District

Sec. 10.03.12 Zoning Map

A certified copy of the Zoning Map and also the Extraterritorial Jurisdiction Zoning Map shall be adopted and approved with the text as part of this chapter, shall bear upon its face the attestation of the Village President and Zoning Administrator, and shall be available to the public in the office of the Zoning Administrator. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

Sec. 10.03.13 Interpretation of district boundaries

A. Boundaries of the districts are established as shown on the current Zoning Map and Extraterritorial Zoning Map on file at the Village office. Such boundaries shall be construed to follow corporate limits; United States Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad right-of-ways; or such lines extended, unless otherwise noted or obvious on the Zoning Map or Extraterritorial Zoning Map as determined by the Zoning Administrator.

B. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

C. Annexations to or consolidations with the Village subsequent to the effective date of this chapter shall be placed in the A-G Agricultural District unless the annexation ordinance temporarily places the land in another district. Within one year of the date of annexation, the Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

Article III. Residential Districts

Sec. 10.03.14 R-1-A Single Family Residential District

The R-1-A District is established primarily for low-density developments of single-family dwellings.

A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Sec. 10.03.15 R-1-B Single-Family Residential District

The R-1-B District is established to protect residential areas now developed with one-family detached dwellings and to protect adjoining areas, presently undeveloped or in agricultural usage, likely to be developed primarily for single-family dwellings.

A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Sec. 10.03.16 R-2 Two-Family Residential District

The R-2 District is established to provide for and protect areas of one-family and two-family dwellings.

A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Sec. 10.03.17 R-M Multifamily Residential District

The R-M District is established to protect certain areas of land, both developed and undeveloped, with peculiar characteristics, such as present high-density dwelling units, proximity to commercial developments or proximity to major streets, and because of a probable, continued demand for such dwelling accommodations which are well-designed, pleasant places in which to live.

A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Article IV. Business Districts

Sec. 10.03.18 B-H Highway Business District

The B-H District is established to provide convenience shopping goods and services required by the traveling public and the regional community. No use permitted in this

district shall be dangerous or offensive or detrimental to the neighboring areas or residents by reason of the emission of dust, gas, smoke, noise, fumes, odors, vibration, etc. The B-H district is generally intended for mapping within the Village.

A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Sec. 10.03.19 B-C Central Business District

The B-C District is established to provide for those retail trade, financial and entertainment activities serving the entire regional community from lands in and near Sauk City's historic downtown.

A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Sec. 10.03.20 B-N Neighborhood Business District

The B-N District is established to provide convenience shopping goods and services to a local neighborhood area and is intended for mapping within the Village.

A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Sec. 10.03.21 B-T Transitional Business District

The B-T District is intended for mapping over rural commercial service, retail, contractor, and commercial storage sites in the Extraterritorial Zoning Jurisdiction that were fully or partially developed with buildings as of January 1, 2023. The B-T District is further intended to facilitate continued operation of such existing businesses, and to enable their improvement and limited expansion with site and building upgrades, accommodation for future utility connection, and limited and screened outdoor storage. The District is further intended to allow for limited substitute businesses on these sites that are not heavy water users and traffic generators. The aim is to ultimately preserve

and achieve compatibility with long-range planned land uses on these sites and adjacent sites pursuant to the Comprehensive Plan.

A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

C. Other requirements. See §10.03.47 and §10.03.48 for other applicable requirements associated with site plan approval within the B-T district.

Article V. Industrial Districts

Sec. 10.03.22 M-L Limited Industrial District

The primary purpose of this district is to provide for the proper location and regulation of industrial uses that do not involve the use of hazardous materials and do not result in offensive sound or odor, typically with good access to major transportation facilities.

A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Sec. 10.03.23 M-G General Industrial District

The primary purpose of this district is to provide for the proper location and regulation of industrial uses, typically with good access to major transportation facilities.

A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Article VI. Agricultural Districts

Sec. 10.03.24 A-G Agricultural District

The primary purpose of this district is to provide for the proper location and regulation of general agricultural uses and as a holding zone pending future development in the Village.

A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Sec. 10.03.25 A-P Agricultural Preservation District

A. Description and purpose. The primary purpose of this district is to maintain, preserve, and enhance agricultural uses and agricultural lands historically exhibiting high crop yields as detailed and for such timeframe specified in the Comprehensive Plan, the Sauk Prairie Intergovernmental Cooperation Agreement, and the Sauk County Farmland Preservation Plan. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture. The A-P district is a certified farmland preservation zoning district under Chapter 91, Wis. Stats. Further, lands in this district will only be approved for rezoning where the criteria in §10.03.124 are met.

B. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2. To meet requirements as a certified farmland preservation zoning district under Chapter 91, Wis. Stats., no conditional use permit shall be granted in the A-P district unless the Plan Commission (or Joint Committee if within the Extraterritorial Zoning Jurisdiction) finds that the use authorized thereby meets the criteria in §10.03.101.C. In addition:

(1) Each "community garden" and "general farming (not otherwise listed)" use shall meet the definition of an agricultural use included in §10.03.10.

(2) Each "on-site agricultural retail" use shall meet the associated definition in §10.03.10 and the following additional criteria:

(a) Packaging and equipment used to store, display, package or carry said agricultural products for the convenience of the

operation or its customers (such as egg cartons, baskets, containers, and bags) is permitted.

(b) The maximum total gross floor area of a structure or a combination of structures dedicated primarily to the on-site agricultural retail use shall be 1,500 square feet in area.

(c) All structures used for an on-site agricultural retail use shall all be an integral part of, or incidental to, the agricultural use on the property, and shall be set back at least 100 feet from any residential zoning district.

(3) Except for a facility used for providing veterinary services primarily to livestock including the sale of supplies and pharmaceuticals related to animal husbandry, each "bed and breakfast," "child care - family home (four to eight children)," "commercial animal service and/or sales," "home occupation," "outdoor gathering," and "on-site agricultural retail" use shall:

(a) Be conducted by the owner or operator of the farm.

(b) Require no buildings, structures, or improvements other than a farm residence and/or another building, structure, or improvement that is an integral part of, or incidental to, an agricultural use on the farm.

(c) Employ no more than one full-time equivalent employee aside from the owner or operator (four for each commercial animal services or boarding, outdoor gathering, or seasonal outdoor sales of farm products use).

(d) Not impair or limit the current or future agricultural use of the farm or other protected farmland.

(4) Each "nonmetallic mineral extraction" use shall meet the criteria in §10.03.102.C.

(5) No historic structure may be relocated from outside of the A-P zoning district to inside of the A-P zoning district unless it meets the definition of a "farm residence" under §10.03.10.

(6) "Outdoor public recreation" uses shall be limited to undeveloped natural resource and open space areas with no buildings.

C. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Sec. 10.03.26 A-H Agricultural Holding District

A. Description and purpose. The A-H Agricultural Holding District is intended to preserve lands in agricultural lands and open space until ripe for planned urban development. The Comprehensive Plan and Sauk Prairie Intergovernmental Cooperation Agreement specify the desired type of urban development and permitted timeframe for such development in areas zoned A-H. Rezoning from AH to another district, extension of public utilities and services, and annexation to the Village must occur in advance of urban development. Because lands in the A-H district is not expected to develop with urban uses as soon as lands zoned A-T, a slightly broader range of agricultural and related land uses is allowed in the A-H district.

B. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

C. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Sec. 10.03.27 A-T Agricultural Transition District

A. Description and purpose. The A-T Agricultural Transition District is intended to reserve agricultural lands and open space for near-term urban development. As detailed the Comprehensive Plan and Sauk Prairie Intergovernmental Cooperation Agreement, annexation and urban development may occur in areas zoned A-T at any time at the request of property owners. Rezoning from A-T to another district, extension of public utilities and services, and annexation to the Village must occur in advance of urban development. Because the A-T district is contiguous to developed lands within the Village, the range of allowable land uses in advance of urban development is the narrowest of the agricultural districts. The only permissible uses in this area prior to annexation are those that maintain agricultural lands, woodlands, and wetlands.

B. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 10.03 Attachment 2.

C. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 10.03 Attachment 1.

Article VII. Flood Districts

Sec. 10.03.28 Floodplain Zoning

The additional restrictions enumerated in Chapter 10.03, Floodplain Zoning, of this Code apply to areas which are subject to periodic flooding.

Article VIII. PUD Planned Unit Development District

Sec. 10.03.29 Purpose

The PUD Planned Unit Development District is established to encourage and promote improved environmental design in the Village of Sauk City by allowing for greater freedom, imagination and flexibility in the development of land while ensuring substantial compliance with the basic intent of this chapter and the general plan for community development. The PUD District 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 in regard to public services and encourage and facilitate preservation of open land. This article contemplates that there may be residential, commercial, industrial, and mixed-use planned unit developments.

Sec. 10.03.30 General requirements for PUD Zoning

A. Minimum total area requirements. There are no minimum total area requirements, however it is generally true that the project should be large enough to allow clustering and to establish a coherence of design.

B. Lot area, lot width, heights and yard requirements.

(1) In the PUD District, there shall be no 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 general development plan shall be, along with the recorded plat, construed to be and enforced as a part of this chapter.

(2) There shall be no specific green area requirement, yet the general development plan should incorporate sufficient green area to match the character of the use and surrounding neighborhood.

C. Permitted uses. Any use permitted in any of the other districts of this chapter may be permitted in the PUD District subject to the criteria as established in §10.03.32 and provided that such uses are identified in the approved and recorded general development plan.

D. Conditional uses. Any use allowed as a conditional use in any of the other districts of this chapter may be allowed in the PUD District subject to the criteria as established in §10.03.32 and provided that such uses and any conditions or requirements attached to such uses are identified in the approved and recorded general development plan.

Sec. 10.03.31 Petition for rezoning to PUD, general development plan

A. Prior to the official submission of the petition for the approval of a PUD District, the owner or the owner's agent should meet with the Plan Commission or Village staff to discuss the scope and proposed nature of the contemplated development to help assess whether PUD District zoning is appropriate.

B. The procedure for rezoning to a PUD District shall be the same as required for any other zoning district change under Article XXII of this chapter, except that the petition to rezone shall be accompanied by payment of the PUD review fee as set by the Village Board and the following additional documentation:

(1) Information statement. An information statement that sets forth the following information:

(a) Total area to be included in the PUD, area of open space, residential density, proposed number and type of dwelling units, projected population, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.

(b) A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.

(c) A general outline of the organizational structure of a property owners or management association that may be proposed to be established for the purpose of providing any necessary private services.

(d) Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision requirements, other Village regulations or administrative rules, or other universal guidelines.

(e) The expected date of commencement of physical development as set forth in the proposal and also an outline of any sequential staging that is planned for the development.

(2) General development plan (GDP). A general development plan which shall include the following information:

(a) A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
(b) The location of public and private roads, driveways, sidewalks and parking facilities.
(c) The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
(d) The location of institutional, recreational and open-space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
(e) The type, size and location of all structures.
(f) General landscape treatment.
(g) The existing and proposed location of public sanitary sewer, water supply facilities, and stormwater drainage facilities.
(h) The existing and proposed location of all private utilities or their easements.
(i) Existing topography on the site with contours at no greater than one-foot intervals.
(j) If the development is to be staged, a staging plan.
(k) A plan showing how the entire development can be further subdivided in the future.

C. Following determination by the Village staff that the petition to rezone to a PUD District is complete with the additional required documentation and that the fee has been paid, the petition shall follow the usual procedure for Plan Commission review and recommendation, public hearing, and Village Board review and action in accordance with Article XXII of this chapter and the criteria set forth in §10.03.32.

Sec. 10.03.32 Review and approval of PUD and general development plan; effect

A. Criteria for review. In reviewing a PUD District rezone application and the general development plan, the following criteria shall be applied to the proposed general development plan with specific consideration as to whether it is consistent with the spirit and intent of this chapter, is consistent with the policies of the Village Comprehensive Plan, has been

prepared with professional advice and guidance, produces significant benefits in terms of environmental design or otherwise that justify modifications from regular municipal standards, and satisfies the following criteria:

(1) Character and integrity of land use. The uses proposed and their intensity and arrangement on the site shall be of a visual and operational character that:

(a) Is compatible with the physical nature of the site, with particular concern for preservation of natural features, tree growth and open space.
(b) Would produce an attractive environment of sustained aesthetic and ecological 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 serves.
(d) Would not create traffic or parking demand incompatible with the existing or proposed facilities to serve it.

(2) Economic feasibility and impact. The proponents of a PUD District application shall provide evidence satisfactory to the Plan Commission and Village Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.

(3) Engineering design standards. The width of street rights-of-way, width of paving, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering considerations shall be based on standards necessary to implement the specified function in the specific situation; provided, however, that in no case shall standards be less than those necessary to ensure the public health, safety, and welfare as determined by the Village Engineer.

(4) Preservation and maintenance of open space. Adequate provision shall be made for the permanent preservation and maintenance of open space either by private reservation or dedication to the public.

(a) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Village as part of the conditions for project

approval an open space easement over such open areas restricting the area against any future building or use except as consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial, recreational, or cultural purposes compatible with the open-space objective may be permitted only where specifically authorized as part of the general development plan or, subsequently, with the express approval of the Village Board following approval of building, site, and operational plans by the Plan Commission.

(b) The care and maintenance of such open-space reservations shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the Village and shall be included in the title to each property.

(c) Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the Village and made a part of the conditions of the plan approval.

(5) Implementation schedule. The applicant shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner that would not result in an adverse effect upon the community as a result of termination at that point. The Plan Commission and Village Board, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one year of approval being deemed reasonable.

(6) Residential PUD districts. In reviewing residential PUD Districts, the Plan Commission and Village Board shall further consider whether:

(a) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to

recreation space, and coordination with overall plans for the community.

(b) The total net residential density within the PUD will be compatible with the Village Comprehensive Plan or components thereof and shall be compatible with the density of the neighborhood wherein located.

(c) Structure types will be generally compatible with other structural types permitted in the neighborhood.

(d) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.

(e) Provision has been made for adequate, continuing fire and police protection.

(f) The population density of the development will have an adverse effect upon the community's capacity to provide needed school or municipal service facilities.

(g) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan either by private reservation and maintenance or by dedication to the public.

(7) Commercial PUD considerations. In reviewing commercial PUD Districts, the Plan Commission and Village Board shall further consider whether:

(a) The applicant has submitted reasonable evidence that the proposed development is economically feasible and that the applicant has adequate available financing to construct the proposed development, or if a phased-development to construct the first phase.

(b) The proposed development will be served by off-street parking and truck service facilities in accordance with this chapter.

(c) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage, and maintenance of public areas.

(d) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood. An "adverse effect" is not solely an increase in traffic, but may

mean an increase in traffic such that the current or proposed infrastructure could not handle the increased traffic sufficiently to ensure the public safety and welfare.

(e) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(8) Industrial PUD considerations. In reviewing industrial PUD Districts, the Plan Commission and Village Board shall further consider whether:

(a) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.

(b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage, and maintenance of public areas.

(c) The proposed development will include provisions for off-street parking and truck service areas in accordance with this chapter and will be adequately served by easy-access rail and/or arterial highway facilities.

(d) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

(9) Mixed-use PUD consideration. In reviewing mixed-use PUD Districts, the Plan Commission and Village Board shall further consider whether:

(a) The proposed mixture of uses results in a unified composite that is compatible with the surrounding neighborhood.

(b) The various types of uses conform to the general requirements as hereinbefore set forth in this chapter applicable to projects of such use and character.

B. Effect of PUD Zoning and GDP. If a PUD District and general development plan is approved by the Village Board, the PUD rezoning shall not take effect unless all owners of the land parcels within the PUD consent to the rezoning and have signed an acknowledgement to that

effect. Building permits within the PUD District may not be issued until Village approval of a specific implementation plan for the PUD District.

C. Recording. Upon rezoning, the Village shall record with the Sauk County Register of Deeds an affidavit of notice of PUD zoning against all real property within the PUD District. The applicant shall supply the necessary property descriptions and shall pay the recording fees.

D. Reversion. The rezoning to a PUD District on the basis of a general development plan shall revert to prior zoning if a specific implementation plan for the PUD District is not approved within one year from the date the PUD zoning takes effect. The Plan Commission may grant one or more extensions for good cause shown, and any such extensions shall expressly state the new deadline for approval of the specific implementation plan.

Sec. 10.03.33 Submittal of specific implementation plan (SIP)

A. After the effective date of the PUD District rezoning and the general development plan, the applicant may submit a specific implementation plan with the Plan Commission through the Zoning Administrator. A specific implementation plan may be prepared for all or only a portion of the project area included in the general development plan. Specific implementation plans shall include the following information:

(1) A precise description of the type, number and size of dwelling units and a description of the type and amount of square feet devoted to commercial or industrial uses; the estimated number of employees and the character and volume of truck and automobile traffic generated from the site.

(2) A detailed site plan of the development showing the location of all buildings, pavement areas, signs, and outdoor lighting.

(3) A final plat or certified survey of the entire development area showing detailed lot layout and the intended use of each lot or parcel of land, public dedications, public and private streets, driveways, walkways, and parking facilities.

(4) A detailed landscape plan showing the location and treatment of open space areas and the location, species, and size of landscape material.

(5) Architectural drawings and sketches illustrating the design and character of proposed structures, including elevation drawings of all principal buildings. In residential planned unit developments

with single-family homes, the Plan Commission may approve site and architectural design guidelines contained within a declaration of covenants, deed restrictions, or other similar documents, in lieu of reviewing the plans for each individual single-family residence.

(6) Location of all utility installations.

(7) A detailed grading plan, including spot elevations.

(8) Stormwater management plan.

(9) A development schedule indicating:

(a) The approximate date when construction of the project can be expected to begin;
(b) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
(c) The anticipated rate of development; and
(d) The approximate date when the development of each of the stages will be completed.

(10) Agreements, bylaws, provisions, or covenants that govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, open areas or other facilities.

(11) Any other plans, documents or schedules required by the Plan Commission or Village Board.

B. Following determination by the Village staff that the submittal of the specific implementation plan is complete, the specific implemental plan shall be placed on the agenda of the Plan Commission for review, consideration, and action.

Sec. 10.03.34 Review and approval of specific implementation plan; effect

A. The Plan Commission shall review the specific implementation plan for consistency with the previously approved general development plan, the spirit and intent of this chapter, and the Village's Comprehensive Plan. The Plan Commission may hold a public hearing or informational meetings at this stage, but it is not required. The Plan Commission must determine that the specific implementation plan is reasonably consistent with the approved general development plan.

B. If the Plan Commission recommends approval of the specific implementation plan, complete documentation describing the specific implementation plan and any contracts (e.g., development agreements) that the Plan Commission deems necessary for the implementation of the plan shall be prepared, reviewed by Village staff for completeness, and once complete shall be placed on the agenda of the Village Board for approval.

C. The Village Board shall review and consider the Plan Commission's recommendation on the specific implementation plan, and if the Village Board determines that the specific implementation plan is reasonably consistent with the previously approved general development plan, it shall approve the specific implementation plan.

D. The specific implemental plan shall not take effect unless:

(1) All owners of the land parcels included within the portion of the PUD District for which the specific implementation plan relates consents to the specific implementation plan and have signed an acknowledgement to that effect.

(2) All contracts or development agreements deemed necessary by the Plan Commission or Village Board to guarantee the implementation of the development according to the terms and conditions established as a part of the general development plan and the specific implementation plan are entered into between the owner/applicant and the Village. The Village shall have the right, if deemed appropriate, to require the inclusion of a performance bond or other security deemed satisfactory to the Village Attorney.

E. The specific implementation plan shall be filed with the Village; however, it does not need to be recorded at the Sauk County Register of Deeds if the affidavit of notice of PUD zoning has been recorded pursuant to §10.03.32.

F. Once the specific implementation plan is approved and takes effect, the Village may issue building and other permits consistent with the approved specific implementation plan.

G. Lapse. If no substantial development progress has occurred within one year after the specific implementation plan takes effect, the specific implementation plan approval shall lapse. The Plan Commission may grant one or more extensions for good cause shown, and any such extensions shall expressly state the new deadline for development of the specific implementation plan.

Sec. 10.03.35 Amendment of plans

Any subsequent change of use of any lot or parcel of land or addition or modification of the plans shall be submitted for approval to the Plan Commission. If such change or modification constitutes a substantial alteration of the specific implementation plan in the opinion of the Plan Commission, the specific implementation plan shall be required to be amended through the same procedures used to approve and file a specific implementation plan as described in §§10.03.33, 10.03.34 and 10.03.35 before any amendment or change is effective. If the change does not constitute a substantial alteration of the specific implementation plan, the change may take effect upon approval of the Plan Commission. Any approved modifications shall be documented and filed with the Village.

Article IX. Schedule of Regulations

Sec. 10.03.36 Area, height and yard regulations

The requirements as to area, height and setback dimension for each of the zoning districts shall be as shown in the Schedule of Regulations (Chap. 10.03 Attachment 1), except as modified by the provisions of Article XIX. Areas and dimensions provided may exceed indicated minimums or may be less than indicated maximums.

