# GENERAL CODE

## INSTRUCTIONS

### Village of Wilton Code Supplement No. 13

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***NOTE: You may notice a difference in page numbers with this supplement. Entire chapters may have been reprinted to accommodate this improvement. Through the process of normal supplementation, your entire Code will eventually be converted to this system.***

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Legislation, by number or date of adoption, included in this supplement: 11-9-2015; 3-13-2017; 4-10-2017.

# GENERAL CODE

## INSTRUCTIONS

### Village of Wilton Code Supplement No. 12

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Legislation, by number or date of adoption, included in this supplement: 9-16-2014; 2-9-2015; 3-9-2015; 7-13-2015; 12-4-2015.

# GENERAL CODE

## INSTRUCTIONS

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Legislation, by number or date of adoption, included in this supplement: 4-9-2012; 10-8-2012; 11-12-2012; 12-10-2012; 2-11-2013.

# GENERAL CODE

## INSTRUCTIONS

### Village of Wilton Code Supplement No. 10

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Legislation, by number or date of adoption, included in this supplement: 10-11-2011; 11-14-2011; 12-12-2011; 2-13-2012.

# GENERAL CODE

## INSTRUCTIONS

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# GENERAL CODE

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### Village of Wilton Code Supplement No. 8

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Legislation, by number or date of adoption, included in this supplement: 10-8-2007; 12-10-2007; 2-11-2008.

# GENERAL CODE

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### Village of Wilton Code Supplement No. 7

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Legislation, by number or date of adoption, included in this supplement: 11-13-2006; 12-11-2006; 1-8-2007.

GENERAL CODE PUBLISHERS CORP.

## INSTRUCTIONS

### Village of Wilton Code Supplement No. 6

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GENERAL CODE PUBLISHERS CORP.

## INSTRUCTIONS

### Village of Wilton Code Supplement No. 5

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GENERAL CODE PUBLISHERS CORP.

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### Village of Wilton Code Supplement No. 4

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Legislation, by number or date of adoption, included in this supplement: 3-10-2003; 7-14-2003; 8-11-2003.

GENERAL CODE PUBLISHERS CORP.

## INSTRUCTIONS

### Village of Wilton Code Supplement No. 1

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Legislation, by number or date of adoption, included in this supplement: 8-13-2001.

# CERTIFICATION

## VILLAGE OF WILTON

### Office of the Village Clerk-Treasurer

I, **LORI BRUEGGEN,** Clerk-Treasurer of the Village of Wilton, Wisconsin, hereby certify that the chapters contained in this volume are based upon the original ordinances of the Village Board of the Village of Wilton and that said ordinances, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Village of Wilton, County of Monroe, State of Wisconsin, as adopted by ordinance of the Village Board on August 13, 2001.

Given under my hand and the Seal of the Village of Wilton, County of Monroe, State of Wisconsin, this 14th day of August, 2001, at Wilton, Wisconsin.

s/LORI BRUEGGEN

Lori Brueggen

Clerk-Treasurer



# GENERAL CODE PUBLISHERS CORP.

## INSTRUCTIONS

### Village of Wilton Code Supplement No. 2

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Legislation, by number or date of adoption, included in this supplement: 12-10-2001.

# Code
# of the
# Village of Wilton

COUNTY OF MONROE

STATE OF WISCONSIN

SERIAL NO. ....5.....

GENERAL CODE PUBLISHERS CORP.
72 Hinchey Road
Rochester, NY 14624

2001

# PREFACE

The Village of Wilton has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Village, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Village. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Village Board ordered the following codification of the Village's legislation.

## Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Village Board of the Village of Wilton, including revisions or amendments to existing legislation deemed necessary by the Village Board in the course of the codification.

## Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all Village legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other Village legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

## Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of article or part designations has preserved the identity of the individual items of legislation.

## Table of Contents

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several articles are listed beneath the chapter title in order to facilitate the location of the individual item of legislation.

## Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

## Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

## Numbering of Sections

A chapter-related section-numbering system is employed in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 would be § 6-1, while the fourth section of Chapter 53 would be § 53-4.

## Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

## Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This history indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

## Codification
## Amendments and Revisions

New chapters adopted during the process of codification are specifically enumerated in chapter histories with reference to "Ch. 1, General Provisions," where the legislation adopting this Code and making such revisions will appear after final enactment. Sections amended or revised are indicated in the text by means of Editor's Notes referring to the chapter cited above.

## General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

## Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

## Disposition List

The Disposition List is a chronological listing of legislation adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

## Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

## Instructions for
## Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

**Adding new sections.** Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing

sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

**Adding new chapters.** New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

**Adding new articles.** New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6). **NOTE:** In chapters where articles appear on the Table of Contents, simply add new articles to the end of the chapter since they are not arranged by subject matter.

## Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

## Acknowledgment

The assistance of the Village officials is gratefully acknowledged by the editor. The codification of the legislation of the Village of Wilton reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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# PART I

# ADMINISTRATIVE LEGISLATION

# Chapter 1

# GENERAL PROVISIONS

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**[HISTORY: Adopted by the Village Board of the Village of Wilton as indicated in article histories. Amendments noted where applicable.]**

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ARTICLE I
**Adoption of Code**
**[Adopted 8-13-2001]**

The Village Board of the Village of Wilton does hereby ordain as follows:

### § 1-1. Adoption of Code.

Pursuant to § 66.0103, Wis. Stats., the various chapters and sections of the 1987 Code of Ordinances of the Village of Wilton, and subsequent ordinances of the Village of Wilton of a general and permanent nature adopted by the Village Board of the Village of Wilton, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 270, together with an Appendix, are hereby approved,

adopted, ordained and enacted as the "Code of the Village of Wilton," hereinafter referred to as the "Code."

### § 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede the 1987 Code of Ordinances of the Village of Wilton and all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

### § 1-3. Continuation of existing provisions.

The provisions of the 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.

### § 1-4. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk-Treasurer and shall remain there for use and examination by the public for at least two weeks, in accordance with § 66.0103, Wis. Stats., and until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Village Clerk-Treasurer, and such certified copy shall remain on file in the office of said Village Clerk-Treasurer to be made available to persons desiring to examine the same during all times while said Code is in effect.

### § 1-5. Amendments to Code.

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 Wilton" 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.

### § 1-6. Publication; filing.

The Village Clerk-Treasurer, pursuant to law, shall cause to be published, in the manner required by law, a copy of this Adoption Ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk-Treasurer for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

### § 1-7. Code book to be kept up-to-date.

It shall be the duty of the Village Clerk-Treasurer, or someone authorized and directed by the Village Clerk-Treasurer, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk-Treasurer'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.

### § 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Village Clerk-Treasurer or an authorized agent of the Clerk-Treasurer upon the payment of a fee to be set by the Village Board. The Clerk-Treasurer may also arrange for procedures for the periodic supplementation of the Code.

### § 1-9. 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 Wilton 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.

### § 1-10. Severability of Code provisions.

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.

### § 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or 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.

### § 1-12. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adoption Ordinance, except as hereinafter provided.

**§ 1-13. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any ordinance adopted subsequent to October 9, 2000.

B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.

G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the village's indebtedness.

H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

I. The levy or imposition of taxes, assessments or charges.

J. The annexation or dedication of property or approval of preliminary or final subdivision plats.

K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.

L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

N. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the village.

**§ 1-14. Changes in previously adopted ordinances.**

A. In compiling and preparing the ordinances for publication as the Code of the Village of Wilton, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsections B and C hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Village Board that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

B. The following changes are made throughout the Code:

(1) References to specific chapters and sections of the Wisconsin Statutes are updated to reflect the numbering of the statutes as of the publication of this Code.

(2) Specific fees are removed and replaced with the wording "as set from time to time by the Village Board."

(3) References to the "Department of Health and Social Services" are amended to read "Department of Health and Family Services."

(4) References to the "Department of Industry, Labor and Human Relations" are amended to read "Department of Commerce," and references to "IND" and "ILHR" are amended to read "COMM."

(5) References to the "Fire Department" are amended to read "Wilton Area Fire District."

(6) References to the "Clerk" and "Treasurer" are amended to read "Clerk-Treasurer."

C. In addition, the amendments and/or additions as set forth in Schedule A[1] attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

**§ 1-15. When effective.**

This ordinance shall take effect upon passage and publication as required by law.

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[1] **Editor's Note: In accordance with § 1-14C, the chapters and sections which were amended, added or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 8-13-2001." Schedule A, which contains a complete description of all changes, is on file in the village offices.**

ARTICLE II
**Use and Construction**
**[Adopted 2-2-1987 as Ch. 14 of the 1987 Code]**

### § 1-16. Time when ordinances take effect. [Amended 8-13-2001]

All ordinances heretofore passed or that may hereafter be passed by the Board shall take effect and be in force from and after their passage and posting, unless otherwise ordered or required by statute.

### § 1-17. Place of imprisonment.

When imprisonment is imposed in default of payment of forfeitures and costs of prosecution for any offense under the provisions of this Code, it shall mean imprisonment in the county jail of the County of Monroe.

### § 1-18. General penalty.

For violations of the provisions of this Code for which no penalty or punishment is provided by this Code, the person so violating shall, upon conviction thereof, forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

### § 1-19. Special provisions relating to juveniles. [Amended 8-13-2001]

For violations of this Code by a person who is less than 18 years of age, other than traffic or boating offenses as set forth in § 938.17(1), Wis. Stats., the court, notwithstanding any penalty provision to the contrary, shall enter any of the dispositional orders permitted under § 938.343(1), (2), (5), (6), (7) or (8), Wis. Stats. (Children's Code).

### § 1-20. Each day of violation a separate offense.

Each day of violation of any provision of this Code shall constitute a separate offense for which a separate penalty shall be assessed.

### § 1-21. Failure to pay forfeiture and costs. [Amended 8-13-2001]

Whenever any forfeiture shall be imposed for a violation of any of the provisions of this Code and the person who is thus penalized shall neglect or refuse to pay such penalty and costs, it shall be the duty of the court to issue execution forthwith against the goods and body of such person, and in default of such forfeiture and costs the person against whom such forfeiture is imposed shall be committed to jail until such forfeiture and costs shall be paid or until he or she

shall be discharged according to law, and it shall be the duty of the officer in charge of such person to see that this section is carried into effect.

### § 1-22. Indigent defendants. [Amended 8-13-2001]

When the court determines that a guilty defendant is indigent, it shall permit the defendant to pay the forfeiture at a later specified date or in monthly installments of at least $5 or 10%,

(Cont'd on page 103)

whichever is greater, until paid in full. Upon default in the payment of any installment, the entire balance of the forfeiture shall immediately be due and payable by the defendant. The court, upon receipt of such report of such default, shall set a date for hearing with notice to the defendant ordering the defendant to appear to show cause why he should not be imprisoned until the forfeiture is paid in full. Such notice may be given either by personal service or by certified mail to the defendant at his last known address at least five days prior to the date set for the hearing. After such hearing, if the evidence warrants, the court shall sentence the defendant to imprisonment in the county jail for a term not to exceed 90 days for each offense or until the fine is fully paid.

### § 1-23. Stipulation of no contest.[5]

Whenever any person has been accused of violating any provision of this Code and has been arrested therefor, such person may make a stipulation of no contest and deposit in accordance with the provisions of this article.[6]

### § 1-24. References to public officers.

References in the Code to any public officer shall apply to the person for the time being exercising the powers and performing the duties of the office intended. If the office intended has been abolished or if the power or duty thereof which was under contemplation in the reference has been transferred or assigned to some other officer or officers, the reference shall be construed to follow the power or duty and to apply to the successor in authority to the officer referred to.

### § 1-25. Authority to act.

All words in this Code purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons unless it shall be otherwise expressly provided.

### § 1-26. Rules for construction.

A. In general. In the construction of the provisions of this Code, the rules set forth in this section shall be observed unless such construction is inconsistent with the manifest intent of the Board.

B. Words and phrases in general. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

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5 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

6 **Editor's Note: For stipulations of no contest with regard to traffic violations, see Ch. 263, Vehicles and Traffic, § 263-8.**

C. Words and phrases specifically. The words and phrases set forth in this subsection shall be construed as specifically provided therein as follows:

(1) The expression "this Code" shall mean the Code of the Village of Wilton as now enacted and as hereafter modified by the amendment or revision of any of its provisions.

(2) All references to titles, chapters, sections or subsections are to the titles, chapters, sections or subsections of this Code, unless otherwise clearly indicated.

(3) The word "Board" shall mean the Village Board of the Village of Wilton.

(4) The word "village" shall mean the Village of Wilton.

(5) Words importing either gender shall include any other gender required for their proper application to particular cases.

(6) Words in the singular shall include the plural, and words in the plural shall include the singular.

(7) Words used in the present tense include the past and future tenses and vice versa, unless plainly inapplicable.[7]

(8) The word "person" shall extend and be applied to firms, corporations or voluntary associations, as well as to individuals, unless plainly inapplicable.

(9) The word "week" shall be construed to mean seven days, but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week.

(10) The word "highway" or "street" shall be construed to include all public ways and thoroughfares and all bridges upon the same.

(11) The words "preceding" and "following," when used by way of reference to any section or subsection of this Code, shall be construed to mean the section or subsection next preceding or next following that in which said reference is made unless some other section or subsection is designated in such reference.

(12) The expression "owner" used in respect to any land, building or premises shall include the owner, his agent, the lessee, the occupant or the person in charge of such land, building or premises in each case as circumstances and conditions may require.

(13) The expression "writing" and its derivatives shall include typewriting, printing, lithographing, photography, mimeographing and all other modes of reproducing words, figures and significant exhibits in a legible form.

(14) The expressions "oath" and "affidavit" and their derivatives shall include affirmation and declaration, and their derivatives, in the sense of equivalents of the expressions used.

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[7] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

(15) The expression "it shall be unlawful" to do anything specified in connection with such expression shall mean and be construed to include that it shall be unlawful for any person to do such thing.

(16) When any section of this Code requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(17) The time within which an act is to be done as provided in any of the provisions of this Code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is Sunday or a legal holiday it shall be excluded, and when any such time is expressed in hours, the whole of Sunday and of any legal holiday from 12:00 midnight to 12:00 midnight shall be excluded.

(18) In all cases where any provision of this Code shall require any act to be done in a reasonable time or reasonable notice to be given to any person, said reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt execution of such duty or compliance with such notice.

### § 1-27. Conflicts.

If the provisions of different chapters of this Code conflict or contravene with each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter. If conflicting provisions are found in different sections of the same chapter of this Code, the provisions of the section which is last enacted shall prevail unless such construction is inconsistent with the meaning of such chapter.

### § 1-28. Errors.

If any manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the manifest intention of any provision, the use of a word or words to which no meaning can be attached or the use of one word or words where it is manifest that a different word or words should have been used to express the intent of any provision, such spelling shall be corrected and such word or words supplied, omitted or substituted as will conform to the manifest intention, and the provisions shall have the same effect as though the words correctly spelled, and as supplied, omitted or substituted, were used originally, but this section shall not have the effect of permitting any change to be made should there exist doubt as to the meaning of the provision in question.

### § 1-29. Code as evidence.

This Code shall be published and printed in loose-leaf form under the authority of the village for distribution, and the Code as so printed and published may be used as evidence of the contents thereof under the provisions of the Wisconsin Statutes.

### § 1-30. Applicability.

The provisions of this article shall apply to all ordinances hereafter passed amending or supplementing this Code and to all other ordinances and resolutions hereafter passed or adopted, unless in any case other rules and principles are explicitly or clearly required to be applied thereto.

### § 1-31. Reference to amended sections.

Whenever in this Code reference is made to any other section or subsection of this Code, such reference shall extend and apply to such section or subsection as hereafter amended, revised or reenacted as long as such section or subsection referred to deals with the same subject matter as when the reference was made. If any section or subsection is repealed and reenacted under another number dealing with the same general subject, whether in the same or in other language, existing references to such section or subsection as originally numbered shall thereafter be construed to apply to the section or subsection as it exists under its new number.

# Chapter 8

# COMMUNITY DEVELOPMENT COMMITTEE

§ 8-1. Purpose.
§ 8-2. Membership.
§ 8-3. Terms of membership.
§ 8-4. Regular meetings.
§ 8-5. Duties.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 8-11-2003. Amendments noted where applicable.]**

GENERAL REFERENCES

Plan Commission — See Ch. 43.
Village Board — See Ch. 71.
Subdivision of land — See Ch. 247.

## § 8-1. Purpose.

The Wilton Village Board of Trustees has determined that planned community development is vital to the orderly development and redevelopment of the Village and in the best interests of the health, safety, prosperity and general welfare of the citizens of Wilton. The Village Board will therefore encourage and support, in general, the efforts of the CDC to enhance the Village's tax base by working to provide a balanced economy; manage growth to assure compatibility among land uses; encourage retention and expansion of existing businesses and the creation of new businesses; maintain or enhance the community's visual aesthetics and quality of life; and protect and preserve natural resources and the environment.

## § 8-2. Membership.

The CDC shall consist of no less than three voting members (not elected officials). Not more than one voting member shall be a nonresident of the Village and this nonresident must be affiliated with a business located within the Village. Such members will have recognized experience and qualifications in fields that will be an asset to the Village's community development program. The CDC Chairperson and Secretary shall be chosen by the CDC. All members shall be nominated by the Village President and approved by the Village Board of Trustees, and all members may be removed for cause by the Village Board of Trustees.

## § 8-3. Terms of membership.

The appointed terms of the CDC shall be three years in duration with exception of the initial appointees. Of those initial appointees, one shall serve a one-year term, one will serve a two-year term and one will serve a three-year term. Subsequent appointments will be made for the three-year term stated above and to fill vacancies which may arise.

### § 8-4. Regular meetings.

Upon appointment, the CDC shall immediately assemble and choose its Chairperson and Secretary; the first meeting shall be pursuant to the direction of the Chairperson. At its organizational meeting it shall determine its procedures as to a regularly scheduled meeting time for the year, other policies and plans as it deems necessary and advisable to best carry out its duties. In addition, the meetings shall be noticed under the Wisconsin Open Meeting Law.[1]

### § 8-5. Duties.

The CDC shall stimulate and encourage community and economic development. The CDC must submit its plans for development to the Village Board of Trustees for approval in accordance with Village planning procedures and law. CDC actions must be in accordance with any future Village comprehensive plan and official controls implementing any future Village comprehensive plan.

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1 **Editor's Note: See W.S.A. § 19.81 et seq.**

*1 Attachment 1*

## VILLAGE OF WILTON BOND SCHEDULE

Adopted January 8, 2007, Effective February 1, 2007[1]

**[Amended 12-10-2007; 2-9-2009; 5-10-2010; 3-13-2017]**

| Section No. | Subject Matter | Bond | Forfeiture |
|---|---|---|---|
| 60-2 | Prohibitions on use of in-line skates and play vehicles | $25 | $77.50 |
| 62-6 | Smoking (person in charge of the facility) | $45 | $97.50 |
| 62-6 | Smoking (person smoking) | $50 | $200.50 |
| 80-2 | Amusement device license | $50 | $200.50 |
| Sanitary requirements | | | |
| 84-2 | Animals in food-handling establishments | $65 | $200.50 |
| 84-3 | Licensing and regulation of dogs | $50 | $200.50 |
| 84-5 | Cat license required | $50 | $200.50 |
| 84-6 | Cats at large | $50 | $200.50 |
| 84-7 | Keeping of numerous cats | $50 | $200.50 |
| 84-8 | Number of cats limited | $50 | $200.50 |
| 92-1 | Brush, grass and weeds | $50 | $200.50 |
| 97-1 | Building permit required | $65 | $127.90 |
| 97-2 | Building Code | $65 | $127.90 |
| 97-3 | Fire district regulations | $65 | $127.90 |
| 97-4 | Fire prevention | $65 | $127.90 |
| 97-5 | Gasoline storage | $65 | $127.90 |
| 101-1 | Open burning | $50 | $200.50 |
| 106-1 | Cabaret license required | $65 | $127.90 |
| 106-5 | Posting of cabaret license | $40 | $96.40 |
| 106-8 | Operating rules and regulations | $115 | $190.90 |
| 110-2 | Travel trailers outside of campgrounds | $50 | $200.50 |
| 110-3 | Campground license required | $40 | $96.40 |
| 110-7 | Campground standards | $115 | $190.90 |
| 110-8 | Campground maintenance | $115 | $190.90 |
| 110-10 | Campgrounds: register of guests | $115 | $190.90 |
| 120-2 | Cigarette and tobacco license required | $40 | $96.40 |

[1] **Editor's Note: This bond schedule also superseded the former bond schedule, adopted 12-12-2005, effective 1-1-2006.**

| Section No. | Subject Matter | Bond | Forfeiture |
|---|---|---|---|
| 127-1 | Dance hall license required | $40 | $96.40 |
| 127-3 | Dance permit and inspector required | $40 | $96.40 |
| 127-5 | Noncompliance with dance hall standards | $50 | $200.50 |
| 127-7 | Violation of dance hall operating rules and regulations | $50 | $200.50 |
| 137-4 | Unlawful fair housing practices | $50 | $200.50 |
| 142-1 | Discharging firearms | $165 | $253.90 |
| 142-2 | Carrying dangerous weapons | $165 | $253.90 |
| 142-3 | Use of slingshot, bow and arrow, paintball guns | $50 | $200.50 |
| 145-1 | Illegal sales and discharge of fireworks | $50 | $200.50 |
| 154-2 | Noncompliance with garage and accessory building location requirements | $115 | $190.90 |
| 154-3 | Noncompliance with garage and accessory building area requirements | $115 | $190.90 |
| 154-4 | Noncompliance with garage and accessory building foundation and footing requirements | $115 | $190.90 |
| 154-5 | Noncompliance with garage and accessory building floor surface requirements | $115 | $190.90 |
| 154-6 | Noncompliance with garage and accessory building construction requirements | $115 | $190.90 |
| 154-7 | Noncompliance with attached garage requirements | $115 | $190.90 |
| 154-8 | Noncompliance with garage heating requirements | $115 | $190.90 |
| 154-9 | Noncompliance with garage and accessory building electrical requirements | $115 | $190.90 |
| 154-10 | Noncompliance with garage and accessory building setback requirements | $115 | $190.90 |
| 160-1 | Restaurant health and sanitation violations | $115 | $190.90 |
| 160-2 | Grocery store and meat market health and sanitation violations | $115 | $190.90 |

| Section No. | Subject Matter | Bond | Forfeiture |
|---|---|---|---|
| 160-3 | Meat inspection violations | $115 | $190.90 |
| 167-2 | License, permit or authorization required for intoxicating liquors and fermented malt beverages | $65 | $127.90 |
| 167-8 | Posting of intoxicating liquor and fermented malt beverages licenses | $40 | $96.40 |
| 167-9 | Violations of intoxicating liquor and fermented malt beverages regulations | $115 | $190.90 |
| 167-10 | Violation of closing hours | $50 | $200.50 |
| 167-13 | Violations by agents and employees | $115 | $190.90 |
| 167-14 | Dancing without cabaret license | $115 | $190.90 |
| 167-16 | Beer garden permit required | $65 | $127.90 |
| 167-17 | Limitations on beer garden permits | $115 | $190.90 |
| 174-1 | Storage of junked vehicles or other property | $50 | $200.50 |
| 174-2 | Abandonment of enclosed appliances, box or structure | $50 | $200.50 |
| 186-1 | Curfew | $25 | $77.50 |
| 186-2 | Sale of obscene publications to underage persons | $50 | $200.50 |
| 191-4 | Mobile home park license required | $115 | $190.90 |
| 191-6 | Noncompliance with construction standards for mobile homes | $115 | $190.90 |
| 191-7 | Noncompliance with general requirements fom mobile home parks | $115 | $190.90 |
| 191-8 | Noncompliance with mobile home park water supply requirements | $115 to $165 | $190.90 to $253.90 |
| 191-9 | Noncompliance with mobile home park sewer system requirements | $115 to $165 | $190.90 to $253.90 |
| 191-10 | Noncompliance with mobile home park solid waste disposal requirements | $115 to $165 | $190.90 to $253.90 |
| 191-11 | Noncompliance with mobile home park gas distribution requirements | $115 to $165 | $190.90 to $253.90 |
| 191-12 | Noncompliance with mobile home park fuel oil distribution requirements | $115 to $165 | $190.90 to $253.90 |
| 191-13 | Noncompliance with mobile home park service building and other community facility requirements | $115 to $165 | $190.90 to $253.90 |
| 191-14 | Mobile home park management duties violations | $115 to $165 | $190.90 to $253.90 |
| 191-15 | Mobile home park occupant duties violations | $115 to $165 | $190.90 to $253.90 |

| Section No. | Subject Matter | Bond | Forfeiture |
|---|---|---|---|
| 198-1 | Public nuisances | $50 | $200.50 |
| 198-2 | Public nuisances affecting health | $50 | $200.50 |
| 198-3 | Public nuisances affecting morals | $50 | $200.50 |
| 198-4 | Public nuisances affecting peace and safety | $50 | $200.50 |
| 205-1 | Violations of parks and public grounds rules and regulations | $50 | $200.50 |
| 209-1 | Disorderly conduct | $50 | $200.50 |
| 209-2 | Noise | $50 | $200.50 |
| 209-3 | Interference with radio and TV reception | $65 | $127.90 |
| 209-4 | Resisting or interfering with police officer | $165 | $253.90 |
| 209-5 | Littering, mud or dirt on streets | $50 | $200.50 |
| 209-6 | Posting notices | $40 | $96.40 |
| 209-7 | Shoplifting | $50 | $200.50 |
| 209-8 | Loitering at public buildings | $50 | $200.50 |
| 209-10 | Theft of library material | $50 | $200.50 |
| 209-11 | Possession of controlled substances | $50 | $200.50 |
| 221-1 | Registration required for direct sales | $65 to $165 | $127.90 to $253.90 |
| 221-7 | Prohibited practices for direct sellers | $65 to $165 | $127.90 to $253.90 |
| 221-11 | Vehicle vendor license required | $40 | $96.40 |
| 224-2 | Salvage yard license required | $115 to $165 | $190.90 to $253.90 |
| 224-3 | Salvage yard regulations violated | $115 to $165 | $190.90 to $253.90 |
| 226 | Residency restrictions for sex offenders | $50 | $200.50 |
| 231-1 | Noncompliance with operation of snowmobile within Village limits | $50 | $200.50 |
| 235-2 | Preparation of waste for collection | $40 | $96.40 |
| 235-3 | Placement of garbage and refuse bags | $40 | $96.40 |
| 235-4 | Permit required to collect garbage | $40 | $96.40 |
| 235-6 | Unlawful deposit of garbage | $50 | $200.50 |
| 235-8 | Yard waste | $40 | $96.40 |
| 235-9 | Construction materials | $115 | $190.90 |
| 235-10 | Recycling | $40 | $96.40 |
| 242-2 | Sidewalks | $40 | $96.40 |
| 242-3 | Driveways | $65 | $127.90 |
| 242-4 | Excavations and openings | $65 | $127.90 |
| 242-5 | Obstructions and encroachments | $50 | $200.50 |

| Section No. | Subject Matter | Bond | Forfeiture |
|---|---|---|---|
| 242-12 | Yard waste on streets | $50 | $200.50 |
| 242-13 | Snow and ice removal | $50 | $200.50 |
| 247-4 | Approval of subdivision plat required | $165 | $253.90 |
| 247-5 | Subdivision application procedure | $165 | $253.90 |
| 247-6 | Construction of public improvements or posting of security | $165 | $253.90 |
| 247-7 | Plats, construction plans, and certified survey maps | $165 | $253.90 |
| 247-8 | Design of subdivision | $165 | $253.90 |
| 247-9 | Design standards for public improvements | $165 | $253.90 |
| 247-10 | Underground utilities | $165 | $253.90 |
| 261 | All-terrain and utility terrain vehicles | $50 | $200.50 |
| 263-6 | Power and speed exhibitions | $50 | $200.50 |
| 270-4 | Compulsory connection to water and sewer | $165 | $253.90 |
| 270-5 | Property lines | $165 | $253.90 |
| 270-6 | Defects in existing systems | $165 | $253.90 |
| 270-12 | Rules and regulations for plumbers and sewer access | $165 | $253.90 |
| 270-13 | Excavations | $115 | $190.90 |
| 270-14 | Tapping the mains | $165 | $253.90 |
| 270-16 | Septic tank and holding tank disposal | $165 | $253.90 |
| 270-25 | Private sewage disposal systems | $165 | $253.90 |
| 270-33 | Lateral connections to sewer mains | $165 | $253.90 |

# ORDINANCE NO. _____

The Village Board of Trustees of the Village of Wilton does ordain as follows:

## Chapter 9

## WILTON FEST COMMITTEE

**SECTION ONE:** Chapter 9 of the Code of Ordinances is hereby created to read:

**9-1. Purpose.** The Wilton Village Board of Trustees has determined that a Wilton Fest Committee is necessary to ensure the orderly and continued existence of an annual weekend festival that celebrates and promotes the Wilton community and provides time for its citizens to enjoy each other's company while fundraising for community needs.

**9-2. Membership.** The Wilton Fest Committee shall consist of five members. One member shall be a Village Trustee, appointed by the Village President, subject to confirmation by the Village Board. Two members shall be citizens within the community of the Village of Wilton, appointed by the Village President, subject to confirmation by the Village Board. One member shall be a representative from the legion, appointed by the legion membership, subject to confirmation by the Village Board. The Village Clerk-Treasurer shall also be a member.

**9-3. Quorum.** A majority of the membership of the Committee shall constitute a quorum.

**9-4. Meetings.** Upon appointment, the Committee shall assemble and choose its Chairperson. The Village Clerk-Treasurer shall act as Secretary. The first meeting shall be pursuant to the direction of the Chairperson. At its organizational meeting, the Committee shall determine its procedures as to a regularly scheduled meeting time for the year, other policies and plans as it deems necessary and advisable to best carry out its duties. Meetings shall be noticed under the Open Meetings Law.

**9-5. Duties.** The Committee shall plan, coordinate, and generally oversee Wilton Fest. The Committee members shall work in conjunction with citizens, organizations, and business owners in the Community as warranted to make the event as successful as possible. The Committee shall submit a budget to the Village Board of Trustees for approval in accordance with Village policies and procedures. Income and expense reports shall be submitted to the Village Board of Trustees on no less than an annual basis and upon the request of a Village Board of Trustee. The Committee shall provide the Village Board of Trustees with regular updates on the event and answer questions as needed.

**SECTION TWO:** All other Ordinances in conflict with the foregoing are hereby repealed.

**SECTION THREE:** This Ordinance shall take effect upon passage and posting.

Timothy Welch, Village President

ATTEST:

Leigha Barton, Village Clerk

READ:
PASSED:
POSTED:

# Chapter 10

## (RESERVED)

**[Former Ch. 10, Court, Joint Municipal, adopted 10-10-2005, effective 1-1-2006, was repealed 11-14-2011.]**

# Chapter 12

# ELECTIONS

ARTICLE I
**General Provisions**

**§ 12-1. Polling place; hours.**

**§ 12-2. Reduction of number of election officials.**

**§ 12-3. Compensation.**

ARTICLE II
**Election Worker Shifts**

**§ 12-4. Selection of shifts.**

**[HISTORY: Adopted by the Village Board of the Village of Wilton as indicated in article histories. Amendments noted where applicable.]**

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ARTICLE I
**General Provisions**
**[Adopted 4-8-2002]**

### § 12-1. Polling place; hours. [Amended 12-10-2007]

There shall be one polling place in the Village which shall be located in the Village Hall. The polls shall be open from 7:00 a.m. to 8:00 p.m. on all election days.

### § 12-2. Reduction of number of election officials.

Pursuant to § 7.32, Wis. Stats., the Clerk-Treasurer may reduce the number of election officials for any given election to no fewer than three and redistribute the duties of such remaining officials, if needed. Election officials will be drawn at random prior to each election by the Clerk-Treasurer.

### § 12-3. Compensation.

All election officials/tabulators shall receive such compensation as provided by resolution by the Village Board.

ARTICLE II
**Election Worker Shifts**
**[Adopted 11-12-2012]**

### § 12-4. Selection of shifts.

The Clerk-Treasurer may select two shifts of election workers, if needed. The first shift shall commence at 6:30 a.m. and end at 1:30 p.m. The second shift shall commence at 1:30 p.m. and end with completion of all required election day duties that follow the closure of the polls.

# Chapter 15

# FIRE DISTRICT

§ 15-1. Intermunicipal agreement. § 15-2. District bylaws.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Sec. 5.01 of the 1987 Code; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]**

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 97.

## § 15-1. Intermunicipal agreement.

The Fire Department for the Village of Wilton, Town of Wilton, a portion of the Town of Wellington and a portion of the Town of Sheldon is officially recognized as the Wilton Area Fire District. The municipalities have entered into a contract under § 66.0301, Wis. Stats., for the operation of a Fire District under the management of the Wilton Area Fire District Board. Such contract is on file with the Village Clerk-Treasurer and shall govern the operation of the District.

## § 15-2. District bylaws.

All rules and regulations pertaining to the operation of said District and appointment of members shall be prescribed in the Wilton Area Fire District Bylaws. Each municipality shall adopt bylaws and amendments thereto for the control, management and government and the regulation of business and proceedings of the District, which bylaws shall be adopted by a two-thirds vote of the Village Board along with the Fire District Board.

# ORDINANCE NO. _____

## Ordinance Creating Chapter 20 of the Code of Ordinances

The Village Board of Trustees of the Village of Wilton does ordain as follows:

**SECTION ONE:** Chapter 20 of the Code of Ordinances is created to read:

## Chapter 20

## Open Records Policy

20-1. Purpose. To establish a written open records policy and procedure for the Village of Wilton that enables the efficient release/access to existing records consistent with the law while taking into consideration the limited staff and resources of the municipality.

20-2. Records Custodian. Members of the public may obtain information and access to the Village of Wilton's existing public records, or obtain copies of these records, by contacting the Village Clerk.

20-3. Hours. Records subject to release may be requested and obtained during office hours as may be established from time to time. Requestors appearing in person may be asked to make their own copies, or the Records Custodian or designee thereof, will make copies for requestors at its option. In some cases, records requests may require retrieval, or be reviewed by the Village Attorney to determine whether release is permitted by law, and therefore may not be immediately available for inspection or release. Response to the records request will be provided as soon as practicable and without delay.

20-4. Form. A records request should be made in writing on a form provided by the Village Clerk to ensure it is reasonably specific as to the subject matter and length of time involved.

20-5. Costs. The Records Custodian may charge for all costs associated with an open record request up to and including applicable charges for the cost of shipping, mailing, mileage, transcription fees, locating fee if totaling $50.00 or more, and hourly wages of Records Custodian or designee thereof. The cost for photocopies shall be $.50 cents per side of page. Per WI State Statue 19.35(3)(f) a prepayment of such costs, associated with an open records request, in excess of $5.00, may be requested prior to processing the request. The Records Custodian will provide a written notice of all costs prior to completing the record request. The costs of separating or redacting the confidential parts of records from the public parts will not be charged to requestors.

20-6. Exceptions. The Records Custodian is not authorized to release records that are otherwise exempt under the open records law. The Records Custodian shall specifically not be required to create a new record by extracting and compiling information from existing records in a new format.

20-7. Authority. The Records Custodian is authorized to work in conjunction with the Village Attorney to respond to records requests as deemed necessary or warranted.

**SECTION TWO.** All other Ordinances in conflict with the foregoing are hereby repealed.

**SECTION THREE.** This Ordinance shall take effect upon passage and publication.

_____
Jamie Evans, Village President

ATTEST:

_____
Leigha Barton, Village Clerk

READ:
PASSED:
PUBLISHED:

# ORDINANCE NO. _____

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Jamie Evans, Village President

ATTEST:

_____
Leigha Barton, Village Clerk

READ:
PASSED:
PUBLISHED:

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**SECTION THREE.** This Ordinance shall take effect upon passage and publication.

_____
Jamie Evans, Village President

ATTEST:

_____
Leigha Barton, Village Clerk

READ:
PASSED:
PUBLISHED:

# Chapter 21

# IDENTITY THEFT POLICY

§ 21-1. Purpose.
§ 21-2. Definitions.
§ 21-3. Scope.
§ 21-4. Identification of red flags.
§ 21-5. Detection of red flags.
§ 21-6. Prevention and mitigation.
§ 21-7. Periodic updates to plan.
§ 21-8. Program administration.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 5-10-2010. Amendments noted where applicable.]**

GENERAL REFERENCES

**Records — See Ch. 53.**

## § 21-1. Purpose.

The Village of Wilton adopts this sensitive information policy to help protect employees, customers, contractors and the municipality from damages related to the loss or misuse of sensitive information.

A. This policy will:

(1) Define sensitive information;

(2) Describe the physical security of data when it is printed on paper;

(3) Describe the electronic security of data when stored and distributed; and

(4) Place the municipality in compliance with state and federal law regarding identity theft protection.

B. This policy enables the municipality to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the municipality from fraudulent new accounts. The program will help the municipality:

(1) Identify relevant red flags that signify potentially fraudulent activity within new or existing covered accounts;

(2) Detect red flags when they occur in covered accounts;

(3) Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and

(4) Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

**§ 21-2. Definitions.**

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

IDENTITY THEFT — Fraud committed or attempted using the identifying information of another person without authority.

RED FLAG — A pattern, practice or specific activity that indicates the possible existence of identity theft.

SENSITIVE INFORMATION — Includes the following items whether stored in electronic or printed format: credit card information; tax identification numbers; payroll information; medical information; other personal information (examples include date of birth, address, phone numbers, maiden name, names, customer number).

**§ 21-3. Scope.**

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the Village of Wilton. It also applies to an account the Utility offers or maintains, primarily for personal, family or household purposes, that involves multiple payments or transactions.

**§ 21-4. Identification of red flags.**

The program shall include relevant red flags from the following categories as appropriate:

A. Alerts, notifications, or other warning received from consumer reporting agencies or service providers, such as fraud detection services:

   (1) Receiving a report or notice from a consumer reporting agency of a credit freeze;

   (2) Receiving a report of fraud or notice from a consumer report;

   (3) Receiving indication from a consumer report of activity that is inconsistent with a customer's usual pattern or activity.

B. The presentation of suspicious documents:

   (1) Documents provided for identification that appear to have been altered or forged;

   (2) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification;

   (3) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification (such as a person's signature on a check appears forged);

   (4) An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

C. The presentation of suspicious personal identifying information:

(1) Personal identifying information provided is inconsistent when compared against external information sources used by the municipality (such as an address not matching an address on a consumer report or a SSN that was never issued);

(2) A person's identifying information is inconsistent with other information the customer provides (such as inconsistent SSN or birth dates);

(3) A person's identifying information is the same as shown on other applications found to be fraudulent;

(4) A person's identifying information is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);

(5) A person's SSN is the same as another customer's SSN;

(6) A person's address or phone number is the same as that of another person;

(7) A person fails to provide complete personal identifying information on an application when reminded to do so;

(8) A person's identifying information is not consistent with the information that is on file for the customer.

D. The unusual use of, or other suspicious activity related to, a covered account:

(1) A change of address for an account followed by a request to change the account holder's name;

(2) An account being used in a way that is not consistent with prior use (such as late or no payments when the account has been timely in the past);

(3) Mail sent to the account holder is repeatedly returned as undeliverable;

(4) The Utility receives notice that a customer is not receiving his/her statements;

(5) The Utility receives notice that an account has unauthorized activity.

E. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identify theft in connection with covered accounts.

**§ 21-5. Detection of red flags.**

A. In order to detect any of the red flags identified above with the opening of a new account, office personnel with take the following steps to obtain and verify the identity of the person opening the account:

(1) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, SSN, driver's license or other identification;

(2) Verify the customer's identity, such as by copying and reviewing a driver's license or other identification card;

(3) Reviewing documentation showing the existence of a business entity;

(4) Independently contacting the customer.

B. In order to detect any of the red flags identified above for an existing account, office personnel will take the following steps to monitor transactions with an account:

(1) Verifying the identification of customers if they request information (in person, via telephone, via facsimile, via email);

(2) Verifying the validity of requests to change billing addresses;

(3) Verifying changes in banking information given for billing and payment purposes.

**§ 21-6. Prevention and mitigation.**

A. In the event office personnel detect any identified red flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the red flag:

(1) Continue to monitor an account for evidence of identity theft;

(2) Contacting the customer;

(3) Reopening an account with a new number;

(4) Not opening a new account;

(5) Closing an existing account;

(6) Notifying law enforcement;

(7) Determining that no response is warranted under the particular circumstances.

B. In order to further prevent the likelihood of identity theft occurring, personnel will take the following steps to its internal operating procedures:

(1) Ensuring complete and secure destruction of paper documents and computer files containing customer information;

(2) Ensuring that office computers are password protected;

(3) File cabinets, desk drawers, and any other storage space containing documents with sensitive information will be locked when not in use;

(4) Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised;

(5) Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use;

(6) All sensitive information must be encrypted when stored in an electronic format.

**§ 21-7. Periodic updates to plan.**

A. At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current environment.

B. Periodic reviews will include an assessment of which accounts are covered by the program.

C. As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

D. Actions to take in the event the fraudulent activity is discovered may also require revision to reduce damage to the municipality and its customers.

E. If warranted, the Clerk/Treasurer will present the Village Board with his or her recommended changes and the Village Board will make a determination of whether to accept, modify or reject those changes to the program.

**§ 21-8. Program administration.**

A. Oversight.

(1) The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and maintained.

(2) Operational responsibility of the program is delegated to the Village Clerk-Treasurer.

B. Staff training.

(1) Staff training shall be conducted for all staff and officials for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the municipality or its customers.

(2) The Clerk-Treasurer is responsible for ensuring identity theft training for all requisite employees.

(3) To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

C. Service provider arrangements. In the event the municipality engages a service provider to perform activity in connection with one or more accounts, the municipality will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft:

(1) A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rule and validated by appropriate due diligence, may be considered to be meeting these requirements;

(2) Require the service providers to review the Village of Wilton program and report any red flags to the Clerk-Treasurer and report to the Village Board.

# Chapter 29

# LIBRARY BOARD

§ 29-1. Creation; statutory authority.
§ 29-2. Terms of office; vacancies; membership.
§ 29-3. Quorum.
§ 29-4. Officers.
§ 29-5. Duties and powers.

**[HISTORY: Adopted by the Village Board of the Village of Wilton at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]**

## § 29-1. Creation; statutory authority.

There is hereby created, pursuant to Chapter 43 of the Wisconsin Statutes, a Municipal Library Board for the Village of Wilton, consisting of a five-member Board.

## § 29-2. Terms of office; vacancies; membership.

All such members shall serve for three-year terms beginning January 1 of each year. Such terms shall be staggered. Vacancies shall be filled by appointment for the unexpired term in the same manner as appointment for the full term. Not more than one member of the Village Board shall at any one time be a member of the Library Board. Members shall be appointed by the Village President, subject to confirmation by the Village Board. The Village President shall appoint as one of the Library Board members a school district administrator, or his representative, to represent the public school district or districts in which the library is located.

## § 29-3. Quorum.

A majority of the membership of the Board shall constitute a quorum.

## § 29-4. Officers.

Annually within 30 days after the appointment, the members of the Library Board shall organize by appointment from among their members of a President, Secretary and Treasurer and such other officers that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.

## § 29-5. Duties and powers.

The Library Board shall have the duties and powers as prescribed by Chapter 43, Wis. Stats., and more particularly set forth in § 43.58, Wis. Stats.

# Chapter 38

# OFFICERS AND EMPLOYEES

§ 38-1. Elected officials.
§ 38-2. Appointed officials.
§ 38-3. Chief of Police.
§ 38-4. Director of Public Works.
§ 38-5. General regulations.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 2.01, 2.03, 2.04, 2.06 and 2.09 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Police — See Ch. 46.
Village Board — See Ch. 71.

## § 38-1. Elected officials.

A. Trustees. There shall be six Trustees of the Village of Wilton. Three Trustees shall be elected at each annual spring election for the term of two years, commencing on the third Tuesday of April of the year of their election.

B. Other elected officials. The following officers of the Village of Wilton shall be chosen at the regular spring election in odd-numbered years for terms of two years commencing on the third Tuesday of April in the year of their election: Village President. **[Amended 8-13-2001]**

## § 38-2. Appointed officials. [Amended 8-13-2001 by charter ordinance; 3-16-2020]

A. Village Clerk-Treasurer. The Clerk-Treasurer shall be appointed by the Village Board for an indefinite term subject to removal for cause.

B. Village Attorney. The Village Attorney shall be appointed by the Village President, subject to confirmation by the Village Board, for an indefinite term.

C. Village Assessor. The Village Assessor shall be appointed by the Village Board annually or by contract for no longer than three years.

D. Deputy Clerk-Treasurer. The Deputy Clerk -Treasurer shall be appointed by the Village Board for an indefinite term subject to removal for cause.

## § 38-3. Chief of Police. [Amended 8-13-2001; 8-14-2006; 3-9-2015]

The Chief of Police of the Village of Wilton shall be appointed by a majority vote of the members of the Wilton Village Board for an indefinite term.

### § 38-4. Director of Public Works.

The Director of Public Works shall be appointed by the Village Board for an indefinite term subject to removal for cause. The Director of Public Works shall have general charge and supervision of all public works in the Village and of all public services to be performed within the Village. In addition, the Director shall perform such other activities and duties as are imposed upon him from time to time by the Village Board.

### § 38-5. General regulations.

A. Oath of office. Every officer of the Village, including members of the Village Board, shall, before entering upon his or her duties and within five days of his or her election or appointment or notice thereof, take the oath of office prescribed by law and file said oath in the office of the Village Clerk-Treasurer. **[Amended 8-13-2001]**

B. Bond. The bond for the Village Clerk-Treasurer shall be $50,000. All official bonds are to be paid from Village funds.

C. Salaries.[1] All officers of the Village shall receive such salaries as may be provided from time to time by resolution by the Village Board. **[Amended 8-13-2001]**

D. Vacancies. Vacancies in elected offices shall be filled by appointment by a majority vote of the Village Board for the remainder of the unexpired term. Vacancies in appointed offices shall be filled in the same manner as the original appointment for the remainder of the unexpired term, unless the term for such office is indefinite.

1. **Editor's Note: See Ch. A283, Salaries and Compensation.**

Village of Wilton Wisconsin
400 East Street Ste 103 Wilton, WI 54670 | Phone: (608) 435-6666
www.villageofwiltonwi.com

| | | | |
|---|---|---|---|
| **Meeting:** | **Village Board of Wilton Meeting** | **Date:** | **Monday, October 10, 2022** |
| **Location:** | **Community Center Gymnasium** | **Time:** | **7:00 PM** |

# *Meeting Minutes*

A. **Call to Order**

B. **Roll Call**
*Members present were Eli Yoder, Ed Wilde, Sid Thayer, Lorrie Bever, Sam Wildes and Roger Wilchinksi.*

C. **Consent Agenda**
- ***a)*** Bills for the month of November 2022
  - Water $7,658.21
  - Sewer $8,774.01
  - General $70,136.55
- ***b)*** Police and Ambulance Reports
- ***c)*** Approval of Minutes

*Motion by Wilde, 2nd by Thayer to approve the consent agenda. Motion carried by voice vote 7-0*

D. **New Business (Items are for discussion and possible action)**

***a)*** **Caucus Date**
*Motion by Yoder, 2nd by Bever to approve Caucus Date of January 9, 2023. Motion carried by voice vote 7-0*

**b) Early Pay Off of Loans**
*Motion by Wilde, 2nd by Yoder to approve payoff of Pool Roof Loan and Rubber Roof Loan ($23,608.69) Motion carried by voice vote 7-0.*

**c) Softball Field Loan**
*Motion by Yoder, 2nd by Wildes to approve $200,000 –$ 250,000 loan with F&M Bank to start the Softball Field Project. Motion carried by voice vote. 6-1 Wilchinski – Nay.*

**d) Fire Station Plowing**
*No motions made. Issue was handled prior to meeting. Fire station will be plowing their own parking lot.*

**e) Telehandler Repair**
*Motion by Wilde, 2nd by Thayer to approve the repair of the Telehandler in the amount of $15,000.00. Motion carried by voice vote 7-0*

**f) Engineering Agreement with Vierbicher**
*Motion by Thayer, 2nd by Wilde to table this issue until more information on Grants are available. Motion carried by voice vote 7-0.*

**g) Ordinance 38-6**
*Motion by Yoder, 2nd by Bever to approve Ordinance 38-6 Obligation to Monroe County for Tax Collection. Motion carried by voice vote 7-0.*

up to 80K
11-15-21

**h) Ordinance Amendment for Ordinance 38-5 Sub b**

*Motion by Bever, 2nd by Thayer to approve the Ordinance Amendment for Public Official Bonds. Motion carried 7-0*

**i) Open Records Request Policy**

*Motion by Yoder, 2nd by Wilchinski to approve Chapter 20 of The Village Code, Ordinances 20-1 – 20-7 Open Records request policy. Motion carried by voice vote 7-0.*

E. **Closed Session**

*The Village of Wilton Village Board will enter Closed Session pursuant to Wisconsin State Statute §19.85(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.*

*(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved*

Motion by Wilde, 2nd by Wilchinski to adjourn to closed session. Motion carried by roll call vote.

- Yoder Yes
- Thayer Yes
- Wilde Yes
- Evans Yes
- Bever Yes
- Wildes Yes
- Wilchinkski Yes

F. **Closed Session matters**

*Village President Jamie Evans announces the Village Land Leasing was awarded to Joel Maxfield in the amount of $3500.00 for 01/01/2023 – 12/31/2023.*

G. **Adjourn**

*Motion by Thayer, 2nd by Yoder to adjourn. Motion carried by voice vote 7-0*

*Leigha Barton* - Village of Wilton Clerk/Treasurer

THESE MINUTES WILL BE APPROVED AT THE 01/09/2023 BOARD MEETING AND HAVE BEEN POSTED IN ACCORDANCE WITH WISCONSIN STATE STATUTES.

# ORDINANCE NO. _____

## Ordinance Creating 38-6 of the Code of Ordinances

The Village Board of Trustees of the Village of Wilton does ordain as follows:

**SECTION ONE:** Section 38-6 is created to read:

A. Purpose. To relieve the Village of Wilton from the bond requirement set forth in sec. 70.67(1), Stats., to save in the added expense.

B. Obligation to Pay. Consistent with the requirements of sec. 70.67(2), Stats, the Village of Wilton shall be obligated to pay, if the Village Treasurer fails to do so, all taxes of any kind required by law to be paid by the Village Treasurer to the Monroe County Treasurer.

C. Insurance Coverage. The Village of Wilton shall maintain a dishonesty insurance policy or other appropriate insurance policy in an amount determined by the Board that sufficiently covers the Village's potential obligation described in paragraph B.

**SECTION TWO.** All other Ordinances in conflict with the foregoing are hereby repealed.

**SECTION THREE.** This Ordinance shall take effect upon passage and publication.

_____
Jamie Evans, Village President

ATTEST:

_____
Leigha Barton, Village Clerk

READ:
PASSED:
PUBLISHED:

# ORDINANCE NO. _____

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**SECTION TWO.** All other Ordinances in conflict with the foregoing are hereby repealed.

**SECTION THREE.** This Ordinance shall take effect upon passage and publication.

_____
Jamie Evans, Village President

ATTEST:

_____
Leigha Barton, Village Clerk

READ:
PASSED:
PUBLISHED:

# Chapter 43

# PLAN COMMISSION

§ 43-1. Membership; terms of office; quorum.
§ 43-2. Vacancies.
§ 43-3. Powers and duties.
§ 43-4. Compensation; official oath.

**[HISTORY: Adopted by the Village Board of the Village of Wilton at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]**

GENERAL REFERENCES

Subdivision of land — See Ch. 247.

## § 43-1. Membership; terms of office; quorum.

The Plan Commission shall consist of seven members. One member shall be the Village President, who shall be the Chairperson. One member shall be a Village Trustee, appointed by the Village President, subject to confirmation by the Village Board. The other five members shall be citizens within the community of the Village of Wilton appointed by the Village President, subject to confirmation by the Village Board. The citizen members shall be appointed to hold office for a period ending one, two and three years, respectively, from the succeeding first day of May of each year. The Village Clerk-Treasurer shall serve as the Clerk-Treasurer of the Plan Commission, and all proceedings shall be on file at the Village Clerk-Treasurer's office. Four members constitute a quorum, but all actions shall require the affirmative approval of a majority of the members.

## § 43-2. Vacancies.

Vacancies other than ex officio shall be filled by appointment for the residue of the unexpired term in the same manner as appointment for the full term.

## § 43-3. Powers and duties.

The Plan Commission shall have the powers and duties prescribed in §§ 61.35 and 62.23, Wis. Stats., and such other powers and duties as shall be vested in the Commission, from time to time, by the Village Board.

## § 43-4. Compensation; official oath.

No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by § 19.01, Wis. Stats., said oath to be filed with the Village Clerk-Treasurer's office.

# Chapter 46

# POLICE


§ 46-1. Organization.

§ 46-2. General powers of police officers.

§ 46-3. Responsibilities of Chief of Police.

§ 46-4. Civilians to assist.

§ 46-5. Hearing authorities for suspension or removal of law enforcement officers.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-9-2015.[1] Amendments noted where applicable.]**

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## § 46-1. Organization.

A. The Village of Wilton Police Department shall consist of a Chief of Police and such other officers as from time to time may be appointed by the Village Board pursuant to Wisconsin Statutes and § 38-3. The Chief of Police or duly appointed officer shall serve a probationary period of six months, unless otherwise approved for a different period by the Village Board or if extended for a just cause by the Village Board. During the probationary period, the Village Board may, at its option, lay off or terminate with or without cause said probationary employee without recourse to any grievance and arbitration procedure.

B. Monthly reports. The Chief of Police shall give a monthly general report to the Village Board of all activities of the Department during the preceding month.

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

## § 46-2. General powers of police officers.

Every member of the Police Department shall:

A. Familiarize himself/herself with the ordinances of the Village and the statutes and attend to the enforcement of such ordinances by all lawful means.

B. Help prevent crimes, misdemeanors, and violations of Village ordinances and protect the health, safety, public peace, and order of the Village and its inhabitants.

C. Perform such other lawful duties as ordered by the Chief of Police or his/her authorized representative.

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1. **Editor's Note: This ordinance also repealed former Ch. 46, Police, which consisted of Art. I, Police Department, adopted 8-14-2006; and Art. II, Joint Police Commission, adopted 5-8-2006, as amended.**

**§ 46-3. Responsibilities of Chief of Police.**

Duties. In addition to the duties imposed upon him/her elsewhere in this Code, the Chief of Police shall:

A. Have general command of the Police Department on administrative matters, subject to the direction of the Village Board.

B. Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. The Chief of Police shall submit or cause to be submitted to the various agencies such reports and summaries as are required by state statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.

C. Submit such reports and comply with such administrative procedures as may be prescribed by the Village Board relative to fiscal and administrative matters.

D. Submit such reports and/or information and comply with such policies as may be prescribed by Village Board.

E. Plan, organize, staff, direct and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Village as are within its jurisdiction. The Chief of Police shall be required to certify to the correctness of all bills incurred by the Department.

F. Strive to maintain suitable, productive relationships with other Village employees and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. The Chief of Police shall cooperate and exchange information with other Village employees in matters relating to their various functions.

G. Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate noncriminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.

H. Custody of Department equipment. The Chief of Police shall be the custodian of all Village property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment and supplies.

I. Custody of Department property. The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. The Chief of Police shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

## § 46-4. Civilians to assist.

All persons in the Village, when called upon by any law enforcement officer, shall promptly aid and assist him/her in the execution of his/her duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided.

## § 46-5. Hearing authorities for suspension or removal of law enforcement officers.

A. Pursuant to § 62.13(6m), Wis. Stats., the Village may not suspend, reduce, suspend and reduce, or remove any Police Chief or other law enforcement officer who is not probationary unless the Village follows the procedure under § 62.13(5), Wis. Stats. To act under this subsection in place of the Board of Police and Fire Commissioners under § 62.13(1) through (6), Wis. Stats., the Village shall:

(1) Establish a committee of not less than three members, none of whom may be an elected or appointed official of the Village or be employed by the Village. The Village shall pay each member for the member's cost of serving on the committee, as set forth by resolution.

and accounts as submitted. However, the Commission may pay the following obligations prior to submission for approval to the Village boards:

(1) Employee salaries and benefits in amounts previously approved by each Village Board.

(2) Expenditures for supplies or services not greater than $500.

(3) Any other continuing expenditures approved by written resolution of both Village Boards.

C. All compensation determinations shall be approved by both Village Boards.

D. Appointment of subordinates shall be in accordance with § 61.65(3g)(d)(2), Wis. Stats., within the limitation of available funds. The Municipal Clerk of each respective municipality 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 Norwalk and the Village of Wilton an annual budget for the ensuing year, and file the same with the respective Municipal Clerk of each municipality. Upon approval of each governing board, a determined percentage shall be included in each municipal budget. **[Amended 12-10-2007]**

(1) Said monies shall be deposited to the account of the Norwalk-Wilton Police Commission in a designated depository. Checks drawn on the account of the Joint Commission shall be signed by the Chairperson of the Commission and the Police Commission Clerk as designated by the Commission. The Commission shall submit to each respective municipal governing body at its first regular meeting in January of each year a report on the activities of the Commission during the preceding year. Each municipal governing body may, from time to time, also request a report as to activities and expenditures of the Commission.