Article X. General Use Regulations

Sec. 10.03.37 Application for Zoning Permit

Applications for a zoning permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator. Applications shall be submitted in duplicate, except that when a site plan approval under Article XI of this chapter is required, they shall be submitted in quadruplicate. They shall include the following, where applicable:

A. Name and address of the applicant, owner of the site, architect, professional engineer, or contractor.

B. Description of the subject site by lot, block and recorded subdivision, or by metes and bounds, address of the subject site, type of structure, existing and proposed operation or use of structure or site, number of employees, and the zoning district within which the subject site lies.

C. Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the

following: subject site, existing and proposed structures, existing and proposed easements, streets and other public ways, off-street parking and loading areas and driveways, existing highway access restrictions, and existing and proposed front, side and rear yards. In addition, the plat of survey shall show the location, elevation and use of any abutting lands and their structures within 40 feet of the subject site.

D. Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be reviewed by the Village Engineer to ascertain that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county and state health agency regulations.

E. Proposed water supply plan, if municipal water service is not available. This plan shall be reviewed by the Village Engineer. The owner shall certify, in writing, that an adequate and safe supply of water will be provided.

F. Additional information as may be required by the Plan Commission, Village Engineer, and Zoning, Building, Plumbing or Health Inspectors, including all information required for site plan approval under Article XI.

Sec. 10.03.38 Issuance and term of zoning permit

The zoning permit shall be granted or denied in writing by the Building Inspector or Zoning Administrator within 30 days of the date of application, or within 60 days of the date when site plan approval or a conditional use permit is required. The zoning permit shall expire within six months of the date of issuance unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.

Sec. 10.03.39 Certificate of Occupancy

No vacant land shall be occupied or used, except for agricultural purposes, and no buildings hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Building Inspector or Zoning Administrator. A certificate of occupancy is required for any change of type of occupancy or use of any building or land.

A. Application for a certificate of occupancy shall be made coincident with the application for a zoning permit. The application shall state the intended use of the land or building.

B. A certificate of occupancy shall be granted within 10 days after notification by the owner of completion of buildings or structural alterations indicated in the zoning permit, in accordance with the plans submitted with the permit application and applicable provisions of this chapter and the health and building laws and ordinances.

Sec. 10.03.40 Site Restrictions

A. Establishment and maintenance of grades. Required grades of and between lots are typically established as part of a subdivision plat, site plan, or other application requiring Village approval. It shall be the responsibility of the lot owner to meet and maintain any required grades in on each lot, and in securing the proper drainage of, from, and through the lot in accordance with law.

B. 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 1 1/2 horizontal to one vertical within a distance of 20 feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Zoning Administrator, 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.

C. Unsuitable land. No land shall be used or structure erected where the land is held by the Village Board to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The Plan Commission, in applying the provisions of this chapter, 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 the applicant so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

D. Lots. All lots shall abut upon a public street, and each lot shall have a minimum frontage and area as set forth in the Schedule of Regulations set forth in Article IX.

E. Principal structures. All principal structures shall be located on a lot, and only one principal structure shall be located, erected or move onto a lot, except for planned unit developments in accordance with the provisions of this chapter.

F. Street dedication. No zoning permit shall be issued for 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.

G. Private sewer and water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system, designed in accordance with Ch. SPS 383, Wis. Admin. Code. When public sewers and/or public water service is available, connections must be made to these facilities.

Sec. 10.03.41 Use Restrictions

The following use restrictions and regulations shall apply:

A. Permitted uses. Only those permitted uses specified for a district and the uses set out in this section and in Ch. 10.03 Attachment 2 shall be permitted in that district.

B. Accessory uses. Accessory uses and structures are permitted in any district, but not until their principal building is present or under construction. Except as otherwise regulated in this chapter, accessory uses shall not include the keeping, propagation or culture of pigeons, poultry, or livestock.

C. Conditional uses. Conditional uses may be permitted when approved by the Plan Commission in accordance with the provisions of Ch. 10.03 Attachment 2 and Article XIX.

D. Unclassified or unspecified uses. Unclassified or unspecified uses may be permitted by right or as conditional uses by the Plan Commission, provided that the Commission determines that such uses are similar in character to one or more uses that are listed as permitted or conditional uses in the district. Each such determination is subject to any federal, state, or other regulation that affects whether an unlisted use may be allowed, including but not limited to Chapter 91, Wis. Stats. And ATCP 49, Wis. Admin. Code.

E. 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 for a period of 12 months, in accordance with the provisions of Article XX Temporary Uses and Ch. 10.03 Attachment 2.

F. Performance standards. Performance standards listed in Article XIII shall be complied with by all uses in all districts.

G. Mobile homes. No mobile home shall be used for the purpose of habitation except within an approved mobile home park.

Sec. 10.03.42 Joint Use

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.

Sec. 10.03.43 Violations

No person shall construct or use any structure, land, or water in violation of any of the provisions of this chapter. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

Article XI. Site Plan Approval

Sec. 10.03.44 When required

A. All applications for zoning permits for any construction, reconstruction, expansion or conversion, except for one-family and two-family residences in residential districts, shall require site plan approval by the Plan Commission (or by the Joint Committee described in Article XXVI if the land is in the Extraterritorial Zoning Jurisdiction) in accordance with the requirements of this chapter.

B. In addition, the Zoning Administrator may require the Plan Commission to approve plans for any one-family or two-family residential structure in the Village.

Sec. 10.03.45 Submission of application, plans and specifications

An application for any such zoning permit shall be submitted to the Zoning Administrator. The applicant shall also submit a site plan and sufficient plans and

specifications of proposed buildings, machinery and operations to enable the Plan Commission, Joint Committee if in the Extraterritorial Zoning Jurisdiction, and their staff and consultants to determine whether the proposed application meets all the requirements applicable thereto in this chapter. The Zoning Administrator maintains a worksheet describing current fees and procedures, including information and materials that are required with a site plan.

Sec. 10.03.46 Review and issuance procedure

The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of findings, to the Plan Commission. The Plan Commission or Joint Committee shall review the application, and the Commission, Committee, or Zoning Administrator may refer the application and plans to one or more expert consultants to advise whether the application and plans meet all the requirements applicable thereto in this chapter. Within 45 days of its receipt of the application, the Commission or Committee shall authorize the Zoning Administrator to issue or refuse a zoning or building permit. The Zoning Administrator shall then act on the permit within five days of satisfaction of all applicable approval conditions, in accordance with the action of the Commission or Committee.

Sec. 10.03.47 Considerations by Plan Commission or Joint Committee

In acting on any site plan, the Plan Commission or Joint Committee 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, and 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 or Joint Committee 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 chapter.

E. Compliance with the Sauk City Hwy 12/Phillips Boulevard Design Guidelines or the Sauk City Downtown Design Guidelines, where the property is in an area covered by one such document. Site plan submittals shall comply with all mandatory elements ("shalls") within the appropriate Guidelines document, where applicable.

F. Consistency of the proposed site plan with applicable provisions of the Comprehensive Plan and Official Map. No building, or other essential site improvement as determined by the Commission or Committee, shall be located in or expanded into the corridor of the preferred future expansion alternative for Highway 12 as indicated therein.

G. In conjunction with site plan approval within the B-T Transitional Business District:

(1) No new principal building is permitted, except to replace one or more buildings on the property as of January 1, 2023, such that total building floor area on the site shall not exceed 110% of total building floor area as of January 1, 2023.

(2) No floor area expansion of the principal building(s), and/or expansion or construction of an accessory building(s), shall result in the property exceeding 110% of total building floor area as of January 1, 2023.

(3) The Joint Committee may limit outdoor storage and other outdoor operations and may otherwise apply development policies consistent with the B-T District intent in Section §10.03.21 and with the recommended future land use for the property and adjacent sites pursuant to the Comprehensive Plan. All approved outdoor storage shall relate to the business operating on-site and be screened from public view.

Sec. 10.03.48 Effect on municipal services

A. Before granting any site plan approval, the Plan Commission or Joint Committee may, in addition to obtaining advice from the Village Engineer or other municipal officials, request additional information with special attention to the effect of such approval upon existing municipal services and utilities. If additional facilities are deemed needed, the Plan Commission or Joint Committee shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board

has entered into an agreement with the applicant regarding the development of such facilities. Depending on the location or facility in the Extraterritorial Zoning Jurisdiction, such recommendation shall additionally or alternatively be made to the Town of Prairie du Sac Board.

B. In conjunction with site plan approval within the B-T District, the property owner shall:

(1) Submit with the application a traffic impact and/or traffic safety analysis, where advised by and to the specifications of the Village Engineer. Where the analysis or the Village Engineer's evaluation of the analysis indicates that a project may cause public roads or intersections to function below an acceptable level of service or safety, the Joint Committee may deny the application, require a reduction in the proposed project, and/or require the applicant to construct and/or pay for required off-site road or intersection improvements to achieve an acceptable level of service or safety in coordination with the transportation agency with jurisdiction.

(2) Reasonably provide for future sanitary sewer and water line routing along and through the property to accommodate anticipated future utility system needs, such as via utility easements, as advised by the Village Engineer and approved by the Committee.

(3) Provide for minimum separation distances between potential groundwater contamination sources and any existing municipal water well site or planned site indicated on the Official Map, as follows:

(a) No storage or processing of radioactive materials, extremely hazardous substances identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355, or substances listed in Table 1, NR 140, Wis. Admin. Code is permitted within 1,200 feet of the existing or planned well site.

(b) Other separation distances from the planned well site listed in NR 811.12(5)(d), Wis. Admin. Code, shall be maintained, except for the maintenance of any source in lawful operation as of January 1, 2023 and otherwise as advised by the Village Engineer and approved by the Committee.

(4) Enter an agreement with the Village, or record a restriction that may not be terminated or modified without the Village's consent, as determined by the Village Attorney. The agreement or restriction shall require connection, at the current and future owner's expense, to municipal sanitary sewer and water services when adjacent to

the property and directed by the Village, and waive the current and future owner's rights to challenge any future assessment for such services. Such agreement shall be executed and recorded, or restriction approved by the Village Attorney and recorded, before the Zoning Administrator may issue a zoning permit and the project authorized by the site plan approval may commence. The Village Board may waive or reduce the requirements of this subsection at its discretion.

Sec. 10.03.49 Fees and costs

A fee as set by the Village Board will be charged as estimated by the Zoning Administrator. The applicant will also be required to pay the cost of any consultant reports which may be required by the Plan Commission under §10.03.46 of this chapter. Fees for zoning permits in the Extraterritorial Zoning Jurisdiction shall be based on a schedule recommended by the Joint Committee and adopted by resolution of the Village Board.

Article XII. Architectural Control

Sec. 10.03.50 Purpose

The purpose of this article is to encourage the physical development of the Village and its Extraterritorial Zoning Jurisdiction in a way that will provide the maximum degree of aesthetic satisfaction through architectural and natural beauty and harmony and thereby provide for the well-being of its inhabitants, as well as for greater economic stability, through preservation and enhancement of property values. The architectural appearance of buildings erected, remodeled or placed within the Village and its Extraterritorial Zoning Jurisdiction is regulated with this purpose in mind. Such regulation, however, is not intended to impose a pattern of regimented conformity to any specific architectural style established by the governing body or review board, or the existing residents of any area, but is intended solely to prevent any development which would substantially affect adversely the character of the neighborhood, reduce its desirability, and depreciate surrounding property values.

Sec. 10.03.51 Standards applying to all districts

A. No building shall be permitted, the design or exterior appearance of which is unorthodox or abnormal in relation to the surroundings as to be unsightly or offensive to generally accepted tastes.

B. No building shall be permitted, the design or exterior appearance of which is identical with those adjoining as to create excessive monotony and drabness.

C. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with other facades and presents an attractive appearance to the public and to surrounding properties.

D. No building shall be permitted to be located in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly as it would adversely affect values incident to ownership of land in that area, or which would unreasonably affect adversely the beauty and general enjoyment of existing residences on adjoining properties.

E. All buildings shall comply with the mandatory elements ("shalls") within the Sauk City Hwy 12/Phillips Boulevard Design Guidelines or the Sauk City Downtown Design Guidelines, where proposed in an area described or mapped within the appropriate Guidelines document.

F.

Sec. 10.03.52 Standards applying to the B-C District

A. Any river-facing facade shall be designed and constructed with the same quality and materials as facades facing Water Street in the B-C District.

B. Upper-story balconies and bay windows may project up to 36 inches over the sidewalk, though no closer than 36 inches to the street curb.

C. If used, awnings shall project at least 24 inches from the building face. If illuminated, awnings shall be lit from above; backlit, glowing awnings are prohibited.

Sec. 10.03.53 Architectural Review Board

A. The Architectural Review Board shall be appointed by the Village President subject to confirmation by the Village Board. The Architectural Review Board shall meet on call to hear and review any case within the Village submitted to it pursuant to the provisions of this chapter.

B. The membership of the Architectural Review Board shall consist of three persons, one of whom shall be a licensed architect, landscape architect or similarly qualified professional.

C. The Architectural Review Board shall keep records of all its proceedings, and its decisions shall be stated in writing, including the specific reasons for refusing a permit or for any conditions of approval.

D. The members of the Architectural Review Board shall receive such compensation as the Village Board shall from time to time designate.

Sec. 10.03.54 Submission of plans

In order to ensure that no proposed building would be in conflict with the provisions of this chapter, the Building Inspector or Zoning Administrator shall submit to the Architectural Review Board the plans for such building, including adequate elevations or sketches to enable the Board to judge the building's appearance, and shall not issue a building permit until the Architectural Review Board has approved such plans.

Sec. 10.03.55 Appeals

Any person aggrieved by a decision of the Architectural Review Board shall have the right to appeal such decision to the Board of Appeals, provided that such appeal is taken within 90 days of the final action of the Architectural Review Board.

Sec. 10.03.56 Fee

A fee as set by the Village Board will be charged for the review conducted by the Architectural Review Board. The fee shall be paid prior to any review by said Board and shall not be refundable.

Article XIII. Performance Standards

Sec. 10.03.57 Purpose; compliance required

This chapter permits specific uses in specific districts, and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

Sec. 10.03.58 Air pollution

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations

exceeding 0.3 grain per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mines' Information Circular 7718 in any industrial district.

Sec. 10.03.59 Fire and explosive hazards

All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire-extinguishing system.

Sec. 10.03.60 Light, glare and heat

A. The maximum light trespass allowed on adjacent properties is 0.5 footcandle onto residential property and 2.0 footcandles for nonresidential property, as measured at the ground level by any orientation of the measuring device.

B. All exterior light sources shall be fully shielded, meaning that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer.

C. Any operation producing intense glare or heat, such as combustion or welding, shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard across lot lines.

Sec. 10.03.61 Liquid or solid wastes

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature that they can contaminate, pollute, or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

Sec. 10.03.62 Noise

A. No activity shall produce a sound level outside its premises that exceeds the following sound levels, measured by a sound-level meter and associated octave band filter:

Octave Band Frequency (cycles per second)	Sound Level (decibels)
0 to 75	72
76 to 150	67
151 to 300	59
301 to 600	52
601 to 1,200	46
1,201 to 2,400	40
2,401 to 4,800	34
Above 4,800	32

B. All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, or shrillness.

C. There shall be no disturbance from construction noise before 6:00 a.m. or after 9:00 p.m., except in cases of emergency work.

Sec. 10.03.63 Vibration

There shall be no vibrations emanating from any operation which will be discernible to human feeling beyond the boundaries of the immediate site.

Sec. 10.03.64 Odors

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises.

Sec. 10.03.65 Radioactivity and electrical disturbances

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Article XIV. Accessory Buildings

Sec. 10.03.66 Time of construction

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is an accessory.

Sec. 10.03.67 Zoning permit required

Any accessory building must have a zoning or building permit prior to its erection, placement or construction on the lot.

Sec. 10.03.68 Size restrictions

A. See the Schedule of Regulations, Article IX.

B. The following limitations shall apply to accessory buildings in the R-1-A, R-1-B, and R-2 residential districts:

(1) The maximum size of any accessory building, including a private garage, shall be 900 square feet.

(2) The maximum number of accessory buildings on a parcel shall be two.

(3) The maximum number of garage stalls for vehicles (enclosed or carport) shall be three.

(4) The total floor area of all buildings shall not exceed the total floor area of the principal structure, as the term "floor area" is defined in §10.03.10.

Sec. 10.03.69 Location in residential districts.

No accessory building in a residential district shall be erected in any yard except a rear yard, and all accessory buildings shall have setbacks as provided in the Schedule of Regulations.

Article XV. Signs

Sec. 10.03.70 Definitions

As used in this article, the following terms shall have the meaning indicated:

ABANDONED SIGN

Any sign remaining in place which for a period of 90 consecutive days or more no longer advertises or identifies an ongoing business, product, service, idea, or commercial activity located on the site or has not been properly maintained in accordance with the requirements of this chapter.

BANNER

A suspended sign made of a flexible material such as canvas, sailcloth, plastic, paper, or fabric of any kind, and intended to be displayed on a temporary basis. A decorative banner is a banner containing no message or logo that is displayed for the purpose of adding color or interest to the surroundings or to the building to which it is attached. A flag or canopy shall not be considered a banner.

CANOPY

A permanent roof structure over a space that is completely unenclosed on at least two sides. A canopy may be attached to a building or free-standing with four open sides as an accessory to a principal building.

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.

ELECTRONIC VARIABLE MESSAGE SIGN

A changeable copy sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign, not including signage or portions thereof displaying time and temperature.

FACADE

Any separate face or surface of a building, including parapet walls, canopies and roof surfaces or any part of a building which encloses or covers usable space. Where separate facades are oriented in the same direction, or where the inside angle at the intersection of two surfaces is greater than 135°, they are to be considered as part of a single facade.

FLAG

A device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable or rope. It may or may not include copy.

GARAGE SALE SIGN

A sign erected prior to or during an estate sale, yard sale or rummage sale used to dispose of personal household possessions.

GROUND SIGN

Any free-standing sign that is supported by structures or supports in or upon the ground and independent of support from any building. A single sign structure having two identical or nearly identical faces back to back shall constitute a single sign. For the purposes of this definition, a ground sign is intended to refer to a primary, permanent, ground-mounted sign, not a temporary sign or sign that is ancillary to the primary sign, such as a directional sign or portable sign.

HANGING SIGN

A sign that is suspended from the underside of a surface and is supported by such surface.

LOT

Any piece or parcel of land, the boundaries of which have been established by some legal instrument of public record, that is recognized and intended as a unit for the purpose of a recordable transfer of ownership. Where two or more lots are lawfully subject to a single use or activity all such lots shall be considered a single lot.

MEMORIAL SIGN

A sign or tablet memorializing a person, event, place or structure.

PERMANENT

When used in reference to a sign, means that the sign is constructed of durable materials and intended to exist for an indefinite period of time or the duration of the time that the use or occupant is located on the premises and is generally, but not necessarily, affixed to the ground or structure. Unless the context clearly dictates otherwise, the term "permanent" in this chapter is not intended to mean literal permanence, but rather it is meant to distinguish such signs from more transient or temporary signage.

PORTABLE SIGN

A type of temporary sign that is not permanently attached to the ground or a building or not designed to be permanently attached to the ground or a building, including but not limited to, trailers or other vehicles that are used principally as a sign and are not used daily for business purposes, posters, "sandwich boards" or other freestanding signboards, regardless of whether such signs are attached to the ground or to a building or structure.

PROJECTING SIGN

A sign that is attached to the wall of a building and projects more than 15 inches beyond such wall.

PUBLIC WAY

Any city, county, or state right-of-way, any land between the edge of a street and the boundary of a lot.

REAL ESTATE SIGN

A sign erected in during the period that the premises upon which the sign is located is being actively marketed for sale, rental or lease.

SIGN

Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, that either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to any event, goods, products, services, facilities, persons, property interest or business.

STREET FRONTAGE

The boundary of a lot that abuts a public right-of-way.

TEMPORARY SIGN

Any sign that is not a permanent sign.

WALL SIGN

A sign that is attached to a wall of a building and is affixed parallel to the wall at a distance of not more than 15 inches from the surface of the wall.

WINDOW SIGN

Any sign located completely within an enclosed building and visible from a public way or placed upon a window. Merchandise or merchandise displays within the premises and visible from the exterior shall not be considered a window sign under this definition.

Sec. 10.03.71 Permit required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except those signs listed in §10.03.73 of this chapter, and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of the Building Code.

Sec. 10.03.72 Regulations pertaining to specific sign types

A. Temporary signs and banners. Temporary signs and banners are permitted, subject to the following limitations.

(1) Permit required: No sign or banner may be displayed unless a permit has been obtained from the Zoning Administrator or Building Inspector. Temporary sign permits will be provided in the form of a sticker, to be affixed to the sign, indicating the permitted installation and removal dates. There is no fee for this permit.

(2) Number: One temporary sign may be displayed facing each street frontage, and no more than two signs may be displayed on any lot.

(3) Size: A temporary sign shall not exceed 30 square feet. If any sign or banner is freestanding and visible from multiple sides, the total area of all visible surfaces is limited to 30 square feet.

(4) Location: Temporary signs shall be located only upon the premises to which the special, unique, or limited activity, service product, sale, or promotion is to occur. Temporary signs promoting an event may be located off premises with the written permission of the owner of the property on which the sign is installed.

(5) Duration: No temporary signs may be displayed for a period exceeding 21 days, or displayed three days after termination of the activity, service, project, sale, or event to which the sign pertains, whichever comes first. Each parcel is limited to a maximum of 90 days total display of temporary signs in a calendar year.

(6) Installation requirements: All temporary banners shall be constructed, anchored and supported in a manner which reasonably prevents the possibility of such signs becoming hazards to the public health and safety.

B. Portable signs. Portable signs are permitted, subject to the following limitations:

(1) Permit required: An annual sign permit shall be issued before a stationary portable sign may be erected. Such permit shall only be valid during the calendar year during which it is issued.

(2) Construction: A sign shall be manufactured to a professional standard of construction, finish and graphics. A portable sign shall be free-standing, self-supported and constructed of substantial materials such as wood, metal or plastic such that the sign will reasonably withstand the elements.

(3) Size and design regulations: A portable sandwich board sign shall not exceed six square feet in surface area per side, with a maximum of two signable sides or faces, and no more than three feet in height or two feet in width. A trailer or vehicle sign shall not exceed 24 square feet in surface area per side.

(4) Number: One portable sign may be displayed per business or occupant in any commercial or industrial area.

(5) Location: A portable sign is restricted to the lot of the business establishment to which a permit has been issued, except a sandwich board sign may be located in the public right-of-way in front of the premises only where no front setback is required.

(6) Placement: A portable sandwich board sign may be placed in the public way only where a minimum five-foot-wide clear sidewalk is maintained. In no event shall a portable sign be placed on any bicycle path. The placement of a portable sign shall not obstruct access to any crosswalk, mailbox, curb cut, fire hydrant, fire escape, fire door, building entrance, public parking space or any other public property, nor shall a sign obstruct the ability of persons to exit/enter vehicles parked along the curb;

(7) Illumination: A portable sign shall not be illuminated.

(8) Time limitations and removal: A portable sign may be displayed only during business hours. Such sign must be removed and safely stored out of view during times when the business is not open to the public. Trailers or other vehicles that are not used principally as a sign may be parked on the lot when the business is not open to the public, as long as they are not parked in substantially the same location for more than 24 hours.

(9) Enforcement. Portable signs located within the public right-of-way are a privilege and not a right. The Village in permitting placement of such signs in the public right of way reserves the right to require their removal at any time because of anticipated or unanticipated problems or conflicts. To the extent possible, the permittee shall be given prior notice of any time period during which, or location at which, the placement of portable signs is prohibited.

(10) Indemnification: Where a temporary, portable sign is permitted in the public right-of-way, the owner, lessee or lessor of the business to which a permit has been issued and the property owner shall agree in writing to fully indemnify and hold the Village harmless for any personal injury or property damage resulting from the existence or operation of said sign, and shall furnish evidence of general liability insurance in the amount of $50,000 with the Village as additional named insured or provide other security to the satisfaction of the Zoning Administrator.

C. Electronic variable message sign. Any sign type may be an electronic variable message sign subject to the following regulations:

(1) Surface area: The areas of electronic variable message signs capable of displaying copy shall not exceed 40 square feet and shall be included within the maximum aggregate sign surface area allowed for the type and location of sign upon which the changeable copy is displayed.

(2) Length of cycle. The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every six seconds. Electronic variable message sign signs may not display scrolling, racing, pixelating or moving characters or images, or similar actions that convey motion.

(3) Color. All copy, characters or other changeable images shall be of one color only, with light copy on a dark background.

(4) Brightness: An electronic variable message sign shall not produce light in excess of three footcandles at the front lot line and one footcandle at all other lot lines, measured three feet above the surface of the ground after sunset. Signs may be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination to allow for greater brightness during daylight conditions.

(5) Maintenance: Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.

Sec. 10.03.73 Sign regulations pertaining to specific zoning districts

A. Signs in residential and agricultural districts. Only those signs listed in this section are permitted in residential and agricultural districts. All other signs are prohibited.

(1) Signs over shop windows or doors of a nonconforming business or industrial establishment announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed two feet in height and 20 feet in length.

(2) Real estate signs, not to exceed eight square feet in area, which advertise the sale, rental, or lease of the premises upon which the signs are temporarily located.

(3) Name, occupation and warning signs, not to exceed two square feet, located on the premises.

(4) Bulletin boards for public, charitable or religious institutions, not to exceed 15 square feet in area, located on the premises.

(5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(6) Official signs, such as traffic control and parking restrictions, information and notices.

(7) Temporary signs or banners, when authorized by the Plan Commission.

B. Signs in business and industrial districts. Signs are permitted in all business and industrial districts, subject to the following restrictions:

(1) Ground signs. Ground signs will be permitted in lieu of signs on building facades, subject to the size restrictions of the sign replaced, and must observe all applicable building setback lines and shall not exceed 25 feet in height.

(2) Termination of a business. At the termination of a business, commercial, or industrial enterprise, all signs shall forthwith be removed from public view. Responsibility for violation shall reside with the property owner, according to the latest official tax roll listings.

(3) Shopping centers or industrial parks. In a shopping center or industrial park, one freestanding identification sign may be permitted showing the name of said center or park and the represented businesses or industries. The area of the sign shall not exceed 100 square feet on one face and 200 square feet on all faces. The sign shall not be permitted within 20 feet of right-of-way line of the street.

(4) Surface display area. The total surface display area of business or industrial signs on the front facade of a building shall not exceed two square feet per linear foot of width of the building street frontage. In the case of a building located on a corner lot, such display area on the side facing the secondary street shall not exceed one square foot per linear foot of the length of the building which faces the secondary street. Where the premises abut a parking lot, the total display area may be increased by 0.5 square foot per linear foot of width or length of the building fronting on such parking lot. Such increased display area shall only be utilized for the erection of a permitted sign on that part of the building which abuts the

parking lot. In no case shall a permitted sign be in excess of 200 square feet, and in no case shall more than one of the abovementioned criteria be used to calculate allowable sign area on any one building facade.

(5) Projections beyond building line. Business and industrial signs mounted on buildings shall not be permitted to project more than 36 inches beyond the building line. No sign shall project over any part of any street. Where a business structure is located at or near the public right-of-way a projecting sign may extend not more than 36 inches into that right-of-way.

(6) Number of signs. No more than one business or industrial sign shall be permitted on the front facade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. Only one business or industrial sign shall be permitted on each side or rear wall of a business or industrial building.

(7) Directional signs. Necessary directional ground signs, not exceeding four square feet in area, will be permitted. Permission to erect such signs must be obtained from the Police Department and from the Plan Commission.

(8) Lighting. Business and industrial signs may be internally lighted or illuminated by a hooded reflector; provided, however, that such lighting shall be arranged to prevent glare, and no signs shall have lighting of an intermittent or varying intensity, including rotating or flashing lights. In no case shall a sign produce or reflect light in excess of three footcandles at the street right-of-way edge and one footcandle at all other lot lines, measured three feet above the surface of the ground after sunset.

(9) Height. No sign shall be erected above the roofline of a building or, if freestanding, more than 25 feet from the ground.

(10) Hanging signs. Signs shall be permitted to hang from canopies or covered walks in business or industrial districts, provided that there shall be only one sign, not to exceed five square feet in area, for each business and that the sign shall be at least 10 feet above ground level.

(11) “Special Sale” signs. “Special Sale” or “Poster” signs are permitted in the business districts. However, only 25% of the store windows can be covered at any one time.

C. Signs in the B-C District. Two-sided projecting signs that face up and down the street shall not be greater than 30 inches in width or 48 inches in height, shall not be greater in width than in height, and shall not extend more than 36 inches from the building face.

Sec. 10.03.74 Signs exempt from permit

The following signs are exempt from the permit requirements of this chapter, but subject to restrictions as described herein:

A. Temporary signs not exceeding eight square feet in area erected while the property on which the sign is located is offered for sale or lease. Such signs shall be removed no later than seven days following sale or lease of the subject property.

B. Temporary signs on residential property not exceeding eleven square feet in area erected during an "election campaign period" as defined in Wis. Stat. sec. 12.04. Such signs shall be removed no later than seven days after the election campaign period.

C. Temporary signs not exceeding six square feet in area erected prior to or during a garage sale. Such signs shall be posted no more than one day prior to and shall be removed one day after the sale. (See also Chapter 7.07 of this Code.)

D. Other signs permitted in residential and agricultural districts.

Sec. 10.03.75 Existing signs

Except for billboards and signs on nonconforming uses, signs lawfully existing at the time of adoption or amendment of this chapter may be continued although the use, size, or location does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of Article XVIII of this chapter shall apply.

Sec. 10.03.76 Prohibited signs

The following signs are expressly prohibited in the Village:

A. Signs in public ways. Except for traffic signs, signs specifically permitted to project into or be located in the public way by this chapter, or any other sign so authorized by law, no signs shall be placed upon, over, or in any public way. This prohibition shall include temporary signs, including

garage sale signs. Permits for signs projecting into any street shall be revocable as provided by the Wisconsin Statutes.

B. Signs attached to any public utility pole or structure, street tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property except as otherwise expressly permitted under this Code.

C. Signs that create a traffic hazard. No sign shall be erected at any location where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, traffic signal or other traffic device, nor shall any sign make use of the word "stop," "look," "drive-in," "danger" or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

D. Animated signs, or signs having moving parts.

E. Billboards, outdoor advertising signs and any business or industrial signs not located on the same property as the business or industry advertised shall not be permitted in any district.

F. Street intersections. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.

G. Obstruction of openings. Any sign so erected, constructed, or maintained as to obstruct or be attached to any fire escape, window, door, or opening used as a means of ingress or egress, or for fire-fighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.

Sec. 10.03.77 Enforcement

A. If the Zoning Administrator or Building Inspector finds that any sign has been erected, altered, or is being maintained in violation of this section, or is in an unsafe condition as to be a menace to the safety, health, or welfare of the public, the official shall give written notice to the owner thereof or the person entitled to possession of the sign and the owner of the real estate upon which the sign is located. No notice shall be required for permitted temporary signs displayed in violation of time limitations, or any sign in a public way in violation of this section, prior to taking enforcement action.

B. Said letter shall notify the owner or person entitled to possession of the sign, of the specific violation or violations and direct that alterations,

repairs or removal, whichever may be applicable, be made to bring said violations in conformance with the terms and conditions of this section within 15 days of such notification. Nonconforming signs in existence prior to January 1, 2019 shall be allowed 60 days from the date of notification to remove, repair or alter the sign as directed in said letter.

C. In the event the person so notified fails or neglects to comply with or conform to the requirements of such notice within the fifteen-day or sixty-day period specified herein, the Zoning Administrator or its designee may assess a penalty as provided by §1.02.02 of Village ordinances, may file an appropriate citation or complaint in an appropriate court of law, or take whatever other legal action may be necessary to cause such sign to be altered or removed. If a sign is considered abandoned, the Village, after notice, may remove such sign at the cost of the owner of the property upon which the sign sits. An invoice for such costs shall be sent to the property owner and, if not paid, shall be placed on the tax roll as a special charge pursuant to Wis. Stats. sec. 66.0627.

Sec. 10.03.78 Severability and conflict

A. Severability. The provisions of this chapter are severable. If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

B. Conflict. If any part of this chapter is found to be in conflict with any other ordinance or with any other part of this chapter, the most restrictive or highest standard shall prevail. If any part of this chapter is explicitly prohibited by federal or state stature that part shall not be enforced.

Sec. 10.03.79 Bond required

Every applicant for a zoning permit for a sign shall, before the permit is granted, execute a surety bond in a sum to be fixed by the Zoning Administrator, but not to exceed $25,000, and it shall be of a form and type approved by the Village Attorney, indemnifying the Village by reason of the erection, construction, or maintenance of such sign. A liability insurance policy issued by an insurance company authorized to do business in the state and conforming to the requirements of this chapter may be permitted by the Village Attorney in lieu of a bond.

Article XVI. Screening, Fences, and Hedges

Sec. 10.03.80 Definitions

As used in this article, the following terms shall have the meaning indicated:

DECORATIVE FENCE

A fence not exceeding a height of 36 inches from ground level, made of material other than wire, metal, chain or poured concrete, and constructed in a substantially open pattern (such as a weave or board-and-space pattern and not a solid pattern such as a block, concrete, or privacy pattern).

FENCE

Any enclosure or barrier, solid or otherwise, made of wood, iron, stone or other material, as around or along a yard, walkway, field, or other area, and shall include a decorative fence.

HEDGE

A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

PICKET FENCE

A fence having a pointed post, stake, pale or peg placed vertically with the point or sharp part pointing upward to form a part of the fence.

RETAINING WALL

A solid barrier of any material constructed to hold back a mass of earth. A retaining wall shall be considered a fence for purposes of this article.

Sec. 10.03.81 Fence setback in residential districts

No fence or portion of a fence shall be constructed within the front setback area of a building; provided, however, that a decorative fence may be constructed in the front setback area. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines. Residential fences shall have a two-foot side yard setback and an eight-foot rear yard setback from a property line.

Sec. 10.03.82 Fence standards

A. Residential fences are permitted in residential districts but shall not in any case exceed a height of eight feet and shall not be closer than eight feet to any public right-of-way.

B. Security fences are permitted on the property lines, subject to setback requirements in the districts, except residential districts, but shall not

exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

C. Prohibited fences. No fence shall be constructed which is a picket fence or which is of an otherwise 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 10 feet above the ground and project toward the fenced property and away from any public area.

D. 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.

Sec. 10.03.83 Hedges

The height and setback for hedges shall be the same as outlined for fences in §10.03.81 and §10.03.82 hereof; provided, however, that hedges three feet in height or less, from sidewalk level, may be kept in the front setback area, and provided further that no hedge shall be permitted in the tree lawn area or, where no tree lawn area exists, within four feet of any street or alley. Hedges shall be trimmed and maintained and shall not impede or obstruct sidewalks.

Sec. 10.03.84 Refuse and mechanicals screening

Trash and recycling containers and mechanical equipment, including rooftop equipment, shall be located and screened so that they are not visible from a public street or from the river.

Sec. 10.03.85 Temporary fences

Fences erected for the protection of planting, or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in §10.03.81 and §10.03.82. 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 45 days.

Sec. 10.03.86 Nonconforming fences and hedges

Any fence or hedge existing on the effective date of this chapter and not in conformance with this article may be maintained, but no alteration, modification or improvement of

the same shall be permitted unless as a result of such alteration, modification or improvement said fence or hedge shall comply with this article.

Article XVII. Traffic Parking and Access

Sec. 10.03.87 Visibility at intersections

A. No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of 2 ½ feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection.

B. In the case of arterial streets intersecting with other arterial streets or railways, the distances establishing the triangular vision clearance space shall be increased to 50 feet. This greater restriction shall not apply in the B-C Central Business District.

Sec. 10.03.88 Loading requirements

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading shall be completely off the public ways and so that all vehicles need not back onto any public way.

Sec. 10.03.89 Parking requirements

Off-street parking stalls shall be provided for all vehicles, in all districts and in connection with every use and every building at the time the use starts or the building is erected in accordance with the following:

A. Adequate access to a public street shall be provided for each parking space.

B. The size of each parking stall shall be not less than 180 square feet, exclusive of the space required for ingress and egress.

C. Location shall be on the same lot as the principal use or not over 400 feet from the principal use.

D. Where a commercial or residential parking area is adjacent to or directly across the street from a residential district, a semi-opaque fence or vegetative buffer shall be provided to screen vehicle lights, at least four

feet in height, consistent with the requirements of Article XVI Screening, Fences and Hedges. No such parking area shall be closer than 10 feet to a residential district line. If requested by the adjacent residential property owner the Village may require a 100% opaque fence up to six feet in height.

E. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.

F. No front yard of a lot in any residential district, and no front yard of a lot in any business district upon which a dwelling unit is located, shall be used for the parking of motor vehicles, nor shall motor vehicles parked on any other front yard be permitted within five feet of the right-of-way line of a street.

G. Curbs or barriers shall be installed so as to prevent parked vehicles from extending over any lot lines.

H. Where parking spots abut a sidewalk or trail a planted strip at least four feet in width shall be established and maintained.

I. Parking lots shall be designed such that every row of parking is bookended by a landscaping island no less than four feet in width, back of curb to back of curb, that separates the row from an adjacent driveway or drive aisle. No contiguous row of parking spaces may exceed 12 spaces; landscaping islands no less than four feet in width are required to break up larger rows of parking spaces.

J. All parking lot islands shall be planted and maintained with perennials, shrubs and/or shade trees.

K. Central Business District parking requirements.

(1) No on-site parking shall be required for nonresidential uses in the Central Commercial District, unless specifically imposed as a condition of approval associated with a unique or unusual use or situation, as determined by the Village Board. Parking for the Central Business District is intended to be provided through a combination of on-street parking, municipal parking lots, and private on-site parking facilities. Property owners/applicants are encouraged to provide on-site parking to the extent possible as site conditions permit.

(2) Commercial apartments shall be required to provide parking per the following options:

(a) Within the Central Business Zoning District, parking requirements for a commercial apartment(s) may be met via a lease of off-street parking on other property, provided said spaces are located within 500 feet of the subject building within which the commercial apartments are located, and provided said parking spaces are not required to meet the parking requirements for land uses existing on that site. The property owner shall provide the Village Attorney with a copy of the executed lease agreement for review and approval. If at any time the lease expires or is terminated, the parking requirements for the commercial apartments will have to be met through one of the other options provided in this section.

(b) Within the Central Business Zoning District, parking requirements for commercial apartments may be met via the purchase of an annual parking permit from the Village for use of spaces within municipal parking lots in the downtown area, provided the following conditions are met:

(i) Adequate land area to meet the off-street parking requirements does not exist on-site, or land area available on-site is or will be put to better use to support the economic health and vitality of the downtown, rather than as off-street parking.

(ii) At least one municipal parking lot is located within 500 feet of the building containing the commercial apartment(s).

(iii) The property owner agrees to assume an annual special charge or assessment on their property tax statement for the cost of the permit until such time that the commercial apartment use ceases, or required parking is provided through one of the other options described in this section.

Sec. 10.03.90 Number of parking stalls

The required number of parking stalls shall be as follows:

Use	Number of Stalls
Single-family dwellings	2 per dwelling unit

Use	Number of Stalls
Multifamily dwellings	1.0 space per efficiency, 1.25 spaces per one-bedroom unit, 2 spaces per two-bedroom unit, 0.5 spaces per bedroom for any units with more than 2 bedrooms; 1 space per unit must be covered (underground, garage or carport)
Hotels and motels	1 per guest room plus 1 per employee on the largest shift
Hospitals, clubs, lodges, sororities, dormitories, lodging houses and boardinghouses	1 per 2 beds plus 1 per 3 employees
Sanitariums, institutions, and rest and nursing homes	1 per 5 beds plus 1 per 3 employees
Medical and dental clinics	3 per doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 per 5 seats
Colleges and secondary and elementary schools	1 per 2 employees
Restaurants, bars, places of entertainment, repair shops and retail and service stores	1 per 300 square feet of floor area*
Manufacturing and processing plants, laboratories and warehouses	1 per employee on the largest work shift
Financial institutions and business, governmental and professional offices	1 per 300 square feet of floor area
Funeral homes	1 per 4 seats plus 1 per vehicle used in the business
Bowling alleys	5 per alley

The Plan Commission may require additional parking stalls up to a total of one per 150 square feet of floor area if upon consideration of the nature and impact of the proposed use additional parking stalls are deemed necessary to promote the stated purposes and intent of the Village's Zoning Ordinance.

Sec. 10.03.91 Driveways

A. Purpose. For the safety of the general public, the Village of Sauk City shall determine the location, size, construction and number of access points to public roadways within the Village limits. It is the Village'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. No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the Village of Sauk City without first obtaining a driveway permit therefor as provided by this section, except alteration by surfacing or resurfacing of a lawfully existing driveway with asphalt, cement or other like material which makes no significant change in the size, location, grades, elevations, drainage water flows or any required design standards. A driveway permit is not required when a new driveway is to be constructed in conjunction with the construction of a new principal structure; the driveway is included in the building permit process in such cases.

C. Application for permit. Application for such permit shall be made to the Public Works and Utility Director on a form provided by the Village 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. The fee for such permit shall be as set by the Village Board. Upon receipt of the application and the fee, 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 Public Works and Utility Director shall approve such application if the proposed driveway complies with the terms and conditions of this chapter and any other applicable Village ordinance.

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 the property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Village street or for any other purpose.

(2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village 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, the permittee's successors or assigns agree to indemnify and hold harmless the Village of Sauk City and 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 Village 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 Village street.

E. Location, design and construction. The location, design and construction of driveways shall be in accordance with the following:

(1) 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 10 feet apart except by special permission from the Village Board, and driveways shall in all cases be placed wherever possible so 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, except where deemed necessary and feasible by the Public Works and Utility Director 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 E(5) of this section.

(4) Reconstruction of sidewalks or 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.

(5) 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 Village, 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) 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 Public Works and Utility Director.

(6) Relocation of utilities. Any costs of relocating public utilities shall be the responsibility of the property owner, with approval of the Village Board or authorized committee thereof necessary before any utility may be relocated and the driveway installed.

(7) Construction across sidewalks. All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction listed in this Code, insofar as such requirements are applicable, including thickness requirements.

(8) Location. Vehicular entrances and exits to drive-in theaters, banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall not be less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

(9) Variances. Any of the above requirements may be varied by the Village Board, upon the recommendation of the Public Works and Utility Director, 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.