(2) The Police Commission Clerk, as designated by the Commission, shall pay from the funds so appropriated the expenses of operation. All expenditures shall be made by orders of the Police Commission Clerk drawn upon to pay bills that have been ordered and approved by the Commission and approved in accordance with this section and presented to the Police Commission Clerk.

E. The Commission shall not contract any liability in excess of the budget of said Commission authorized by the respective governing bodies and such other income as shall be received by the Commission.

# Chapter 53

# RECORDS


§ 53-1. Definitions.
§ 53-2. Duty to maintain records.
§ 53-3. Legal custodians.
§ 53-4. Public access to records.
§ 53-5. Requests for records.
§ 53-6. Limitations on right to access.
§ 53-7. Destruction of records.
§ 53-8. Preservation through microfilm.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Sec. 2.10 of the 1987 Code; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]**

## § 53-1. Definitions.

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

AUTHORITY — Any of the following village entities having custody of a village record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order or a formally constituted subunit of the foregoing.

CUSTODIAN — That officer, department head, division head or employee of the village designated under § 53-3 or otherwise responsible by law to keep and preserve any village records or file, deposit or keep such records in his or her office or who is lawfully in possession or entitled to possession of such public records and who is required by this chapter to respond to requests for access to such records.

RECORD — Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes) and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale or which are available for inspection at a public library.

## § 53-2. Duty to maintain records.

A. Except as provided under § 53-7, each officer and employee of the village shall safely keep and preserve all records received from his or her predecessor or other persons and required

by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.

B. Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody, and the successor shall receipt therefor to the officer or employee, who shall file such receipt with the Village Clerk-Treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk-Treasurer on behalf of the successor, to be delivered to such successor upon the latter's receipt.

### § 53-3. Legal custodians.

A. The Village Clerk-Treasurer or, in his or her absence or disability or in case of vacancy, the Deputy Clerk-Treasurer is hereby designated the legal custodian of all village records.

B. Unless otherwise prohibited by law, the Village Clerk-Treasurer or the Clerk-Treasurer's designee shall act as legal custodian for the Village Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Village Board.

C. For every authority not specified in Subsection A or B, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.

D. Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.

E. The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Subchapter II of Chapter 19 of the Wisconsin Statutes and this chapter. The designation of a legal custodian does not affect the powers and duties of an authority under this chapter.

### § 53-4. Public access to records.

A. Except as provided in § 53-6, any person has a right to inspect a record and to make or receive a copy of any record as provided in § 19.35(1), Wis. Stats.

B. Records will be available for inspection and copying during all regular office hours.

C. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.

D. A requester shall be permitted to use facilities comparable to those available to village employees to inspect, copy or abstract a record.

E. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

F. A requester shall be charged a fee to defray the cost of locating and copying records as follows:

(1) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

(2) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.

(3) If mailing or shipping is necessary, the actual cost thereof shall also be charged.

(4) There shall be no charge for locating a record unless the actual cost therefor exceeds $50, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

(5) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds $5.

(6) Elected and appointed officials of the village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

(7) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

G. Pursuant to § 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom and the methods whereby the public may obtain information and access to records in its custody, make requests for records or obtain copies of records and the costs thereof.

**§ 53-5. Requests for records.**

A. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under § 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under § 53-4F(5). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

B. Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time-consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.

C. A request for a record may be denied as provided in § 53-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under § 19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

**§ 53-6. Limitations on right to access.**

A. As provided by § 19.36, Wis. Stats., the following records are exempt from inspection under this chapter:

(1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.

(2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.

(3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.

(4) A record or any portion of a record containing information qualifying as a common law trade secret.

B. As provided by § 43.30, Wis. Stats., public library circulation records are exempt from inspection under this chapter.

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

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

(2) Records of current deliberations after a quasi-judicial hearing.

(3) Records of current deliberations regarding any village officer or employee concerning employment, dismissal, promotion, demotion, compensation, performance or

discipline or the investigation of charges against a village officer or employee, unless such officer or employee consents to such disclosure.

(4) Records concerning current strategy for crime detection or prevention.

(5) Records of current deliberations or negotiations on the purchase of village property, investing of village funds or other village business whenever competitive or bargaining reasons require nondisclosure.

(6) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

(7) Communications between legal counsel for the village and any officer, agent or employee of the village when advice is being rendered concerning strategy with respect to current litigation in which the village or any of its officers, agents or employees is or is likely to become involved or communications which are privileged under § 905.03, Wis. Stats.

D. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material. If, in the judgment of the custodian and the Village Attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

### § 53-7. Destruction of records.

A. Village officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Legislative Audit Bureau or an auditor licensed under Chapter 442, Wis. Stats., but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such shorter period:

(1) Bank statements, deposit books, slips and stubs.

(2) Bonds and coupons after maturity.

(3) Canceled checks, duplicates and check stubs.

(4) License and permit applications, stubs and duplicates.

(5) Official bonds.

(6) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.

(7) Receipt forms.

(8) Special assessment records.

(9) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(10) Vouchers and supporting documents pertaining to charges not included in plant accounts of municipal utilities and the Water and Sewer Utility.

(11) Other municipal utility and Water and Sewer Utility records with the written approval of the State Public Service Commission.

B. Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Legislative Audit Bureau or any auditor licensed under Chapter 442, Wis. Stats., subject to State Public Service Commission regulations, but not less than seven years after the record was effective, unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years:

(1) Contracts.

(2) Excavation permits.

(3) Inspection records.

(4) Water stubs.

(5) Sewer rental charge stubs.

(6) Receipts of current billings.

(7) Customers' ledgers.

C. Village officers may destroy the following records of which they are the legal custodians and which are considered obsolete, but not less than seven years after the record was effective, unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such a shorter period:

(1) Insurance policies.

(2) Election notices.

(3) Canceled registration cards.

(4) Assessment rolls and related records, including Board of Review minutes.

(5) Contracts and papers relating thereto.

(6) Correspondence and communications.

(7) Financial reports other than annual financial reports.

(8) Oaths of office.

(9) Reports of boards, commissions, committees and officials duplicated in the Village Board minutes.

(10) Resolutions and petitions.

(11) Voter record cards.

D. Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to the destruction of any record as provided by § 19.21(4)(a), Wis. Stats.

E. Any tape recordings of a governmental meeting of the village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

**§ 53-8. Preservation through microfilm.**

Any village officer or the director of any department or division of the village government may keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in § 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of §§ 53-4 through 53-6 of this chapter.

# Chapter 56

# REVIEW, BOARD OF

§ 56-1. Membership.
§ 56-2. Powers and duties.
§ 56-3. Expense allowance.
§ 56-4. Confidentiality of income and expense.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Sec. 2.08 of the 1987 Code; amended in its entirety 8-13-2001. Subsequent amendments noted where applicable.]**

## § 56-1. Membership.

The Board of Review shall be composed of eight members, including the Village President, Village Clerk-Treasurer and all members of the Village Board of Trustees.

## § 56-2. Powers and duties.

The Board of Review shall have the duties and powers prescribed by § 70.47, Wis. Stats.

## § 56-3. Expense allowance.

The expense allowance of the Board of Review shall be set by resolution by the Village Board and shall be paid annually for each day the Board is in session.

## § 56-4. Confidentiality of income and expense. [Added 4-10-2017]

Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information that is provided to the Assessor, said information shall be held by the Assessor on a confidentiality basis, except, however, that the information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under § 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under § 19.35(1), Wis. Stats.

# Chapter 60

# SKATES AND PLAY VEHICLES

§ 60-1. Definitions.

§ 60-2. Prohibitions on use.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 12-10-2007. Amendments noted where applicable.]**

GENERAL REFERENCES

**Bond schedule — See Ch. 1 (Appendix).**

## § 60-1. Definitions.

This section adopts the definitions of "in-line skates" and "play vehicle" contained in Ch. 340, Wis. Stats.

## § 60-2. Prohibitions on use.

It shall be unlawful for any person to operate, or cause to be operated, in-line skates, a skateboard or other play vehicle on any public or private property where a sign or signs are posted prohibiting such use.

# Chapter 62

# SMOKING POLICY


ARTICLE I
**Smoking Prohibited in Public Buildings**

**§ 62-1. Intent.**

**§ 62-2. Public buildings.**

**§ 62-3. Definition.**

**§ 62-4. Violations and penalties.**

ARTICLE II
**Smoking Prohibited in Certain Enclosed Places**

**§ 62-5. State statutes adopted.**

**§ 62-6. Violations and penalties.**


**[HISTORY: Adopted by the Village Board of the Village of Wilton as indicated in article histories. Amendments noted where applicable.]**

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## ARTICLE I
## Smoking Prohibited in Public Buildings
## [Adopted 9-8-1997]

### § 62-1. Intent. [Amended 8-13-2001]

It is the intention of the Village Board to designate all public buildings owned or leased by the Village of Wilton as smoke free. The Board believes this ban will protect the health and comfort of the public.

### § 62-2. Public buildings.

A. No person shall smoke at any time in all public buildings owned or leased by the Village of Wilton. **[Amended 8-13-2001]**

B. Signs designating said buildings to be "smoke free" shall be posted.

### § 62-3. Definition.

As used in this article, the following terms shall have the meanings indicated:

SMOKING — Carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

### § 62-4. Violations and penalties.

Any person who violates this article shall, upon conviction, forfeit $25 plus court costs for the first offense and not more than $100 plus court costs for the second and subsequent offenses. Upon default of payment of the forfeiture or cost or any part thereof, such person shall be imprisoned in the county jail until such forfeiture and cost are paid, but not to exceed five days.

ARTICLE II
**Smoking Prohibited in Certain Enclosed Places**
**[Adopted 5-10-2010]**

### § 62-5. State statutes adopted.

The provisions of § 101.123 of the Wisconsin Statutes, as amended by 2009 Wisconsin Act 12, relating to the prohibition of smoking in various enclosed places are hereby adopted and made part of this Code by reference. As prescribed by state statutes, a warning notice shall be issued to the person in charge for the first violation.

### § 62-6. Violations and penalties.

A violation of the provisions above of the Municipal Code relating to the prohibition of smoking in various enclosed places shall be set by resolution from time to time by the Wilton Village Board.

# Chapter 71

# VILLAGE BOARD

ARTICLE I
**Procedural Rules**


**§ 71-1. Meetings.**
**§ 71-2. Order of business.**
**§ 71-3. Presiding officer.**
**§ 71-4. Committee appointments.**
**§ 71-5. Ordinances and resolutions.**
**§ 71-6. General rules.**
**§ 71-7. Suspension of rules.**
**§ 71-8. Amendments of rules.**


**[HISTORY: Adopted by the Village Board of the Village of Wilton as indicated in article histories. Amendments noted where applicable.]**

GENERAL REFERENCES

**Community Development Committee — See Ch. 8.**

ARTICLE I
**Procedural Rules**
**[Adopted 2-2-1987 as Ch. A of the 1987 Code]**

## § 71-1. Meetings.

A. Regular meetings. Regular meetings of the Village Board shall be held on the second Monday of each calendar month at 7:00 p.m. Any regular meeting falling on a holiday shall be held the next following secular day at the same hour and place.

B. Special meetings. Special meetings of the Board may be called by the President by giving notice thereof to each member, delivered to that member personally. **[Amended 8-13-2001]**

C. Place of meeting. All meetings of the Board, including special and adjourned meetings, shall be held in the Village Hall, unless stated differently. **[Amended 8-13-2001]**

D. Quorum. Two-thirds of the Village Trustees, including the Village President, shall be a quorum. A lesser number may compel the attendance of absent members and adjourn. A majority of all members shall be necessary to a confirmation. In case of a tie, the Village President shall have a vote.

**§ 71-2. Order of business. [Amended 8-13-2001]**

The business of the Village Board shall be conducted in the following order:

A. Call to order by Village President.

B. Roll call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date.)

C. Reading, correcting and approving of minutes of previous meeting.

D. Remaining items as posted in the agenda.

**§ 71-3. Presiding officer.**

A. Control of meetings. The Village President shall preserve and conduct the proceedings of the meetings.

B. Absence of the President. If the Village President is absent at any meeting, the Clerk-Treasurer shall call the meeting to order and shall preside until the Board selects a Trustee to preside for that meeting.

**§ 71-4. Committee appointments. [Amended 8-13-2001]**

A. At the first regular Board meeting in the month of May, the President shall appoint the following committees and the Chairman of each:

(1) License and Employee. **[Amended 5-13-2002]**

(2) Finance and Public Safety. **[Amended 5-13-2002]**

(3) Public Works.

(4) Public Health and Welfare.

(5) Ordinances and Resolutions.

(6) Public Building and Grounds.

(7) Community Development Committee. The terms of office shall be staggered terms of one year, two years, and three years. **[Added 3-10-2003]**

B. The Village President shall appoint all special committees and designate the chair of each. All committee appointments shall be subject to confirmation by a majority vote of the Board. The Village President shall be a voting member on all committees. All matters that receive tie committee votes shall be referred to the Village Board for consideration. **[Amended 6-10-2002; 3-13-2017]**

**ORDINANCE NO. _____**

The Village Board of Trustees of the Village of Wilton does ordain as follows:

**SECTION ONE:** Paragraph A of Section 71-4 Committee Assignments of the Code of Ordinances is hereby amended to read:

A. Unless otherwise indicated, at the first regular Board meeting in the month of May, the President shall appoint members of following committees and the Chairperson of each:

(1) License and Employee.
(2) Finance and Public Safety.
(3) Public Works.
(4) Public Health and Welfare.
(5) Ordinances and Resolutions.
(6) Public Building and Grounds.
(7) Community Development Committee. The terms of office shall be staggered terms of one year, two years, and three years.
(8) Wilton Fest Committee.

**SECTION TWO:** All other Ordinances in conflict with the foregoing are hereby repealed.

**SECTION THREE:** This Ordinance shall take effect upon passage and publication.

Tim Welch, Village President

ATTEST:

Leigha Barton, Village Clerk

READ:
PASSED:
POSTED:

### § 71-5. Ordinances and resolutions.

Ordinances, resolutions, bylaws, communications and other matters submitted to the Board shall be read by title and author and referred to the appropriate committee. No ordinance, resolution or bylaw shall be considered unless presented in writing by a Trustee. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.

### § 71-6. General rules. [Amended 8-13-2001]

Deliberation of the Board shall be conducted in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, which is hereby incorporated in this section by reference. No person other than a member shall address the Board except by majority vote of the members present. No ordinance, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

### § 71-7. Suspension of rules.

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

### § 71-8. Amendments of rules.

These rules may be amended at any regular meeting of the Board with the concurrence of 2/3 of the members present, provided the amendment shall be introduced in writing at the previous meeting.

# PART II

# GENERAL LEGISLATION

# Chapter 80

# AMUSEMENT DEVICES

§ 80-1. Definitions.
§ 80-2. License required.
§ 80-3. Application for license.
§ 80-4. License fee; expiration.
§ 80-5. Enforcement; violations and penalties.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 11.09 and 11.17 of the 1987 Code. Amendments noted where applicable.]**

## § 80-1. Definitions.[1]

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

AMUSEMENT DEVICE — Any table, platform, mechanical device or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition or sport, the use or operation of which is conditioned upon payment of a consideration, either by insertion of currency, coin or token in a slot or otherwise. Such amusement device shall include but not be limited to devices commonly known as pinball, shuffleboard, ray guns, darts, bumper games, children's amusement riding devices, electronic video games, billiard tables, pool tables and jukeboxes. Such definition does not include soda machines and vending machines for food/candy.

## § 80-2. License required.[2]

No person shall possess any amusement device which is operated for amusement or gain in any public place within the village without first having obtained a license therefor.

## § 80-3. Application for license.

Application shall be made in writing to the Clerk-Treasurer for such license by the owner of the premises wherein located, stating his full name and address and the model and serial number of the device or devices.

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1 Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

### § 80-4. License fee; expiration.

The license fee for each such device shall be as set from time to time by the Village Board,[3] to be paid to the Clerk-Treasurer before the license is issued by the Clerk-Treasurer. Such license shall expire on the 30th day of June following the date of issuance.

### § 80-5. Enforcement; violations and penalties.

A. Interference. No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.

B. Penalties. Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(1) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

(2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.

(3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

(4) Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

[3] **Editor's Note: See Ch. A282, Fees.**

# Chapter 84

# ANIMALS


ARTICLE I
Sanitary Requirements, Exclusion from Food-Handling Establishments, Licensing and Regulation of Dogs

§ 84-1. Sanitary requirements.
§ 84-2. Animals excluded from food-handling establishments.
§ 84-3. Licensing and regulation of dogs.
§ 84-4. Violations and penalties.

ARTICLE II
Licensing and Regulation of Cats

§ 84-5. Licensing of cats.
§ 84-6. Cats at large.
§ 84-7. Keeping of numerous cats in Village.
§ 84-8. Number of cats limited.
§ 84-9. Disposition of cats.
§ 84-10. Violations and penalties.


**[HISTORY: Adopted by the Village Board of the Village of Wilton as indicated in article histories. Amendments noted where applicable.]**

GENERAL REFERENCES

Nuisances — See Ch. 198.

Parks and public grounds — See Ch. 205.

## ARTICLE I
## Sanitary Requirements, Exclusion from Food-Handling Establishments, Licensing and Regulation of Dogs
## [Adopted 2-2-1987 as Secs. 10.04 and 10.17 of the 1987 Code]

### § 84-1. Sanitary requirements. [Amended 8-13-2001]

All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors. Interior walls, ceilings, floors, partitions and appurtenances of such structures, except structures or houses occupied by no more than one dog, cat, rabbit, skunk or similar animal kept as a pet, shall be whitewashed or painted annually or more often as the Village Board shall direct.

### § 84-2. Animals excluded from food-handling establishments. [Amended 8-13-2001]

No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public. This section shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.

## § 84-3. Licensing and regulation of dogs.

A. Dog license. No person, firm or corporation shall keep a dog within the Village of Wilton, Wisconsin, which is not duly licensed in accordance with § 174.07, Wis. Stats.

B. Dog collar.

(1) The owners of all dogs are hereby required to place and keep on said dog a collar bearing the Monroe County license tag or license number and year of issue. **[Amended 8-13-2001]**

(2) No person, except the owner or his authorized agent, shall remove a dog collar containing the name of the owner and license number of said dog.

C. Limit of dogs. No individual owner (or family unit living together), firm or corporation shall keep more than two dogs over the age of six months within any residential district, excepting bona fide animal hospitals in which the dogs are confined.

D. Dogs at large. It shall be unlawful for the owners, harborers or custodians of any dog to permit the same to run at large in the Village of Wilton, Wisconsin. A dog shall be deemed running at large when it is off the premises of its owner, harborer or custodian, except when under the control of a person by means of a chain, rope or cord of sufficient strength to control the action of such dog or such other personal presence and attention as will reasonably control the conduct of said dog.

E. Disposition of dogs. It shall be the duty of the Director of Public Works to catch and take up all dogs running at large or kept contrary to the provisions of this article and deliver said dog or dogs to the Monroe County Animal Shelter. The owner of any dog so confined may reclaim the same upon the payment of the fees and charges levied by Monroe County. When it is not possible or feasible to catch a dog or dogs at large and the owner of the same is known, then the owner may be prosecuted.[1] **[Amended 8-13-2001]**

## § 84-4. Violations and penalties.

Any person violating any provision of this article, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

A. Except as otherwise provided in this Code, any license or permit issued pursuant to this article may be suspended by the officer or department issuing the same upon a hearing on notice.

B. Except as otherwise provided in this Code, any license or permit issued pursuant to this article may be suspended or revoked by the Village Board after allowing the licensee or permittee a hearing on notice.

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[1] **Editor's Note: Former Sec. 10.04(D), Horses, which immediately followed this subsection, was deleted 8-13-2001.**

C. Any license or permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

D. Upon conviction thereof, any person violating any provision of this article shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

## ARTICLE II
## Licensing and Regulation of Cats
## [Adopted 7-14-2003]

### § 84-5. Licensing of cats.

A. Each owner of a cat more than six months of age on January 1 of each year, or six months of age within the license years, shall annually, or within 30 days from the date such cat becomes six months of age, obtain a license for each cat from the Village Treasurer. The license year shall commence on January 1 and end on the following December 31. Such cat license tax shall be paid on or before March 31 of each year. The fee for such license shall be reviewed periodically by the Village Board. Each applicant for a cat license shall present a valid certificate of vaccination before being issued a license. All funds received from the cat licenses shall be paid into the general fund of the Village. A late fee will be charged to licenses issued after April 1 of each year.

B. The owner of every cat shall place and keep on the cat an issued license tag bearing the license number and current year of issuance.

C. The owner shall mean any person owning, harboring, or keeping a cat. The occupant of any premises on which a cat remains or to which a cat customarily returns daily for a period of 10 days is presumed to be harboring or keeping the cat within the meaning of this article.

### § 84-6. Cats at large.

It shall be unlawful for the owners, harborers or custodians of any cat to permit the same to run at large in the Village of Wilton. A cat shall be deemed to be running at large when it is on any of the public ways of the Village or property, public or private, other than the premises of its owner, without the permission of the property owner unless the cat is in the immediate control of the owner, his agent, or a member of his family either by leash, chain, cord or other suitable material of sufficient strength of not more than six feet in length. However, if said cat is tied or staked upon any open or unfenced lot or land within the Village, said cat shall be tied or staked in a manner so as to prevent such cat from getting on, across, or within eight feet of any walking path, walking trail, sidewalk, street, alley, park or other public property.

### § 84-7. Keeping of numerous cats in Village.

The keeping of an unlimited number of cats in the Village for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of cats is, therefore, declared to be a public nuisance.

### § 84-8. Number of cats limited.

It shall be unlawful for any person or persons to keep more than two cats within the Village, with the exception that a litter of kittens, or a portion of a litter may be kept for a period of time not exceeding five months from birth.

### § 84-9. Disposition of cats.

In addition to any penalty hereinafter for violation of this article, any person may apprehend any cat which violates any portion of this article. Any cat which violates this article which has been apprehended by a person shall be turned over to the Village of Wilton for proper disposition. When it is known by license the owner will be contacted to reclaim the same upon the payment of the fees and charges levied by the Village of Wilton for such service. When it is not possible or feasible to catch a cat at large, and the owner of the same is known, the owner may be prosecuted. The Village Board will review periodically the fee for returning the cat to the residence.

### § 84-10. Violations and penalties.

Any person violating any provision of this article, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

A. Except as otherwise provided in this Code, any license or permit issued pursuant to this article may be suspended by the officer or department issuing the same upon a hearing on notice.

B. Except as otherwise provided in this Code, any license or permit issued pursuant to this article may be suspended or revoked by the Village Board after allowing the licensee or permittee a hearing on notice.

C. Any license or permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

D. Upon conviction thereof, any person violating any provision of this article shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until

payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 92

# BRUSH, GRASS AND WEEDS

§ 92-1. Duty of property owner.
§ 92-2. Removal by village.
§ 92-3. Violations and penalties.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 10.12 and 10.17 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Open burning — See Ch. 101.
Health and sanitation — See Ch. 160.
Nuisances — See Ch. 198.
Solid waste — See Ch. 235.

## § 92-1. Duty of property owner.

No person owning property within the village shall permit to grow or pollinate upon his premises any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or conceal filthy deposits. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses or weeds.

## § 92-2. Removal by village.[1]

It shall be the duty of the Public Works Committee to enforce this chapter, and if any person shall fail to comply herewith, the Committee shall, after five days' written notice to the owner, cause the premises to be mowed and report the cost thereof in writing to the Clerk-Treasurer. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as other taxes.

## § 92-3. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

A. Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

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1 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

B. Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Village Board after allowing the licensee or permittee a hearing on notice.

C. Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

D. Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 97

# BUILDING CONSTRUCTION AND FIRE PREVENTION


§ 97-1. Building permit required.
§ 97-2. Building Code.
§ 97-3. Fire district regulations.
§ 97-4. Fire prevention.
§ 97-5. Gasoline storage in residential areas.
§ 97-6. Violations and penalties.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 5.02 to 5.04, 8.01, 8.02, 8.14 and 8.16 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Fire District — See Ch. 15.
Open burning — See Ch. 101.
Nuisances — See Ch. 198.
Water and sewers — See Ch. 270.
Floodplain zoning — See Ch. 150.
Subdivision of land — See Ch. 247.

## § 97-1. Building permit required. [Amended 8-13-2001]

A. General permit requirement. No building work shall be performed in the Village unless a permit therefor is obtained as required in the provisions of this chapter.

B. Permit lapses. A building permit shall lapse and be void unless operations under the permit are commenced within six months from the date of issuance thereof. All work must be completed within 12 months after the issuance of the building permit.

C. Revocation. If the Village Board shall find at any time that the ordinances, laws, orders, plans and specifications referred to in this chapter are not being complied with and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, the Village Board shall revoke the building permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, excepting such work as the Village Board may order to be done as a condition precedent to the reissuance of the permit or as it may require for the preservation of human life and safety or property.

D. Report of violation. It shall be the duty of all police officers to report at once to the Village Board any building work which is being carried on without a permit as required by this chapter.

E. Records. The Village Clerk-Treasurer shall keep a record of all permits, fees and inspections.

## § 97-2. Building Code. [1]

A. The Wisconsin Administrative Code, Chapters SPS 361 through 365 and SPS 366, and all amendments thereto, are hereby adopted by reference and made a part hereof. **[Amended 10-8-2012]**

B. Permit fees. **[Amended 9-8-1997; 8-14-2006]**

(1) All new construction, maintenance, repairs or additions shall require a building permit issued by the Village Clerk-Treasurer. The permit fee shall be set by Board resolution; provided, however, that if the cost for new construction and additions is under $2,000, no fee is required. Maintenance and repairs shall require a building permit at no cost.

(2) In case of conflict, the applicant may seek review by the Ordinance Committee Chair first or, if unresolved, then may seek review by the full Committee.[2]

C. Unsafe buildings. Whenever a contracted building inspector finds any building or part thereof within the Village to be in his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceedings shall be as provided in § 66.0413, Wis. Stats. **[Amended 8-13-2001]**

## § 97-3. Fire district regulations.

A. Fire district. All that part of the Village of Wilton included within the corporate limits of the Village shall be known as the "fire district."

B. Definitions. The terms "fire-resistive construction," "mill construction," "ordinary construction," "frame construction" and "fire-retardant roof coverings" shall have the meaning as defined in the Wisconsin Administrative Code, Secs. SPS 375.02, 375.03, 375.04, 375.05 and 375.07 of the Wisconsin State Building Code. **[Amended 10-8-2012]**

C. Regulations within fire district.

(1) Requirements. Every building hereafter erected, enlarged or moved within or into the fire district shall be of fire-resistive, mill or ordinary construction, except as otherwise provided by this chapter. Enclosing walls, division walls and party walls shall be of fire-resistive construction as provided in Sec. SPS 375.08, Wis. Adm. Code, which is hereby by reference made a part of this section with respect to all buildings and structures within the fire district. **[Amended 10-8-2012]**

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1. **Editor's Note: Former Sec. 8.02(A), One and Two Family Dwelling Code, which appeared at the beginning of this section, was repealed 4-10-2000.**

2. **Editor's Note: Former Sec. 8.02(D), Appeal to Board of Appeals, which immediately followed this subsection, was repealed 8-13-2001.**

(2) Exceptions. No building of frame construction shall be constructed within or moved within or into the fire district except the following:

(a) Location on lot. **[Amended 4-10-2006]**

[1] No building or other structure including a fence shall be placed at least three feet from the lot line. The overhang shall be counted with measuring the three feet. Subdivision may create more restrictive covenants.

[2] Variance. Where the Village finds that extraordinary hardship resulting from a practical difficulty or other hardship will occur from the enforcement of this Subsection C(2)(a)[1] above, upon application to the Village Board, the Village Board may grant a variance with the exception to the Arrowhead Subdivision Restrictive Covenants.

(b) Buildings of frame construction, except when used for a high-hazard occupancy, not exceeding 2,500 square feet in area when used for a business occupancy or 1,000 square feet in area when used for other occupancies, nor more than one story in height, and having a horizontal separation of not less than 10 feet on all sides. Walls having a horizontal separation of less than 10 feet shall have a fire-resistance rating of not less than one hour.

(c) Greenhouses not more than 15 feet in height.

(d) Sheds open on the long side, not more than 15 feet in height nor more than 500 square feet in area, located at least five feet from buildings and from adjoining lot lines.

(e) Builders' shanties for use only in connection with a duly authorized building operation.