F. Commercial and industrial driveways. The following regulations are applicable to driveways serving commercial or industrial establishments:

(1) Width of drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 35 feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the 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 Village Board 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 curbline 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 feet measured along the curbline shall be placed between each entrance to a Village 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 10 feet measured along the right-of-way line shall be maintained along each entrance to the Village street. All flares shall be tangent to the curbline. A curb length of not less than three 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 that owner's property.

G. Residential driveways. The following regulations are applicable to driveways serving residential property:

(1) Width of driveways. Openings for vehicular ingress and egress shall be at least 10 feet wide at the property line for residential properties but shall not exceed 24 feet at the property line and 30 feet at the curb opening.

(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 curbline.

(3) Length of driveways. Minimum length of driveway is 22 feet from lot line to the building structure.

H. Appeal. Any person feeling aggrieved by the refusal of the Public Works and Utility Director to issue a permit for a private driveway may appeal such refusal to the Village Board within 20 days after such refusal to issue such permit is made.

I. Prohibited driveways.

(1) No person, firm or corporation shall place, construct or locate, or cause to be placed, constructed or located, any obstruction or structure within the limits of any public road, highway or street in the Village of Sauk City except as permitted by this section. As used herein, the word "structure" includes a private driveway a portion of which extends into any public road, highway or street and which is in nonconformance with this section.

(2) No driveway shall be closer than 10 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 Village 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 so 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 watercourse located in such public way.

Sec. 10.03.92 Highway access

A. 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.

B. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

(1) 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.

(2) At intersections of all other arterial streets within 100 feet of the intersection of the right-of-way lines.

(3) At intersections of arterial streets with all lesser streets within 50 feet of the intersection of the right-of-way lines.

C. 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.

D. Temporary access to the above rights-of-way may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permits shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.

Sec. 10.03.93 Pedestrian access

A walkway shall be provided to connect the building entrance to the public sidewalk by the most direct route possible.

Article XVIII. Nonconforming Uses, Structures and Lots

Sec. 10.03.94 Existing nonconforming uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; provided, however, that:

A. Only that portion of the land or water in actual use may be so continued, and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.

B. The total lifetime structural repairs or alterations shall not exceed 50% of the fair market value of the structure at the time of it becoming a nonconforming use, unless it is permanently changed to conform to the use provisions of this chapter.

C. Substitution or new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Sec. 10.03.95 Discontinuance or replacement of use; list of nonconforming uses

A. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity it may be restored to the same size and configuration as prior to the damage.

B. A current file of all nonconforming uses shall be maintained by the Zoning Administrator, listing the following:

(1) Owner's name and address;

(2) Use of the structure, land or water; and

(3) Assessed value at the time of it becoming a nonconforming use.

Sec. 10.03.96 Existing nonconforming structures

Any lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform to the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. Ordinary repair and maintenance within or to a nonconforming structure shall be permitted, provided that no dimensional nonconformity of the structure will increase as a result of such repair or maintenance. A nonconforming structure occupied by only conforming uses may be enlarged or structurally altered, provided that the enlargement or structural alteration conforms to the setback requirements and all other applicable regulations of the district in which it is located and does not increase the existing dimensional nonconformity of the structure. A nonconforming structure occupied by only conforming uses may be relocated if, upon relocation, the structure

will be in conformity with all regulations of the district into which it has been relocated. A nonconforming structure occupied by a nonconforming use shall not be enlarged, relocated or structurally altered.

Sec. 10.03.97 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 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 Appeals.

Sec. 10.03.98 Substandard lots

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the office of the county register of deeds before the effective date or amendment of this chapter, provided that the requirements for the applicable residential district are met.

Article XIX. Conditional Uses

Sec. 10.03.99 Conditional use permit

A. Within the village. The Plan Commission, after review and a public hearing, may authorize the Zoning Administrator to issue a conditional use permit for conditional uses, provided that such conditional use and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

B. Within the extraterritorial zoning jurisdiction. The Joint Committee, after review and a public hearing, shall as soon as practical render its recommendation to the Village Board. After receiving the recommendation of the Joint Committee thereon, the Village Board shall consider such recommendation and vote on the proposed conditional use. Subject to the limitation set forth below, the Village Board may accept or reject the recommendation of the Joint Committee by a simple majority of the Village Board. In recognition of the Joint Committee's expertise with respect to the Extraterritorial Zoning Jurisdiction, as well as the public benefits of joint land use planning afforded by this chapter, the Village Board agrees to and shall not grant a conditional use permit in the

Extraterritorial Zoning Jurisdiction unless the proposed conditional use receives a favorable vote of the majority of the six members of the Joint Committee. Such decision shall include an accurate description of the use permitted, of the property on which permitted, and any and all conditions made applicable thereto. A decision to approve the conditional use permit shall affirm that such conditional use and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

Sec. 10.03.100 Application for permit

A. Permitted applicant. Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.

B. Application contents. Each application for a conditional use permit shall be made to the Zoning Administrator. The application and associated materials shall be provided in a digital format approved by the Zoning Administrator, with hard copies provided only if and in quantities directed by the Zoning Administrator. Except in cases when the Zoning Administrator issues a waiver based on unique circumstances associated with the development, each application shall include the following:

(1) A completed conditional use permit application form furnished by the Zoning Administrator.

(2) A map of the subject property showing all lands for which the conditional use permit is proposed, and all other lands within 100 feet of the boundaries of the subject property, together with the names and address-es of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(3) A written description of the proposed conditional use describing the type, duration, and density of activities, buildings, and structures proposed for the subject property and their general

locations (indoors and out); expected number and type of employees and patrons; expected hours of operation; expected traffic volumes including trucking (including vehicle weights/sizes); any likely noise, odors, or vibrations that may be experienced outside the site; whether any hazardous materials would be kept on site and where; proposed timing and phasing for the conditional use; and other unique operational characteristics.

(4) If site and/or exterior building alterations are proposed or required, site and building plans, drawn to scale, with all alterations clearly marked and labeled. If proposed or required alterations reach the threshold for requiring site plan approval under Article IX, then the applicant shall also file a site plan application for the project meeting applicable requirements in that article.

(5) Additional information as may be required to verify compliance with criteria in §10.03.101 and §10.03.102 by the Plan Commission or Joint Committee, Village Engineer, Zoning Administrator, or Building Inspector.

(6) An application fee in accordance with a fee schedule set by the Village Board.

C. Complete application before scheduling. No application for a conditional use permit shall be placed on any agenda for action, nor any associated public hearing notice submitted for publishing, unless the Zoning Administrator has determined that a complete application has been submitted.

Sec. 10.03.101 Review and approval

A. Reviewing body and approval authority. The Plan Commission shall be the Reviewing Body and Approval Authority for applications within the Village. For applications within the Extraterritorial Zoning Jurisdiction the Joint Committee shall be the Reviewing Body and the Village Board shall be the Approval Authority. The Reviewing Body shall hold a public hearing on the proposed conditional use preceded by a Class 2 Notice in conformance with the requirements of secs. 62.23(7)(d) and (de), Wis. Stats. The Reviewing Body shall use the criteria in subsections B and C (if C is applicable) to make its decision or apply any conditions. The decision of the Approval Authority shall include an accurate description of the use permitted or denied, of the property on which permitted or denied, and findings that support the decision. The Approval Authority may impose

conditions on the conditional use permit's duration, include a transfer limitation, or both; may apply conditions such as landscaping, lighting, screening, fencing, architectural design, type of construction, construction commencement and completion dates, operational control, traffic improvements, increased yards, or parking requirements; and may require written agreements, deed restrictions, easements, or other documents as it deems necessary to assure that any conditions imposed will be satisfied.

B. General review criteria.

(1) Any decision to grant or deny the permit must be supported by substantial evidence, as that term is defined in sec. 62.23(7)(de)1.b., Wis. Stats. Any condition or modification must be related to the purpose of this Chapter, reasonable, measurable to the extent practicable, and based on substantial evidence.

(2) If the applicant meets, or agrees to meet, all of the applicable requirements specified in this Chapter and conditions imposed by the Approval Authority, the Approval Authority shall under sec. 62.23(7)(de)2.a. of Wisconsin Statutes grant the conditional use permit. The Approval Authority may require written agreement from the applicant in a form prescribed by the Village Attorney.

(3) To the extent consistent with subsections (1) and (2), no conditional use permit shall be granted unless the Approval Authority finds that the use authorized thereby meets the following criteria with conditions as determined necessary:

(a) Proposed use is consistent with the Comprehensive Plan and this Chapter, such as applicable criteria within §10.03.102. Variances shall only be granted as provided in Article XXV.

(b) Proposed use will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare.

(c) Proposed use maintains compatibility among land uses, land use intensities, and land use impacts as related to the environs of the subject property.

(d) Proposed use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.

(e) The potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

C. Special criteria within A-P zoning district. No conditional use permit shall be granted in the A-P district unless the Approval Authority finds that the use authorized thereby meets the following additional criteria:

(1) The use and its location in the farmland preservation zoning district are consistent with the purposes of the A-P zoning district.

(2) The use and its location in the A-P district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law. For nonmetallic mineral extraction operations, alternative locations outside of the A-P district must be considered.

(3) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

(4) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

D. Issuance, recording, and notice. The Zoning Administrator shall issue to the applicant a copy of the approved conditional use permit within 10 business days following the granting of a conditional use permit. Said permit shall contain identifiable description of the use and subject property, and any specific requirements or conditions of approval. Copies of all such permits shall be maintained in the files of the Zoning Administrator, and may be recorded by the Village against the property and notation of the conditional use permit may be placed on the official zoning map.

E. Effect of denial. No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a substantially similar use for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors relative to the review criteria in subsection B or C (as applicable) that are found valid by the Zoning Administrator.

F. Termination or revocation of an approved conditional use permit. A conditional use permit shall be automatically terminated if the conditional use authorized thereunder is not established and maintained one year following its granting or if the use discontinued for more than one year following its establishment. Any conditional use found not to comply with the terms of this Chapter or the approved conditional use permit, and any modification, alteration, or expansion of any conditional use in violation of the approved conditional use permit, shall be considered a violation of this Chapter and shall be grounds for revocation or modification of said conditional use permit and/or applicable penalties under this Chapter. The procedure to consider revocation or modification of a conditional use permit shall be the same as described for original granting of a conditional use permit in subsection A.

G. Change of ownership. All requirements of the approved conditional use permit shall be continued regardless of ownership or operation of the subject property or use and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit.

Sec. 10.03.102 Criteria and performance standards for certain conditional uses

A. Conditional use performance standards. The Matrix of Uses, Ch. 10.03 Attachment 2, includes a number of land uses that require a conditional use permit in certain zoning districts. The following is a list of performance standards that may be required of one or more conditional uses in such Matrix if so indicated in subsection B:

(1) Vehicle accommodations. The parking lot shall have direct access to an arterial or collector street, and direct vehicular connections to adjacent parking areas if required by the Approval Authority. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety, through adequate parking lot design and capacity; sufficient access drive entry throat length, width, design, location, and number; and traffic control and wayfinding markings and devices. Landscaped islands or peninsulas shall be spaced within parking lots at intervals no greater than one island per every 20 spaces in that aisle, with each landscaped island or peninsula containing a minimum of 300 square feet in landscaped area.

(2) Bike/ped access. The development shall provide for safe pedestrian and bicycle access to all uses, and connections to existing and

planned public pedestrian and bicycle facilities and adjacent properties. Clearly marked pedestrian walkways and crosswalks shall be provided to each primary principal building entrance from public sidewalks/paths and from on-site parking lots. Bicycle parking facilities (e.g., loops) shall be provided near such entrance.

(3) Trucking limits possible. The Approval Authority may limit trucking activity to a maximum number of trips per period, type of truck, and/or maximum weight, or may require improvements to off-site roads, where it determines that greater volumes, different types, or greater weights will have an undue negative impact on roads serving the development or on residents, businesses, or other occupants along the route. In the event such limits are applied, any temporary exception for construction of the development, or otherwise not exceeding 30 days in any calendar year, may be approved by the Zoning Administrator.

(4) Traffic impact analysis. Prior to conditional use permit or site and building plan approval, the applicant may be required by the Village Engineer to prepare a traffic impact analysis (TIA). When required, such TIA shall be completed by a transportation engineering consultant and in accordance with TIA Guidelines published by the State of Wisconsin DOT, except as otherwise approved by the Village Engineer. Where the TIA or the Village Engineer's evaluation of the TIA indicates that a project may cause public roads or intersections to function below an acceptable level of safety or level of service (with LOS C being the typical benchmark), the Approval Authority may deny the application, require a reduction in the proposed project, and/or require the applicant to construct and/or pay for required off-site road or intersection improvements to achieve an acceptable level of service or safety in coordination with the transportation agency with jurisdiction.

(5) Utility impact analysis. Prior to conditional use permit or site and building plan approval, the applicant may be required to prepare a public utility impact analysis (UIA). When required, such UIA shall be completed by a civil engineering consultant or utility specialist, and in accordance with best practices in utility system planning. Where the UIA or the Village Engineer's evaluation of the UIA indicates that a project may cause the municipal water, sanitary sewer, or and/or electrical systems to operate an unacceptable level of service or safety, the Approval Authority may deny the application, require a reduction in the proposed project, and/or require the applicant to construct and/or pay for required utility

system improvements to achieve an acceptable level of service or safety in coordination with the utility agency with jurisdiction.

(6) Extra setbacks possible. The Approval Authority may require additional setbacks beyond those indicated in the Schedule of Regulations, Ch. 10.03 Attachment 1 for structures, storage, loading, and/or activity areas. Such additional setbacks may be required from residentially zoned property and/or where the Authority determines that additional setbacks will further compatibility between land uses and their components. No outdoor storage area, service yard, loading dock, exterior work area, and dumpster shall be placed within any minimum front or street side yard setback per the Schedule of Regulations.

(7) Residential bufferyard. A bufferyard shall be provided along all property borders abutting residentially zoned land. The minimum width shall be 25 feet, unless the Approval Authority determines that a lesser width is both adequate to buffer incompatible uses/activities and necessary owing to site constraints. Landscaping shall be selected and planted in sufficient quantities and positions to provide an all-season screen of not less than 60% opacity within five years of planting. The Approval Authority may approve or direct use of a decorative opaque fence or wall, and/or a berm, in lieu of or in addition to the landscaping. No building or impervious surface other than a bike/pedestrian way shall be permitted in a bufferyard.

(8) Component screening. All outdoor storage areas, service yards, loading docks, exterior work areas, and dumpsters shall be completely screened from view in all seasons from non-industrial zoned property by any permitted combination of buildings, walls, and/or opaque fencing. Where such areas are visible from residentially zoned land, public park property, or the Wisconsin River, landscape plantings shall also be installed on the outsides of such walls or fences. Such walls or fencing may be required to be up to eight feet in height. Chain link fencing with slats or mesh applied is not acceptable except where explicitly approved by the Approval Authority. No such area shall reduce or inhibit the use or number of parking stalls below the minimum requirement under this chapter, or further reduce parking stalls if already below the minimum.

(9) Outdoor display limits. Outdoor display, sales, and/or services shall be allowed only where clearly depicted on the approved site plan; not exceeding 25% of the floor area of the principal building

with which they are associated; meeting all applicable accessory building setbacks per the Schedule of Regulations; not affecting visibility and separated from motor vehicle routes, walkways, and parking spaces; and not allowed for any sexually-oriented land use. When outdoor activity ceases, including seasonally, all support furniture and fixtures that support the activity shall be immediately removed. No such area shall reduce or inhibit the use or number of parking stalls below the minimum requirement under this chapter, or further reduce parking stalls if already below the minimum.

(10) Material limits possible. The Approval Authority may limit the on-site holding, storage, movement, processing and/or disposal of materials determined by the Fire Department or other reliable source as hazardous, explosive, highly combustible, malodorous, and/or vermin-attracting. The Village Engineer or Approval Authority may also require a prevention and mitigation plan with a conditional use permit or site plan approval application or as a condition of approval, addressing matters such as safe handling of materials, training, and protocol for addressing accidental spills.

B. Conditional uses for which performance standards applicable. The following table lists, in its rows, certain land uses from the Matrix of Uses, Ch. 10.03 Attachment 2, that require a conditional use permit where allowed. The same table, in its columns, enumerates performance standards that may be applicable to one or more of these conditional uses, with reference to the performance standards enumerated in subsection A. If a performance standard is applicable to the particular conditional use, the associated cell is marked with an "X," with the stricter limit applying in the event of any overlap. Such performance standard may inform materials or components to be included as part of the conditional use permit application, conditions the Approval Authority may apply to the conditional use permit, and/or ongoing requirements to such conditional uses granted a conditional use permit (or amendment to a conditional use permit) after July 1, 2024. Sec. 10.03.10 may also include, within the definitions of certain land uses, standards that must be met regardless of whether a land use is listed in the Matrix of Uses as a permitted, conditional, or temporary land use.

Conditional Land Uses Listed ↓ In Matrix of Uses ↓	Applicable Performance Standard per Sub. A										
	Vehicle accommodations	Bike/ped access	Trucking limits possible	Traffic impact analysis	Utility impact analysis	Extra setbacks possible	Residential bufferyard	Component screening	Outdoor display limits	Material limits possible	Criteria in Subs. C, D, E, or F
Child Care – Group Center (9+ children)	X	X					X	X			
Commercial Animal Service and/or Sales	X		X			X	X	X	X	X	
Commercial Entertainment and Dining	X	X		X				X	X		
Commercial Outdoor Recreation Facilities	X	X		X		X	X	X	X		
Convenient Cash Business, Payday Loan Institution, and Similar	X	X				X	X		X		
Drive-through and Other In-Vehicle Sales or Service	X	X		X		X	X	X	X		
Indoor Sales or Service, in one or more buildings totaling 25,000+ sf	X	X	X	X	X	X	X	X	X	X	X
Liquor Store, Tobacco Sales Store, Vape Shop, CBD Store, and Similar	X	X				X	X		X		
Lumber Yard and/or Garden Center	X		X	X		X	X	X	X	X	
Motel	X					X	X		X		
Parking Facility, with no principal building present on same property	X	X				X	X				
Sexually-Oriented Land Use	X					X	X	X	X		X
Cleaning, Bleaching, Pressing, or Dyeing Establishment	X				X		X			X	
Electric or Steam Generating Facility	X		X	X	X	X	X	X		X	
Freight Terminal or Transshipment Depot	X		X	X		X	X	X	X	X	
Industrial – Heavy; Aquaculture	X		X	X	X	X	X	X	X	X	
Machine Shop	X		X			X	X	X	X	X	
Microbeverage Production Facility	X	X	X		X	X	X	X	X	X	
Nonmetallic Mineral Extraction			X			X	X	X		X	X
Personal Storage Facility	X					X	X	X	X	X	
Waste Management Facility	X		X	X		X	X	X		X	
Communications Tower						X	X	X			X
Indoor Institutional	X	X	X			X	X	X			

Conditional Land Uses Listed ↓ In Matrix of Uses ↓	Applicable Performance Standard per Sub. A										
	Vehicle accommodations	Bike/ped access	Trucking limits possible	Traffic impact analysis	Utility impact analysis	Extra setbacks possible	Residential bufferyard	Component screening	Outdoor display limits	Material limits possible	Criteria in Subs. C, D, E, or F
Public Service or Utility	X		X	X		X	X	X		X	
Child Care - Intermediate Home (9-15 children)	X	X					X	X			
Outdoor Dining, Drinking, or Entertainment	X					X	X	X	X		X
Outdoor Storage or Display						X	X	X	X	X	
Outdoor Manufacturing and/or Repair						X	X	X	X	X	

C. Nonmetallic mineral extraction. Where permitted under the Matrix of Uses, Ch. 10.03, Attachment 2, each Nonmetallic Mineral Extraction use shall meet the following criteria:

(1) Shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any residentially zoned property or public rights-of-way.

(2) If within the extraterritorial zoning jurisdiction, shall be limited such that only one non-metallic mineral extraction operation of more than 24 months or more than 15 acres is allowed to operate in the Town of Prairie du Sac at any one time. This limit does not include sand extracted on a farm if put to agricultural use on the farm or on some other farm.

(3) The extraction site and any associated buildings minimize use of Group I through II soils.

(4) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.

(5) Rock quarry operations shall be set back at least 1,320 feet from residences on parcels not in the same ownership.

(6) Shall receive reclamation plan approval from the county prior to the effective date of conditional use permit approval, and shall

comply with all county, state and federal regulations including but not limited to the following:

(a) Subchapter 1 of Chapter 295, Wisconsin Statutes, and administrative rules promulgated under that subchapter.
(b) All Sauk County nonmetallic mining reclamation requirements.
(c) Restoration when extraction is completed, to any applicable requirements of the Wisconsin Department of Transportation, and to an agricultural use if in the A-P zoning district per Section 91.46(6)(f), Wisconsin Statutes.

(7) Prior to commencement or expansion of operations, a surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), or other security approved by the Village Attorney, shall be filed with the Village by the applicant (subject to approval by the Zoning Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition.

D. Communications tower. Each communications tower use shall meet the following criteria:

(1) The application for conditional use permit and site plan approval shall include the requirements of sec. 66.0404(2)(b), Wis. Stats. in addition to requirements under this Chapter.