D. Razing old or damaged buildings. Any existing building of frame construction within the fire limits which may hereafter be damaged by fire, or which has deteriorated to an amount greater than 1/2 of its value, exclusive of the foundation, as determined by the Village Assessor, shall not be repaired or rebuilt but shall be ordered removed by a contracted building inspector under the provisions of § 66.0413, Wis. Stats. **[Amended 8-13-2001]**

E. Fire-retardant roofing.

(1) Every roof hereafter constructed within the fire district, including buildings listed in Subsection C(2), shall be covered with a roofing having a fire-resistive rating equivalent to Class "B" or better of the Underwriters' Laboratories, Inc., classification in their List of Inspected Materials, which is hereby adopted by reference and incorporated in this section as if fully set forth herein.

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

(3) The Village Board is hereby authorized and it shall be its duty to enforce the provisions of this section. **[Amended 8-13-2001]**

## § 97-4. Fire prevention. [3]

A. Orders. Whenever the inspectors of the Wilton Area Fire District shall find in any building or upon any premises dangerous or hazardous conditions, they shall order such dangerous conditions or materials removed or remedied in a manner specified by the Village Board. Failure to do so shall constitute a violation of this section. These dangerous or hazardous conditions are enumerated, but not limited, as follows:

(1) Dangerous or unlawful amounts of combustible or explosive matter.

(2) Hazardous conditions arising from defective or improperly installed equipment or handling or using of combustible or explosive matter.

(3) Dangerous accumulation of rubbish, wastepaper, boxes, shavings or other highly inflammable materials.

(4) Accumulations of dust or waste materials in air-conditioning systems or of grease in kitchen exhaust ducts.

(5) Obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Wilton Area Fire District or egress of occupants in case of fire.

(6) Any building or other structure which for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition or from any other cause creates a fire hazard.

(7) Violation or failure to comply with the regulations incorporated herein in Subsection B.

B. Regulation of Department of Safety and Professional Services. The provisions of the Wisconsin Administrative Code, rules of the Department of Safety and Professional Services, Ch. SPS 365, Ch. SPS 308, Ch. SPS 305, Ch. SPS 309, Ch. SPS 320, Ch. 321, Chs. SPS 361 through 364, Ch. SPS 366, Ch. SPS 307, and all amendments thereto, are hereby adopted by reference, and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein. A current copy of the Wisconsin Administrative Code containing the sections herein enumerated and all amendments thereto shall be kept on file in the Municipal Building. **[Amended 10-8-2012]**

C. Fire Prevention Code. For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the "Fire Prevention Code," Abbreviated Edition, recommended by the American Insurance

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3. **Editor's Note: Former Sec. 5.02(A), Fire Marshal, which appeared at the beginning of this section, was repealed 8-13-2001.**

Association, being particularly the current edition thereof and the whole thereof, is hereby adopted and incorporated as fully as though set out at length herein. **[Amended 8-13-2001]**

D. Authority to enter premises. Any inspector may, at all reasonable times, enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter, he may deem necessary to be made. **[Amended 8-13-2001]**

E. Fire protection charges. **[Added 5-11-1998]**

(1) Authority. Pursuant to §§ 61.34(1) and 66.0703, Wis. Stats., the Village of Wilton does hereby establish a policy for charging back fire protection costs to the property owners which are incurred by the Village of Wilton.

(2) Liability for fire protection cost. All property owners of real estate within the Village of Wilton for which fire protection is provided shall be responsible for the cost of the fire calls made to their real estate. The cost shall be equal to the cost charged the Village of Wilton by the Wilton Area Fire District or from any other fire department called to the fire which results in a bill to the Village of Wilton. This section shall not apply to the cost of any other department responding at the request of an authorized department under mutual aid. The authorized department for the Village of Wilton shall be established by resolution and is currently the Wilton Area Fire District.

(3) Billing and payment. The cost of the fire calls as outlined above shall be billed by the Village Clerk-Treasurer to the property owner and paid to the Village Clerk-Treasurer within 90 days of the date of the bill. Failure to pay the bill within 90 days will result in interest being charged at a rate of 1% per month from the date of the bill. Those bills remaining outstanding, including interest, for more than 90 days as of November 1 of any year shall become a lien against the real estate from which fire protection was provided and shall be placed on the tax roll as a delinquent special charge pursuant to § 66.0703, Wis. Stats.

## § 97-5. Gasoline storage in residential areas. [Amended 8-13-2001]

It shall be unlawful for any person owning or residing in any residential or multifamily district to store, keep or have in his or her possession any gasoline unless it is stored in an approved container. Storing or keeping of gasoline hereunder is limited to 12 gallons. Excluded hereunder is gasoline in the tank of any motor vehicle or gasoline-driven engines.

## § 97-6. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of

prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 101

# BURNING, OPEN

§ 101-1. Prohibited acts.

§ 101-2. Violations and penalties.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 12.01(D) and 12.07 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

**Brush, grass and weeds — See Ch. 92.**
**Building construction and fire prevention — See Ch. 97.**
**Nuisances — See Ch. 198.**
**Parks and public grounds — See Ch. 205.**

## § 101-1. Prohibited acts.

A. No person shall kindle any grass fire within the Village.

B. No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or other public ground.

C. No person shall kindle or cause to be kindled any fire on any private ground within 25 feet of any building or within any fire lane unless the same is confined within a wire refuse burner, basket or metal enclosure designed so as to prevent the escape of sparks and burning material.

D. Burn barrel. No individual may operate or maintain a burn barrel in the Village without being in full compliance with this subsection. **[Added 3-13-2017]**

(1) Permit required. Subject to approval by the Police Chief, any person who desires to use a burn barrel must first obtain a permit from the Village Clerk and be issued by the Clerk a fifty-five-gallon drum for use as a burn barrel. The annual fee shall be established by resolution of the Village Board.

(2) Conditions.

(a) Purchase. Burn barrels must be purchased from the Village and used at personal residences only.

(b) Location of barrel. Burn barrels must be located at least 25 feet from any structure or fuel storage location or a public right-of-way. All burn barrels must be clearly visible from a street or alley.

(c) Adult. A responsible adult shall be in attendance at all times the burn barrel is in use and until it is totally extinguished.

(d) Time. Use of burn barrels shall be from 6:00 p.m. to 10:00 p.m. Burns shall be entirely extinguished by 10:00 p.m.

(e) Burn material. Only paper or paper products may be burned.

(f) Prohibited burn materials. Prohibited burn materials include, but are not limited to, refuse, garbage, plastic, man-made materials, waste products, leaves, branches, wood, and timber materials.

(g) Temporary Village/police ban. In the sole judgment of the Village President or police, a temporary ban may be ordered at any time if it is determined that a burn barrel, whether or not in use, is or may be offensive or is or may create a nuisance to surrounding residents or creates a public hazardous condition. If so determined, upon order, the burn barrel shall be removed.

**§ 101-2. Violations and penalties.**

Any person violating any provision of this chZapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 106

# CABARETS

§ 106-1. License required.
§ 106-2. Definitions.
§ 106-3. License fee.
§ 106-4. Application for license.
§ 106-5. Issuance and posting of license.
§ 106-6. License not transferable.
§ 106-7. Refusal of license.
§ 106-8. Operating rules and regulations.
§ 106-9. Enforcement; violations and penalties.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 11.08 and 11.17 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Dance halls — See Ch. 127.

Intoxicating liquor and fermented malt beverages — See Ch. 167.

## § 106-1. License required.

No person shall hereafter keep, maintain, conduct or operate any cabaret as defined in § 106-2 of this chapter without first obtaining a license therefor.

## § 106-2. Definitions.

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

> CABARET — A place to which the general public is admitted and where entertainment, such as singing, vaudeville or dancing, is furnished to patrons by the management with or without special charge therefor and where alcoholic beverages are sold.

## § 106-3. License fee.

The license fee for a cabaret shall be as set from time to time by the Village Board,[1] and the full license fee shall be charged for any such license issued on or before the first day of January. For licenses issued after the first day of January, the fee therefor shall be as set from time to time by the Village Board. Such cabaret license shall expire on the 30th day of June after issuance.

## § 106-4. Application for license.

Any person desiring a cabaret license shall present to the Clerk-Treasurer his application in writing, giving the location of the premises to be licensed by legal description, the name of the

1 Editor's Note: See Ch. A282, Fees.

owner of such premises, the name of the lessee thereof, if any, the name of the person proposing to operate such cabaret, the name of the manager to be in charge of such cabaret, a description of other businesses to be conducted upon the licensed premises and a statement of the length of time the owners and managers of such proposed cabarets have resided in the village, together with the employment or occupation for the past two years.[2]

### § 106-5. Issuance and posting of license.

A license shall be granted to each applicant who shall be approved by a majority vote of the Board and shall be issued by the Clerk-Treasurer and contain with particularity a description of the premises licensed and the name and address of the licensee. The licenses shall be numbered consecutively beginning with the number one in each year, and such license shall be posted conspicuously in the premises licensed at all times when they shall be in use.

### § 106-6. License not transferable.[3]

No cabaret license shall be transferable as to location or to ownership.

### § 106-7. Refusal of license.

The Board shall have discretion to refuse the granting of any license if such license shall be against the public interests either because of the unsuitability of the location or undesirability or unreliability of the applicant or his manager or because of the failure of such applicant or his manager to observe the provisions of this Code in the prior conduct of a cabaret, dance hall, tavern or other similar place.

### § 106-8. Operating rules and regulations.

A. Efficient means shall be employed to prevent the ordinary sounds of music, dancing, singing or entertainment within the cabaret from being heard on adjoining premises or on the public street, and no unusually loud music, singing or entertainment or any boisterousness or noisy conduct on the part of the patrons shall be permitted.

B. All cabarets shall be well lighted at all times when any patrons shall be therein and at all times when the same are open to the public.

C. The opening and closing of cabarets shall be governed by existing opening and closing of Class "B" combination and Class "B" fermented malt beverage licensed premises.

D. No person under the age of 21 years shall be permitted in any cabaret unless accompanied by a parent or guardian.[4]

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[2] **Editor's Note: Former Sec. 11.08(E), Investigation, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

[3] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

[4] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

E. No prostitute, procurer or vagrant shall be permitted upon the premises of any cabaret.

F. No person assumed under the influence shall be permitted to remain in any cabaret, and no person bordering on intoxication shall be served with any beverage containing alcohol or be permitted to dance in any cabaret.[5]

G. No entertainment or dancing shall be permitted which shall be vulgar, suggestive, licentious or offensive to public morals and decency.

H. There shall be in every cabaret premises not fewer than two exit doors leading to the outside and opening outwardly.

I. The sale, service or consumption of commodities for which licenses are otherwise required shall not be permitted in any cabaret unless the proper license or licenses therefor are obtained for said premises in the name of the owner or manager of such cabaret.

J. Refusal by any person in a cabaret to comply with the reasonable efforts of the proprietor to comply with the provisions of this chapter shall be deemed a violation and subject to penalty hereunder, as shall refusal of any person to comply with the directions of the Police Department, Sheriff or Deputy Sheriff, constable or any dance inspector in efforts to enforce the provisions of this chapter in any cabaret.

### § 106-9. Enforcement; violations and penalties.

A. Interference. No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.

B. Penalties. Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(1) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

(2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.

(3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

(4) Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be

[5] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 110

# CAMPGROUNDS


§ 110-1. Definitions.
§ 110-2. Travel trailers located outside of campgrounds.
§ 110-3. License required.
§ 110-4. Application for license.
§ 110-5. License fees; expiration of license.
§ 110-6. Inspections.
§ 110-7. Campground standards.
§ 110-8. Campground maintenance; right of entry.
§ 110-9. Revocation or suspension of license.
§ 110-10. Register of guests.
§ 110-11. Enforcement; violations and penalties.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 11.10 and 11.17 of the 1987 Code; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]**

GENERAL REFERENCES

Health and sanitation — See Ch. 160.
Mobile home parks — See Ch. 191.
Parks and public grounds — See Ch. 205.

## § 110-1. Definitions.

Whenever used in this chapter, unless a different meaning appears from the context, the following terms shall have the meanings indicated:

CAMPGROUND — Any park, court, camp, site, plot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two travel trailers and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the campground and its facilities. "Campground" shall not include travel trailer sales lots on which unoccupied travel trailers are parked for purposes of inspection and sale.

TRAVEL TRAILER — A portable unit which is towed by an automobile, can be operated independently of utility connections, is limited in width to eight feet and in length to 45 feet and is designed to be used primarily as a temporary vacation dwelling.

## § 110-2. Travel trailers located outside of campgrounds.

A. Inhabited travel trailers may be placed, parked or kept within the village for not to exceed 10 days, provided adequate water and toilet facilities are available to the occupants. No person shall occupy any travel trailer on any premises which is situated outside an approved campground after the first 10 days of occupancy within the village. The parking of only one unoccupied travel trailer in an accessory private garage building or in a rear

yard is permitted, provided that no living quarters shall be maintained and no business shall be practiced in said travel trailer while such travel trailer is so parked or stored.

B. If the owner or operator of a travel trailer removes or causes to be removed the wheels or any similar transporting device from said travel trailer or otherwise permanently affixes it to the ground, such alteration shall constitute a conversion into a dwelling, and it shall thereupon be subject to the requirements of other permanent dwellings under the codes of the village and the state.

### § 110-3. License required.

It shall be unlawful for any person to operate or maintain, or to offer for public use, within the confines of the village any campground without first applying for and receiving from the Village Board a license to do so or without complying with the regulations contained herein or such regulations as may be hereafter adopted.

### § 110-4. Application for license.

Every applicant for a license to maintain a campground shall file with the Village Board a written application stating the name and address of the applicant and the location of the campground, the name of the owner, proprietor or manager of said campground and the dimensions of the campground. The application shall also state the actual or proposed sanitary facilities of said campground and the maximum number of travel trailers that the campground will accommodate and such additional information as the Board shall require. The applicant shall also file with his application a plat of said campground showing the location and proposed arrangement of travel trailers to be placed thereon and showing the location of streets and the location of toilets, showers or baths and all other sanitary facilities.

### § 110-5. License fees; expiration of license.

Fees for licenses for campgrounds and camping resorts and recreational and educational camps shall be assessed by the village pursuant to the provisions of § 254.47, Wis. Stats. Such facilities shall comply with Chapters H 75 and H 78 of the Wisconsin Administrative Code, which are hereby adopted by reference and incorporated herein. Licenses issued under this section shall expire on June 30 following their issuance.

### § 110-6. Inspections.

Before any license shall be granted, the Village Board shall make or cause to be made an inspection of the premises for which a license has been applied for in order to determine whether the requirements of this chapter have been or will be met by the applicant, and no such license shall be granted until such inspection has been made. No license shall be granted for any land within the fire limits of the village. Annual inspections shall be made following the issuance of each license, along with follow-up inspections to enforce corrections.

### § 110-7. Campground standards.

The following standards shall be required of every campground:

A. Every campground shall be located on a well-drained area which shall be sufficient in size to accommodate the number of travel trailers specified as to the maximum number in the application. It shall be unlawful for the owner or operator of the campground to offer to accommodate or to accommodate more travel trailers than the number of capacity of the campground.

B. An adequate supply of pure water for drinking and domestic purposes must be available. There shall be provided in every campground adequate toilets connected with the village sewers for each sex and a sufficient number of showers or baths for each sex. The minimum requirements shall be one toilet for each sex for every 10 travel trailers, with urinals for males, and one shower for each sex for every 10 travel trailers.

C. Every campground shall be provided with a sufficient number of tight metal receptacles with close-fitting metal or plastic covers for garbage and recyclables and also suitable receptacles for other refuse. These receptacles shall at all times be maintained in a clean and sanitary condition.

D. Every campground shall be provided with means of lighting the same at night, and all toilets and bath units must be provided with sufficient lighting facilities so as to be safe and available for use at all times.

E. Every campground shall be equipped with at least one slop sink properly connected with the village sewer system.

F. Every campground shall be located so as to appear attractive, and the village may at any time require that any campground be screened by hedges or in some other suitable manner.

### § 110-8. Campground maintenance; right of entry.

A. Every person owning or operating a campground shall maintain such campground and toilets, baths or other permanent equipment in a state of good repair.

B. Inspection authorized. It shall be the duty of the Village Board to enforce all the provisions of this chapter, and, for the purpose of securing enforcement thereof, any member of the Board or any other duly authorized representative of the village shall have the right and is hereby empowered to enter upon the premises of any campground now operating or which may be hereafter operated within the village to inspect the same and all accommodations connected therewith.

### § 110-9. Revocation or suspension of license.

Any license granted hereunder shall be subject to revocation or suspension by the Village Board in the following manner:

A. A notice shall be served on the person holding said license specifying wherein he has failed to comply with this chapter and requiring him to appear before the Board or a

committee thereof at a day and hour therein specified, not less than 10 days after the personal service of said notice on such license holder, requiring him to show cause at said time and place why said license should not be revoked or suspended.

B. At the time and place mentioned in said notice, the person holding said license shall have the right to appear in person or by counsel and to introduce such evidence as he may desire, and the Village Board shall confront said license holder with any charges that the village may have against him, and after said hearing the Board may, at its discretion, revoke or suspend the license.

### § 110-10. Register of guests.

It is hereby made the duty of each owner or operator of a campground to keep a register of all guests, to be open at all times to inspection by village authorities, which shall show for all guests:

A. Name and address.

B. State of legal residence.

C. Dates of entrance and departure.

D. License number.

### § 110-11. Enforcement; violations and penalties.

A. Interference. No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.

B. Penalties. Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(1) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

(2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.

(3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

(4) Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be

imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 115

# CEMETERIES


§ 115-1. State laws adopted.
§ 115-2. Location.
§ 115-3. Operation.
§ 115-4. Care of records.
§ 115-5. Sale of graves.
§ 115-6. Perpetual care.
§ 115-7. Opening of graves.
§ 115-8. Grave markers.
§ 115-9. Vaults and mausoleums.
§ 115-10. Privileges.
§ 115-11. Trees, shrubs and flowers.
§ 115-12. Interments.


**[HISTORY: Adopted by the Village Board of the Village of Wilton at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]**

## § 115-1. State laws adopted.

The statutory provisions as set forth in Chapter 157 of the Wisconsin Statutes describing and defining regulations with respect to the operation of public cemeteries are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

## § 115-2. Location.

The Hillside Cemetery is located in the Village of Wilton.

## § 115-3. Operation.

A. The Hillside Cemetery shall be operated by the Village of Wilton as a public burial ground, the operation thereof being subject to the rules and regulations set forth herein.

B. It shall be the duty of the Village Board to supervise the care and maintenance of the Hillside Cemetery and to enforce all regulations relating to the operation of said cemetery.

## § 115-4. Care of records.

The Village Clerk-Treasurer of the Village of Wilton shall keep all records and reports relating to the cemetery. The Village Clerk-Treasurer shall keep an accurate record of all receipts and disbursements. The Village Clerk-Treasurer is hereby authorized to sell graves to all persons at prices established by the Village Board and shall keep an accurate plat of all burial grounds showing thereon all lots available for sale.

### § 115-5. Sale of graves.

A. All graves in the cemetery shall be sold by lots at competitively current rates. Rates shall be reviewed and adjusted accordingly each year by the Village Board. All fees and charges are set forth in the current schedule of fees.

B. Upon full payment of the purchase price of a lot, the Village Clerk-Treasurer will issue a cemetery deed, under seal, and the deed will be recorded in the records of the village as evidence of ownership of the lot. Lots, or fractions of lots, for which lot deeds have been issued by the village, will not thereafter be divided except by consent of the Village Board. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.

C. All graves sold in the cemetery shall be subject to the restriction that no owner may transfer such grave (except by devolution of heirs) with profitable consideration. The cemetery reserves the right to repurchase the grave at the original purchase price.

### § 115-6. Perpetual care.

The Village Board shall provide for the perpetual care of all burial lots and shall employ a caretaker who shall keep all grass mowed, collect all trash or rubbish, and perform such other duties as the Village Board shall deem necessary to the general appearance and operation of the cemetery.

A. Twenty percent of all grave sales shall be set aside for the perpetual care.

B. No grave shall be sold in the Hillside Cemetery without the assessment for perpetual care.

C. All assessments paid for perpetual care shall be invested pursuant to the provisions of the Wisconsin Statutes and any amendments thereof.

### § 115-7. Opening of graves.

No grave shall be opened for burial purposes without notifying the Village Clerk-Treasurer or the Village President, either of whom shall approve the opening of said grave.

### § 115-8. Grave markers.

A. All grave markers (monuments) placed in the Hillside Cemetery shall be placed on a concrete base, the surface of which shall be level with the ground, and on center within the monument aisle.

B. The lot must be paid in full before markers and monuments are set. No temporary markers and monuments are allowed.

### § 115-9. Vaults and mausoleums.

Construction of vaults and mausoleums is prohibited.

### § 115-10. Privileges.

A. The village reserves the right for its caretaker and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemetery in the performance of such duties.

B. The village will take reasonable precautions to protect all private property, lots and/or grave owners' property in the cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its control and especially from the acts of thieves, vandals and rioters and from all acts of providence, including wind, tornadoes, hail, snow, rain and frost, whether the damage is indirect or proximate.

C. The village reserves the right to alter or change the physical public properties of the cemetery.

### § 115-11. Trees, shrubs and flowers.

A. The planting of trees, shrubs and flowers shall not be permitted in Hillside Cemetery except by approval of the Village Board.

B. Decorative arrangements, whether real or artificial, must be placed securely in a pot and hung on a shepherd's rod hanger or a hanger of similar stability or placed in an urn above the ground. Arrangements may also be secured to the top of the headstone. There should be no arrangements placed directly on the ground.

C. Unsightly arrangements will be removed at the discretion of the caretaker.

### § 115-12. Interments.

A. Interments shall not be made except during daylight hours.

B. All interments shall be made in a permanent outer container excluding the use of wood.

C. All graves shall be dug at no cost to the village, but under the direction of the caretaker or the Village President. Depth of graves shall conform to the Wisconsin State Board of Health specifications.

D. No burial shall be permitted until a legal burial transmit has been presented to the Village Clerk-Treasurer. The interments of bodies of persons who have died of contagious disease shall be in strict accordance with the rules of the Wisconsin State Board of Health.

E. There shall be no responsibility on the part of the village for the protection and maintenance of flowers, wreaths, emblems, etc., used in conjunction with funerals.

F. The interment of two bodies in one grave shall not be allowed, except in case of a mother and infant (same casket/vault) or in special circumstances with the approval of the Village Board. More than one cremation burial may be buried in a single grave space. Only two markers shall be allowed on one lot.

# Chapter 120

# CIGARETTES AND TOBACCO PRODUCTS


§ 120-1. Definitions.
§ 120-2. License required.
§ 120-3. Application for license; fee.
§ 120-4. Transfer of license.
§ 120-5. Penalty.
§ 120-6. Enforcement; violations and penalties.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 9-8-1997. Amendments noted where applicable.]**

## § 120-1. Definitions.

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

CIGARETTE — A roll of tobacco wrapped in paper or any substance other than tobacco.

RETAILER — Any person engaged in the business of selling cigarettes or tobacco products.

TOBACCO PRODUCTS — Cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; and refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, but "tobacco products" does not include cigarettes, as defined above.

## § 120-2. License required.

No person shall in any manner, directly or indirectly, sell, expose for sale, possess with the intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products without first obtaining a license from the Village Clerk-Treasurer.

## § 120-3. Application for license; fee.

A. License application. Application shall be made in writing to the Village Clerk-Treasurer on forms provided by the village.

B. Fee. The license fee shall be as set from time to time by the Village Board[1] and payable to the Village Clerk-Treasurer before the license is issued. Pursuant to § 134.65(2)(b), Wis.

1 **Editor's Note: See Ch. A282, Fees.**

Stats., such license shall continue in force for one year from the date of issuance unless sooner revoked.

### § 120-4. Transfer of license.

Each cigarette and tobacco product license shall name the licensee and specifically describe the premises where such business is to be conducted. Such licenses shall not be transferable from one person to another nor from one premises to another.

### § 120-5. Penalty.

Any person violating this chapter shall be subject to penalties as provided in this chapter.

### § 120-6. Enforcement; violations and penalties.

A. Interference. No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.

B. Penalties. Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(1) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

(2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.

(3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

(4) Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 123

# COMPREHENSIVE PLAN

§ 123-1. Authority.
§ 123-2. Written procedures.
§ 123-3. Adoption of resolution by Plan Commission.
§ 123-4. Public hearing.
§ 123-5. Formal adoption.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 11-19-2003. Amendments noted where applicable.]**

GENERAL REFERENCES

Plan Commission — See Ch. 43.

## § 123-1. Authority.

Pursuant to §§ 62.23(2) and 62.23(3), Wis. Stats., the Village of Wilton is authorized to prepare and adopt a Comprehensive Plan as defined in §§ 66.1001(1)(a) and 66.1001(2), Wis. Stats.

## § 123-2. Written procedures.

The Village Board of the Village of Wilton, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a Comprehensive Plan as required by § 66.1001(4)(a), Wis. Stats.

## § 123-3. Adoption of resolution by Plan Commission.

The Plan Commission of the Village of Wilton, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to Village Board the adoption of the document entitled "Comprehensive Plan of the Village of Wilton," containing all of the elements specified in § 66.1001(2), Wis. Stats.

## § 123-4. Public hearing.

The Village has held at least one public hearing on this chapter, in compliance with the requirements of § 66.1001(4)(d), Wis. Stats.

## § 123-5. Formal adoption.

The Village Board of the Village of Wilton, Wisconsin, does, by enactment of this chapter, formally adopt the document entitled, "Comprehensive Plan of the Village of Wilton," pursuant to § 66.1001(4)(c), Wis. Stats.

# Chapter 127

# DANCE HALLS


§ 127-1. License required; fee; expiration.
§ 127-2. Definitions.
§ 127-3. Public dance permit; dance inspector.
§ 127-4. Application for license.
§ 127-5. Standards for dance hall.
§ 127-6. Investigation.
§ 127-7. Operating rules and regulations.
§ 127-8. Revocation or suspension of license.
§ 127-9. Enforcement; violations and penalties.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 11.07 and 11.17 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Cabarets — See Ch. 106.

## § 127-1. License required; fee; expiration.

No person or organization shall keep, maintain, conduct or operate any public dance hall or place for holding public dances without first securing a license therefor. The fee for this license shall be as set from time to time by the Village Board.[1] This license shall expire the 31st day of December of each year.

## § 127-2. Definitions.

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

PUBLIC DANCE — One which is or may be attended or patronized by the public generally, either with or without tickets or charge of admission thereto.

PUBLIC DANCE HALL — Any room, place or space in which a public dance or public ball may be held.

## § 127-3. Public dance permit; dance inspector.

A. A permit shall be required for any public dance. Such permit shall be applied and paid for to the Clerk-Treasurer at least five days in advance of each dance. The fee for said permit shall be as set from time to time by the Village Board.[2]

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1 Editor's Note: See Ch. A282, Fees.

2 Editor's Note: See Ch. A282, Fees.

B. The Village President or the Village Board may require that a public dance inspector or inspectors be present during each and every dance, and such inspector(s) shall be any Sheriff, Deputy Sheriff, constable, uniform security officer or Monroe County Sheriff Posse.[3]

### § 127-4. Application for license.

Application for a dance hall license shall be made to the Clerk-Treasurer.

### § 127-5. Standards for dance hall.

No license for a public dance hall shall be issued until it shall be found that such hall complies with and conforms to all ordinances and health and fire regulations of the village and that it is properly ventilated and supplied with sufficient toilet conveniences and is a safe and proper place for the purpose for which it is intended to be used.

### § 127-6. Investigation.[4]

The Clerk-Treasurer shall refer all applications for dance hall licenses to the Chief of Police, who shall investigate, or cause to be investigated, each application to determine whether the dance hall sought to be licensed complies with the regulations, ordinances and laws applicable thereto. The Chief of Police shall furnish to the Board in writing any infractions. No license shall be renewed except after a reinspection of the premises. The Board shall consider each application, and, upon approval thereof, the Clerk-Treasurer shall issue a license authorizing the holder to keep, maintain, conduct and operate a public dance hall or place for holding public dances at the place to be specified in said license. Such license shall be posted and kept posted at all times by the licensee therein named in a conspicuous place in the dance hall or place for holding public dances specified in said license.

### § 127-7. Operating rules and regulations.

The following rules and regulations shall govern the conduct, operation and management of all public dance halls for which a license has been issued:

A. Public dances shall be discontinued and public dance halls closed for the night on or before 1:00 a.m.

B. The participation in a public dance of persons under the influence of liquor or drugs shall not be permitted.

C. All dances held in the nighttime shall be kept well and sufficiently lighted at all times.

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[3] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

[4] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

D. All public halls shall be kept at all times in a clean, healthy and sanitary condition, and all stairways and other passages and all rooms connected with the dance hall shall be kept open and well lighted.

E. The owner or agent of private dance halls shall see that all rules and regulations are followed at his dance hall.

### § 127-8. Revocation or suspension of license.

A. Any license granted hereunder shall be subject to revocation or suspension by the Board in the following manner. A notice shall be served on the person holding said license specifying wherein he has failed to comply with this chapter and requiring him to appear before the Board at a day and hour therein specified, not less than 10 days after the personal service of said notice on such license holder, requiring him to show cause at said time and place why said license should not be revoked or suspended.

B. At the time and place mentioned in said notice, the person holding said license shall have the right to appear in person and to introduce such evidence as he may desire, and the Village Board shall confront said license holder with any charges that the village may have against him, and after said hearing the Board may, at its discretion, revoke or suspend the license.[5]

### § 127-9. Enforcement; violations and penalties.

A. Interference. No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.

B. Penalties. Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(1) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

(2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.

(3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

(4) Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and

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[5] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 130

# DUMPSTERS

ARTICLE I
**Campground Dumpsters**

**§ 130-1. Dumpsters for campground users only; violations.**

**[HISTORY: Adopted by the Village Board of the Village of Wilton as indicated in article histories. Amendments noted where applicable.]**

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ARTICLE I
**Campground Dumpsters**
**[Adopted 5-14-2018]**

## § 130-1. Dumpsters for campground users only; violations.

Dumpsters set up within the Village of Wilton campground and/or campground shelter area are for use only by current users of the campground and/or shelter. Therefore, it is prohibited for anyone who is not a current user of the campground and/or shelter to place garbage in the campground and/or shelter dumpsters. Anyone who violates this article shall be subject to a fine set forth in the Village bond schedule.

B. Application. Application for a building permit shall be made in writing to the Village Clerk upon a form furnished by the Building Inspector.

C. Plans. With each application there shall be submitted two complete sets 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. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations, if necessary. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new single-family dwellings shall comply with the provisions of Wis. Adm. Code ILHR 20.09(4).

D. Approval of plans. 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, he shall issue a building permit which shall state the use to which said building is to be put, which shall 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 which involves any of the above mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the submittal and approval of revised plans. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building. The finished grade adjacent to all new construction shall be at least one foot above the finished or proposed grade of the center line of the adjacent street unless approval is given by the Building Inspector for a properly designed site plan which adequately addresses drainage and the effect on adjacent properties.

E. Waiver of plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.

F. Grant or denial of permit. After the receipt of an application and plans required by this section, the Building Inspector shall grant or deny the application within 10 business days.

G. Minor repairs and alterations. 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. Generally, the criteria will be that properties with no structural or exit change do not require permits if less than $500 in value.

H. Inspection of work. The permittee or an authorized representative shall, in writing or orally, request inspections by the Building Inspector at appropriate times required for the enforcement of this code. The Building Inspector shall perform the requested inspection within 48 hours after notification, except the final inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if inspection has not taken place within 48 hours of notification, excluding Saturdays, Sundays and holidays, unless otherwise agreed upon between the permittee and the Building Inspector.

I. Permit lapses. Except for one- and two-family dwellings, a building permit shall lapse within six months unless substantial work has commenced. All applicable permits shall lapse 18 months from the date of issuance.

J. Revocation. If the Building, Plumbing or Electrical Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refused to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the Building, Electrical or Plumbing Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety.

K. Erosion control permit required. Applications for erosion control permits shall accompany applications for building permits when required under the Wisconsin Uniform Dwelling Code and shall be issued by the Building Inspector.

L. Report of violations. The police or other Village officers shall report at once to the Building Inspector any construction which is being carried on without a permit as required by this chapter.

### § 131-7. Building permit fee. [Amended 10-8-2012]

The building permit fees shall be determined by resolution of the Village Board and shall include $25 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling.[1]

### § 131-8. Enforcement; violations and penalties.

The enforcement of this chapter and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than $25 nor more than $1,000 for each day of noncompliance.

1. **Editor's Note: See also Ch. A282, Fees.**

# Chapter 137

# FAIR HOUSING


§ 137-1. Statutory authority; purpose.
§ 137-2. Declaration of policy.
§ 137-3. Definitions.
§ 137-4. Unlawful practices.
§ 137-5. Exemptions.
§ 137-6. Complaint procedure.
§ 137-7. Other remedies.
§ 137-8. Violations and penalties.
§ 137-9. Conflicting ordinances.
§ 137-10. Intent.


**[HISTORY: Adopted by the Village Board of the Village of Wilton at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]**

## § 137-1. Statutory authority; purpose.

This chapter is adopted pursuant to §§ 66.1011(2) and 61.34(1), Wis. Stats., to prohibit discrimination in the sale or rental of any type of housing within the Village of Wilton, Monroe County, Wisconsin, solely on the basis of sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry and declares the policy of the village to be that of ensuring equal opportunity to all persons to live in decent housing facilities; defines the terms used herein; prohibits certain practices which would constitute discrimination on the basis of sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry in connection with the sale, purchase, leasing or financing of housing facilities; contains exemptions and exceptions to the application of this chapter for certain groups and persons; provides for procedure, other remedies and penalties; and repeals conflicting ordinances, laws and resolutions.

## § 137-2. Declaration of policy.

It is hereby declared to be the policy of the Village of Wilton in the exercise of its police power for the public safety, public health and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry and to that end to prohibit discrimination in housing by any person.

## § 137-3. Definitions.

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

DISCRIMINATION or DISCRIMINATORY HOUSING PRACTICE — Any difference in treatment based upon sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry or any act that is unlawful under this chapter.

FINANCIAL INSTITUTION — Includes any person, as defined herein, engaged in the business of lending money or guaranteeing loans.

HOUSING ACCOMMODATION or DWELLING — Any building, mobile home or trailer, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this definition.

MORTGAGE BROKER — An individual who is engaged in or who performs the business or services of a mortgage broker as the same are defined by Wisconsin Statutes.

OPEN MARKET — The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

OWNER — Includes a lessee, sublessee, cotenant, assignee, managing agent or other person having the right of ownership or possession or the right to sell, rent or lease any housing accommodation.

PERSON — Includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

REAL ESTATE BROKER and REAL ESTATE SALESMAN — Includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodations; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

REAL PROPERTY — Includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

**§ 137-4. Unlawful practices.**

A. In connection with any of the transactions set forth in this section which affect any housing accommodation and the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful within the Village of Wilton:

(1) For a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

(a) Refuse to sell, purchase, rent or lease or deny to or withhold any housing accommodation from a person because of his sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry or any act that is unlawful under this chapter;

(b) Discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation or in the furnishing of facilities or services in connection therewith;

(c) Refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry or any act that is unlawful under this chapter;

(d) Refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry or any act that is unlawful under this chapter;

(e) Represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available or to refuse to permit a person to inspect any housing accommodations because of his sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry or any act that is unlawful under this chapter;

(f) Make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing or any housing accommodation or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation which indicates any discrimination or any intent to make a discrimination;

(g) Offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease or in the furnishing of facilities or services in connection therewith;

(h) Induce directly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry, or any act that is unlawful under this chapter, in the area to be affected by such sale, purchase, rental or lease will or may result in either:

[1] The lowering of property values in the area;

[2] An increase in criminal or antisocial behavior in the area; or

[3] A decline in the quality of schools serving the area;

(i) Otherwise deny to or withhold any housing accommodation from a person because of his sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry or any act that is unlawful under this chapter; or

(j) Deny any qualified person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership or participation on account of sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry or any act that is unlawful under this chapter.

(2) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loans or other financial assistance because of the sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry, or any act that is unlawful under this chapter, of such person or of any person associated

with him in connection with such loan or other financial assistance or the purposes for which such loan or other financial assistance is to be made or given.

B. With respect to rental of housing accommodations or rentals, nothing contained herein shall prevent landlords from using references, security deposits or credit checks or making decisions whether to rent or not based on likelihood of whether the prospective tenants will pay the rent and properly care for and make repairs to the premises. Landlords must not require information concerning race, color, physical condition, developmental disability or creed.

## § 137-5. Exemptions.

This chapter shall not apply to:

A. A religious organization, association or society or any nonprofit institution or organization operating, supervised or controlled by or in conjunction with a religious organization, association or society which limits the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex or national origin.

B. A private club not in fact open to the public which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

C. Any single-family house or duplex sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses or duplex houses at any one time, provided further that in the case of the sale of any such single-family house or duplex by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four-month period, provided further that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time, 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:

(1) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman of such facilities or dwelling or of any employee or agent of any such broker, agent, salesman, or person; and

(2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provision of 42 U.S.C. § 3604(c) or of § 137-4 of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer the title.

D. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

### § 137-6. Complaint procedure.

Any person aggrieved by an unlawful practice prohibited by this chapter may file a complaint with the Clerk-Treasurer of the Village of Wilton within 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 occurred. The Clerk-Treasurer shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties in compliance with this chapter shall cause the Clerk-Treasurer for the Village of Wilton to forward the complaint and his findings to appropriate county, state and federal officials, including advising the person aggrieved of § 106.50, Wis. Stats.

### § 137-7. Other remedies.

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency.

### § 137-8. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

### § 137-9. Conflicting ordinances.

This chapter shall take precedence over any conflicting village ordinance, resolution and law in effect that tend to abrogate any covenants declared herein.

### § 137-10. Intent.

The intent of this chapter is to remove any question of the affirmative action of the Village of Wilton, Wisconsin, concerning the right of all persons to have equal opportunities for housing regardless of their sex, race, color, physical condition, disability as defined in § 106.04(1m)(g), Wis. Stats., sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, marital status, family status as defined in § 106.04(1m)(k), Wis. Stats., lawful source of income, age or ancestry as of the effective date.

# Chapter 142

# FIREARMS AND WEAPONS

§ 142-1. Discharging firearms.
§ 142-2. Carrying dangerous weapons.
§ 142-3. Use of slingshot, bow and arrow or paintball gun.
§ 142-4. Violations and penalties.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 12.01(A), (B) and (C) and 12.07 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Parks and public grounds — See Ch. 205. Peace and good order — See Ch. 209.

## § 142-1. Discharging firearms.

No person shall fire or discharge any cannon, gun, pistol, air or spring gun or any firearms of any description without having first obtained written permission from the Chief of Police, which permission shall limit the time and fix the place of such shooting and shall be subject to be revoked at any time after the same may have been granted, except that this section shall not be construed to prohibit the discharge of firearms by the Sheriff or any of his deputies, the Chief of Police or any of his subordinates or any public officer when required and made necessary in the performance of any duty imposed by law.

## § 142-2. Carrying dangerous weapons.

It shall be unlawful for any person, other than a policeman or other officer authorized to maintain the peace and to serve process, to carry or wear any pistol, slingshot, knuckles, bowie or switchblade knife, dirk or other dangerous weapon. In all cases of conviction hereunder, any and all dangerous weapons found on the person of the convicted shall be confiscated and become the property of the village and may be destroyed by order of the court.

## § 142-3. Use of slingshot, bow and arrow or paintball gun.[1]

It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow or paintball gun within 600 feet of any inhabited dwelling or building or any public park, square or enclosure; provided, however, that upon application made in writing to the Chief of Police a person may be granted permission by the Chief of Police to construct and maintain approved archery ranges if in the opinion of the Chief of Police the construction of such ranges will in nowise endanger the public health and safety.

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 142-4. Violations and penalties.**

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 145

# FIREWORKS

§ 145-1. Sale and discharge restricted. § 145-2. Violations and penalties.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 12.01(E) and 12.07 of the 1987 Code. Amendments noted where applicable.]**

## § 145-1. Sale and discharge restricted.

A. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks, except toy pistol caps, sparklers and toy snakes, within the limits of the village, unless he shall be authorized by a fireworks permit issued by the Village Board. The term "fireworks," as used in this chapter, shall be defined as provided in § 167.10(1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.[1]

B. Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities.

## § 145-2. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

# Chapter 150

# FLOODPLAIN ZONING


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**[HISTORY: Adopted by the Village Board of the Village of Wilton 1-11-2010.[1] Amendments noted where applicable.]**

GENERAL REFERENCES

**Building construction and fire prevention — See Ch. 97.**
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ARTICLE I
**Statutory Authorization; Findings of Fact; Purpose; Title; General Provisions**

## § 150-1. Statutory authorization.

This chapter is adopted pursuant to the authorization in §§ 61.35 and 62.23, Wis. Stats., for villages and cities; §§ 59.69, 59.692, and 59.694, Wis. Stats., for counties; and the requirements in § 87.30, Wis. Stats.

## § 150-2. Findings 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.

## § 150-3. 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

1. **Editor's Note: This ordinance also superseded former Ch. 150, Floodplain Zoning, adopted 4-29-1996, as amended.**

I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

### § 150-4. Title.

This chapter shall be known as the "Floodplain Zoning Ordinance for the Village of Wilton, Wisconsin."

### § 150-5. General provisions.

A. Areas to be regulated. **[Amended 10-14-2019]**

(1) 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 DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as SE, 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. **[Amended 10-14-2019]**

(1) 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, Amendments) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the Village Hall, Wilton, WI. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) Official maps: based on the FIS.

(a) Flood Insurance Rate Map (FIRM), Panel Nos. 55081C0533D, 55081C0534D, 55081C0541D, 55081C0542D, dated January 20, 2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated December 6, 2019, volumes 55081CV001B and 55081CV002B; approved by the DNR and FEMA.

C. Establishment of districts. The regional floodplain areas are divided into three districts as follows: **[Amended 10-14-2019]**

(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 Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as SE 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. **[Amended 10-14-2019]**

(1) Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in Subsection D(1)(a) or (b) 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 § 150-25C and the criteria in Subsection D(1)(a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Article VIII, Amendments.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

E. Removal of lands from floodplain.

(1) Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article VIII.

(2) Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).

F. Compliance. Any development 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 § 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 § 30.2022, Wis. Stats., applies.

H. Abrogation and greater restrictions.

(1) This chapter supersedes all the provisions of any municipal zoning ordinance enacted under §§ 59.69, 59.692 or 59.694, Wis. Stats., for counties; § 62.23, Wis. Stats., for cities; § 61.35, Wis. Stats., for village; or § 87.30, Wis. Stats., which relate to floodplains. If another 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.

(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. Adm. 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 scientific 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 nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this chapter 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 Monroe County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code, and the 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 location of the floodway.

M. General development standards. 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 or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals

(including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter and all other requirements in § 150-24B. 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. **[Amended 10-14-2019]**

## ARTICLE II
## General Standards Applicable to All Floodplain Districts

### § 150-6. Hydraulic and hydrologic analyses. [Amended 10-14-2019]

A. Except as allowed in Subsection C 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 regional flood heights, based on the officially adopted FIRM or other adopted map, unless the provisions of Article VIII.

### § 150-7. Watercourse alterations. [Amended 10-14-2019]

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 § 150-6 must be met and the flood-carrying capacity of any altered or relocated watercourse shall be maintained.

B. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to Article VIII, the Zoning Administrator 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.

### § 150-8. Chapters 30 and 31, Wis. Stats., development. [Amended 10-14-2019]

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, Amendments.

## § 150-9. 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 elevation of the campground is 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. **[Amended 10-14-2019]**

G. The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.

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 either Article III or Article VI 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.

L. All service facilities, including but not limited to refuse collection, electrical service, natural 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)**

## § 150-10. Applicability.

This article applies to all floodway areas on the floodplain zoning maps and those identified pursuant to § 150-20.

## § 150-11. Permitted uses.

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District if they are not prohibited by any other ordinance; they meet the standards in §§ 150-12 and 150-13; and all permits or certificates have been issued according to § 150-24:

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, 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 § 150-12D.

D. Uses or structures accessory to open space uses, or classified as historic structures that comply with §§ 150-12 and 150-13.

E. Extraction of sand, gravel or other materials that comply with § 150-12D.

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 that comply with § 150-12C.

## § 150-12. Standards for development in floodway areas.

A. General.

(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 §§ 150-6 and 150-24B(3): **[Amended 10-14-2019]**

(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 flood elevations upstream or downstream, based on the data submitted for Subsection A(2) above. **[Amended 10-14-2019]**

B. Structures. Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria: **[Amended 10-14-2019]**

(1) The structure is not designed for human habitation and does not have a high flood damage potential and is constructed to minimize flood damage;

(2) It must be anchored to resist flotation, collapse, and lateral movement;

(3) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(4) It must not obstruct flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

(5) Shall either have the lowest floor elevated to or above the flood protection elevation shall meet all the following standards:

(a) Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

(b) Have structural components capable of meeting all provisions of § 150-12B(7).

(6) For a structure designed to allow the automatic entry of floodwaters below the regional flood elevation, the applicant shall submit a plan that meets or exceeds the following standards:

(a) The lowest floor must be elevated to or above the flood protection elevation;

(b) 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;

(c) The bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.

(7) Certification. Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

(a) Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;

(b) Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provision in § 150-13D. and E;

(c) Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;

(d) Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and

(e) Placement of utilities above the flood protection elevation.

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 § 150-6.

D. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit, if:

(1) The requirements of § 150-6 are met;

(2) No material is deposited in the 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. 1344, has been issued, if applicable, and the other requirements of this section are met; **[Amended 10-14-2019]**

(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.

**§ 150-13. Prohibited uses.**

All uses not listed as permitted uses in § 150-11 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. Adm. Code; **[Amended 10-8-2012]**

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. Adm. Code;

F. Any solid or hazardous waste disposal sites;

G. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;

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
## Floodfringe District (FF)

### § 150-14. Applicability.

This article applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to § 150-20.

### § 150-15. Permitted uses.

Any structure, land use, or development is allowed in the Floodfringe District if the standards in § 150-16 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in § 150-24 have been issued.

### § 150-16. Standards for development in floodfringe areas. [Amended 10-8-2012; 10-14-2019]

Section 150-6 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article VI, Nonconforming Uses:

A. Residential uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Article VI, Nonconforming Uses:

(1) Residential Uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Article VI;

(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 dry land 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 access roads are at or below the regional flood elevation, if:

(a) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

(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 floodfringe area shall meet the requirements of § 150-16A. Subject to the requirements of § 150-16E, 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 which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, flood walls, or other floodproofing measures in § 150-28. Subject to the requirements of § 150-16E, 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 § 150-28. 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, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with § 150-28 to the flood protection elevation;

(2) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to 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 § 150-28C, to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code

H. Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system pursuant to § 150-28C, to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.

I. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

J. Deposition of 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 to minimize flood damage, 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 floodfringe in § 150-16A(1).

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 § 150-16K(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)
## [Amended 10-14-2019]

### § 150-17. Applicability.

The provisions for this district shall apply to all floodplains mapped as A, AO, or AH Zones.

### § 150-18. Permitted uses.

A. Pursuant to § 150-20, it shall be determined whether the proposed use is located within a floodway or floodfringe district.

B. Those uses permitted in floodway (§ 150-11) and floodfringe districts (§ 150-15) are allowed within the General Floodplain District, according to the standards of § 150-19, provided that all permits or certificates required under § 150-24 have been issued.

### § 150-19. Standards for development in General Floodplain District.

Article III applies to floodway areas, Article IV applies to floodfringe 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 a shown on the FIRM.

B. In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

### § 150-20. Determining floodway and floodfringe 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) 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;

(2) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities;

(3) A hydrologic and hydraulic study as specified in § 150-24B(3).

## ARTICLE VI
## Nonconforming Uses

### § 150-21. General.

A. Applicability. This Wis. Stats., and ch. NR 116.15 Wis Adm. Code and 44 CFR 59-72 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. **[Amended 10-14-2019]**

B. The existing lawful use of a structure 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; **[Amended 10-14-2019]**

(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 the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter;

(3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(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 § 150-16A. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection. **[Amended 10-14-2019]**

(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 value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 150-16A(1). **[Added 10-14-2019[2]]**

(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

2. **Editor's Note: This ordinance also renumbered former Subsection B(5) and (6) as B(7) and (8), respectively.**

requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 150-16A(1). **[Added 10-14-2019]**

(7) Destruction or substantial damage to nonconforming use. **[Amended 10-14-2019]**

(a) Except as provided in Subsection B(7)(b), 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 predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.

(b) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

[1] Residential structures:

[a] Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of § 150-28B.

[b] Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

[c] Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

[d] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

[e] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 150-19A.

[f] In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

[2] Nonresidential structures:

[a] Shall meet the requirements of § 150-21B(7)[b][1][a] through [f].

[b] Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in § 150-28A or B.

[c] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 150-19A.

(8) 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 § 150-12A, flood-resistant materials are used, and construction practices and floodproofing methods that comply with § 150-28 are used. Repairs or rehabilitation of historic structures shall be exempt from the development standards of § 150-21B(7)(b)[1]. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure. **[Amended 10-14-2019]**

## § 150-22. Floodway District. [Amended 10-8-2012; 10-14-2019]

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 of § 150-21;

(3) Will not increase the obstruction to flood flows or regional flood height;

(4) Any addition to the existing structure shall be floodproofed, pursuant to § 150-28, 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 and § 150-28C, Ch. SPS 383, Wis. Adm. 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 and Chs. NR 811 and NR 812, Wis. Adm. Code.

## § 150-23. Floodfringe District. [Amended 10-8-2012; 10-14-2019]

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 the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in § 150-16, except where § 150-23B is applicable.

B. Where compliance with the provisions of Subsection 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 § 150-25, may grant a variance from those provisions of Subsection A for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

(1) No floor is allowed below the regional flood elevation for residential or commercial structures;

(2) Human lives are not endangered;

(3) Public facilities, such as water or sewer, will not be installed;

(4) Flood depths will not exceed two 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 § 150-16E.

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, § 150-28C and Ch. SPS 383, Wis. Adm. Code.

D. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter, § 150-28C and Chs. NR 811 and NR 812, Wis. Adm. Code.

ARTICLE VII
**Administration**

Where a Zoning Administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under §§ 59.69, 59.692 or 62.23(7), Wis. Stats., these officials shall also administer this chapter.

### § 150-24. Zoning Administrator.

A. The Zoning Administrator is authorized to administer this chapter and shall have the following duties and powers:

(1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(2) Issue permits and inspect properties for compliance with provisions of this chapter, and issue certificates of compliance where appropriate.

(3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the 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. **[Amended 10-14-2019]**

(c) Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

(d) All substantial damage assessment reports for floodplain structures.

(e) Floodproofing certificates. **[Added 10-14-2019]**

(f) List of nonconforming structures and uses. **[Added 10-14-2019]**

(5) Submit copies of the following items to the Department Regional office:

(a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

(b) Copies of any case-by-case analyses, and any other information required by the Department, including an annual summary of the number and types of floodplain zoning actions taken.

(c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(6) Investigate, prepare reports, and report violations of this chapter to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(7) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

B. Land use permit. A land use permit shall be obtained before any new development or any structural repair 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. A site plan drawn to scale 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 high water mark of any abutting navigable waterways;

(c) Location of any structures 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 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 Article IV are met; and

(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 § 150-6. This may include any of the information noted in § 150-12A.

(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. **[Amended 10-14-2019]**

(a) Zone A floodplains.

[1] Hydrology. The appropriate method shall be based on the standards in Ch NR 116.07(3), Wis Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[2] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

[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 the standard accepted engineering practices.

[i] The model must extend pas the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

[3] Mapping. A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on the 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 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.

[1] 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.

[2] Hydraulic model. The regional flood elevation shall be based on the standards in Ch. NR 116.06(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 the 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-project conditions) model. The revised (post-project conditions) model shall incorporate the existing model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

[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 topwidths 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.

[3] 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 1% and 0.2% 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 centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(4) Expiration. All permits issued under the authority of this chapter shall expire 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. **[Amended 10-14-2019]**

C. Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

(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 floodproofing measures meet the requirements of § 150-28. **[Amended 10-14-2019]**

D. Other permits. Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344. **[Amended 10-14-2019]**

## § 150-25. Zoning agency. [Amended 10-14-2019]

A. The Wilton Village Board 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. The Wilton Village Board shall not:

(1) Grant variances to the terms of the 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.

## § 150-26. Board of Adjustment/Appeals. [Added 10-14-2019[3]]

The Village Board, created under § 59.694, Wis. Stats., for counties or § 62.23(7)(e), Wis. Stats., for cities or villages, 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

3. **Editor's Note: This ordinance also renumbered former §§ 150-26 through 150-32 as §§ 150-27 through 150-33, respectively.**

adopt rules for the conduct of business. The Zoning Administrator may not be the Secretary of the Board.

A. Powers and duties. The Village Board shall:

(1) Appeals: hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this 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 ordinance 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 officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

(2) Notice and hearing for appeals, including variances.

(a) Notice. The Board shall:

[1] Fix a reasonable time for the hearing;

[2] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;

[3] 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:

[1] Resolve boundary disputes according to § 150-26C.

[2] Decide variance applications according to § 150-26D.

[3] Decide appeals of permit denials according to § 150-27.

(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;

(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) In all cases, the person contesting the boundary location 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 the 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 the ordinance provisions 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 § 150-3.

(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 may 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;

(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.

(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 flood insurance premiums and 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 record.

**§ 150-27. Appeals of permit denials.**

A. The Village Board, § 150-25, shall review all data related to the appeal. This may include: **[Amended 10-14-2019]**

(1) Permit application data listed in § 150-24B.

(2) Floodway/floodfringe determination data in § 150-20.

(3) Data listed in § 150-12A(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 § 150-26; **[Amended 10-14-2019]**

(2) Either uphold the denial or grant the appeal.

C. For appeals concerning increases in regional flood elevation, the Board shall: **[Amended 10-14-2019]**

(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.

**§ 150-28. Floodproofing standards for nonconforming structures or uses. [Amended 10-14-2019]**

A. No permit or variance shall be issued for a nonresidental 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) Meets or exceeds the following standards:

(a) A minimum of two openings have 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 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.

**§ 150-29. 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. All real estate transfers should show what floodplain zoning district any real property is in.

ARTICLE VIII

**Amendments**

**[Amended 10-14-2019[4]]**

**§ 150-30. Amendments.**

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 § 150-31.

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 § 150-31. 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 received 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 § 150-31.

**§ 150-31. General.**

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlines in § 105-32 below. Actions which require an amendment to the 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 § 150-5B(2);

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 NR 116.05, Wis Adm. 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 floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

4. **Editor's Note: This ordinance also renumbered former §§ 150-30 through 150-33 as §§ 150-31 through 150-34, respectively.**

### § 150-32. Procedures. [Amended 10-14-2019]

Ordinance amendments may be made upon petition of any interested party according to the provisions of § 62.23, Wis. Stats., for cities and villages, or § 59.69, Wis. Stats., for counties. Such petitions shall include all necessary data required by §§ 150-20 and 150-24B. 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 § 62.23, Wis. Stats., for cities and villages, or § 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 and Penalties
## [Amended 10-14-2019]

### § 150-33. 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 to the municipality a penalty of 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 § 87.30, Wis. Stats.

## ARTICLE X
## Definitions

### § 150-34. Terms defined; word usage.

Unless specifically defined, words and phrases in this chapter shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary.

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.

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.

AH ZONE — See "area of shallow flooding." **[Added 10-14-2019]**

AO ZONE — See "area of shallow flooding." **[Added 10-14-2019]**

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. **[Added 10-14-2019]**

AREA OF SHALLOW FLOODING — A designated AO, AH, AR/AO, AR/AH, or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a 1% 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. **[Added 10-14-2019]**

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 § 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, tent that is fully licensed, if required and ready for highway use. **[Amended 10-14-2019]**

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.

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. **[Added 10-14-2019]**

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, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

LAND USE — Any nonstructural use made of unimproved or improved real estate. (Also see "development")

LOWEST ADJACENT GRADE — Elevation of the lowest ground surface that touches any of the exterior walls of a building. **[Added 10-14-2019]**

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 nonelevation design requirements of 44 CFR 60.3. **[Added 10-14-2019]**

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 structures. **[Added 10-14-2019]**

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/MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale. **[Added 10-14-2019]**

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. **[Added 10-14-2019]**

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. **[Added 10-14-2019]**

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."

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. **[Added 10-14-2019]**

MODEL, DUPLICATE EFFECTIVE — A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model. **[Added 10-14-2019]**

MODEL, EFFECTIVE — The hydraulic engineering model that was used to produce the current effective Flood Insurance Study. **[Added 10-14-2019]**

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. **[Added 10-14-2019]**

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. **[Added 10-14-2019]**

MUNICIPALITY or MUNICIPAL — The county, city or village governmental units enacting, administering and enforcing this Floodplain Zoning Ordinance.

NAVD or NORTH AMERICAN VERTICAL DATUM — Elevations referenced to mean sea level datum, 1988 adjustment.