(2) If the intent is to construct a new, freestanding communications tower, the application must include an ex-planation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the communications tower attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burden-some.

(3) Each permitted communications tower shall be placed or constructed so it may be utilized for the collocation of antenna arrays to the extent technologically and economically feasible. The holder of a permit under this subsection shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at

prevailing market rates allowing the permit holder to recoup the cost of providing collocation sites and a fair investment return.

(4) Communications towers and associated equipment shall, to the extent possible, match the color of existing facilities and be installed in a fashion to lessen the visual impacts of such installation. Accessory buildings shall meet requirements in the Schedule of Regulations.

(5) A new or amended conditional use permit and site plan shall be required for "substantial modifications" to an existing communications tower, as that term is defined in sec. 66.0404(1)(s), Wis. Stats. Neither a conditional use permit nor site and building plan approval shall be required for any modification that is not defined as a "substantial modification," but a building permit is required.

(6) A conditional use permit shall not be required for collocation on a proposed or existing communications tower, provided the collocation does not result in a "substantial modification," as that term is defined in sec. 66.0404(1)(s), Wis. Stats.

(7) The applicant shall provide a written agreement stating that if the communications tower, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower including all associated equipment upon written request from the Zoning Administrator at no cost to the Village within 60 days of such request.

(8) The owner of any communications tower shall maintain insurance against liability for personal injury, death, or property damage caused by its maintenance and/or operation.

(9) In its evaluation of any conditional use permit or site plan approval application for the communications tower, the limitations under the applicable secs. 66.0404(4) and 66.0406(2), Wis. Stats. shall apply.

E. Outdoor dining, drinking, or entertainment. Where permitted under the Matrix of Uses, Ch. 10.03 Attachment 2, each outdoor dining, drinking, or entertainment use shall also meet the following criteria:

(1) If intended to allow the outdoor consumption of alcoholic beverages, shall obtain and maintain an outdoor consumption permit and meet associated requirements of §7.02.09 of the Village Municipal Code.

(2) All applications for conditional use permit shall include operational details and site plan details addressing each of the requirements above in addition to applicable criteria in §7.02.09, §10.03.101, and §10.03.102. Where such use is proposed to include or abut a public right-of-way, parking lot, or driveway, the application shall include details regarding the specific location of street, parking lot, or driveway improvements, and how the activity will be kept off of and separated from the street travel way, parking lot, or driveway.

(3) No such area shall reduce or inhibit the use or number of parking stalls below the minimum requirement under this chapter, or further reduce parking stalls if already below the minimum.

F. Sexually-oriented land uses. Where permitted under the Matrix of Uses, Ch. 10.03 Attachment 2, each sexually-oriented land use shall meet the following criteria:

(1) Shall be located a minimum of 500 feet from any residentially zoned property, civic and public land use as listed in the Matrix of Uses, Ch. 10.03 Attachment 2, and other Sexually-Oriented Land Use.

(2) No outdoor activities aside from vehicle parking shall be permitted.

(3) Exterior signage shall be in accordance with that permitted for the zoning district within which it is located. In addition, one additional exterior wall sign with an area of two square feet stating "Admittance to adults only" shall be placed near or on the customer entrance, along with hours of operation.

(4) The establishment shall not admit minors on the premise and shall comply with all applicable Federal, State, and Village laws and ordinances regulating alcoholic beverages and obscenity.

Article XX. Temporary Uses

Sec. 10.03.103 Purpose

A. The purpose of this article is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary uses, as described in this chapter.

B. Temporary uses are those uses that have the potential to create undesirable impacts on the Village and nearby properties if allowed on a

permanent basis under the general requirements of this chapter, but which may be reasonably permitted for a limited period of time on a case-by-case basis.

Sec. 10.03.104 Regulations applicable to all temporary uses

A. Temporary uses may be approved for a maximum of 12 months.

B. The applicant and Zoning Administrator shall consider potential negative impacts to neighboring properties and uses resulting from the temporary use, and the applicant shall demonstrate to the satisfaction of the Zoning Administrator the ability and commitment to meet any proposed conditions of approval intended to mitigate such negative impacts.

C. Temporary uses are listed in the Matrix of Uses within this chapter. The Zoning Administrator may consult with Plan Commission to consider proposed uses of a temporary nature not included on that list. Unlisted temporary uses may be permitted by the Plan Commission, provided that the Commission determines that such uses are similar in character to one or more uses that are listed as temporary in the district. Each such determination is subject to any federal, state, or other regulation that affects whether an unlisted use may be allowed, including but not limited to Chapter 91, Wis. Stats. And ATCP 49, Wis. Admin. Code.

D. No public hearing is required to review a temporary use.

Sec. 10.03.105 Application for permit

All applications for proposed temporary uses shall be comprised of all of the following:

A. A written description of the proposed temporary use describing the type and duration of proposed activities and any structures, materials or equipment that will be associated with the temporary use.

B. A site plan of the subject property indicating existing structures, parking and drive areas, and the location(s) of the proposed use and any structures, materials or equipment associated with the proposed use. Said site plan shall by drawn to a consistent scale and include sufficient detail to enable appropriate review by the Zoning Administrator.

C. Additional information as may be required by the Plan Commission, Village Engineer, Zoning Administrator, or Building Inspector.

D. Any required fee as set by Village Board.

Sec. 10.03.106 Action by the Zoning Administrator or Plan Commission

Action on a temporary use permit application shall be taken by the Zoning Administrator within five business days of a complete application, as verified by the Zoning Administrator. Such action may include approval, conditional approval to meet the requirements of this chapter, denial if compliance with this chapter cannot be achieved, or referral to the next Plan Commission meeting if the Zoning Administrator elects to request a recommendation from Plan Commission before approving or denying the permit.

Article XXI. Modifications and Exceptions

Sec. 10.03.107 Lot width and area

Requirements as to lot width and area for the construction of a one-family dwelling shall not apply to any lot having less than the required area or width at the time of adoption of this chapter or any amendment thereof increasing the area or width required for such lot, provided that the area and the width of such lot shall be no less than 75% of the required minimum set forth in the Schedule of Regulations and the structure meets setback requirements.

Sec. 10.03.108 Height

A. Height limitations of this chapter shall not apply to chimneys, church spires, belfries, standpipes, water towers, flagpoles, monuments, transmission towers or cables, or radio or television antennas or towers.

B. Penthouses, stage towers, scenery lifts, elevators, bulkheads, clock towers, cupolas, water tanks and similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit for the district in which the building is located, provided that no such exception shall cover, at any level, more than 25% of the area of the roof on which it is located, and provided further that no such exception shall be used for sleeping or housekeeping purposes or for any commercial purpose other than such as may be incidental to the permitted use of the main building.

C. A parapet wall or cornice, solely for ornamental purposes, may exceed the height limit established for the district but shall not exceed five feet.

Sec. 10.03.109 Building setbacks

In residential districts, except for corner lots, required setbacks shall be modified in the following cases: where 50% or more of the frontage on a block is occupied by residences having setbacks less than that required by this chapter, the 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.

Sec. 10.03.110 Extensions of structures into required yards

A. The following extensions shall be permitted into required yards:

(1) Canopies and marquees in business districts: six feet (not permitted in interior side yards).

(2) Cornices and similar extensions: one foot.

(3) Open, fireproof fire escapes: three feet.

(4) Eaves: two feet.

B. The following restrictions shall apply to the permitted extensions:

(1) Cornices, canopies, marquees and similar extensions shall be at least 10 feet above ground level.

(2) Canopies shall, in no case, extend nearer than three feet back of the face of a curb.

Sec. 10.03.111 Canopies

In the B-C Business District, canopies attached to business structures at the front lot line shall be permitted to extend over the sidewalk, subject to the restrictions of §10.03.110. A zoning permit shall be required for any canopy projecting into the right-of-way of any street. Permits for such structures shall be revocable as provided in secs. 86.04, Wis. Stats.

Sec. 10.03.112 [Repealed]

Sec. 10.03.113 Required buffer strips in industrial districts

Where an industrial district abuts a residential district, there shall be provided along any rear, side or front line coincidental with any industrial-residential boundary a buffer strip not less than 40 feet in width, as measured at right angles to the lot line. Plant materials at least six feet in height, of such variety and growth habits as to provide a year-round effective visual screen when viewed from the residential district, shall be planted within the exterior 25 feet abutting the residential district. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the residential district shall be attractively maintained. The exterior 25 feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior 15 feet may be devoted to parking of vehicles.

Article XXII. Changes and Amendments Within the Village

Sec. 10.03.114 Authority

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village may, by ordinance, change the district boundaries or amend, change, or supplement 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. 10.03.115 Initiation

A change or amendment may be initiated by the Village Board, Plan Commission, Zoning Administrator or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

Sec. 10.03.116 Petitions

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Administrator, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

A. Plot plan drawn to a scale of one-inch equals 100 feet, showing the area proposed to be rezoned, its location, its dimensions, the location and

classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.

B. Names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.

C. Additional information required by the Plan Commission or Village Board.

Sec. 10.03.117 Recommendations

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board. The Plan Commission shall review all proposed changes and amendments within the zoning jurisdiction and shall vote on the matters within its jurisdiction.

Sec. 10.03.118 Public hearing

The Village Board shall hold a public hearing upon each recommendation, giving at least 10 days' prior notice, or by publication at least two times during the preceding 30 days, listing the time, place and changes or amendments proposed. The Village Board shall also give at least 10 days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

Sec. 10.03.119 Action by Village Board

Following such hearing, and after careful consideration of the Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment. Only a simple majority is required, except in cases of a down-zoning ordinance, in accordance with sec. 66.10015, Wis. Stats.

Sec. 10.03.120 Protest

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change or amendment shall not become effective except by the favorable vote of 3/4 of the full Village Board membership.

Article XXIII. Changes and Amendments in the Extraterritorial Jurisdiction

Sec. 10.03.121 Authority

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, after recommendation thereon by the Joint Committee and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property in the Extraterritorial Zoning Jurisdiction as identified in this chapter.

Sec. 10.03.122 Procedure for change

A. Application. An amendment, supplement, reclassification or change may be initiated by the Joint Committee on its own motion or by a verified application of one or more of the owners or lessees of property within the Extraterritorial Zoning Jurisdiction. Application for any change of district boundaries or classifications of property as shown on the Zoning Map, and for regulation amendments, shall be submitted to the Joint Committee upon such forms and accompanied by such data and information as may be prescribed for that purpose by the Joint Committee so as to assure the fullest, most practicable presentation of facts for the permanent records. Such data shall include a plat map drawn to scale of not smaller than 100 feet per inch showing the land in question, its location, the length and location of each boundary thereof, the location and existing use of all buildings and the principal use of all properties within 100 feet of such land. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments or district changes initiated by the Joint Committee itself shall be accompanied by its own motion pertaining to such proposed amendment.

B. List of property owners. Any person desiring a change in the zoning classification of property shall file with the application for such a change a statement giving the names and addresses of the owners of all properties lying within 300 feet of any part of the exterior boundaries of the premises and the zoning classification which is proposed to be changed.

C. Hearing; public notice. Before submitting the recommendations on a proposed amendment to the Village Board, the Joint Committee shall hold at least one public hearing thereon, notice of which shall be given by publication once in a newspaper of general circulation in the extraterritorial zoning jurisdiction area at least 15 days before the date of such hearing. The notice shall state the place and time at which the

proposed amendment to this ETZ Ordinance, including text and maps, may be examined.

D. Hearing; public notice. Before submitting the recommendations on a proposed amendment to the Village Board, the Joint Committee shall hold at least one public hearing thereon, notice of which shall be given by publication once in a newspaper of general circulation in the extraterritorial zoning jurisdiction area at least 15 days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to this ETZ Ordinance, including text and maps, may be examined.

E. Certification of recommendation. Following such hearing, the Joint Committee may recommend that the application be granted as requested, or may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall be determined as provided for above and shall then be certified to the Village Board.

F. Village Board hearing. After receiving from the Joint Committee the certification of such recommendations on the proposed amendment and before adoption of such amendment, the Village Board shall hold a public hearing thereon, upon publication of a Class 2 notice under Ch. 985, Wis. Stats., of the time and place of such hearing.

G. Final action by Village Board. Following such hearing, after receiving the recommendations of the Joint Committee thereon, the Village Board shall consider such recommendations and vote on the passage of the proposed amendment to the text of this chapter and/or on the Official Extraterritorial Jurisdiction Zoning Map. Subject to the limitation set forth below, the Village Board may adopt or reject the recommendation of the Joint Committee by a simple majority of the Village Board. In recognition of the Joint Committee's expertise with respect to the Village's Extraterritorial Zoning Jurisdiction area, as well as the public benefits of joint land use planning afforded by this chapter, the Village Board agrees to and shall not adopt an amendment to the plan and regulations in the ETZ area unless the proposed amendment thereto receives a favorable vote of the majority of the six members of the Joint Committee. In the event of a protest against such district change or regulation amendment, signed and acknowledged by the owners of 20% or more of the areas of land included in such proposed change, or by the owners of 20% or more of the area of land immediately adjacent, extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto, extending 100 feet from the street frontage of such opposite land, such amendments shall not become effective except by the favorable vote of

3/4 quarters of the members of the Village Board. Such protests, to be effective under this section, shall be filed with the Zoning Administrator or Joint Committee prior to the conclusion of the public hearing before the Village Board.

H. Fees. Each application for a zoning amendment, except those initiated by the Joint Committee, shall be accompanied by a check payable to the Village of Sauk City or a cash payment sufficient to cover the costs of publishing, posting and/or mailing notices of hearing, as well as such fees established by resolution of the Village Board.

Sec. 10.03.123 Review criteria for proposed rezonings in the Extraterritorial Zoning Jurisdiction

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, after recommendation thereon by the Joint Committee and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this ETZ Ordinance or amendments thereto. The Joint Committee in considering requests for changes in district boundaries and the Village Board in its determinations may consider the following factors:

A. The development will favorably or adversely affect the provision of municipal services, including sewer, water, electric, transportation (roads), emergency services (fire and ambulance), and schools.

B. Development in the manner proposed will have a favorable or unfavorable impact in the environment.

C. The development will favorably or adversely affect other persons or property.

D. The development is in furtherance of or contradictory to objections and policies established in the extraterritorial zoning jurisdiction.

E. The development will aid or not interfere with the ability of the Village and the Town of Prairie du Sac to achieve the objectives set forth as goals for the extraterritorial zoning jurisdiction.

F. The development shall be consistent with the Village's Comprehensive Plan and its revisions.

Sec. 10.03.124 Review criteria for proposed rezonings away from A-P district

No land in the A-P zoning district shall be rezoned to any other district, unless following a public hearing the Village Board finds that all of the following criteria have been met:

A. The land is better suited for a use not allowed in the A-P district.

B. The rezoning is consistent with the Sauk County Farmland Preservation Plan and the Comprehensive Plan.

C. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

D. If the rezoning is intended to enable a dwelling unit without first amending the Farmland Preservation Plan and the Comprehensive Plan, the Village Board shall find that the following additional criteria are met:

(1) The dwelling unit must be on a separate lot meeting the minimum lot size of the approved zoning district and a maximum lot size of not greater than five acres.

(2) The farm from which such lot is divided shall be no fewer than 35 acres.

(3) Total number of dwelling units on any farm as it was configured on August 18, 2011 shall not exceed an overall density of one dwelling unit per 35 acres, with no rounding permitted. For example, a 160 acre farm as of that date shall be allowed to accumulate no greater than four total dwelling units (160/35 = 4.57 = 4).

Sec. 10.03.125 Text amendments affecting farmland preservation provisions

If the Zoning Administrator determines that a zoning ordinance text amendment does any of the things listed in ATCP 49.27(2), Wis. Admin. Code, the Zoning Administrator shall submit the text amendment to the Department of Agriculture, Trade and Consumer Protection for its certification. Such text amendment shall not take effect until certification is obtained.

Sec. 10.03.126 Reporting on rezonings out of the A-P district

Per Section 91.48(2), Wisconsin Statutes, the Zoning Administrator shall, by March 1 of each year, provide to the Department of Agriculture, Trade and Consumer Protection and the Director of the Sauk County Conservation, Planning, and Zoning Department, a

report of the number of acres that the Village has rezoned out of the A-P district the previous year and a map that clearly shows the location of those areas.

Article XXIV. Village Plan Commission

Sec. 10.03.127 Administration of this chapter

The Village Plan Commission, together with its other statutory duties, shall; with reference to this chapter:

A. Review and grant final site plan approval as provided in this chapter within the Village limits.

B. Conduct public hearings for conditional use permit applications, and within a PUD District or TND district, for general development plan applications, within the Village limits.

C. Within a reasonable time following conduct of a public hearing, grant or deny a conditional use permit within the Village limits.

D. Review and make recommendations to the Village Board regarding approval of any general development plan or specify implementation plan. In instances where a specific implementation plan requires only Plan Commission approval, the Plan Commission shall apply any conditions it deems lawful and necessary to ensure compliance with the objectives of this chapter. (See Article X and Article XI of this chapter.)

E. Review and advise the Village Board on all applications for text amendments to the zoning regulations, and to all amendments to the Official Zoning Map affecting territory within the Village municipal boundary.

Article XXV. Village Zoning Board of Appeals

Sec. 10.03.128 Establishment

There is established a Board of Appeals for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

Sec. 10.03.129 Membership

A. The Board of Appeals shall consist of five members appointed by the Village President and confirmed by the Village Board.

B. Terms shall be for staggered three-year periods.

C. The Chairman shall be designated by the Village President.

D. An alternate member may be appointed by the Village President for a term of three years. Such alternate member shall act only when a regular member is absent or refuses to vote because of interest.

E. One member shall be a registered architect, registered professional engineer, builder, or real estate appraiser.

F. The Secretary shall be the Zoning Administrator.

G. The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

H. Official oaths shall be taken by all members in accordance with sec. 19.01, Wis. Stats., within five days of receiving notice of their appointment.

I. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

Sec. 10.03.130 Rules of procedure; meetings

A. The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

B. Meetings shall be held at the call of the Chairman and shall be open to the public.

C. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

D. The concurring vote of four members of the Board shall be necessary to correct an error, grant a variance, make an interpretation or permit an unclassified or substitute use.

Sec. 10.03.131 Powers

A. 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.

(2) Variances. To hear and grant appeals for variances that will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purpose of this chapter shall be observed and the public safety, welfare and justice be secured. Use variances shall not be granted.

(3) Interpretations. To hear and decide applications 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 that 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 that the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, and subject to any conditions required by the Board of Appeals and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.

B. Permits. The Board may reverse, affirm, wholly or partly, or modify the requirements appealed from and may issue or direct the issuance of a permit.

C. Assistance. The Board may request assistance from other officers, departments, commissions and boards.

D. Oaths. The Chairman may administer oaths and compel the attendance of witnesses.

Sec. 10.03.132 Appeals and applications

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board or bureau. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the Secretary. Such appeals and application shall include the following:

A. Names and addresses of the appellant or applicant and all abutting and opposite property owners of record.

B. Plat of survey prepared by a registered land surveyor showing all of the information required under §10.03.37 and §10.03.38.

C. Additional information required by the Plan Commission, Village Engineer, Board of Appeals, or Zoning Administrator.

Sec. 10.03.133 Public hearing

The Board of Appeals shall fix a reasonable time and place for the hearing, giving public notice thereof at least 10 days prior to the hearing, and shall give due notice to the parties in interest, the Zoning Administrator, and the Plan Commission. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

Sec. 10.03.134 Conditions required for variances

No variance to the provisions of this chapter shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

A. Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed.

B. Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and the same vicinity.

C. Absence of detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

Sec. 10.03.135 Decision

A. The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Plan Commission.

B. Conditions may be placed upon any zoning permit ordered or authorized by this Board.

C. Variances, substitutions, or use permits ordered by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

Sec. 10.03.136 Review by court of record

Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.

Sec. 10.03.137 Fees and costs

A fee of as set by the Village Board will be charged for each application submitted herewith, which includes publication costs. The applicant will also be required to pay the costs of any consultant reports which may be required by the Board.

Article XXVI. Joint Extraterritorial Committee

Sec. 10.03.138 Creation

The Joint Extraterritorial Committee ("Joint Committee") shall be created as provided by sec. 62.23(7a), Wis. Stats.

Sec. 10.03.139 Powers and duties

The Joint Committee shall possess the powers and duties prescribed in sec. 62.23(7a), Wis. Stats., and such other powers and duties as shall be vested in it from time to time by the Village Board.

Sec. 10.03.140 Rules and reports

The Joint Committee may adopt rules governing its own proceedings. The Joint Committee shall make a full report in writing to the Village Board and the Town Board of its transactions and expenditures, if any, for the preceding year, with such general recommendations as to matters covered by its prescribed duties and authority as may to it seem proper. This annual report shall be filed with the Village and the Town no later than March 1 of each year.

Sec. 10.03.141 Meetings

The Joint Committee shall elect a Chairperson and Secretary and shall keep a written report of its proceedings, to include all actions taken, a copy of which shall be filed with the Zoning Administrator and Town Clerk. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of the members, except for decisions on perfunctory matters which shall require a majority vote of those present and voting. (That is, of the six members, four members are the majority. It will take four votes for approval by the majority. If only four members are present, all four must agree for approval to be effective.)