NEW CONSTRUCTION — For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NGVD or NATIONAL GEODETIC VERTICAL DATUM — 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 which it occupies. (For example, an existing residential structure in the Floodfringe District is a conforming use. 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 which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies (such as a residence in the floodway.)

OBSTRUCTION TO FLOW — Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP — That map, adopted and made part of this chapter, as described in § 150-5B, 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 HIGH WATER 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 Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. **[Amended 10-8-2012]**

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 special flood hazard area 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 § 236.02(12), Wis. Stats.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its predamaged 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 building or structure, the cost of which equals or exceeds 50% of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary

to assure safe living conditions; or any alteration of a historic structure provided that the alternation will not preclude the structure's continued designation as a historic structure. **[Added 10-14-2019]**

UNNECESSARY HARDSHIP — Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the chapter.

VARIANCE — An authorization by the Village Board 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.

WATERSHED — The entire region contributing runoff or surface water to a watercourse or body of water.

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.

WELL — An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

ZONING ADMINISTRATOR — The officer, board or committee of the Village designated by the Village Board to administer the provisions of this chapter.

# Chapter 154

# GARAGES AND ACCESSORY BUILDINGS


§ 154-1. Definitions; conformance.
§ 154-2. Locations.
§ 154-3. Area.
§ 154-4. Foundations and footings.
§ 154-5. Floor surface.
§ 154-6. Construction.
§ 154-7. Attached private garages.
§ 154-8. Garage heating.
§ 154-9. Electrical.
§ 154-10. Building setbacks.
§ 154-11. Inspections.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 6-14-2004. Amendments noted where applicable.]**

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 97. Uniform dwelling code — See Ch. 131.

## § 154-1. Definitions; conformance.

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

ATTACHED PRIVATE GARAGE — A private garage attached directly to the principal building or attached by means of an enclosed or open breezeway, porch, terrace or vestibule, or a private garage so constructed as to form an integrate part of the principal building.

DETACHED PRIVATE GARAGE — A private garage entirely separated from the principal building.

B. Accessory buildings shall conform to all requirements of this chapter.

## § 154-2. Locations.

Detached garages shall be governed by the following:

A. Garages of wood frame construction shall be located not less than 10 feet from any residence building, except that such distance may be reduced to not less than five feet when the adjacent wall is protected as required for attached garages.

B. Garages of masonry wall construction shall not be located less than five feet from any residence building.

## § 154-3. Area.

All private detached garages shall be governed by the following:

A. Masonry bearing wall, 1,200 square feet, maximum.

B. Metal frame construction, 900 square feet, maximum.

C. Wood frame construction, 900 square feet, maximum.

D. Wood frame construction, 1,200 square feet, on parcels of 40,000 square feet or more.

### § 154-4. Foundations and footings.

Attached private garages shall be provided with the same style footings and foundations as required herein for the principal building. Concrete floors shall be not less than four inches in thickness with a minimum two-inch gravel base. Detached private garages may be built with a continuous floating slab of reinforced concrete not less than four inches in thickness with a minimum two-inch gravel base. Reinforcement shall be a minimum of six-by-six inch, number ten wire mesh. The slab shall be provided with a thickened edge all around, 12 inches wide and eight inches below the top of the slab. Exterior wall curbs shall be provided not less than four inches about the finished ground grade adjacent to the garage. Bolts 3/8 inch in diameter, with nuts and washers attached, six inches long shall be embedded three inches in the concrete curb of detached garages, eight feet on centers.

### § 154-5. Floor surface.

The floor in all private garages shall be of concrete construction and sloped toward the exterior garage door or opening. No openings or pits in the floor shall be permitted, except for drainage.

### § 154-6. Construction.

Private garages shall be constructed as follows (see Subsection B for detached garages):

A. Load-bearing foundation walls and partitions shall be constructed as herein regulated except as stated above.

B. Detached private garages of wood frame construction shall be constructed with the following requirements.

(1) Studs may have a maximum spacing of 24 inches on centers.

(2) Diagonal corner bracing may be applied on the inside surface of studs.

(3) Corner posts may consist of two two-by-four-inch studs or a single four-by-four-inch stud.

(4) Horizontal bracing and collar beams may be two-by-six-inch with a maximum spacing of four foot on centers.

### § 154-7. Attached private garages.

Private garages may be attached to or made part of residence buildings when in compliance with the following regulations:

A. Separation from dwelling areas. Attached garages shall be separated from the dwelling unit by at least:

(1) Two inch brick or stone veneer.

(2) Metal lath or perforated rock lath and ¾ inch of plaster.

(3) Five-eighths inch of vermiculite plaster board.

(4) Five-eights inch fire code gypsum plaster board.

B. An attached private garage may have a door connecting directly into the principal building. Such door shall be a metal or solid wood door not less than 1¾ inches in thickness. A maximum 100 square inches of ¼ inch stationary wire glass window may be permitted in such door.

### § 154-8. Garage heating.

All open flame equipment shall be effectively separated by not less than one-hour fire-resistive wall, floor or ceiling; however, suspended furnaces or direct fired units that are fired with a liquid fuel or gas may be used without an enclosure, provided that they are located at least seven feet above the floor and at least six inches from any combustible wall or ceiling. All units shall be supported by noncombustible brackets or hangers.

### § 154-9. Electrical.

All electrical must be in compliance with the National Electric Codes.

### § 154-10. Building setbacks.

Garages and accessory buildings shall be located three feet off lot lines/right-of-way for individual property setbacks.

### § 154-11. Inspections.

A. Slab. When forms, gravel and reinforcing are installed, but prior to pouring concrete.

B. Rough/final. When building framing is complete, but prior to any interior wall finish.

# Chapter 160

# HEALTH AND SANITATION


§ 160-1. Restaurants.

§ 160-2. Grocery stores and meat markets.

§ 160-3. Meat inspection.

§ 160-4. Right of entry.

§ 160-5. Violations and penalties.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 10.09, 10.10, 10.11, 10.13 and 10.17 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Nuisances — See Ch. 198.

## § 160-1. Restaurants.

A. Definition. The term "restaurant," as used in this section, shall mean any place, kitchen or conveyance where meals or lunches are prepared for sale, sold or served to transients or the general public.

B. General sanitation. All restaurant premises shall be kept clean and free of litter or rubbish. All garbage and rubbish shall be kept in suitable, airtight containers so as not to become a nuisance and shall be disposed of daily in a sanitary manner. No living or sleeping room, urinal, water closet, ash pit or coal bin shall connect directly with any room used for preparation, storing or serving of food. Between May 1 and October 1, all doors, windows and apertures shall be effectively screened, and doors shall be self-closing to prevent the entrance of flies. All equipment shall be kept clean and free from dust, dirt, insects and other contaminating material.

C. Cleanliness and health of employees.

(1) Clothing and conduct. All restaurant employees or workers shall wear clean clothing and hair nets or caps and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees or workers shall not expectorate or use tobacco in any form in any area in which food is prepared.

(2) Disease. No person infected with any disease in a communicable form or who is a carrier of any contagious disease shall work in any restaurant, and no restaurant owner or operator shall employ any such person to work in any restaurant.

D. Water supply and plumbing. In every restaurant adequate safe water under pressure shall be convenient and available in any room where food is prepared or utensils washed.

Private water supplies shall be tested for purity. Plumbing shall be so designed, installed and maintained to prevent contamination of the water supply, food, drink or equipment.[1]

E. Cleansing of utensils and equipment. In order to ensure proper cleansing and disinfection of glasses, cups, dishes and other eating utensils in restaurants, they shall be thoroughly washed and sanitized after each use by one of the methods described in Section H 96.06 of the Wisconsin Administrative Code, which is incorporated in this section by reference as if fully set forth herein. Glasses or utensils may be chilled in cold running water or dry cold chests but shall not be chilled in a stationary container of cold or ice water.

F. Responsibility for compliance. It shall be the duty of the restaurant owner or operator to comply with the provisions of this section. Restaurant employees and workers shall also be personally responsible for compliance with Subsection C of this section.

## § 160-2. Grocery stores and meat markets.[2]

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

## § 160-3. Meat inspection.[3]

No person shall sell, have, keep or expose for sale for human consumption the flesh or meat food products of any cow, calf, sheep, swine, horse or goat in the village unless the same shall have been slaughtered, inspected or prepared under the supervision of a United States government inspector or in accordance with the regulation governing the inspection of meat as prescribed by the United States Department of Agriculture. The Village Board may authorize the sale of meat or meat food products which have been slaughtered, inspected or prepared in accordance with prescribed standards substantially similar to the above regulations of the United States Department of Agriculture.

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

3 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

### § 160-4. Right of entry.[4]

The Village Board shall have the right to enter and examine any public premises or any place where meat, fish, poultry, game, milk, bakery goods or other foodstuffs are stored, prepared or dispensed for public consumption and to inspect or examine any vehicle transporting such foodstuffs for the purpose of enforcing the provisions of this chapter. No person shall hinder, obstruct or prevent the Village Board from entering or carrying out his examination of premises or vehicles.

### § 160-5. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

A. Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

B. Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Village Board after allowing the licensee or permittee a hearing on notice.

C. Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

D. Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

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[4] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

# Chapter 167

# INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES


ARTICLE I
**Licensing**

**§ 167-1. State statutes adopted.**
**§ 167-2. License, permit or authorization required.**
**§ 167-3. Classes of licenses; fees.**
**§ 167-4. License application.**
**§ 167-5. License restrictions.**
**§ 167-6. Form and expiration of licenses.**
**§ 167-7. Transfer of licenses.**
**§ 167-8. Posting and care of license or permit.**
**§ 167-9. Regulation of licensed premises and licensee.**
**§ 167-10. Closing hours.**
**§ 167-11. Revocation and suspension of license.**
**§ 167-12. Nonrenewal of license.**
**§ 167-13. Violations by agents and employees.**
**§ 167-14. Dancing on licensed premises.**
**§ 167-15. Enforcement; violations and penalties.**

ARTICLE II
**Beer Gardens**

**§ 167-16. Permit for beer garden.**
**§ 167-17. Limitations on issuance of beer garden permits.**
**§ 167-18. Adjoining property owners to be notified of pendency of applications.**
**§ 167-19. State statutes enforced within beer garden.**


**[HISTORY: Adopted by the Village Board of the Village of Wilton as indicated in article histories. Amendments noted where applicable.]**

GENERAL REFERENCES

Nuisances — See Ch. 198.

Parks and public grounds — See Ch. 205.

## ARTICLE I
## Licensing
**[Adopted 2-2-1987 as Secs. 11.01 and 11.17 of the 1987 Code]**

### § 167-1. State statutes adopted.

The provisions of Chapter 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this article by reference. A violation of any of such provisions shall constitute a violation of this article. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this article.

### § 167-2. License, permit or authorization required.

A. When required. No person, except as provided by § 125.06, Wis. Stats., shall, within the Village of Wilton, serve, sell, manufacture, rectify, brew or engage in any other activity for which this article or Chapter 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this article. See § 125.04(1), Wis. Stats.

B. Separate license required for each place of sale. Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication with each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. See § 125.04(9), Wis. Stats.

### § 167-3. Classes of licenses; fees.

The following classes and denominations of licenses may be issued by the Village Clerk-Treasurer under the authority of the Board after payment of the fee as set from time to time by the Village Board,[1] which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in §§ 125.17, 125.25, 125.26, 125.28 and 125.51, Wis. Stats. Except as otherwise provided in this article, the full license fee shall be charged for the whole or fraction of any year.

A. Class "A" fermented malt beverage retailer's license. See § 125.25, Wis. Stats.

B. Class "B" fermented malt beverage retailer's license. See § 125.26, Wis. Stats.

(1) Six-month license. A license may be issued at any time for six months in any calendar year, for which 3/4 of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.

(2) Picnic.

C. Wholesaler's fermented malt beverage license. See § 125.28, Wis. Stats.

D. Retail "Class A" liquor license. See § 125.51(2), Wis. Stats.

E. Retail "Class B" liquor license. (A retail "Class B" liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the licensed premises.) Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises. See § 125.51(3), Wis. Stats.

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

1. **Editor's Note: See Ch. A282, Fees.**

Village of Wilton

THE HEART OF THE ELROY SPARTA BIKE TRAIL

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# MINUTES OF MEETING Village of Wilton Board (Regular) Monday, June 13, 2022

**Call to Order/Roll Call**

- The Village of Wilton met for a regular Board Meeting June 13, 2022, at the Village Office. Village President Timothy Welch called the meeting to order at 7:00 pm. Members present were Eli Yoder, Roger Wilchinski, Jamie Evans, Sid Thayer, Ed Wilde, Dan Flock.
- Public Comments – Doug Rogalla Introduced himself to the Board.
- Steve Laufenberg updated the board on the outcome of community clean up.
- Village President Tim Welch gave the President's Report Thanking Randy & Lynn Evans for donating their bus services for the WiltonFest 5k Turkey Trot, Rick Gruen for coordinating the 5k and donating 20lbs of Hamburger to the WiltonFest concessions. Also, a thank you to Jeff Vonhaden for advising on the ballfield PA system.

**CONSENT AGENDA**

- Motion by Wilde, 2nd by Evans to approve the the items on the Consent Agenda. Motion carried by voice vote.

**2 Year Operators License Terms.**

- Motion by Wilchinski, 2nd by Flock to approve 2-year Operator License Terms Motion Carried by voice vote 7-0

**TEC Change order**

- Motion by Yoder, 2nd by Evans to approve the TEC change order. Motion carried by voice vote 7-0

**TEC Pay request**

- Motion by Yoder, 2nd by Wilde to approve the TEC pay request in the amount of $72,871.11. Motion carried by voice vote 7-0

**Building Inspector**

- Motion By Thayer, 2nd by Wilde to approve signing with General Engineering for Building Inspector Services. Motion carried by Voice vote 7-0.

**Softball Field**

- Motion By Wilchinski, 2nd by Evans to suggest to Norwalk Ontario Wilton School District that we wait a year on their request to build a softball field in Wilton due to timing and availability of resources and make current field available to them until new field is constructed Motion carried by voice vote 7-0.

**CIGARETTE AND TOBACCO PRODUCTS RETAIL LICENSE RENEWALS**

- Motion by Yoder second by Evans to approve the following Tobacco License renewals
  a. UNITE COOP D/B/A FASTRIP
  b. U-BUY TRUST D/B/A MAIN STREET MARKET-405 MAIN STREET, WILTON, WI 54670, – JOLEEN REVELS-AGENT
  c. DOLENCORP LLC. D/B/A DOLLAR GENERAL STORE 22629, 401 S. WATER STREET-WILTON, AMY OLSON-AGENT

Motion carried by voice vote 7-0.

**COMBINATION CLASS "A"/"CLASS A" LICENSE FOR THE SALE OF FERMENTED MALT BEVERAGE AND INTOXICATING LIQUORS**

- Motion by Yoder, 2nd by Thayer to approve the above license for:
  1. U-BUY TRUST, D/B/A MAIN STREET MARKET, 405 MAIN STREET, WILTON, WI 54670, JOLEEN REVELS, AGENT.

2. DOLENCORP LLC. D/B/A DOLLAR GENERAL STORE 22629, 401 S. WATER STREET-WILTON, AMY OLSON-AGENT
3. UNITED COOPERATIVE D/B/A WILTON FASTRIP - 1000 WALKER STREET- WILTON JESSE THORSON-AGENT

Motion carried by voice vote 7-0.

**COMBINATION CLASS "B"/"CLASS B" LICENSE FOR THE SALE OF FERMENTED MALT BEVERAGE AND INTOXICATING LIQUORS:**

- Motion by Wilde, 2nd by Evans, Yoder Obtains to approve the above license for:
  1. HANSON, STARK LEITH PAETH POST 508 OF THE AMERICAN LEGION DEPARTMENT OF WISCONSIN, 508 WALKER STREET, WILTON, WI 54670, DAVID P. DECHANT - AGENT
  2. JVVONH, LLC- D/B/A HITCHIN' POST, JEFFERY J. VONHADEN, AGENT-412 MAIN STREET-WILTON, WI 54670;
  3. WILTON LEASING, LLC. 400 MAIN STREET – WILTON ELY YODER-AGENT
  4. WILTON PROPERTIES, LLC. 504 MAIN STREET – WILTON, DAN BUCHHOLZ-AGENT

Motion carried by voice vote 6-0.

**BEER GARDEN LICENSE RENEWAL**

- Motion by Evans, 2nd by Thayer, to approve the above license for:
  1. –JVVONH, D/B/A HITCHIN' POST – JEFFERY VONHADEN-AGENT

Contingent upon compliance of Village Ordinance 167-17(f), Motion carried by voice vote 6-0
Evans – Aye, Wilchinski-Aye, Flock-Nay, Welch-Aye, Wilde-Aye, Thayer-Aye, Yoder -Aye

**MECHANICAL DEVICES LICENSE RENEWAL**

- Motion by Wilde, 2nd by Thayer to approve the above Licenses for the following:
  2. JVVONH, D/B/A HITCHIN' POST – JEFFERY VONHADEN-AGENT

Motion carried by voice vote 7-0

**MOBILE HOME LICENSE RENEWAL**

- Motion by Thayer, 2nd by Wilde to approve the above license for:
  1. FOR DANILO D. PEREZ Y PEREZ – 1007 WATER STREET WILTON, WI 54670 (4 MOBILE HOMES)

**CABARET LICENSE RENEWALS**

- Motion by Yoder, 2nd by Evans to approve the above License for:
  1. JVVONH, D/B/A HITCHIN' POST – JEFFERY VONHADEN-AGENT
  2. HANSON, STARK, LEITH PAETH, AMERICAN LEGION POST 508 – DAVID DECHANT – AGENT

Motion carried by voice vote 7-0.

**Closed Session**

- Motion by Yoder, second by Evans to Adjourn to closed session in accordance with Wisconsin Statutes 19.85 (1) (c) Considering employment, promotion, compensation, evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. (EMPLOYEE MATTERS) Motion carried by roll call vote – Yoder Yes, Thayer Yes, Evans-Yes, Wilchinski-Yes, Wilde-Yes, Welch-Yes, Flock Yes.

**Reconvene in Open Session**

- Motion by Wilde, 2nd by Evans to reconvene in open session. Motion Carrie by voice vote 7-0.

**Pool/Campground Position**

- Motion by Wilchinski, 2nd by Evans to approve Position of Pool Manager and Campground Assistant be filled by Madysen Schweinler with @ $15.00/hr. Motion carried by voice vote 7-0.

**Adjourn**

3. Motion by Wilde, 2nd by Flock to adjourn. Motion carried by voice vote 7-0 and meeting adjourned at 8:00 PM.

*Leigha Barton* - Village of Wilton Clerk-Treasurer

These minutes will be presented for approval on 07/11/2022 and were posted on 06/14/2022 at the following locations: F&M Bank- Wilton, Wilton Village Hall, Wilton Hardware Hank, Wilton Post Office as well as www.villageofwiltonwi.com.

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

F. Operator's license: See § 125.17, Wis. Stats. **[Amended 9-8-1997; 6-8-1998; 2-11-2013]**

(1) Operators' licenses may be granted to individuals by the Village Board for the purposes of complying with §§ 125.32(2) and 125.68(2), Wis. Stats.

(2) Operators' licenses may be issued only on written application on forms provided by the Clerk-Treasurer.

(3) Operators' licenses shall be valid for one year and shall expire on June 30 of each year.

G. Provisional operator's license. **[Added 4-13-1998]**

(1) The Village Clerk-Treasurer may issue a provisional operator's license to any person who has applied for an operator's license pursuant to § 125.17(1), Wis. Stats., provided the applicant has:

(a) Not previously been denied a license by the Village Board;

(b) Paid a fee as established by the Village Board; and

(c) An approved police check. **[Amended 8-13-2001]**

(2) The provisional operator's license shall automatically expire 60 days after it is issued or when the operator's license is issued.

(3) The Clerk-Treasurer may revoke the provisional license if the Clerk-Treasurer discovers the applicant has made a false statement on the application.

(4) The holder of a provisional operator's license shall not be entitled to a renewal of said license at any time within one year following the expiration of the initial sixty-day period.

H. Temporary operator's license. **[Added 10-9-2000]**

(1) The Village Board hereby authorizes the Clerk-Treasurer to issue a temporary operator's license to any person who has applied for an operator's license pursuant to § 125.17(4), Wis. Stats., provided the applicant has not previously been denied a license by the Village Board.

(2) A fee as set from time to time by the Village Board must be paid prior to issuance of the license.

(3) The Village Clerk-Treasurer must receive receipt of an approved police report.

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2. **Editor's Note: Former Sec. 11.01(3)(f), which immediately followed this subsection and provided for a pharmacist's license, was repealed 8-13-2001.**

(4) The temporary operator's license shall be valid for a period from one day to 14 days, and the period for which it is valid shall be indicated on the license. **[Amended 8-13-2001]**

(5) The Clerk-Treasurer may revoke the temporary license if the Clerk-Treasurer discovers the applicant has made a false statement on the application.

I. "Class C" retail wine license. See § 125.51(3m), Wis. Stats. **[Added 6-9-1997]**

J. Provisional retail license. **[Added 3-8-2010]**

(1) The Village Clerk-Treasurer may issue a provisional retail license to any person who has applied for a provisional retail license pursuant to § 125.185(1) Wis. Stats., provided the applicant has:

(a) Not previously been denied a license by the Village Board;

(b) Paid a fee as established by the Village Board; and

(c) An approved police check.

(2) The provisional retail license shall automatically expire 60 days after its issuance or when a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor or "Class C" wine license under this section is issued to the holder, whichever is sooner.

(3) A provisional retail license may only be issued to a person who has applied for a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor or "Class C" wine license and authorizes only the activities allowed under that type of license.

(4) A provisional retail "Class B" liquor license may not be issued in excess of the Village's quota.

(5) No person shall hold more than one provisional retail license for each type of license applied for per year.

(6) The Clerk-Treasurer may revoke the provisional retail license if the Clerk-Treasurer discovers the applicant has made a false statement on the application.

## § 167-4. License application.

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

B. Application to be notarized. Applications shall be signed and sworn to by the applicant as provided by § 887.01, Wis. Stats.

Village of Wilton

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# OFFICIAL MINUTES OF MEETING

## Village of Wilton Board (Regular) Monday, February 8th, 2021

### Call to Order/Roll Call

- The Village of Wilton met for a regular Board Meeting February 8th, 2021, at the Village of WIlton Community Center. Village President Timothy Welch called the meeting to order at 7:00pm. Members present were Tom Brieske, Reina Coleman, Morgan Martin, Sid Thayer, Dave Watters and Eli Yoder. Also present were Village Clerk Jim Lundgren, Point of Beginning Engineering on Behalf of Dollar General, Niel Pfaff on behalf of Vierbicher Engineering. Tammy Landowski on behalf of Workhorse.

### Public Comments

- M. Radloff inquired on Public hearing date and time. No other Public Comments.

### Minutes

- Motion by Yoder, 2nd by MArtin to approve the minutes of the January 11, 2021 meetings. Motion carried.

### December Bills, General, Sewer, Water

- Motion by Watters 2nd by Martin to approve the bills for December 2021, General Fund (273,994.84) Water (4099.42) Sewer (14,742.36) Motion Carried

### Jim Lundberg - Discussion of Dollar General Building Plans

- Motion by Martin Second by Yoder to Approve the Dollar General Building plans contingent upon the Village's purchase of the Schwartz Property and sale to Dollar General. Motion Carried

### Neil Pfaff/Vierbicher Engineering - FEMA Wells Project - Public Bidding

- Motion by Thayer, 2nd by Coleman to approve Vierbicher Engineering to move forward with public bidding for the Walker Street Well Project.

### Tammy Landowski/Workhorse Software

- Motion by Watters, 2nd by Martin to approve purchase of and update of Workhorse Software to include Payroll and Accounting. Motion Carried.

### WasteWater Treatment Facility Project Cost Addition for Full Audit-

- Motion by Yoder, 2nd by Thayer to approve adding the cost of a full audit in to the total project cost for the wastewater facility project. Motion Carried.

### Alternate Side Parking/Winter Storms-

- Motion by Watters, 2nd by Yoder to approve Alternate Side Parking in the event of a winter storm/snow. Opposed by Thayer. Motion Carried.

### Resignation of Election Official Carolyn Dougherty -

- Motion by Coleman, 2nd by Martin to approve resignation of Carolyn Dougherty. Motion Carried
- Motion by Yoder, 2nd by Coleman to accept Phyllis Brandau to fill the open position. Motion Carried.

### Authorization of Clerk/Treasurer to sign at Village Financial Institutions.

- Motion by Martin, 2nd by Yoder to approve the authorization of Leigha Barton - Clerk/Treasurer to sign on behalf of the Village at F&M Bank and The State LGIP Accounts. Motion Carried

### Closed Session

- Motion by Yoder, 2nd by Thayer to go into closed session pursuant to Wisconsin State Statute 19.85(1)(e) & Wisconsin Statute 19.85 (1) (c) Motion carried unanimously by roll call vote. Council went into closed session.

### License Application to Transfer to Digital Form

- Motion by Yoder, 2nd by Coleman t6o Approve converting all paper license applications to a digital form to allow for emailing and online submission. Motion Carried.

### Removal of Ordinance 167-4(b) Requiring Operator's License Applications

- Motion by Yoder, 2nd by Coleman to approve the removal of Village of Wilton Ordinance 167-4 (b). Motion Carried.

### Tobacco Retail License Millhouse Bar & Grill-

- Motion by Coleman, 2nd by Thayer to approve a Tobacco Retail License for Millhouse Bar & Grill - 504 Main Street Wilton, Wi 54670 - Agent: Jamie Millheiser. Motion Carried

### Approval of Original Operator's License To Serve Fermented Malt Beverages and Intoxicating Liquors.

- Motion by Coleman, 2nd by Thayer to Approve Original Operator's License To Serve Fermented Malt Beverages and Intoxicating Liquors pending police check and class for Nick Toman. Motion carried.

**Approval of Original Operator's License To Serve Fermented Malt Beverages and Intoxicating Liquors.**

- Motion by Coleman, 2nd by Thayer to Approve Original Operator's License To Serve Fermented Malt Beverages and Intoxicating Liquors pending police check and class forJoshua Millheiser. Motion carried.

**Ambulance Employee**

- Motion by Yoder, 2nd by Thayer to approve the return of Marcy Johnson to The Wilton Area Ambulance Service as an EMR. Motion Carried.

**Re-Opening of Park, Pool Campground**

- Motion by Coleman, 2nd by Thayer to move forward with plans to open the Village of Wilton Parks, Pool and Campground. Motion Carried

**Closed Session**

- Motion byColeman, 2nd by Thayer to go into closed session pursuant to Wisconsin State Statute 19.85(1)(e) 702 Walker Street offer to purchase. Motion carried unanimously by roll call vote.

**Reconvene in Open Session**

- Motion byWatters, 2nd by Colemanr to reconvene in open session. Motion carried.

**Possible Report of Closed Session Matters**

- Motion by Yoder, 2nd by Martin to approve moving forward with drafting of Land Contract on 702 Walker Street - Wilton, WI by the Village's Attorney Penny J. Precour. Motion Carried

**Adjourn**

- Motion by Brieske, 2nd by Watters to adjourn. Motion carried. Meeting adjourned.

*Leigha Barton* - Village of Wilton Clerk-Treasurer

These minutes will be presented for approval on 02/08/2021 and were posted on 01/20/2021 at the following locations: F&M Bank- Wilton, Wilton Village Hall, Wilton Hardware Hank, Wilton Post Office.

C. Notification of Department of Revenue. Upon approval, the Clerk-Treasurer will notify in writing the State Department of Revenue, per its form. **[Amended 8-13-2001]**

**§ 167-5. License restrictions.**

A. Statutory requirements. Licenses shall be issued only to persons eligible therefor under Chapter 125, Wis. Stats.

B. Location.

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

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

C. Violators of liquor or beer laws or ordinances. No "Class A," Class "A," "Class B," Class "B" or "Class C" license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this article during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year. **[Amended 8-13-2001]**

D. Health and sanitation requirements. No retail Class "B" or "Class B" license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Commerce pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Family Services applicable to restaurants and to all such ordinances and regulations adopted by the village.

E. License quota. The number of persons and places that may be granted a retail "Class B" liquor license under this article is limited as provided in § 125.51(4), Wis. Stats.

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

G. Age requirement. No license hereunder shall be granted to any underage person. **[Amended 8-13-2001]**

H. Effect of revocation of license. Whenever any license has been revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall elapse before another license shall be granted to the person whose license was revoked.

I. [3] License restrictions: delinquent taxes, water/sewer/assessments and claims. No license shall be granted for any premises for which taxes, water/sewer, assessments or other claims of the Village are delinquent and unpaid or to any person delinquent in payment of such claims to the Village. **[Added 2-11-2013]**

J. Issuance for sales in dwellings prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

### § 167-6. Form and expiration of licenses. [Amended 8-13-2001]

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided.