Sec. 10.03.142 Staff

The Joint Committee shall utilize the services of existing Village and Town officials and employees.

Sec. 10.03.143 Joint Committee to act

The Joint Committee shall act upon all such applications on which it is authorized to act by the provisions of this chapter within the next two meetings but not more than 90 days from when the application is filed in full compliance with all the applicable requirements. The Joint Committee shall either recommend issuance of a zoning permit within such time period or notify the applicant in writing of its refusal of such permit and the reasons therefor. Failure to notify the applicant within such time period shall result in a refusal of a zoning permit unless the applicant consents to an extension of time.

Article XXVII. Board of Extraterritorial Zoning Appeals

Sec. 10.03.144 Establishment

A Board of Extraterritorial Zoning Appeals shall act as the board of zoning appeals in the administration of Extraterritorial Zoning. Said Board of Extraterritorial Zoning Appeals shall consist of five members, three of whom shall be appointed by the Village President and shall be Village residents, and two of whom shall be appointed by the Town of Prairie du Sac Chairperson and shall be residents of the Town of Prairie du Sac. Initially, terms shall be one, two and three years, respectively, for Village members and one and two years, respectively, for Town members. Thereafter, the terms shall be three years, expiring on the third Tuesday of April in the third year of the term. No more than one member of the Joint Extraterritorial Committee shall serve as one of the five members.

Sec. 10.03.145 Procedure, quorum, and voting

The provisions of the Village Municipal Code and sec. 62.23(7)(e), Wis. Stats., shall control the procedure and voting, and such sections are adopted by reference herein as though set forth in full.

Sec. 10.03.146 Applications, appeals, hearings and stay of proceedings

Insofar as applicable, the provisions regarding the Board of Appeals set forth in Article XXV of this chapter shall apply to the administration of Extraterritorial Zoning.

Sec. 10.03.147 Powers of the Board of Extraterritorial Zoning Appeals

The Board of Extraterritorial Zoning Appeals shall review appeals of decisions made by the Joint Committee. The Board of Extraterritorial Zoning Appeals does not conduct a de novo review of the matter being appealed but rather completes a review of the record established by the Joint Committee to determine whether the Joint Committee's actions were consistent with the procedures and discretion granted to the Joint Committee under this chapter. If the Board of Extraterritorial Zoning Appeals determines that the Joint Committee's actions were not consistent with the procedures and discretion granted to the Joint Committee under this ETZ Ordinance, then the Board of Extraterritorial Zoning Appeals shall remand the matter to the Joint Committee with instructions. The Joint Committee will then correct the error identified by the Board of Extraterritorial Zoning Appeals and issue a final decision.

Article XXVIII. Enforcement

Sec. 10.03.148 Zoning Administrator; records

A. The provisions of this chapter shall be enforced by the Zoning Administrator, as appointed by the Village Board. The Zoning Administrator shall keep a record of all applications for zoning permits and a record of all such permits issued, with a notation of any conditions that may have been imposed by the Board of Appeals under the provisions of Article XXV of this chapter. The Zoning Administrator shall file and safely keep copies of all plans submitted. The Zoning Administrator shall also keep a record of every identifiable complaint of a violation of any of the provisions of this chapter and of the action taken consequent to each such complaint. All such records and plans shall form a part of the records of its office and shall be available for the use of the Village Board and of other official agencies and officials of the Village.

B. This Chapter and the all other laws and ordinances relating to buildings may be enforced by the Building Inspector through the withholding of building permits, imposition of forfeitures, or injunction action. This section is also made applicable to the Village's extraterritorial zoning and the Building Inspector shall approve all building permits in the extraterritorial zoning area prior to issuance. The Building Inspector shall not issue any permit unless the owner complies with the requirements of the Village's zoning regulations.

Attachments:
Attachment 1 - Schedule of Regulations
Attachment 2 - Matrix of Uses
Attachment 3 - Extraterritorial Zoning Map
Attachment 4 – Village of Sauk City Zoning Map

CHAPTER 10.04 FLOODPLAIN ZONING

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Article I. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions

Sec. 10.04.01 Statutory authorization

This chapter is adopted pursuant to the authorization in sec. 61.35, Wis. Stats., for villages and cities; secs. 59.69, 59.692, and 59.694, Wis. Stats., for counties, and the requirements in sec. 87.30, Wis. Stats.

Sec. 10.04.02 Finding of fact

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

Sec. 10.04.03 Statement of purpose

This chapter is intended to regulate floodplain development to:

A. Protect life, health and property;

B. Minimize expenditures of public funds for flood control projects;

C. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

D. Minimize business interruptions and other economic disruptions;

E. Minimize damage to public facilities in the floodplain;

F. Minimize the occurrence of future flood blight areas in the floodplain;

G. Discourage the victimization of unwary land and home buyers;

H. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

Sec. 10.04.04 Title

This chapter shall be known as the "Floodplain Zoning Ordinance for the Village of Sauk City, Sauk County, Wisconsin."

Sec. 10.04.05 General provisions

A. Areas to be regulated. This chapter regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by the DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

B. Official maps and revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (See Article VIII.) before it is effective. No changes to RFEs on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk. If more

than one map or revision is referenced, the most restrictive information shall apply.

(1) Official maps. Based on the FIS: Flood Insurance Rate Map (FIRM), panel numbers 55111C0561F, 55111C0562F, 55111C0563F, 55111C0564F, dated October 2, 2015; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated October 2, 2015; Volume Number 55111CV001C and 55111CV002C, approved by the DNR and FEMA.

C. Establishment of floodplain zoning districts. The regional floodplain areas are divided into three districts as follows:

(1) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE zones as shown on the FIRM.

(2) The Flood Fringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

(3) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO Zones on the FIRM.

D. Locating floodplain boundaries. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in Subsection D(1) or (2) below. If a significant difference exists, the map shall be amended according to Article VIII. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to sec. 10.04.28.C and the criteria in Subsection D(1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Article VIII.

(1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(2) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

E. Removal of lands from floodplain. Compliance with the provisions of this chapter shall not be grounds for removing land from a floodplain district, unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article VIII. Note: This procedure does not remove the requirements for mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).

F. Compliance. Any development or use within the areas regulated by this chapter shall be in compliance with the terms of this chapter and other applicable local, state and federal regulations.

G. 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 is exempt when sec. 30.2022, Wis. Stats., applies.

H. Abrogation and greater restrictions.

(1) This chapter supersedes all the provisions of any municipal zoning ordinance enacted under secs. 59.69, 59.692 or 59.694, Wis. Stats., for counties, sec. 62.23, Wis. Stats., for cities, sec. 61.35, Wis. Stats., for villages, or sec. 87.30, Wis. Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(2) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

I. Interpretation. In their interpretation and application, the provisions of this chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this chapter,

required by Ch. NR 116, Wis. Admin. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

J. Warning and disclaimer of liability. The flood protection standards in this chapter are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This chapter does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this chapter.

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

L. Annexed areas for cities and villages. The Sauk County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Admin. Code and 44 CFR 59 through 72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Municipal Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

Article II. General Standards Applicable to all Floodplain Districts

Sec. 10.04.06 General development standards

A. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, be constructed with flood-resistant materials, be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to

prevent water from entering or accumulating within the equipment during conditions of flooding.

B. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter and all other requirements in sec. 10.04.26.B. Adequate drainage shall be provided to reduce exposure to flood hazards, and all public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damages.

Sec. 10.04.07 Hydraulic and hydrologic analyses

A. Except as allowed in sec. 10.04.08, below, no floodplain development shall:

(1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

(2) Cause any increase in the regional flood height due to floodplain storage area lost.

B. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Article VIII are met.

Sec. 10.04.08 Watercourse alterations

A. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of sec. 10.04.07 must be met, and the flood-carrying capacity of any altered or relocated watercourse shall be maintained.

B. As soon as practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to Article VIII, the community shall apply for a letter of map revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

Sec. 10.04.09 Development regulated by Wisconsin Statutes

Development which requires a permit from the Department, under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the Floodplain Zoning Ordinance are made according to Article VIII.

Sec. 10.04.10 Public or private campgrounds

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

A. The campground is approved by the Department of Health Services;

B. A land use permit for the campground is issued by the Zoning Administrator;

C. The character of the river system and the campground elevation are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants;

D. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

E. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in Subsection D, to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;

F. Only camping units that are fully licensed, if required, and ready for highway use are allowed;

G. The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;

H. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

I. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

J. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in Article III, IV, or V for the floodplain district in which the structure is located;

K. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

L. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Article III. Floodway District (FW)

Sec. 10.04.11 Applicability

This article applies to all floodway areas on the floodplain zoning maps and those identified pursuant to sec. 10.04.21.

Sec. 10.04.12 Permitted uses

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if they are not prohibited by any other ordinances; they meet the standards in secs. 10.04.13 and 10.04.14; and all permits or certificates have been issued according to sec. 10.04.26:

A. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

B. Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.

C. Nonstructural recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of sec. 10.04.13.D.

D. Uses or structures accessory to open space uses complying with secs. 10.04.13 and 10.04.14.

E. Extraction of sand, gravel or other materials according to sec. 10.04.13.D.

F. Functionally water-dependent uses such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chs. 30 and 31, Wis. Stats.

G. Public utilities, streets and bridges, according to sec. 10.04.13.C.

Sec. 10.04.13 Standards for developments in floodway areas

A. General provisions.

(1) Any development in floodway areas shall comply with Article II and have a low flood damage potential.

(2) Applicants shall provide the following data to determine the effects of the proposal according to sec. 10.04.07:

(a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if 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 if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for Subsection A(2) above.

B. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

(1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

(2) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters;

(3) Must be anchored to resist flotation, collapse, and lateral movement;

(4) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(5) It must not obstruct flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

C. Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit, if:

(1) Adequate floodproofing measures are provided to the flood protection elevation; and

(2) Construction meets the development standards of sec. 10.04.07.

D. Fills or deposition of materials. Fill or deposition of materials may be allowed by permit, if:

(1) The requirements of sec. 10.04.07 are met;

(2) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. sec. 1344, has been issued, if applicable, and all other requirements have been met;

(3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(4) The fill is not classified as a solid or hazardous material.

Sec. 10.04.14 Prohibited uses

All uses not listed as permitted uses in sec. 10.04.12 are prohibited, including the following uses:

A. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

B. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

D. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Admin. Code;

E. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR. 811 and NR 812, Wis. Admin. Code;

F. Any solid and hazardous waste disposal sites;

G. Any wastewater treatment ponds or facilities, except those permitted under sec. NR 110.15(3)(b), Wis. Admin. Code; and

H. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

Article IV. Flood Fringe District (FF)

Sec. 10.04.15 Applicability

This article applies to all flood fringe areas shown on the floodplain zoning maps and those identified pursuant to sec. 10.04.21.

Sec. 10.04.16 Permitted uses

Any structure, land use, or development is allowed in the Flood Fringe District if the standards in sec. 10.04.17 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in sec. 10.04.21 have been issued.

Sec. 10.04.17 Standards for development in flood fringe

Section 10.04.07 shall apply in addition to the following requirements according to the use requested. Any existing structure in the flood fringe must meet the requirements of Article VI regarding nonconforming uses.

A. Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the flood fringe, shall meet or exceed the following standards. Any existing structure in the flood fringe must meet the requirements of Article VI.

(1) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of sec. 10.04.17.A(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

(2) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.

(3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection A(4).

(4) In developments where existing street or sewer line elevations make compliance with Subsection A(3) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

(a) The municipality has written assurance from the police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

(b) The municipality has a DNR-approved emergency evacuation plan.

B. Accessory structures or uses. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

C. Commercial uses. Any commercial structure which is erected, altered or moved into the flood fringe shall meet the requirements of sec. 10.04.17.A. Subject to the requirements of sec. 10.04.17.E, storage yards, surface

parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

D. Manufacturing and industrial uses. Any manufacturing or industrial structure or building which is erected, altered or moved into the flood fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in sec. 10.04.30. Subject to the requirements of sec. 10.04.17.E, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

E. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with sec. 10.04.30. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

F. Public utilities, streets, and bridges. All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:

(1) When failure of public utilities, street and bridges would endanger public health or safety or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with sec. 10.04.30;

(2) Minor roads or nonessential utilities may be constructed at lower elevations if they withstand flood forces to the regional flood elevation.

G. Sewage systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of floodwater into the system, pursuant to sec. 10.04.30.C, to the flood protection elevation and meet the provisions of all local ordinances and Ch. SPS 383, Wis. Admin. Code.

H. Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to sec. 10.04.30.C, to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Admin. Code.

I. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in flood fringe areas.

J. Deposition materials. Any deposited material must meet all the provisions of this chapter.

K. Manufactured homes.

(1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

(a) Have the lowest floor elevated to the flood protection elevation; and
(b) Be anchored so they do not float, collapse or move laterally during a flood.

(3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in sec. 10.04.17.A.

L. Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in sec. 10.04.17.K(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

Article V. General Floodplain District (GFP)

Sec. 10.04.18 Applicability

The provisions for this district shall apply to all floodplains mapped as A, AO or AH Zones.

Sec. 10.04.19 Permitted uses

A. Pursuant to sec. 10.04.21, it shall be determined whether the proposed use is located within the floodway or flood fringe.

B. Those uses permitted in the Floodway (sec. 10.04.12) and Flood Fringe (sec. 10.04.16) Districts are allowed within the General Floodplain District,

according to the standards of sec. 10.04.20, provided that all permits or certificates required under sec. 10.04.26 have been issued.

Sec. 10.04.20 Standards for development in General Floodplain District

Article III applies to floodway areas. Article IV applies to flood fringe areas. The rest of this chapter applies to either district.

A. In AO/AH Zones, the structure's lowest floor must meet one of the conditions listed below, whichever is higher:

(1) At or above the flood protection elevation; or

(2) Two feet above the highest adjacent grade around the structure; or

(3) The depth as shown on the FIRM.

B. In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

Sec. 10.04.21 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 two copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures, and the flood zone as shown on the FIRM.

B. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

(1) A hydrologic and hydraulic study as specified in sec. 10.04.26.B(3).

(2) A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply and sanitary facilities; soil types and other pertinent information.

(3) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

Article VI. Nonconforming Uses

Sec. 10.04.22 General

A. Applicability. If these standards conform with sec. 59.69(10), Wis. Stats., for counties or sec. 62.23(7)(h), Wis. Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto.

B. The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:

(1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of property, and any structure or building thereon, shall conform to the applicable requirements of this chapter.

(3) The municipality shall keep a record that lists all nonconforming uses and nonconforming structures, their present equalized

assessed value, the cost of all additions or modifications that have been permitted, and the percentage of the structure's total current value those modifications represent.

(4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 10.04.17.A. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty-percent provisions of this subsection.

(5) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 10.04.17.A.

(6) If on a per-event basis the total value of the work being done under Subsection B(4) and (5) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 10.04.17.A.

(7) Except as provided in Subsection B(8), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

(8) For nonconforming buildings that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

(a) Residential structures:

(i) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of sec. 10.04.27.B.

(ii) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.

(iii) Shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the component during conditions of flooding.

(iv) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

(v) In AO Zones, with no elevations specified, shall have the lowest floor, including basement, meet the standards in sec. 10.04.20.A.

(vi) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(b) Nonresidential structures:

(i) Shall meet the requirements of sec. 10.04.22.B(8)(a)(i),(ii),(v), and (vi).

(ii) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation or, together with attendant utility and sanitary facilities, shall meet the standards in sec. 10.04.30.A or B.

(iii) In AO Zones, with no elevations specified, shall have the lowest floor, including basement, meet the standards in sec. 10.04.20.A.

C. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with sec. 10.04.13.A, flood resistant materials are used, and construction practices and floodproofing methods that comply with sec. 10.04.30 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of sec. 10.04.22.B(8)(a) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and is the minimum necessary to preserve the historic character and design of the structure.

Sec. 10.04.23 Floodway District

A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway district, unless such modification or addition:

(1) Has been granted a permit or variance which meets all ordinance requirements;

(2) Meets the requirements sec. 10.04.22;

(3) Shall not increase the obstruction to flood flows or regional flood height;

(4) Any addition to the existing structure shall be floodproofed, pursuant to sec. 10.04.30, by means other than the use of fill, to the flood protection elevation; and

(5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

(a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

(b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

(c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(d) The use must be limited to parking, building access or limited storage.

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 district. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, sec. 10.04.30.C, and Ch. SPS 383, Wis. Admin. Code.

C. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway district. Any replacement, repair or maintenance of an existing well in a floodway district shall meet the applicable requirements of all municipal ordinances, sec. 10.04.30.C and Chs. NR 811 and NR 812, Wis. Admin. Code.

Sec. 10.04.24 Flood Fringe District

A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of sec. 10.04.17, except where sec. 10.04.24.B is applicable.

B. Where compliance with the provisions of sec. 10.04.24.A would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in sec. 10.04.28, may grant a variance from those provisions of sec. 10.04.24.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 feet;

(5) Flood velocities will not exceed two feet per second; and

(6) The structure will not be used for storage of materials as described in sec. 10.04.17.E.

C. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all local ordinances, sec. 10.04.30.C and Ch. SPS 383, Wis. Admin. Code.

D. All new wells, or addition to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this chapter, sec. 10.04.30.C and Chs. NR 811 and NR 812, Wis. Admin. Code.

Article VII. Administration

Sec. 10.04.25 Administration officials designated

Where a Zoning Administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under secs. 59.69, 59.692 or 62.23(7), Wis. Stats., these officials shall also administer this chapter.

Sec. 10.04.26 Duties and powers of Zoning Administrator; permits and certificate of compliance required

A. Duties and powers. The Administrator is hereby authorized to administer the provisions of this chapter and shall have the following duties and powers:

(1) Advise applicants of the chapter provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(2) Issue permits and inspect properties for compliance with provisions of this chapter and issue certificates of compliance where appropriate.

(3) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

(4) Keep records of all official actions such as:

(a) All permits issued, inspections made, and work approved;
(b) Documentation of certified lowest floor and regional flood elevations;

(c) Floodproofing certificates;
(d) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments;
(e) All substantial damage assessment reports for floodplain structures; and
(f) List of nonconforming structures and uses.

(5) Submit copies of the following items to the Department regional office:

(a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
(b) Copies of any case-by-case analyses, and other required information, including an annual summary of floodplain zoning actions taken.
(c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(6) Investigate, prepare reports and report violations of this chapter to the municipal zoning agency and the attorney for prosecution. Copies of the reports shall also be sent to the Department regional office.

(7) Submit copies of amendments and biennial reports to the FEMA regional office.

B. Land use permit. A land use permit shall be obtained before any new development, repair, modification or addition to an existing structure, or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

(1) General information.

(a) Name and address of the applicant, property owner and contractor;
(b) Legal description proposed use and whether it is new construction or a modification.

(2) Site development plan. The site development plan shall be submitted with the permit application form and shall contain:

(a) Location, dimensions, area and elevation of the lot;
(b) Location of the ordinary highwater mark of any abutting navigable waterways;

(c) Location of any structure with distances measured from the lot lines and street center lines;
(d) Location of any existing or proposed on-site sewage systems or private water supply systems;
(e) Location and elevation of existing or future access roads;
(f) Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;
(g) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study, either National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
(h) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Article III or IV are met;
(i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to sec. 10.04.07. This may include any of the information noted in sec. 10.04.13.A.

(3) Hydraulic and hydrologic studies to analyze development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

(a) Zone A floodplains:
(i) Hydrology. The appropriate method shall be based on Ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
(ii) Hydraulic model. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation, and the following:
[a] Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
[b] Channel sections must be surveyed.
[c] Minimum four-foot contour data in the overbanks shall be used for the development of cross-section overbank and floodplain mapping.

[d] A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.

[e] The most current version of HEC-RAS shall be used.

[f] A survey of bridge and culvert openings and the top of road is required at each structure.

[g] Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

[h] Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

[i] The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 foot.

(iii) Mapping. A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

[a] If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

[b] If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

(b) Zone AE floodplains:

(i) Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

(ii) Hydraulic model. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation, and the following:

[a] Duplicate effective model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

[b] Corrected effective model. The corrected effective model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

[c] Existing (pre-project conditions) model. The existing model shall be required to support conclusions about the actual impacts of the project associated with the revised (post-project) model or to establish more up-to-date models on which to base the revised (post-project) model.

[d] Revised (post-projection conditions) model. The revised (post-project conditions) model shall incorporate the existing model and any proposed changes to the topography

caused by the proposed development. This model shall reflect proposed conditions.

[e] All changes to the duplicate effective model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

[f] Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The effective model shall not be truncated.

(iii) Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

[a] Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

[b] Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

[c] Annotated FIRM panel showing the revised one-percent and two-tenths-percent annual-chance floodplains and floodway boundaries.

[d] If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate

System in accordance with FEMA mapping specifications.

[e] The revised floodplain boundaries shall tie into the effective floodplain boundaries.

[f] All cross sections from the effective model shall be labeled in accordance with the effective map and a cross-section lookup table shall be included to relate to the model input numbering scheme.

[g] Both the current and proposed floodways shall be shown on the map.

[h] The stream center line or profile baseline used to measure stream distances in the model shall be visible on the map.

(iv) Expiration. All permits issued under the authority of this chapter shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

C. Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

(1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this chapter.