### § 167-7. Transfer of licenses.

A. As to person. No license shall be transferable as to licensee except as provided by § 125.04(12), Wis. Stats.

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

### § 167-8. Posting and care of license or permit.

Every license or permit required under this article shall be framed and posted and at all times displayed as provided in § 125.04(10), Wis. Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application or knowingly deface or destroy such license.

### § 167-9. Regulation of licensed premises and licensee.

A. Gambling and disorderly conduct prohibited. Each licensed and permitted premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on such premises.

B. Employment of underage persons. No licensee shall employ any underage person to serve, sell, dispense or give away any alcohol beverage.[4] **[Amended 8-13-2001]**

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3. **Editor's Note: Former Subsection I, Delinquent taxes, assessments and claims, was repealed 2-13-2012.**

4. **Editor's Note: Former Sec. 11.01(9)(c), Sales by clubs, which immediately followed this subsection, was deleted 8-13-2001.**

C. Safety and sanitation requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

### § 167-10. Closing hours. [Amended 9-11-1995]

A. Fermented malt beverages. The Village of Wilton does hereby adopt § 125.32(3), Wis. Stats., in its entirety.

B. Intoxicating liquor. The Village of Wilton does hereby adopt § 125.68(4), Wis. Stats., in its entirety.

### § 167-11. Revocation and suspension of license.

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

B. Automatic revocation. Any license issued under the provisions of this article shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this article or for a violation of Chapter 125 or 139, Wis. Stats., or any other state or federal liquor or fermented malt beverage law.

C. Effect of revocation. See § 167-5H of this article.

### § 167-12. Nonrenewal of license.

Before renewal of any license issued under this article is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Board.

### § 167-13. Violations by agents and employees.

A violation of this article by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

### § 167-14. Dancing on licensed premises.

Dancing is prohibited on all licensed premises, except where a cabaret license has been issued.[4]

### § 167-15. Enforcement; violations and penalties.

A. Interference. No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.

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4. **Editor's Note: Former Sec. 11.01(15), Definitions, which immediately followed this section, was deleted 8-13-2001.**

B. Penalties. Any person violating any provision of this article, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this article exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(1) Except as otherwise provided in this Code, any license or permit issued pursuant to this article may be suspended by the officer or department issuing the same upon a hearing on notice.

(2) Except as otherwise provided in this Code, any license or permit issued pursuant to this article may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.

(3) Any license or permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

(4) Upon conviction thereof, any person violating any provision of this article shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

## ARTICLE II
## Beer Gardens
## [Adopted 8-13-2001]

### § 167-16. Permit for beer garden.

No licensee shall permit the consumption of alcoholic beverages on any part of the licensed premises not enclosed within the building identified on the application except under a permit granted and issued by the Village Board. The permits described herein are a privilege in which no rights vest. Permits must be renewed annually at the same time the license is renewed.

A. Notwithstanding the foregoing, permits may be revoked or suspended by the Board at any time.

B. No person shall consume or have in his or her possession alcoholic beverages on any unenclosed part of licensed premises which is not described in a valid beer garden permit.

C. All beverages must be in foam or plastic cups or cans. No glass containers are allowed.

D. A violation of this article by an agent or employee of a licensee shall constitute a violation on the licensee for which the licensee may be prosecuted.

### § 167-17. Limitations on issuance of beer garden permits.

Each applicant for a beer garden permit shall accurately describe the area intended for use as a beer garden and shall indicate the nature of fencing or other measures intended to provide control over the operation of the beer garden. Every beer garden shall be completely enclosed with a fence or wall not less than six feet in height above the ground.

A. No permit shall be issued for a beer garden if any part of the beer garden is within 100 feet of a structure used for residential purposes, except residential uses located in the same structure as the licensed premises. This requirement may be waived at the discretion of the Village Board.

B. No permit shall be issued for a beer garden if the beer garden area is greater than 50% of the gross floor area of the adjoining licensed premises.

C. Amplified sound or music is permitted within the enclosed licensed premises only, not within the beer garden.

D. A licensed operator shall be responsible for policing the beer garden at all times it is open for operation.

E. It shall be the responsibility of the licensee to daily clean up adjoining property of all debris that originates from the beer garden.

F. Access to the beer garden shall be through the main (indoor) entrance to the Class B premises. The beer garden shall be equipped with a locking system on a fire exit that meets fire codes.

G. Beer garden shall be closed between 9:00 p.m. and 11:00 a.m., for open consumption of alcohol and fermented malt beverages. **[Amended 5-10-2010]**

H. Fee. Fees for beer garden permits shall be established by Board resolution.[5]

I. The Ordinance and Resolution Committee shall review all sites prior to approval.

### § 167-18. Adjoining property owners to be notified of pendency of applications.

All property owners within 150 feet of the premises in which the proposed beer garden is attached shall be notified of the pendency application for a beer garden permit by first class mail prior to approval of the same.

### § 167-19. State statutes enforced within beer garden.

Every permittee under this article shall comply with and enforce all provisions of Ch. 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Ch. 125, Wis. Stats., shall be grounds for revocation of the beer garden permit by the Village Board.

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5. **Editor's Note: See Ch. A282, Fees.**

# Chapter 174

# JUNKED OR ABANDONED PROPERTY

§ 174-1. Storage of junked vehicles or other property.

§ 174-2. Abandonment of enclosed appliance, box or structure.

§ 174-3. Violations and penalties.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 4.06, 4.11 and 12.01(G) of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Nuisances — See Ch. 198.
Salvage yards — See Ch. 224.
Solid waste — See Ch. 235.

## § 174-1. Storage of junked vehicles or other property.

The storage outside of any building within the village of old, unused, stripped, junked, unlicensed, abandoned or other motor vehicles not in condition for normal use or in good and safe operating condition and of any other vehicles, machinery, implements, appliances or equipment or personal property which is no longer usable for the purposes for which manufactured, or parts thereof, which is hereafter referred to as "personalty," for more than five days, except in a licensed salvage yard, is hereby declared to be a public nuisance and dangerous to the public safety and prohibited. For purposes of this section the owner or owners of the land upon which the property is located or the tenants, licensees or occupants of said land may be held responsible.

## § 174-2. Abandonment of enclosed appliance, box or structure.

It shall be unlawful for any person to abandon any appliance, box or structure which will fasten from the outside by the closing of a door and on which there is no method of unlocking the door thereto from the inside at any place or grounds or in any place which might be frequented by children and in which such children might be accidentally imprisoned.

## § 174-3. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 186

# MINORS

§ 186-1. Curfew.
§ 186-2. Sale of obscene publications to underage persons.
§ 186-3. Violations and penalties.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 12.03 and 12.07 of the 1987 Code. Amendments noted where applicable.]**

## § 186-1. Curfew. [Amended 8-13-2001; 6-14-2004]

No child under the age of 17 years shall loiter, idle or remain, and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle or remain, in or upon any of the streets, alleys or public places in the Village between the hours of 10:00 p.m. and 5:00 a.m., unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child. This section shall not be construed to prohibit such child from performing an errand or duty if directed by his parent or guardian or of urgent necessity or from pursuing the duties of his employment in an expeditious and orderly manner or from going to or from places of business or amusement or private homes.

## § 186-2. Sale of obscene publications to underage persons.

It shall be unlawful and an offense for any person to sell, offer for sale, attempt to sell, exhibit, give away or in any way furnish or attempt to furnish to any person under 18 years of age any written matter, publication or pictures which, read or seen as a whole, are of an obscene, lewd or indecent nature:

A. So as to be devoid of the primary requirements of decency;

B. Where, to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest; or

C. So as to have no other purpose than to depict by words or picture lewd and lascivious conduct for lewd and lascivious sake.

## § 186-3. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 191

# MOBILE HOMES AND MOBILE HOME PARKS


§ 191-1. Purpose; applicability.
§ 191-2. Definitions.
§ 191-3. Development pattern.
§ 191-4. License required; application; fees.
§ 191-5. Inspections.
§ 191-6. Construction standards for all mobile homes.
§ 191-7. General requirements for mobile home parks.
§ 191-8. Water supply.
§ 191-9. Sewer system.
§ 191-10. Solid waste disposal system.
§ 191-11. Gas distribution system.
§ 191-12. Fuel oil distribution system.
§ 191-13. Service buildings and other community facilities.
§ 191-14. Management duties.
§ 191-15. Occupant duties.
§ 191-16. Enforcement; violations and penalties.
§ 191-17. License revocation.
§ 191-18. Existing mobile home parks.
§ 191-19. Repealer; conflicts with other provisions.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 8-13-2001. Amendments noted where applicable.]**

GENERAL REFERENCES

Campgrounds — See Ch. 110.

## § 191-1. Purpose; applicability.

A. The purpose of this chapter is to provide the minimum regulations, provisions and requirements in the Village of Wilton to ensure public health, safety and the general welfare by regulating and controlling the location, design, quality and maintenance of mobile homes and mobile home parks.

B. The sections contained in this chapter shall be binding alike upon every owner of a mobile home, every lessee and every person in charge of or responsible for a mobile home or mobile home park.

C. This chapter shall apply to all mobile homes and mobile home parks unless stated otherwise.

## § 191-2. Definitions.

Whenever used in this chapter, unless a different meaning appears from the context, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — All structures constructed and used apart from the mobile home and shall include awnings, cabanas, storage cabinets (or sheds), carports, windbreaks, attached porches and garages.

COMMON AREA — Any area or space designed for joint use of tenants occupying the mobile home park.

DEPENDENT MOBILE HOME — A mobile home which does not have complete bathroom facilities.

ENFORCING AGENCY — The Wilton Village Board charged by law with the duty to enforce the provisions of this regulation.

LICENSE — A written license or certification issued by the Village of Wilton permitting the construction, alteration and extension of a mobile home park under the provisions of this chapter and regulations issued hereunder.

LICENSEE — Any person licensed to operate and maintain a mobile home park.

MOBILE HOME —

A. That which is or was, as originally constructed, designed and built to be towed on its own chassis, comprised of frame and wheels, by any motor vehicle upon a public highway and connected to utilities and designed without a permanent foundation for year-round living, or which is intended to be so used. A single unit includes any additions, attachments, annexes, foundations, appurtenances or any parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity. A mobile home is not considered a mobile home if the assessable value of such additions previously enumerated equals or exceeds 50% of the assessable value of the mobile home.

B. A mobile home should not be confused with a travel trailer, which is towed by an automobile, can be operated independently of utility connections, is limited in width to eight feet and in length to 45 feet and is designed to be used primarily as a temporary vacation dwelling.

MOBILE HOME PARK — A parcel of land which is owned by an individual, a firm, trust, partnership, public or private association or corporation or limited liability corporation (LLC) and has been developed for rental of lots and provision of facilities and services to tenants with mobile homes.

MOBILE HOME SITE — A parcel of land in a mobile home park which has been reserved for the placement of one mobile home stand.

MOBILE HOME STAND — That part of a parcel of land (mobile home site) in a mobile home park which has been reserved for the placement of one mobile home unit.

NONDEPENDENT MOBILE HOME — A mobile home equipped with complete bath and toilet facilities, all furniture, cooking and heating appliances and complete year-round facilities.

OPEN SPACE DEPTH — The minimum open space distance away from a mobile home stand at any point. It is measured perpendicular to each stand line at any point. It shall be equal at any point to 25% of the stand line length plus four feet.

POWER SUPPLY ASSEMBLY — The conductors, including the grounding conductors, insulated from one another, the connectors, attachment plug caps and all other fittings, grommets or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the mobile home or sectional home.

SECTIONAL HOME — Two or more units factory fabricated and transported to the home site, where they are joined together to make a single home either on a permanent foundation or on their separate chassis.

SEWER CONNECTION — A connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.

SEWER RISER — That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home stand.

WATER CONNECTION — A connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

WATER RISER PIPE — That portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home stand.

### § 191-3. Development pattern.

A. The general pattern of development shall fit topography, requirements for circulation and requirements for provision of community facilities and utilities. Areas for churches, schools, major parks and community facilities should be located appropriately with respect to the population to be served and the street and walkway networks. As appropriate, residential areas should merge into or be insulated from areas devoted to other purposes. They should be insulated from heavy traffic, concentrations of parking, noise, lights and commercial and industrial activities. They should merge with parks and other suitable open areas.

B. The street pattern should serve, not shape, the lots in their small neighborhood groupings. Land devoted to streets should be held to a minimum compatible with performance of street-related functions. Minor streets should discourage use by through traffic, and no single minor street should serve so many homes that local traffic is likely to become a problem. Minor streets should feed at well-spaced intervals and well-designed intersections into collector streets and arteries for fast-moving traffic. Neither collector nor arterial streets should have direct entrances from residential lots.

C. Blocks should be oriented generally with the long axis in the direction of principal automotive and pedestrian movement. Blocks should be large enough and wide enough

to provide desirable lot depths plus interior walkways, commons and easements for such utilities as are to be located within the block.

D. The mobile home park should be set in its own environment, rather than merely running into surrounding uses. It is desirable that it be bordered in a manner which insulates it from surrounding uses and sets it apart as a community.

E. These standards shall apply to all mobile home parks. Likewise, it will be necessary to obtain the approval of the Village Board of the Village of Wilton for the location and design of any mobile home park on the basis of its compliance with these standards.

**§ 191-4. License required; application; fees.**

A. It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the Village of Wilton unless he holds a valid license issued by the Village Board in the name of such person for the specific construction, alteration or extension proposed.

B. All applications for a license shall be filed with the Village Clerk-Treasurer and reviewed by the Village Board and shall contain the following:

(1) Name and address of the applicant.

(2) Location and legal description of the mobile home park.

(3) Complete engineering plans and specifications of the proposed park showing, but not limited to, the following:

(a) The area and dimensions of the tract of land.

(b) The number and location of all mobile home sites and stands and the location of common areas and setback lines.

(c) The location and width of roadways and walkways.

(d) Plans and specifications of all utilities, including sewage collection and disposal, stormwater drainage, water distribution and supply, refuse storage and collection, lighting, electrical, telephone and television antenna systems and off-street parking.

(e) Landscaping plans for the entire park, including a planting plan for the buffer strip.

(f) Plans and specifications of all buildings to be located within the park.

(g) Such other plans and specifications and information as may reasonably be required by the enforcing agency.

C. It shall be unlawful for any person to establish or operate upon property owned or controlled by him within the village a mobile home park without having first secured a license therefor from the Clerk-Treasurer. The application for such license shall be

accompanied by a fee as set from time to time by the Village Board.[1] The license shall expire on June 30 of each year. Such parks shall comply with Wisconsin Administrative Code Chapter H 77, which is hereby adopted by reference and incorporated herein.

D. Applications for renewal of licenses shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

E. Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Village Clerk-Treasurer and Village Assessor on such homes added to their park within five days after arrival of such home, on forms furnished by the Village Clerk-Treasurer in accordance with § 66.0435, Wis. Stats.

F. Each occupied, nonexempt mobile home located in the village shall pay a monthly parking fee as determined in accordance with § 66.0435, Wis. Stats. Said fees shall be paid to the Village Clerk-Treasurer on or before the 10th day of the month following the month for which such fees are due.

G. The monthly parking fees referred to in Subsection F above shall not be charged for the parking of any mobile home for a period of one week or less nor for any space occupied by a mobile home accompanied by an automobile if said mobile home or automobile bears license plates issued by any other than this state for an accumulated period not to exceed 10 days in any 12 months or if the occupants are nonresident tourists or vacationers. The licensee of such park shall keep a record of persons claiming exception pursuant to this subsection containing the signature of such claimant and in a form approved by the Village Board. When one or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fees, except for a stay of one week or less, as aforesaid.

H. Parking.

(1) No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village of Wilton, except that unoccupied mobile homes may be parked on the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; on the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding 120 days, provided that no business is carried on therein; or in an accessory private garage, building or rear yard of the owner of such mobile home.

(2) No person shall stop, stand or park a mobile home on any street, alley or highway within the Village of Wilton in violation of Chapters 340 to 348, Wis. Stats., or the traffic ordinances and regulations of the Village of Wilton.

I. Licenses shall expire each year at the end of the month of June.

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1. **Editor's Note: See Ch. A282, Fees.**

### § 191-5. Inspections.

A. No mobile home park license shall be issued until the Village Clerk-Treasurer has notified the police and the Village Board, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which the mobile homes will be located comply with the regulations, ordinances and laws applicable thereto.

B. The enforcing agency shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

C. The enforcing agency shall have the power to inspect the register containing a record of all residents of the mobile home park.

D. It shall be the duty of every resident of a mobile home park to give the management thereof or its designated agent access to any part of the mobile home stand or common area at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter.

E. Whenever, upon inspection of any mobile home park, the enforcing agency finds that conditions or practices exist which are in violation of this chapter, the enforcing agency shall give notice, in writing, to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the enforcing agency, the license shall be suspended. At the end of such period, the enforcing agency shall reinspect such mobile home park and, if such conditions or practices have not been corrected, it shall suspend the license and give notice, in writing, of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease administration of such mobile home park except as provided in § 191-14B.

### § 191-6. Construction standards for all mobile homes. [Amended 6-14-2010]

No mobile home may be brought into the Village of Wilton or established as a residence unless such mobile home is less than 10 years of age at such time the mobile home is located within the Village of Wilton. Any mobile home 10 years of age and over must apply for a conditional use permit, be inspected by the Building Inspector and reviewed by the Ordinance and Resolution Committee, approved by the Village Board before being established in the Village of Wilton. The party moving such mobile home into the Village or establishing such mobile home as a residence must certify with such proof, as may be necessary and appropriate, the mobile home's age. The inspection of the mobile home, prior to approval, will be the cost of the mobile homeowner.

### § 191-7. General requirements for mobile home parks.

Any individual making application for a license to construct a mobile home park shall meet the following design and system requirements:

A. Site location. A mobile home park shall be located only upon property designated for that use by the Village Board of the Village of Wilton.

B. Restrictions.

(1) No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

(2) No part of any mobile home park shall be used for the location of sectional homes.

(3) No dependent mobile home shall be permitted in the mobile home park unless a suitable building is provided for housing of toilets, showers and laundry facilities.

(4) The condition of soil, groundwater level drainage and topography shall not create hazards to the property or the health or safety of the occupants. The mobile home or mobile home park shall not be exposed to objectionable smoke, noise, odors, contaminated liquids or solids or other adverse influences, and no portion of the park subject to predictable sudden flooding or erosion shall be used for any purpose which would expose persons or property to hazards.

(5) No part of any mobile home park shall be used for the storage or sale of mobile homes.

C. Mobile home stand.

(1) For the purpose of this chapter, a mobile home stand shall be defined as an area 15 feet by 70 feet. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

(2) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand, and each shall be able to sustain a minimum tensile strength of 2,800 pounds. The mobile home park owner shall ensure that all mobile homes are anchored and tied down.

D. Streets. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home stand. Such access shall be provided by streets, driveways or other means.

(1) Entrances. Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of 100 feet from its point of beginning.

(2) Internal streets.

(a) Internal streets shall have a dustproof surface and provide adequate drainage. No street grade shall be more than 8%.

(b) Roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:

[1] Two-way streets must be at least 32 feet wide if parking is permitted on both sides, 25 feet if parking is permitted only on one side or if it is prohibited.

[2] One-way streets must be at least 14 feet wide. One-way streets shall be no longer than 500 feet, and parking is prohibited unless the width is increased to 18 feet.

[3] Dead-end streets (culs-de-sac) shall be limited in length to 500 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 60 feet.

[4] Street intersections should generally be at right angles. Offsets at intersections and intersections of more than two streets at one point should be avoided.

[5] Street surface. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks and holes.

E. Walkways. All parks shall be provided with safe, convenient, all-season pedestrian access width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents.

(1) Common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of 3 1/2 feet.

(2) Individual walks. All mobile home stands shall be connected to common walks, to paved streets or to paved driveways or parking spaces connected to a paved street or roadway. Such individual walks shall have a minimum width of two feet.

F. Accessory structures. Accessory structures shall not be used as complete, independent living units with permanent provisions for sleeping, cooking and sanitation. Such structures shall be erected, constructed or occupied in a mobile home park as directed by the management of the mobile home park, as required by the local enforcing agency and as specified herein:

(1) Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home park.

(2) Accessory structures shall not obstruct required openings for light and ventilation of the mobile home and shall not prevent inspection of mobile home equipment and utility connections.

(3) Construction and electrical installations, unless otherwise specified, shall comply with the Wisconsin Administrative Code.

(4) Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the mobile home.

G. Fire protection.

(1) Fires shall be made only in barbecue pits, fireplaces, stoves or other equipment intended for such purposes. Incinerators shall be prohibited.

(2) Portable fire extinguishers rated for Class B and C fires shall be kept in service buildings, shall be maintained in good operating condition and shall meet the requirements of the Wisconsin Administrative Code.

(3) Fire hydrants shall be located within 300 feet of any mobile home, service building or other structure in the park.

H. Public utility system. All utility service systems shall be installed and maintained in accordance with applicable state or local codes and regulations governing such systems.

(1) Mobile home service outlets shall be provided at each mobile home stand for electric, telephone and gas.

(2) All utility service lines shall be located underground within the mobile home park, except that in existing parks these utility service lines may be above ground.

## § 191-8. Water supply.

An adequate supply of pure water supplied through a pipe distribution system connected with a public water main shall be provided, except as noted below:

A. A separate valved service shall be provided to each site, so constructed that it will not be damaged by the parking of a vehicle.

B. The water distribution system shall consist of piping capable of supplying six gallons per minute at a minimum pressure of 20 pounds per square inch at each mobile home stand. Also, the system shall be capable of supplying the following water demand for mobile homes:

| Number of Mobile Home Spaces | Demand Load (gallons per minute) |
|---|---|
| 50 | 105 |
| 75 | 145 |
| 100 | 180 |
| 150 | 235 |
| 200 | 285 |
| 250 | 330 |
| 300 | 370 |

C. Metering configuration. Pursuant to Section PSC 185.53, Wis. Adm. Code:

(1) Master metering. Unless a utility owns the water distribution facilities within a mobile home park, the private system shall be master metered and the park owner shall be the utility's billable customer.

(2) Individual metering. A utility may only provide retail service directly to individual dwellings within a mobile home park if the distribution facilities within the mobile home park are owned by the utility on easements. Such facilities may only be accepted for ownership at a utility's discretion and only if the facilities meet the utility's construction standards and the requirements of Sections PSC 185.51 and 185.52, Wis. Adm. Code.

D. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.

E. Individual water riser pipes shall be located within the surface area of the mobile home stand approximately 30 feet from the front of a mobile home stand. They shall extend at least four inches above ground elevation, and the pipe diameter shall be at least 3/4 inch. The water outlet shall be capped when a mobile home does not occupy the stand.

F. A shutoff valve below the frost line shall be provided near the water riser pipe, and this shall conform to Chapter SPS 382, Wis. Admin. Code, of the Wisconsin State Plumbing Code. **[Amended 10-8-2012]**

### § 191-9. Sewer system. [Amended 10-8-2012]

An adequate sewer system shall be constructed and maintained according to standards set by the Department of Health and Family Services (Chapter SPS 382, Wis. Admin. Code. of the Wisconsin Administrative Code).

A. All sewer lines shall be adequately vented, have watertight joints and be so constructed that they can be closed when not connected.

B. Each mobile home stand shall be provided with a four-inch-diameter sewer riser pipe. The sewer riser pipe shall be located within the surface area of the mobile home stand and approximately 40 feet from the front of such stand. The rim of the riser pipe shall extend at least four inches above ground elevation, and provisions shall be made for sealing the sewer riser pipe when a mobile home does not occupy the stand.

### § 191-10. Solid waste disposal system.

A. Solid waste collection stands shall be provided for all waste containers. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

B. Garbage and trash collection shall be by means of a public or private system at least once per week. Where suitable collection service is not available from municipal or private agencies, the management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

### § 191-11. Gas distribution system.

Gas equipment and installations within a mobile home park shall be designed and constructed in accordance with the applicable codes adopted by the state or local enforcing agency.

A. The minimum hourly volume of gas required at each mobile stand outlet or any section of the mobile home park gas piping system shall be calculated as follows:

| | Natural Gas | Liquefied Petroleum Gas |
|---|---|---|
| For the most remote mobile home lot outlet on any branch or main | 125 CFH | 50 CFH |
| For the second most remote outlet on any branch or main | 100 CFH | 40 CFH |
| For the third most remote outlet on any branch or main | 75 CFH | 30 CFH |

After the third most remote outlet, subsequent branch or mainline loadings may be computed using a value of 50 cubic feet per hour (CFH) for natural gas and 20 CFH for liquefied petroleum gas.

B. All gas piping shall be installed below ground and shall have a minimum earth cover of 18 inches. Gas piping shall not be installed under any mobile home.

### § 191-12. Fuel oil distribution system.

Distribution systems shall be installed and maintained in accordance with the applicable codes adopted by the state or local enforcing agency.

A. All fuel oil storage tanks or cylinders shall be installed underground and shall not be located beneath any mobile home or accessory structure.

B. All piping shall be installed below ground and shall have a minimum earth cover of 18 inches.

### § 191-13. Service buildings and other community facilities.

A. The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities, such as:

(1) Management offices, repair shops and storage areas.

(2) Sanitary facilities.

(3) Laundry facilities.

(4) Indoor recreation areas.

B. All portions of a permanent structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

C. All rooms containing sanitary or laundry facilities shall:

(1) Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

(2) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10% of the floor area served by them.

(3) Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.

D. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

E. Illumination levels shall be maintained as follows:

(1) General seeing tasks: five footcandles.

(2) Laundry room work area: 40 footcandles.

(3) Toilet room, in front of mirrors: 40 footcandles.

F. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

### § 191-14. Management duties.

It is the duty of the park owner or operator, together with any attendants or persons in charge, to:

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

B. Report to the Village Board/Clerk-Treasurer any persons or animals affected or suspected of being affected with any communicable diseases.

C. Ensure that the provisions of this chapter are complied with and enforced and report promptly to the proper authorities any violation of this chapter or other violations of law which may come to his attention.

D. Maintain in convenient places, approved by the Wilton Area Fire District, hand fire extinguishers in the ratio of one for each eight units.

E. Prohibit the lighting of open fires in the park.

F. Collect and pay to the Village Clerk-Treasurer the monthly parking fees called for in § 191-4 and keep a record of the persons paying such fees and the amount paid.

### § 191-15. Occupant duties.

It is the duty of the occupants of mobile homes to:

A. Maintain their site in a clean, orderly and sanitary condition at all times.

B. Abide by all applicable state and village regulations and rules established by the park management.

### § 191-16. Enforcement; violations and penalties.

A. Interference. No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.

B. Penalties. Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(1) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

(2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.

(3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

(4) Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

### § 191-17. License revocation.

The Village Board is hereby authorized to revoke any license or permit issued pursuant to the terms of this chapter in accordance with § 66.0435, Wis. Stats.

### § 191-18. Existing mobile home parks.

Mobile home parks which at the time of adoption of this chapter existed lawfully with sites which do not comply with the requirements of this chapter may continue to operate; however, expansion or modification of such parks shall be in accord with these regulations. For the purpose of this section, the term "modification" includes, but is not limited to, adding or exchanging units.

### § 191-19. Repealer; conflicts with other provisions.

All ordinances or parts of ordinances inconsistent with or contrary hereto are hereby repealed, except that nothing in this chapter shall be interpreted so as to conflict with state laws or orders regulating mobile homes or mobile home parks or any of the requirements of any ordinances of the village not mentioned or made inapplicable by the express terms of this chapter.

# Chapter 198

# NUISANCES


§ 198-1. Public nuisances.

§ 198-2. Public nuisances affecting health.

§ 198-3. Public nuisances offending morals and decency.

§ 198-4. Public nuisances affecting peace and safety.

§ 198-5. Abatement of public nuisances.

§ 198-6. Violations and penalties.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Ch. 13 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Animals — See Ch. 84.
Brush, grass and weeds — See Ch. 92.
Open burning — See Ch. 101.
Health and sanitation — See Ch. 160.
Junked or abandoned property — See Ch. 174.
Salvage yards — See Ch. 224.
Solid waste — See Ch. 235.

## § 198-1. Public nuisances.

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

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

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

(2) In any way render the public insecure in life or in the use of property.

(3) Greatly offend the public morals or decency.

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

## § 198-2. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 198-1B 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 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. Privy vaults and garbage cans which are not fly-tight.

F. All noxious weeds and other rank growth of vegetation.

G. All animals running at large.

H. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust 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.

I. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances.

J. Any use of property, substances or other things within the Village, or within four miles thereof, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, 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.