(2) Application for such certificate shall be concurrent with the application for a permit.

(3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.

(4) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of sec. 10.04.30 are met.

D. Other permits. Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local

agencies, including but not limited to those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. §1334.

Sec. 10.04.27 Zoning agency designated; authority

The Village of Sauk City Plan Commission shall act as the zoning agency for purposes of this chapter.

A. The Plan Commission shall:

(1) Oversee the functions of the office of the Zoning Administrator; and

(2) Review and advise the governing body on all proposed amendments to this chapter, maps and text.

B. This zoning agency shall not:

(1) Grant variances to the terms of this chapter in place of action by the Board of Adjustment/Appeals; or

(2) Amend the text or Zoning Maps in place of official action by the governing body.

Sec. 10.04.28 Board of Adjustment/Appeals

The Board of Adjustment/Appeals, created under sec. 62.23(7)(e), Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this chapter. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator shall not be the secretary of the Board. For purposes of this Section, references to the "Board" means the Board of Adjustment/Appeals.

A. Powers and duties. The Board of Adjustment/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) Boundary disputes. Hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map; and

(3) Variances. Hear and decide, upon appeal, variances from the dimensional standards.

B. Appeals to the Board.

(1) Appeals to the Board may be taken by any person aggrieved or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative office. Such appeal shall be taken within 30 days, unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

(2) Notice and hearing for appeals including variances.

(a) Notice. The Board shall:
(i) Fix a reasonable time for the hearing;
(ii) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
(iii) Assure that notice shall be mailed to the parties in interest and the Department regional office at least 10 days in advance of the hearing.

(b) Hearing. Any party may appear in person or by agent. The Board shall:
(i) Resolve boundary disputes according to sec. 10.04.28.C;
(ii) Decide variance applications according to sec. 10.04.28.D; and,
(iii) Decide appeals of permit details according to sec. 10.04.29.

(3) Decision. The final decision regarding the appeal or variance application shall:

(a) Be made within a reasonable time;
(b) Be sent to the Department regional office within 10 days of the decision;
(c) Be a written determination signed by the chairman or secretary of the Board;
(d) State the specific facts which are the basis for the Board's decision;
(e) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole

or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and

(f) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

C. Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

(1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

(2) The person contesting the boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

(3) If the boundary is incorrectly mapped, the Board should inform the zoning committee or person contesting the boundary location to petition the governing body for a map amendment according to Article VIII.

D. Variance.

(1) The Board may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:

(a) Literal enforcement of this chapter will cause unnecessary hardship;
(b) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case, the ordinance or map must be amended;
(c) The variance is not contrary to the public interest; and
(d) The variance is consistent with the purpose of this chapter in sec. 10.04.03.

(2) In addition to the criteria in Subsection D(1), to qualify for a variance under FEMA regulations, the following criteria must be met:

(a) The variance shall not cause any increase in the regional flood elevation;

(b) Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE; and

(c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the chapter.

(3) A variance shall not:

(a) Grant, extend or increase any use 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;

(e) Allow actions without the amendments to this chapter or map(s) required in Article VIII; and

(f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(4) When a floodplain variance is granted, the Board shall notify the applicant, in writing, that it may increase risks to life and property and flood insurance premiums could increase up to $25 per $100 of coverage. A copy shall be maintained with the variance appeal record.

Sec. 10.04.29 Review of appeals

A. The Board of Adjustments/Appeals shall review all data related to the appeal. This may include:

(1) Permit application data listed in sec. 10.04.26.B;

(2) Floodway/flood fringe determination data in sec. 10.04.21;

(3) Data listed in sec. 10.04.13.A(2) where the applicant has not submitted this information to the Zoning Administrator;

(4) Other data submitted with the application, or submitted to the Board with the appeal.

B. For appeals of all denied permits, the Board shall:

(1) Follow the procedures of sec. 10.04.28;

(2) Consider zoning agency recommendations; and

(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 may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Article VIII; and

(2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase, provided no other reasons for denial exist.

Sec. 10.04.30 Floodproofing standards for nonconforming structures or uses

A. No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA floodproofing certificate.

B. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

(1) Certified by a registered professional engineer or architect; or

(2) That meets or exceeds the following standards:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
(b) The bottom of all openings shall be no higher than one foot above grade; and
(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

C. Floodproofing measures shall be designed, as appropriate, to:

(1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

(2) Protect structures to the flood protection elevation;

(3) Anchor structures to foundations to resist flotation and lateral movement;

(4) Minimize or eliminate infiltration of floodwaters; and

(5) Minimize or eliminate discharges into floodwaters:

Sec. 10.04.31 Public information

A. Place marks on structures to show the depth of inundation during the regional flood.

B. All maps, engineering data and regulations shall be available and widely distributed.

C. Real estate transfers should show what floodplain district any real property is in.

Article VIII. Amendments

Sec. 10.04.32 Obstructions or increases

Obstructions or increases may only be permitted if amendments are made to this chapter, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with sec. 10.04.33.

A. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this chapter, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with sec. 10.04.33. Any such alterations must be reviewed and approved by FEMA and the DNR.

B. In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this chapter, the Official Floodplain Maps, floodway lines, and water surface profiles, in accordance with sec. 10.04.33.

Sec. 10.04.33 Actions requiring amendments

The governing body shall change or supplement the floodplain zoning district boundaries and this chapter in the manner outlined in sec. 10.04.34 below. Actions that require an amendment to this chapter and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

A. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

B. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

C. Any changes to any other officially adopted floodplain maps listed in this chapter;

D. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;

E. Correction of discrepancies between the water surface profiles and floodplain maps;

F. Any upgrade to a floodplain zoning ordinance text required by sec. NR 116.05, Wis. Admin. Code, or otherwise required by law, or for changes by the municipality; and

G. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Sec. 10.04.34 Procedures

Ordinance amendments may be made upon petition of any party according to the provisions of sec. 62.23, Wis. Stats., for cities and villages or sec. 59.69, Wis. Stats., for counties. The petitions shall include all data required by sec. 10.04.21 and sec. 10.04.26.B. The land use permit shall not be issued until a letter of map revision is issued by FEMA for the proposed changes.

A. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of sec. 62.23, Wis. Stats., for cities and villages or sec. 59.69, Wis. Stats., for counties.

B. No amendments shall become effective until reviewed and approved by the Department.

C. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

Article IX. Enforcement

Sec. 10.04.35 Violations and penalties

Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit not less than $25 and not more than $50, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state or any citizen thereof pursuant to sec. 87.30 Wis. Stats.

Article X. Definitions

Sec. 10.04.36 Word usage and terms defined

Unless specifically defined below, words and phrases used in this chapter shall have their common law meanings and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary.

A ZONES

Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

ACCESSORY STRUCTURE OR USE

A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

AH ZONE

See "area of shallow flooding."

ALTERATION

An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air-conditioning and other systems within a structure.

AO ZONE

See "area of shallow flooding."

AREA OF SHALLOW FLOODING

A designated AO, AH, AR/AO, AR/AH, or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

BASEMENT

Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.

BUILDING

See "structure."

BULKHEAD LINE

A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant 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.

CAMPGROUND

Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT

Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, or tent that is fully licensed, if required, and ready for highway use.

CERTIFICATE OF COMPLIANCE

A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.

CHANNEL

A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CRAWLWAYS OR CRAWL SPACE

An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

DECK

An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

DEPARTMENT

The Wisconsin Department of Natural Resources.

DEVELOPMENT

Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grade, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

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.

ENCROACHMENT

Any fill, structure, building, use or development in the floodway.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The federal agency that administers the National Flood Insurance Program.

FLOOD FREQUENCY

The probability of a flood occurrence that is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

FLOOD FRINGE

That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

FLOOD HAZARD BOUNDARY MAP

A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

FLOOD INSURANCE RATE MAP (FIRM)

A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOOD INSURANCE STUDY

A technical engineering examination, evaluation and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps that accompany the Flood Insurance Study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOOD or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

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; or

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.

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.

FLOOD PROTECTION ELEVATION

An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. Also see "freeboard."

FLOOD STORAGE

Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

FLOODPLAIN

That land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND

A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT

Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOODPROOFING

Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

FLOODWAY

The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

FREEBOARD

A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

HABITABLE STRUCTURE

Any structure or portion thereof used or designed for human habitation.

HEARING NOTICE

Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

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.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is either:

A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

INCREASE IN REGIONAL FLOOD HEIGHT

A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

LAND USE

Any nonstructural use made of unimproved or improved real estate. See also "development."

LOWEST ADJACENT GRADE

Elevation of the lowest ground surface that touches any of the exterior walls of a building.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest

floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MAINTENANCE

The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structure.

MANUFACTURED HOME

A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

MOBILE RECREATIONAL VEHICLE

A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING

A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this chapter. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading or the pouring of concrete pads.

MODEL, CORRECTED EFFECTIVE

A hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections to the duplicate effective model, or incorporates more detailed topographic information than that used in the current effective model.

MODEL, DUPLICATE EFFECTIVE

A copy of the hydraulic analysis used in the effective FIS and referred to as the "effective model."

MODEL, EFFECTIVE

The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

MODEL, EXISTING (PRE-PROJECT)

A modification of the duplicate effective model or corrected effective model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the corrected effective model or duplicate effective model.

MODEL, REVISED (POST-PROJECT)

A modification of the existing or pre-project conditions model, duplicate effective model or corrected effective model to reflect revised or post-project conditions.

MUNICIPALITY or MUNICIPAL

The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

NORTH AMERICAN VERTICAL DATUM (NAVD)

Elevations referenced to mean sea level datum, 1988 adjustment.

NEW CONSTRUCTION

For floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structure. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NATIONAL GEODETIC VERTICAL DATUM (NGVD)

Elevations referenced to mean sea level datum, 1929 adjustment.

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 the floodplain that it occupies. (For example, an existing residential structure in the Flood Fringe District is a conforming structure. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

NONCONFORMING USE

An existing lawful use or accessory use of a structure or building that is not in conformity with the provisions of this chapter for the area in which it occupies (such as a residence in the floodway).

OBSTRUCTION TO FLOW

Any development that blocks the conveyance of floodwaters such that this development, alone or together with any future development, will cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP

That map, adopted and made part of this chapter, as described in sec. 10.04.05.B, which has been approved by the Department and FEMA.

OPEN SPACE USE

Those uses having a relatively low flood damage potential and not involving structures.

ORDINARY HIGHWATER MARK

The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

PERSON

An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

PRIVATE SEWAGE SYSTEM

A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

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.

REASONABLY SAFE FROM FLOODING

Base floodwaters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

REGIONAL FLOOD

A flood determined to be representative of large floods known to have occurred in Wisconsin. A "regional flood" is a flood with a one-percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

START OF CONSTRUCTION

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

SUBDIVISION

Has the meaning given in sec. 236.02(12), Wis. Stats.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

UNNECESSARY HARDSHIP

Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

VARIANCE

An authorization by the Board of Adjustment or Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the Floodplain Zoning Ordinance.

VIOLATION

The failure of a structure or other development to be fully compliant with the Floodplain Zoning Ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

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.

WATERSHED

The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

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.

CHAPTER 10.05 SHORELAND-WETLAND ZONING

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Sec. 10.05.01 Compliance required

The use of wetlands and the alteration of wetlands within the shoreland area of the municipality shall be in full compliance with the terms of this chapter and other applicable local, state or federal regulations. (However, see sec. 10.05.10 of this chapter for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this chapter.

Sec. 10.05.02 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. 10.05.03 Abrogation and greater restrictions

A. This chapter supersedes all the provisions of any municipal zoning ordinance enacted under sec. 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 this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

B. This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

Sec. 10.05.04 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 municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by a standard in Ch. NR 117, Wis. Admin. Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Ch. NR 117 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

Sec. 10.05.05 Annexed areas

The Sauk County shoreland zoning provisions in effect on the date of annexation remain in effect and shall be administered by the municipality for all areas annexed by the municipality after May 7, 1982, unless any of the changes allowed under sec. 59.692(7), Wis. Stats., as amended by 1993 Wisconsin Act 329, occur. These annexed lands are described on the municipality's Official Zoning Map. The Sauk County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Municipal Zoning Administrator.

Sec. 10.05.06 Shoreland-wetland zoning maps

The following maps are hereby adopted and made part of this chapter and are on file in the office of the Village Administrator:

A. Wisconsin Wetland Inventory Maps stamped "Final" on March 16, 1994.

B. Flood Insurance Rate Panel No. 550404 0575 D, dated March 7, 2001, and Floodplain Delineation for Regional Flood in Dane County, Department of Natural Resources, revised in March of 1987.

C. United States Geological Survey Maps titled "Sauk City Quadrangle," dated 1975.

D. Village Zoning Maps dated February 2005 or current map on file with the Village Administrator.

Sec. 10.05.07 District boundaries

A. The shoreland-wetland zoning district includes all wetlands in the municipality which are five acres or more and are shown on the final wetland inventory map that has been adopted and made a part of this chapter and which are:

(1) Within 1,000 feet of the ordinary high-water 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 incorporated by reference and made a part of this chapter.

(2) Within 300 feet of the ordinary high-water 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. Floodplain zoning maps adopted in sec. 358-6B shall be used to determine the extent of floodplain areas.

B. Determinations of navigability and ordinary high-water 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 high-water mark.

C. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Official Zoning Maps and 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 zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in Subsection D and E, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

D. Filled wetlands. Wetlands which are filled prior to March 16, 1994, the date on which the municipality received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this chapter.

E. Wetlands landward of a bulkhead line. Wetlands located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982, under sec. 30.11, Wis. Stats., are not subject to this chapter.

Sec. 10.05.08 Permitted uses

The following uses are permitted subject to the provisions of Chs. 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, swimming, snowmobiling (only on designated trails) 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, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

(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 to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

(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, 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 adverse impacts upon the natural functions of the shoreland-wetland listed in sec. 358-19C of this chapter; and

(7) The maintenance, repair, replacement and reconstruction 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 that:

(a) The road cannot, as a practical matter, be located outside the wetland;

(b) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in sec. 358-19C of this chapter;
(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 500 square feet in floor area; and
(d) Only limited filling and excavating necessary to provide structural support for the building are 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 subsection 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 are allowed;
(c) The construction and maintenance of roads necessary for the uses permitted under this subsection are allowed only where such construction and maintenance meet the criteria in Subsection 3(a) of this section; 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, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines, provided that:

(a) The utility transmission and distribution 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 adverse impacts upon the natural functions of the wetland listed in sec. 358-19C of this chapter.

Sec. 10.05.09 Prohibited uses

A. Any use not listed in sec. 358-8 of this chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with sec. 358-19 of this chapter.

B. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

Sec. 10.05.10 Nonconforming structures and uses

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. The shoreland-wetland provisions of this chapter authorized by sec. 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to sec. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50% of current fair market value.

B. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure or property shall conform to this chapter.

C. 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. 61.351 or 62.231, Wis. Stats., may be continued although such use does not conform to the provisions of this chapter. However, such nonconforming use may not be extended.

D. The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of sec. 30.121, Wis. Stats.

E. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

Sec. 10.05.11 Zoning Administrator

The Village Administrator is appointed Zoning Administrator for the purpose of administering and enforcing this chapter. The Zoning Administrator shall have the following duties and powers. The Zoning Administrator shall:

A. Advise applicants as to the provisions of this chapter and assist them in preparing permit applications and appeal forms.

B. Issue permits and certificates of compliance and inspect properties for compliance with this chapter.

C. Keep records of all permits issued, inspections made, work approved and other official actions.

D. Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.

E. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied to the appropriate district office of the Department.

F. Investigate and report violations of this chapter to the appropriate municipal planning agency and the District Attorney, Corporation Counsel or Municipal Attorney.

Sec. 10.05.12 Zoning permits

A. When required. Unless another section of this chapter specifically exempts certain types of development from this requirement, a zoning permit shall

be obtained from the Zoning Administrator before any new development, as defined in sec. 358-21 of this chapter, or any change in the use of an existing building or structure is initiated.

B. Application. An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:

(1) General information.

(a) Name, address, and telephone number of applicant, property owner and contractor, where applicable.
(b) Legal description of the property and a general description of the proposed use or development.
(c) Whether or not a private water supply or sewage system is to be installed.

(2) Site development plan. The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

(a) Dimensions and area of the lot;
(b) Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
(c) Description of any existing or proposed on-site sewage systems or private water supply systems;
(d) Location of the ordinary high-water mark of any abutting navigable waterways;
(e) Boundaries of all wetlands;
(f) Existing and proposed topographic and drainage features and vegetative cover;
(g) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;
(h) Location of existing or future access roads; and
(i) Specifications and dimensions for areas of proposed wetland alteration.

(3) Expiration. All permits issued under the authority of this chapter shall expire 12 months from the date of issuance.

Sec. 10.05.13 Certificates of compliance

A. Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be

occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:

(1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this chapter.

(2) Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.

(3) The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning or conditional use permit, provided that the building or premises and proposed use thereof conform to all the provisions of this chapter.

B. The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the municipal governing body.

C. 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.

Sec. 10.05.14 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 Plan Commission following the procedures in sec. 358-18B, C and D of this chapter.

B. Conditions. Upon consideration of the permit application and the standards applicable to the conditional uses designated in sec. 358-8C of 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. Such conditions may include specifications for, without limitation because of specific enumeration, type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Plan Commission may require the applicant to furnish,

in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this chapter.

Sec. 10.05.15 Fees

The municipal governing body may, by resolution, adopt fees for the following:

A. Zoning permits.

B. Certificates of compliance.

C. Public hearings.

D. Legal notice publications.

E. Conditional use permits.

F. Rezoning petitions.

Sec. 10.05.16 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.

Sec. 10.05.17 Revocation of permit

Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Plan Commission.

Sec. 10.05.18 Plan Commission

The Plan Commission:

A. Shall 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.

B. Shall hear and decide applications for conditional use permits.

C. May authorize upon appeal a variance from the dimensional standards of this chapter where an applicant convincingly demonstrates that:

(1) Literal enforcement of the terms of this chapter will result in unnecessary hardship for the applicant;

(2) The hardship is due to special conditions unique to the property and is not self-created or based solely on economic gain or loss;

(3) Such variance is not contrary to the public interest as expressed by the purpose of this chapter; and

(4) Such variance will not grant or increase any use of property which is prohibited in the zoning district.

D. Appeals to the Plan Commission. Appeals to the Plan Commission may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision, or determination of the Zoning Administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Commission, by filing with the official whose decision is in question, and with the Plan Commission, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other official whose decision is in question shall transmit to the Commission all the papers constituting the record on the matter appealed.

E. Public hearings.

(1) Before making a decision on an appeal or application, the Plan Commission shall, within a reasonable period of time, hold a public hearing. The Commission shall give public notice of the hearing by publishing a Class 2 notice under Ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Commission. At the public hearing, any party may present testimony in person, by agent or by attorney.

(2) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least 10 days prior to all public hearings on issues involving shoreland-wetland zoning.

F. Decisions.

(1) The final disposition of an appeal or application for a conditional use permit before the Plan Commission shall be in the form of a written decision, made within a reasonable time after the public hearing and signed by the Commission Chairperson. Such decision shall state the specific facts which are the basis of the Commission's determination and shall either affirm, reverse, 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 for a conditional use.

(2) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within 10 days after the decision is issued.

Sec. 10.05.19 Amendments

The municipal governing body may alter, supplement or change the district boundaries and the regulations contained in this chapter in accordance with the requirements of sec. 62.23(7)(d)(2), Wis. Stats., Ch. NR 117, Wis. Admin. Code, and the following:

A. A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five days of the submission of the proposed amendment to the municipal planning agency.

B. All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after Class 2 notice as required by sec. 62.23(7)(d)(2), Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.

C. In order to ensure that this chapter will remain consistent with the shoreland protection objectives of sec. 281.31, Wis. Stats., the municipal governing body may 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 wetland functions:

(1) Stormwater and floodwater 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 erosion;

(5) Fish spawning, breeding, nursery or feeding grounds;

(6) Wildlife habitat; or

(7) Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

D. Where 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 C of this section, the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

E. The appropriate district office of the Department shall be provided with:

(1) A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment within 10 days after the submission of those recommendations to the municipal governing body.

(2) Written notice of the action on the proposed text or map amendment within 10 days after the action is taken.

F. 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 C of this section, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the Department, as required by Subsection E(2) of this section. If within the thirty-day period the Department notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by secs. 62.231(6) and 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the ordinance adoption procedure under sec. 62.231(6) or 61.351(6), Wis. Stats., is completed or otherwise terminated.

Sec. 10.05.20 Violations and penalties

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this chapter in violation of the provisions 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 municipal planning agency and the District Attorney, Corporation Counsel or Municipal Attorney who shall prosecute such violations. Any person, firm, association, or corporation who or which violates or refuses to comply with any of the provisions of

this chapter shall be subject to a forfeiture of not less than $50 nor more than $500 per offense, together with the taxable costs of such action. Each day of continued violation 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 municipality, the state, or any citizen thereof pursuant to sec. 87.30(2), Wis. Stats.

Sec. 10.05.21 Word usage and definitions

A. For the purpose of administering and enforcing this chapter, the terms or words used herein shall be interpreted as follows: 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, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

B. The following terms used in this chapter have the meaning indicated:

ACCESSORY STRUCTURE OR USE
A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

BOATHOUSE
As defined in sec. 30.01(1d), Wis. Stats., a structure used for the storage of watercraft and associated materials which has one or more walls or sides.

CLASS 2 PUBLIC NOTICE
Publication of a public hearing notice under Ch. 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

CONDITIONAL USE
A use which is permitted by this chapter provided that certain conditions specified in this chapter are met and that a permit is granted by the Plan Commission.

DEPARTMENT
The Wisconsin Department of Natural Resources.

DEVELOPMENT
Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction of additions or 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.

DRAINAGE SYSTEM

One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

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.

FIXED BOATHOUSE

As defined in sec. 30.01(1r), Wis. Stats., a structure not actually used for navigation which extends beyond the ordinary high-water 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.

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.

A. Under sec. 281.31(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sec. 61.351 or 62.231, Wis. Stats., and Ch. NR 117, Wis. Admin. 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 such drainage ditches adjacent to such lands were not navigable streams before ditching; and

    3. Such lands are maintained in nonstructural agricultural use.

B. Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and 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 DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.

ORDINARY HIGH-WATER MARK

The point on the bank or shore up to which the presence and action of surface water are 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.

PLANNING AGENCY

The Village Plan Commission.

SHORELANDS

Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

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.

UNNECESSARY HARDSHIP

That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

VARIANCE

An authorization granted by the Plan Commission to construct or alter a building or structure in a manner that deviates from the dimensional standards of this chapter.

Wetland Alteration. Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

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.

CHAPTER 10.06 FAIR HOUSING

Sec. 10.06.01	Declaration of policy
Sec. 10.06.02	Definitions
Sec. 10.06.03	Prohibited acts; exceptions
Sec. 10.06.04	Complaint procedure

Sec. 10.06.01 Declaration of policy

It is hereby declared to be the policy of the Village of Sauk City to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, ancestry, national origin, sex, sexual preference, handicap, marital status of person maintaining a household, lawful source of income, place of birth or age and, to that end, to prohibit discrimination in housing by any persons.

Sec. 10.06.02 Definitions

As used in this chapter, the following terms shall have the meaning indicated:

DISCRIMINATORY HOUSING PRACTICE

A. To refuse to sell or rent after making a bona fide offer, or to refuse to negotiate for the sale or rental of, or to make unavailable or deny a dwelling to any person because of race, color, religion, sex, sexual preference, or national origin.

B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, sexual preference, or national origin.

C. To make, print, or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, sexual preference, or national origin.

D. To represent to any person because of race, color, religion, sex, sexual preference, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.

E. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving or maintaining a dwelling or to discriminate against the person in the fixing of the amount, interest rate, duration, or terms or

conditions of such loan or other financial assistance because of the race, color, religion, sex, sexual preference, or national origin of such person or persons.

F. To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings or to discriminate against the person in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, sexual preference or national origin.

G. To induce directly or indirectly or attempt to induce directly or indirectly the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, sexual preference, religion, or national origin.

H. To retaliate or discriminate in any manner against a person because the person has opposed a practice declared unlawful by this chapter, or because the person has filed a complaint, testified, assisted in or participated in any manner in any investigation, proceeding, hearing or conference under this chapter.

DWELLING

Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereon of any such building or structure.

PERSON

Includes a single individual.

TO RENT

Includes to lease, sublease, to let and otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Sec. 10.06.03 Prohibited acts; exceptions

A. It is unlawful to discriminate in the sale or rental of housing or to commit any discriminatory housing practice, except that this chapter shall not apply to any of the following:

(1) Any single-family house sold or rented by an owner, provided that in 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, the exemption granted by this subsection shall apply only with respect to one such sale within a twenty-four-month period; provided, further, that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if

such house is sold or rented without the use of any real estate broker, agent, or salesman and without the publication, posting or mailing of any advertisement in violation of Subsection C of the definition of "discriminatory housing practice" in §10.06.02, but nothing in this subsection shall prohibit the use of attorneys, escrow agents, abstractors, or title companies to perfect or transfer title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as the owner's residence.

B. Nothing in this chapter shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion in restricted on account of race, color, sex, sexual preference or national origin.

C. Nothing in this chapter shall prohibit a private club, not open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members.

Sec. 10.06.04 Complaint procedure

Any person aggrieved by an unlawful practice prohibited by this chapter may file a complaint with the Chairperson of the Plan Commission 30 days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than 60 days after the alleged unlawful practice has occurred. The Chairperson of the Commission shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and in compliance with this chapter shall cause the Chairperson of the Commission to forward the complaint and findings to appropriate state and federal agencies.

CHAPTER 10.07 BUILDING CONSTRUCTION

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Article I. General Provisions

Sec. 10.07.01 Purpose

The purpose of this chapter is to protect and foster the health, safety, and well-being of the general public through the regulation of certain minimum standards within the Village for the design, construction, and use of materials in buildings and 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.

Sec. 10.07.02 Scope

This chapter applies to all new buildings erected in or moved within or into the Village, except as otherwise specifically exempted from part or all of its provisions. This chapter applies to any alteration, addition, or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilation equipment that affects the health or safety of the users thereof or any other persons. Any existing building shall be considered a "new building" for the purposes of this code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this code was enacted. The provisions of this code supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code. If any provisions of this chapter conflict with state law, the state law shall prevail unless state law allows for stricter local standards.

Sec. 10.07.03 Building Inspector

A. Office of Building Inspector. The Village Board shall appoint a Building Inspector. The Building Inspector must be properly certified for inspection purposes by the Department in the required categories specified under SPS 305, Wis. Admin. Code.

B. Delegates. The Building Inspector may appoint, as necessary, delegated agents to assist the Building Inspector in their duties hereunder. Any delegate performing inspections must be certified for inspection purposes by the Department in the required categories specified under SPS 305, Wis. Admin. Code.

C. Duties. The Building Inspector is hereby authorized and is directed to administer and enforce all the provisions of this chapter and the respective building codes adopted herein.

D. Inspection powers and right of entry. The Building Inspector or their delegated agents 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 their agent while in the performance of their duties. In performing their duties, the Building Inspector or their delegates may proceed with a special inspection warrant under sec. 66.0119, Wis. Stats., if necessary.

E. Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits for such purpose and shall regularly number each permit in the order of its issuance. The Building Inspector shall record the number, description and size of all buildings erected, indicating the kind of materials used, and shall keep a record of the cost of each building and aggregate cost of all buildings of the various classes. The Building Inspector shall keep a record of all inspections made. A copy of issued permits shall be filed with the Village Administrator.

Sec. 10.07.04 Building permit; inspections

A. Building permit required. No person shall undertake or cause to be undertaken any work subject to the provisions of this chapter until a building permit is issued by the Building Inspector. No building of any kind shall be moved within or into the Village and no building or structure, or any part thereof, shall hereafter be erected, enlarged, altered, moved, demolished, razed, or ground broken for construction until a building permit is issued by the Building Inspector. The owner, contractor, or installer bears the responsibility to determine whether a permit is required and to obtain the applicable permit prior to commencing any work.

B. Exceptions to permit requirements. The Building Inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued.

C. Application. Application for a building permit shall be made, in writing, upon a state uniform building permit form furnished by the Village.

(1) Contents. Such application shall provide for, among other items, 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 located, and the name and address of the person who shall be conducting the construction, remodeling, and/or alterations.

(2) Dedicated street and approved subdivision. No building permit shall be issued unless the property on which the building rests or will occupy abuts a street that has been dedicated for street purposes. Furthermore, no permit shall be issued until the subdivision and required improvements are accepted by the Village Board.

(3) Utilities. No building permit shall be issued for the construction of any residential building until sewer and water are installed and grading and graveling of the street necessary to service the property for which the permit is required is completed, and a receipt for payment of electrical hookup is presented to the Building Inspector. 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. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property, and a certificate of occupancy shall not be issued until such utilities are available to service the property.

D. Plans. With each building permit application, there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings, and also including any other information required by this chapter or any other Village Code section. Commercial buildings requiring Department review shall bear the stamp of approval of the Department. One plan set shall be submitted which shall remain on file in the office of the Building Inspector and a

stamped set of plans shall be kept on-site of the building per SPS 361.33, Wis. Admin. Code. Plans for all new one- and two-family dwellings shall comply with the provisions of SPC 320.09, Wis. Admin. Code. If the Building Inspector finds that the character of the work is sufficiently described in the application, the Building Inspector may waive the filing of plans for alterations, repairs, or moving a building.

E. Approval of plans.

(1) If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, the Building Inspector shall issue the building permit, which must be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect that involves any applicable building code regulations except with the written consent of the Building Inspector.

(2) In case adequate plans are presented for part of the building only, the Building Inspector, at their discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(3) No work is to be started unless a proper grade has been reviewed by the Public Works and Utility Director, including the grade for sidewalks, curb and gutter, driveways, and general construction.

F. Fees. The building permit fee schedule shall be adopted by resolution by the Village Board and is incorporated by reference. A copy of the fee schedule is on file at the office of the Village Administrator.

G. Inspection of work. The builder or owner shall notify the Building Inspector when ready for inspections, and the Building Inspector shall inspect, within 48 hours of notice, all buildings at the following stages of construction:

(1) Footing and foundation;

(2) General framing, rough electrical, plumbing, and heating;

(3) Insulation;

(4) Final inspection.

H. Permit lapse. A building permit shall lapse and be void unless the work for which the permit is granted is commenced substantially within 12

months from the date of issuance or if construction has not been completed within one year from the date of issuance or two years for new construction, provided that if state law establishes different time periods, those state provisions shall control.

I. Suspension or revocation. The Building Inspector may suspend or revoke any building permit where it appears that the permit or approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation, or where the Inspector is denied access to the premises. No construction shall take place after suspension or revocation of the permit.

J. Occupancy permit required: issuance and revocation. No building shall be occupied or otherwise used prior to the issuance of an occupancy permit. The building permit may be revoked at the discretion of the Building Inspector upon 30 days' notice to the owner or occupant of the building.

Sec. 10.07.05 Definitions

The terms used within this chapter shall have the definitions as set forth in the Wisconsin Administrative Code chapters as adopted by reference. In addition, the following terms, as used in this chapter, are defined as follows:

DEPARTMENT
The Wisconsin Department of Safety and Professional Services.

MINOR REPAIR
Repair performed for maintenance or replacement purposes on any existing one- or two-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.

PERSON
May mean an individual, partnership, limited-liability company, or corporation.

STATE PLUMBING CODE
Chs. SPS 381 to 387 of the Wis. Admin. Code.

UNIFORM DWELLING CODE OR UDC
Chs. SPS 320 to SPS 325, Wis. Admin. Code, referred to as the "Wisconsin Uniform Dwelling Code."

Sec. 10.07.06 Severability

If any section, clause, provision or portion of this chapter or chapters of the Wisconsin Administrative Code incorporated herein is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of the chapter shall not be affected.

Article II. State Uniform Building Codes Adopted

Sec. 10.07.07 Adoption of Administrative Code provisions

The following chapters of the Wisconsin Administrative Code, and any future amendments thereto, are hereby adopted by reference as if fully set forth herein:

A. Chapter SPS 316, Electrical Code.

B. Chapter SPS 320, Administration and Enforcement.

C. Chapter SPS 321, Construction Standards.

D. Chapter SPS 322, Energy Conservation.

E. Chapter SPS 323, Heating, Ventilating, and Air Conditioning.

F. Chapter SPS 324, Electrical Standards.

G. Chapter SPS 325, Plumbing.

H. Chapter SPS 327, Camping Units.

I. Chapters SPS 361 through 366, Commercial Building Code.

J. Chapters SPS 381 through 387, Uniform Plumbing Code.

Sec. 10.07.08 New methods and materials

All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be so used until approved, in writing, by the Department 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 issued by the Department. 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 Department. The

data, tests and other evidence necessary to prove the merits of such material, method of construction, or device shall be determined by the Department.

Sec. 10.07.09 Unsafe buildings

Whenever the Building Inspector finds any building or part thereof within the Village to be in the inspector's judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the Building Inspector 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. 66.0413, Wis. Stats.

Sec. 10.07.10 Enforcement; violations and penalties

The provisions of this chapter may be enforced by stop-work orders, suspension or revocation of building permits, withholding building permits, or injunctive action. In addition, the Building Inspector may issue citations and may impose forfeitures under Chapter 1.02 of this Code for violations of this chapter.

Sec. 10.07.11 Disclaimer of liability

The purpose of the inspections is to improve the quality of housing and other buildings in the Village. 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, a disclaimer shall be included in each inspection report as follows: "The 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. 10.07.12 [Reserved]

Article III. Electrical Standards and Regulations

Sec. 10.07.13 Compliance

All electric wiring installed in the Village shall comply with the state electrical code, Village ordinances, and the applicable rules and regulations of the Sauk City Utility Commission.

Sec. 10.07.14 State law adopted; Definitions

A. Chapters SPS 316 and SPS 361 of the Wisconsin Administrative Code, and any future amendments thereto, are hereby adopted by reference as if fully set forth herein. All groundings shall be made on the street side of the water meter, regardless of distance, and if no water meter is available, an approved ground rod will be acceptable.

B. Secs. 101.862, 101.868, and 101.87 of the Wisconsin Statutes, and any future amendments thereto, are hereby adopted by reference as if fully set forth herein.

C. The terms used within this chapter shall have the definitions as set forth in sec. SPS 316.006, Wis. Admin. Code.

Sec. 10.07.15 License required

Except as otherwise provided in Wis. Stats. Sec. 101.862(4), no person shall engage in the occupation or business of installing, altering, or repairing electrical wiring, fixtures, or apparatus for any purpose in the Village unless the person is licensed as an electrical contractor by the Department.

Sec. 10.07.16 Municipal administration

Pursuant to Wis. Stats. Sec. 101.86(1), the Village hereby exercises jurisdiction over the inspection of electrical wiring installations in accordance with SPS sec. 316.011, Wis. Admin. Code. The Village shall register with the Department of Safety and Professional Services as an inspection agency.

Sec. 10.07.17 Electric Inspector

The Village shall employ or contract with state-certified commercial electrical inspector(s) to perform electrical inspection activities and to act as Electrical Inspector for the Village. The Electrical Inspector is authorized and directed to administer and

enforce all the provisions of this chapter and the respective state electrical codes adopted herein. The Electrical Inspector may appoint, as necessary, delegated agents to assist in carrying out their duties hereunder, and any delegate performing inspections must be a state-certified commercial electrical inspector. The Village shall provide the Department with the name of the designated Electrical Inspectors.

Sec. 10.07.18 Permit required

A. Except as otherwise provided in sec. SPS 316.012, Wis. Admin. Code, no electrical wiring project may commence unless the owner of the premises where the installation is to occur or their agent holds a permit from the Electrical Inspector if the project involves the installation of new or an addition to any electrical service, feeder, or branch circuit service to any of the following:

(1) A farm;

(2) A public building or structure;

(3) A place of employment;

(4) A campground;

(5) A public marina, pier, dock, or wharf;

(6) A recreational vehicle park.

B. The application for permit shall contain all the information required under sec. SPS 316.012, Wis. Admin. Code. The Electrical Inspector shall indicate on the permit the date of issuance, and the permit shall expire 12 months after the date of issuance if the installation of the electrical wiring has not commenced.

Sec. 10.07.19 Inspections

Upon the completion of any electrical wiring done under a permit issued under this chapter, it shall be the duty of the person, firm, limited-liability company, or corporation doing the same to notify the Electrical Inspector who shall, within two business days from the time of the notice, inspect such wiring or cause the same to be inspected by their authorized representative. Except as provided in sec. SPS 316.013(3)(c), Wis. Admin. Code, all wires that are to be concealed during construction shall be inspected before concealment. If the wiring has been done in accordance with the provisions of this chapter, the Electrical Inspector or their authorized representative making the inspection shall issue a certificate of inspection to that effect, which certificate shall contain the date of inspection and an outline of the result of such

examination. Current shall not be turned on to any electrical installation until the Electrical Inspector has issued a certificate of inspection for the work.

Sec. 10.07.20 Right of entry

The Electrical Inspector or their authorized agents shall have the right, during reasonable hours, to enter any public or private building for the discharge of their official duties or for the purpose of making an inspection or test of the wires, appliances, or installations contained therein.

Sec. 10.07.21 Authority to disconnect current

The Electrical Inspector or their authorized agents shall have the authority to shut off all electrical current or disconnect same from any electrical system that is found to be in an unsafe condition in cases of emergency or where such electrical current is dangerous to life or property. No person shall reconnect any electrical current or system until the Electrical Inspector grants permission to do so.

Sec. 10.07.22 Municipal liability

Nothing in this chapter shall be construed to relieve or lessen the responsibility or liability of any person, firm, limited-liability company, or corporation owning, renting, leasing, operating, controlling, installing, altering, repairing, removing, replacing, disturbing, connecting, disconnecting or maintaining any electrical wiring, device or equipment, for damages to persons or property caused by any defect therein or therefrom, nor shall the Village be held to have assumed any responsibility or liability by reason of the issuance or revocation of any permit or certificate, or the inspection or reinspection authorized herein. The Village assumes no liability for any damages resulting from any enforcement of this chapter through stop-work orders, permit revocation, or any other enforcement action.

Sec. 10.07.23 Enforcement; violations and penalties

The provisions of this chapter may be enforced by stop-work orders, suspension or revocation of building permits, withholding building permits, or injunctive action. In addition, the Electrical Inspector may issue citations and may impose forfeitures under Chapter 1.02 of this Code for violations of this chapter.

Sec. 10.07.24 [Reserved]

Article IV. Plumbing Standards

Sec. 10.07.25 State code adopted

The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the Wisconsin Administrative Code, Chapters SPS 381 to 387 (State Plumbing Code), which is adopted by reference as a part of this chapter.

Sec. 10.07.26 Permit required

No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made, without first securing a permit therefor from the Building Inspector. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used. The Building Inspector must receive plans for and approve of all later deviations. The Village Board shall set a fee to be charged for each permit.

Sec. 10.07.27 Work to be done by licensed plumber

All plumbing work shall be done only by a plumber licensed by the Department of Safety and Professional Services, except that a property owner may make repairs or installations in a single-family building owned and occupied by the owner as a residence, provided that a permit is issued and the work is done in compliance with the provisions of this chapter.

Sec. 10.07.28 Inspections; certificate of compliance

Upon completion of the plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up, and the Building Inspector shall at once inspect or cause to be inspected the work. If the Building Inspector finds that the work conforms to the State Plumbing Code, the Building Inspector shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. No person shall use or permit to be used any plumbing or drainage until the Building Inspector has inspected and approved of it.

Article V. Swimming Pools

Sec. 10.07.29 Compliance required

No person shall construct, install, enlarge, alter, or remodel a residential swimming pool not enclosed in a permanent building in the Village except in accordance with the regulations provided for herein.

Sec. 10.07.30 Definitions

In this article the following definitions apply:

PRIVATE OR RESIDENTIAL SWIMMING POOL

An outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 1 1/2 feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator, or lessee thereof and the owner's family, and by friends invited to use it, and 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. Storable children's swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of 15 inches, and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from the provisions of this definition.

Sec. 10.07.31 Permit required

Before work is commenced on the construction or erection of a private or residential swimming pool, or on any alterations, additions, remodeling, or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add on to 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 the applicant obtains a written permit for such work.

Sec. 10.07.32 Permit fee

The Village Board shall set a building permit fee for a private or residential swimming pool as part of its fee schedule.

Sec. 10.07.33 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 herein unless the following construction requirements are observed:

A. 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 codes and with any and all ordinances of the Village now in effect or hereafter enacted.

B. All plumbing work shall be in accordance with all applicable ordinances of the Village 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 or onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.

C. 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 Village ordinances regulating electrical installations.

Sec. 10.07.34 Setbacks and other requirements

A. Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot the principal building occupies. 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 a principal building occupies said lot.

B. No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in Title 10.03, Zoning, of the Village Code for an accessory building, and in no case shall the waterline of any pool be less than eight feet from any lot line.

Sec. 10.07.35 Fence or cover required

Pools within the scope of this chapter which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool or shall have a cover or other protective device over such swimming pool of such a design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing 250 pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming

pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than six feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be kept locked while the pool is not in actual use.
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 36 inches high on the top.
The fenced-in area shall not close in meters for utilities, unless an unlocked gate is provided.

Sec. 10.07.36 Existing pools

All swimming pools existing at the time of passage of this chapter not satisfactorily fenced shall comply with the fencing requirements of this chapter when water is placed in the pool.

Sec. 10.07.37 Drainage

No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank or to overflow upon or cause damage to adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to the Building Inspector's prior approval.

Sec. 10.07.38 Filtration 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.

Sec. 10.07.39 Sides and bottom of pool

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.

CHAPTER 10.08 HISTORIC PRESERVATION

Sec. 10.08.01 Board to consult with organizations

Sec. 10.08.01 Board to consult with organizations

The Village Board is committed 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 worthy cause and helps promote civic pride and the general welfare of the Village and its residents. When deemed appropriate by the Village Board, the Village Board should consult with the Sauk Prairie Area Historical Society or Friends of Sauk City History on matters concerning historical significance, including any matter to consider the effects on historic properties under Wis. Stats. sec. 66.1111(4), and should take any recommendation it receives under advisement.