K. All abandoned wells not securely covered or secured from public use.

### § 198-3. Public nuisances offending morals and decency.

The following acts, omissions, conditions and things and places are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of § 198-1B of this chapter:

A. All disorderly houses, bawdy 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 and slot machines.

C. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village.

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 the consumption of intoxicating liquor, fermented malt beverages and illegal drugs in violation of the laws of the State of Wisconsin or the ordinances of the Village. **[Amended 8-13-2001]**

**§ 198-4. Public nuisances affecting peace and safety.**

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of § 198-1B of this chapter:

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

B. All buildings erected, repaired or altered within the fire limits of the Village in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within said district.

C. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway. **[Amended 8-13-2001]**

D. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crossing.

E. All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than 10 feet above the surface of a public street.

F. All use or display of fireworks except as provided by the laws of the State of Wisconsin and the ordinances of the Village.

G. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

H. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.

I. All loud, discordant and unnecessary noises or vibrations of any kind.

J. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.

K. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village, or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.

L. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

M. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

N. Any unauthorized 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.

O. All leaving of wrecked or dismantled automobiles, machinery or tractors in streets of the Village; the leaving of such articles or other machinery or equipment used by builders upon property deemed residential; and the leaving of tools and equipment outside business properties for such periods of time and in such manner that offends a person of ordinary sensibilities. **[Amended 8-13-2001]**

P. Repeated or continuous violations of the ordinances of the Village or laws of the State of Wisconsin relating to the storage of flammable liquids.

Q. An individual owner (or family unit living together), firm or corporation keeping more than two dogs over the age of six months within a residential district in violation of § 84-3C. **[Added 12-4-2015]**

R. Any individual convicted of violation of any provision of Chapter 174, Junked or Abandoned Property. **[Added 12-4-2015]**

### § 198-5. Abatement of public nuisances.

A. Inspection of premises. Whenever complaint is made that a public nuisance exists within the Village, the Chief of Police or Village Board shall forthwith inspect or cause to be inspected the offending premises. **[Amended 8-13-2001]**

B. Notice to owner. If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance or post a copy of said notice on the premises. Such notice shall direct an owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Village may cause the same to be abated, charging the costs thereof to the owner, occupant or person causing the nuisance, to be recovered in a court action for debt, or, in the alternative, the Village may proceed with court action pursuant to § 198-6 of this chapter after the lapse of the 24 hours stated above.

### § 198-6. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and

the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 205

# PARKS AND PUBLIC GROUNDS

§ 205-1. Rules and regulations.

§ 205-2. Violations and penalties.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Ch. 7 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Animals — See Ch. 84.
Open burning — See Ch. 101.
Fireworks — See Ch. 145.
Peace and good order — See Ch. 209.
Snowmobiles — See Ch. 231.

## § 205-1. Rules and regulations.

The following special rules and regulations, in addition to all other regulations in this Code and in addition to any special rules promulgated by the Board, shall govern conduct in all parks, playgrounds, boulevards, pleasure drives and swimming pools:

A. Traffic and animals in parks.

(1) No person shall drive or park any motor vehicle or animal in any park except upon established roads and designated parking areas.

(2) During periods of official sanctioned events, motor vehicles and animals will be permitted on or in other areas that are specifically designated by officials of such events.

B. Destruction of property. No person shall in any manner deface or injure any building, tree, shrub, plant or other property or trespass through shrubbery borders or other plantations or upon any premises under the jurisdiction of the Board.

C. Fires. No fire shall be lighted or made except in places specifically provided for such purpose.

D. Use of weapons prohibited. The use of air guns, slingshots, firearms, paint guns and explosives and weapons of every character is strictly prohibited.[1]

E. Littering prohibited. No person shall throw, deposit or leave any paper, article of thing except in the receptacles provided for waste.

F. Disorderly conduct prohibited. No person shall use any loud, violent, obscene or profane language, nor shall anyone conduct himself or herself in a disorderly or obscene manner or commit any nuisance.

[1] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

G. Trespassing prohibited. No person shall enter upon any territory in disregard of signs or posted notices forbidding the same.

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

I. Animals running at large. No domestic or domesticated animal shall be allowed in any park, except at Board-approved special occasions or on a leash.[2]

J. Vendors restricted. No person shall sell, vend or give away any article of merchandise whatever without a written permit from the Board.

K. Distributing or posting circulars prohibited. No person shall distribute any circulars, cards or any other printed or written matter, excepting programs for concerts or entertainments, unless permission has been obtained from the Board. No person shall post, paste, paint or affix any placard, bill, notice or sign upon any structure, fence, enclosure or thing or erect any notice or sign.

L. Games and sports restricted. No person shall play ball, tennis or other game except upon grounds specifically established by the Board for such purposes.

M. Fences and railings. No person shall sit or stand or interfere with or damage any guard fence, railing or other enclosure.

N. Removal of park benches. No person shall remove any bench or seat from any park, and no bench or seat which is permanently placed shall be moved at all.

O. Closing of parks. The Board may establish a closing hour for all parks, playgrounds and swimming pools, and after posting such closing hour it shall be unlawful to enter in or be upon any park, playground or swimming pool after the hour designated.

P. Use of intoxicating liquor regulated. No person shall serve or consume any intoxicating liquor (as defined in the Wisconsin State Statutes) in any village park unless within the confines of a permanent enclosed building.

Q. Use of fermented malt beverages regulated.

(1) No individual shall possess or consume any fermented malt beverage in a glass container in any park in the village unless within the confines of a permanent enclosed building.

(2) Exceptions to Subsection Q(1):

(a) Those individuals authorized by the licensee to dispense or serve said beverages.

(b) Those individuals located within the confines of the licensed temporary structure.

R. Removal of violators. In addition to the other penalties provided in this chapter, any person violating any rules or regulations set forth in this chapter or any order or regulation

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[2] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

established by the Board may be summarily removed from the parks, playgrounds, boulevards, pleasure drives or swimming areas by any police officer.[3]

### § 205-2. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall, upon conviction thereof, forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

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[3] **Editor's Note: Former Sec. 7.02, Trees, shrubs and flowers, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I.). See now Ch. 115, Cemeteries.**

# Chapter 209

# PEACE AND GOOD ORDER


§ 209-1. Disorderly conduct.

§ 209-1.1. Offenses against state laws subject to forfeiture.

§ 209-2. Noise.

§ 209-3. Interference with radio and television reception.

§ 209-4. Resisting or interfering with officer.

§ 209-5. Littering; depositing mud or dirt on streets.

§ 209-6. Posting notices.

§ 209-7. Shoplifting.

§ 209-8. Loitering at public buildings.

§ 209-9. Violations and penalties.

§ 209-10. Theft of library material.

§ 209-11. Possession of controlled substances; marijuana and chemical synthetic cannabinoids.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 12.02, 12.04 and 12.07 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Animals — See Ch. 84.
Open burning — See Ch. 101.
Firearms and weapons — See Ch. 142.
Fireworks — See Ch. 145.
Intoxicating liquor and fermented malt beverages — See Ch. 167.
Minors — See Ch. 186.
Nuisances — See Ch. 198.

## § 209-1. Disorderly conduct.

No person shall, in a public place or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to provoke a disturbance.

## § 209-1.1. Offenses against state laws subject to forfeiture. [Added 5-8-2006]

A. The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the Village of Wilton, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provision of this Code of Ordinances.[1] Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made a part of this Code.

1. Editor's Note: See Ch. 1, General Provisions, § 38-3.

| Statutory Reference | Subject Matter |
|---|---|
| 125.07(1) through (4) | Underage and intoxicated persons; presence on licensed premises; possession |
| 173.10 | Crimes against animals |
| 175.25 | Illegal storage of junked vehicles |
| 254.92 | Purchase or possession of cigarettes or tobacco products by person under 18 prohibited |
| 939.05 | Parties to crime |
| 939.22 | Words and phrases defined |
| 939.32 | Attempt |
| 940.19(1) | Battery |
| 941.10 | Negligent handling of burning materials |
| 941.12(2) and (3) | Interfering with or failing to assist in fire fighting |
| 941.13 | False Alarms |
| 941.20(1) | Reckless use of weapon |
| 941.23 | Carrying concealed weapon |
| 941.24 | Possession of switchblade knife |
| 943.01(1) | Criminal damage to property (less than $1,000) |
| 943.11 | Entry into locked vehicle |
| 943.125 | Entry into locked coin box |
| 943.13 | Trespass to land |
| 943.14 | Criminal trespass to dwellings |
| 943.20 | Theft (less than $500) |
| 943.21 | Fraud on hotel or restaurant keeper ($500 or less) |
| 943.22 | Use of cheating tokens |
| 943.23(2) | Operate auto without owner's consent[2] |
| 943.50 | Shoplifting |
| 943.61 | Theft of library materials |
| 944.20 | Lewd and lascivious behavior |
| 944.21 | Obscene material or performance |
| 944.23 | Lewd, obscene or indecent drawings |
| 944.25 | Sending obscene or sexually explicit electronic messages |
| 944.30 | Prostitution |
| 944.31 | Patronizing prostitutes |
| 944.34 | Keeping place of prostitution |
| 945.01 | Definitions relating to gambling |

2. **Editor's Note: Reference to § 943-24, Wis. Stats., Issue of worthless checks, was removed 2-8-2010, effective 2-8-2010.**

| Statutory Reference | Subject Matter |
|---|---|
| 945.02 | Gambling |
| 945.03 | Commercial gambling |
| 945.035 | Certain slot machines on licensed premises |
| 945.04 | Permitting premises to be used for commercial gambling |
| 946.40 | Refusing to aid officer |
| 946.41 | Resisting or obstructing officer |
| 946.42(1) | Escape |
| 946.44 | Assisting or permitting escape |
| 946.66 | False complaints of police misconduct |
| 946.69 | Falsely assuming to act as a public officer or employee |
| 946.70 | Impersonating peace officers |
| 946.72 | Tampering with public records and notices |
| 947.01 | Disorderly conduct |
| 947.012 | Unlawful use of telephone |
| 947.0125 | Unlawful use of computerized communication systems |
| 947.015 | Bomb scares |
| 947.047[3] | Metal or glass debris in or on the shore of any body of water |
| 947.06 | Unlawful assemblies and their suppression |
| 961.41(3g)(e) | Possession of marijuana |
| 961.573 | Possession of drug paraphernalia |

B. References to statutes. References to specific statutory sections wherever used in this section shall mean the Wisconsin Statutes of 2003-2004 as from time to time amended, modified, repealed or otherwise altered by the State Legislature.

## § 209-2. Noise.

It shall be unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated, any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.

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3. **Editor's Note: Section 947.047, Wis. Stats., was repealed by 1989 Act 335, § 81mn, effective 5-11-1990.**

### § 209-3. Interference with radio and television reception.

No person shall knowingly and wantonly operate or cause to be operated any machine, device, apparatus or instrument of any kind whatsoever within the village, the operation of which shall cause unreasonable interference (electrical) with radio reception or television reception; provided, however, that x-ray pictures, examinations or treatments may be made at any time if the machine or other apparatus used therefor is properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception or television reception and is not negligently operated.

### § 209-4. Resisting or interfering with officer.

It shall be unlawful for any person to resist or in any way interfere with any police officer or member of the Police Department or any person called to assist such officer or to threaten to resist or interfere with such officer or person or to advise or encourage any other person to resist or interfere with such officer or person in the discharge of his duty or to in any way interfere with or hinder or prevent him from discharging his duty as such officer or assistant or to offer or endeavor so to do or to in any manner assist any person in the custody of any police or other officer to escape or to attempt to escape from such custody or to try to persuade any person to escape from the custody of such officer or to rescue or attempt to rescue any person so in custody or to fail to obey the order or direction of such officer while such officer is acting in his official capacity in carrying out his duties.[4]

### § 209-5. Littering; depositing mud or dirt on streets.

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

### § 209-6. Posting notices.

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

### § 209-7. Shoplifting.

The provisions of § 943.50(1) and (3) relating to shoplifting and any subsequent amendments are hereby adopted by reference and specifically incorporated herein.

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4. **Editor's Note: Former Sec. 12.02(E), State Open Housing Law adopted, which immediately followed this section, was deleted 8-13-2001. See now Ch. 137, Fair Housing.**

### § 209-8. Loitering at public buildings. [Amended 8-13-2001]

No person shall loiter in or about any public or private school or public building. "Loiter" means to delay, linger, idle or present oneself within a school or upon school grounds or a public building without a lawful purpose for being present and shall further include being present without permission of school or public authorities or being present for a purpose not directly related to the normal conduct of education or business within or around a school or public building.

### § 209-9. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

### § 209-10. Theft of library material. [Added 11-13-2006]

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

ARCHIVES — A place in which public or institutional records are systematically preserved.

LIBRARY — Any public library; library of an educational, historical or eleemosynary institution, organization or society; archives; or museum.

LIBRARY MATERIAL — Includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

B. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be penalized as provided in Subsection E.

C. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

D. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose for the detention and be permitted to make phone calls but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

E. Whoever violates this section is guilty of:

(1) A Class A misdemeanor, if the value of the library materials does not exceed $2,500.

(2) A Class H felony, if the value of the library materials exceeds $2,500.

**§ 209-11. Possession of controlled substances; marijuana and chemical synthetic cannabinoids. [Added 3-13-2017]**

A. Possession of controlled substances. It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in Schedules I and II under Ch. 961, Wis. Stats., which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his/her professional practice, or except as otherwise authorized by this Code of Ordinances.

B. Possession of marijuana.

(1) No person shall possess 25 grams or less of marijuana, as defined in § 961.01, Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.

(2) For purposes of this section, "practitioner" means:

(a) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.

(b) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.

(3) This section does not apply to any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of

marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

C. Possession, use, manufacture and delivery of chemical synthetic cannabinoid prohibited.

(1) It shall be unlawful for any person to use, possess, purchase, attempt to purchase, sell, deliver or barter any chemical synthetic cannabinoid, including all parts of the plant presently classified botanically as Salvia divinorum or Salvinorum A.

(2) Definition. In this section, "chemical synthetic cannabinoid" shall mean any product designed to produce intoxicating effects similar to that of THC or marijuana, including, but not limited to:

(a) "Spice," "K-2," "Yucatan Fire," "Fake," or "New Marijuana," or by any other name, label or description.

(b) Salvia divinorum or Salvinorum A, including all parts of the plant Salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of said plant and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.

(c) (6aR)-9 (hydroxymethyl)-6, 6dimethyl-3 (2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo(c)chromen-01-ol; some trade or other names: HU-210.

(d) 1-Pentyl-3-(l-naphthoyl) indole; some trade or other names: JWH-018/spice.

(e) 1-Butyl 3-1 (naphthoyl) indole; some trade or other names: JWH-073.

(f) 1-(3)(triflouromethylphenyl) piperazine; some trade or other names: TFMPP.

(g) Any similar structural analogs designed to produce the same or similar effects.

D. Possession, manufacture and delivery of drug paraphernalia prohibited.

(1) Definition. In this section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, as defined in Ch. 961, Wis. Stats., in violation of this section. It includes but is not limited to:

(a) Kits defused, 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 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:

[1] Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

[2] Water pipes;

[3] Carburetion tubes and devices;

[4] Smoking and carburetion masks;

[5] 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;

[6] Miniature cocaine spoons and cocaine vials;

[7] Chamber pipes;

[8] Carburetor pipes;

[9] Electric pipes;

[10] Air-driven pipes;

[11] Chillums;

[12] Bongs;

[13] Ice pipes or chillers.

E. Determination of drug paraphernalia. In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of such other considerations a court may deem relevant:

(1) Statements by an owner or by anyone in control of the object concerning its use.

(2) Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.

(3) The proximity of the object in time and space to a direct violation of this section.

(4) The proximity of the object to controlled substances.

(5) The existence of any residue of controlled substance on the object.

(6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this section. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this section shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.

(7) Oral or written instructions provided with the object concerning its use.

(8) Descriptive materials accompanying the object which explain or depict its use.

(9) National and local advertising concerning its use.

(10) The manner in which the object is displayed for sale.

(11) Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise.

(12) The existence and scope of legitimate uses for the object in the community.

(13) Expert testimony concerning its use.

F. Prohibited uses.

(1) Possession of drug paraphernalia. No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the

human body a controlled substance or controlled substance analog in violation of this section.

(2) Manufacture or delivery of drug paraphernalia. No person may deliver, or possess with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this section.

(3) Exemption. This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961, Wis. Stats. This section does not prohibit the possession, manufacture or use of hypodermics in accordance with Ch. 961, Wis. Stats.

# Chapter 221

# SALES


ARTICLE I
**Direct Sellers**

**§ 221-1. Registration required.**
**§ 221-2. Definitions.**
**§ 221-3. Exemptions.**
**§ 221-4. Registration procedure.**
**§ 221-5. Investigation; refusal to register.**
**§ 221-6. Appeals.**
**§ 221-7. Prohibited practices; disclosure requirements.**
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**§ 221-9. Revocation of registration.**

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**§ 221-12. Application for license.**
**§ 221-13. License fee.**
**§ 221-14. Location.**

ARTICLE V
**Enforcement**

**§ 221-15. Interference with village employees.**
**§ 221-16. Violations and penalties.**


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 11.04 and 11.17 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Cigarettes and tobacco products — See Ch. 120.
Intoxicating liquor and fermented malt beverages — See Ch. 167.
Salvage yards — See Ch. 224.

## ARTICLE I
## Direct Sellers

### § 221-1. Registration required.

It shall be unlawful for any direct seller to engage in direct sales within the Village of Wilton without being registered for that purpose as provided herein.

### § 221-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATION — Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

CLERK-TREASURER — The Village Clerk-Treasurer.

DIRECT SELLER — Any individual who, for him/herself or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, 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. 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 prior to the consideration of the application of this article to said merchant:

A. Has continuously operated an established place of business in this village; or

B. Has continuously resided in this village and now does business from his/her residence.

**§ 221-3. Exemptions.**

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

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 which 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 his/her 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 with, and specifically requested a home visit by, said person.

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 Clerk-Treasurer proof that such charitable organization is registered under § 440.42, Wis. Stats. Any charitable organization not registered under § 440.42, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this article.

J. Any person who claims to be a permanent merchant but against whom complaint has been made to the Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the Clerk-Treasurer proof that such person has leased the premises from which he/she is conducting business in this village for at least one year prior to the date complaint was made.[1]

## § 221-4. Registration procedure.

A. Applicants for registration must complete and return to the Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:

(1) Name, permanent address and telephone number, and temporary address, if any.

(2) 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 his/her 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) A 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 last five years, the nature of the offense and the place of conviction.

B. Applicants shall present to the Clerk-Treasurer for examination:

(1) A driver's license or some other proof of identity as may be reasonably required.

(2) A state certificate of examination and approval from the Sealer of Weights and Measures where 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 the handling of food or clothing and is required to be certified under state law, such certificate to

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

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 registration is made.[2]

C. At the time the registration is returned, a fee as set from time to time by the Village Board[3] shall be paid to the Clerk-Treasurer to cover the cost of processing said registration. The applicant shall sign a statement appointing the Clerk-Treasurer his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally. Upon payment of said fee and the signing of said statement, the Clerk-Treasurer shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in hereafter.

## § 221-5. Investigation; refusal to register.

A. Upon receipt of each application, the Clerk-Treasurer may refer it immediately to the Chief of Police or area law enforcement, who may make and complete an investigation of the statements made in such registration.[4]

B. The Clerk-Treasurer shall refuse to register the applicant if it is determined, pursuant to the investigation above, that:

(1) The application contains any material omission or materially inaccurate statements;

(2) Complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business;

(3) 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

(4) The applicant failed to comply with any applicable provisions provided herein.

## § 221-6. Appeals.

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Board or, if none has been adopted, under the provisions of §§ 68.01 through 68.16, Wis. Stats.

## § 221-7. Prohibited practices; disclosure requirements.

A. Prohibited practices.

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2 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

3 **Editor's Note: See Ch. A282, Fees.**

4 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

(1) A direct seller shall be prohibited from:

(a) Calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment;

(b) Calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning;

(c) Calling at the rear door of any dwelling place; or

(d) Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(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 his/her visit, his/her identity or the identity of the organization he/she 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 he/she is conducting business.

B. Disclosure requirements.

(1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she 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 it if involved the extension of credit or is a cash transaction or more than $25 in accordance with the procedure as set forth in § 423.203, Wis. Stats. The seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of § 423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.

(3) If the direct seller takes a sales order for the later delivery of goods, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guaranty or warranty is provided and, if so, the terms thereof.

### § 221-8. Report of convictions.

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

### § 221-9. Revocation of registration.

A. Registration may be revoked by the Board after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this article 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 the hearing and a statement of the acts upon which the hearing will be based.

## ARTICLE II
## Vehicle Vendors
## [Added 5-12-1997]

### § 221-10. Definitions.

As used in this article, the following terms shall have the meanings indicated:

VEHICLE — Any vehicle, wagon, truck or stand used in carrying on a business of selling therefrom and, as such, using or occupying any space on the streets or alleys of the village or any area adjacent thereto.

### § 221-11. License required; exception.[5]

No person shall sell anything from a vehicle, as above defined, without first having obtained a license therefor. This article shall not apply to direct sellers registered under Article I of this chapter.

### § 221-12. Application for license.

Application shall be made in writing to the Village Clerk-Treasurer by the owner of the business stating his/her full name, description of the vehicle and location it is to be in. The license shall be approved by the Village Board and issued by the Clerk-Treasurer.

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5 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

### § 221-13. License fee.

The license fee as established by the Village Board[6] shall be paid before the license is issued by the Clerk-Treasurer. Such license shall expire on the 31st day of December following the date of issuance.

### § 221-14. Location.

The Village Board shall approve the location of the business, which shall be designated on the application.

## ARTICLE V
## Enforcement

### § 221-15. Interference with village employees.

No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.

### § 221-16. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

A. Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

B. Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.

C. Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

D. Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

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6 **Editor's Note: See Ch. A282, Fees.**

# Chapter 224

# SALVAGE YARDS

§ 224-1. Adoption of statutory provisions.
§ 224-2. License required.
§ 224-3. Regulations.
§ 224-4. Enforcement; violations and penalties.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 11.14 and 11.17 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Open burning — See Ch. 101.
Junked or abandoned property — See Ch. 174.
Nuisances — See Ch. 198.
Solid waste — See Ch. 235.
Vehicles and traffic — See Ch. 263.

## § 224-1. Adoption of statutory provisions.

The provisions of § 175.25, Wis. Stats., and all acts amendatory thereof, relative to the storage and sale of and the business of dealing in salvable material, exclusive of penalty provisions, are hereby adopted by reference and incorporated herein.

## § 224-2. License required.

All salvage yards operating in the Village of Wilton shall be licensed by the village pursuant to § 175.25, Wis. Stats.

## § 224-3. Regulations.

A. Inside areas. Unbaled papers and rags shall be stored at all times inside buildings.

B. Outside areas.

(1) No salvage yard shall be operated at a solid waste landfill area.

(2) No garbage or similar putrescible material shall be present at salvage yards.

(3) Open burning of solid waste or salvable material is prohibited.

(4) The yard shall be surrounded by a fence, rapidly growing trees, shrubbery or other appropriate means to screen it from surrounding areas.

(5) The operation shall be conducted in an orderly manner. Effective means shall be taken to control rodents or other vermin and to prevent fire hazards.

(6) Salvage operations shall be conducted only in areas that have been designated by the Village Board.[1]

## § 224-4. Enforcement; violations and penalties.

A. Interference. No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.

B. Penalties. Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(1) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

(2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.

(3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

(4) Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

# Chapter 226

# SEXUAL OFFENDERS

ARTICLE I
**Residency Restrictions**

**§ 226-1. Findings and intent.**
**§ 226-2. Definitions.**
**§ 226-3. Residency restricted.**
**§ 226-4. Residency restriction exemptions.**
**§ 226-5. Appeals.**
**§ 226-6. Loitering prohibited; exceptions.**
**§ 226-7. Prohibited activities.**
**§ 226-8. Measurement of distance.**

**[HISTORY: Adopted by the Village Board of the Village of Wilton as indicated in article histories. Amendments noted where applicable.]**

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## ARTICLE I
## Residency Restrictions
## [Adopted 3-13-2017]

### § 226-1. Findings and intent.

The Village Board finds that repeat sexual offenders who use physical violence and sexual offenders who prey on children are sexual offenders who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant. It is not the intent of the Board to punish sex offenders, but rather to serve the Village's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Village of Wilton by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders are prohibited from establishing temporary or permanent residence. Due to the high rate of recidivism for sexual offenders, and because reducing both opportunity and temptation would help minimize the risk of reoffense, there is a compelling need to protect children where they congregate or play in public places.

### § 226-2. Definitions.

For purposes of this article:

CHILD — A person under the age of 18 years.

CRIME AGAINST CHILDREN — Any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or federal government, having like elements necessary for conviction, respectively:

| | |
|---|---|
| § 940.225(1) | First degree sexual assault |
| § 940.225(2) | Second degree sexual assault |
| § 940.225(3) | Third degree sexual assault |
| § 940.22(2) | Sexual exploitation by therapist |
| § 940.30 | False imprisonment — victim was minor and not the offender's child |
| § 940.31 | Kidnapping — victim was minor and not the offender's child |
| § 940.225 | Rape |
| § 944.06 | Incest |
| § 948.02 | Sexual intercourse with a child |
| § 948.02 | Indecent behavior with a child |
| § 948.07 | Enticing child for immoral purposes |
| § 948.02(1) | First degree sexual assault of a child |
| § 948.02(2) | Second degree sexual assault of a child |
| § 948.025 | Engaging in repeated acts of sexual assault of the same child |
| § 948.05 | Sexual exploitation of a child |
| § 948.055 | Causing a child to view or listen to sexual activity |
| § 948.06 | Incest with a child |
| § 948.07 | Child enticement |
| § 948.075 | Use of a computer to facilitate a child sex crime |
| § 948.08 | Soliciting a child for prostitution |
| § 948.095 | Sexual assault of a student by school instructional staff |
| § 948.11(2)(a) or (am) | Exposing a child to harmful material felony sections |
| § 948.12 | Possession of child pornography |
| § 948.13 | Convicted child sex offender working with children |
| § 948.30 | Abduction of another's child |
| § 971.17 | Not guilty by reason of mental disease or an included offense |
| § 975.06 | Sex crime law commitment |

PERMANENT RESIDENCE — A place where a person abides, lodges or resides for 14 or more consecutive days.

SEX OFFENDER —

A. Any person who is required to register under § 301.45, Wis. Stats., and/or any person who is required to register under § 301.45, Wis. Stats., and who is subject to the special bulletin notification process set forth in § 301.46(2) and (2m), Wis. Stats.

B. Any person subject to the sex crimes commitment provisions of § 975.06, Wis. Stats.

C. Any person found not guilty by reason of disease or mental defect placed on lifetime supervision under § 971.17(1j), Wis. Stats.

D. Any person who has been convicted of, or has been found not guilty by reason of disease or mental defect of, any crime against children as defined herein.

TEMPORARY RESIDENCE — A place where a person abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or place where the person routinely abides, lodges or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent address.

**§ 226-3. Residency restricted.**

A. In absence of a Circuit Court order specifically exempting a sex offender from the residency restriction in this subsection, a sexual offender shall not establish a permanent or temporary residence within 1,500 feet of any private or public school, churches, recreational trail, athletics fields used by children, playground or park where children regularly gather, licensed child care center as defined in § 48.65, Wis. Stats., or group home as defined in § 48.02(7), Wis. Stats. A map of such restricted areas shall be maintained, updated and available to the public at the Village Hall.

B. It is unlawful to let or rent any place, structure, or part thereof with the knowledge that it will be used as a residence by a sex offender if such place, structure, or part thereof is located within 1,500 feet of any private or public school, churches, recreational trail, athletics fields used by children, playground or park where children regularly gather, licensed child care center as defined in § 48.65, Wis. Stats., or group home as defined in § 48.02(7), Wis. Stats. A person letting or renting a place or structure shall be deemed to have such knowledge if, at least 10 days prior to letting or renting the place, the sex offender's name appears on the Wisconsin Department of Corrections Sex Offender Registry and the person letting or renting the place knew the sex offender would be residing at the subject place or structure.

**§ 226-4. Residency restriction exemptions.**

A sex offender residing within a prohibited area as described in § 226-3 herein does not commit a violation of this article if any of the following apply:

A. The person established a permanent residence or temporary residence and reported and registered the residence pursuant to § 301.45, Wis. Stats., before the effective day of this article.

B. The person was under 17 years of age and is not required to register under § 301.45 or § 301.46, Wis. Stats.

C. The school, church, recreational trail, playground, athletics field, park, licensed child care center, or group home, where children regularly gather within 1,500 feet of the person's permanent residence or temporary residence, was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to § 301.45, Wis. Stats.

D. The person is required to serve a sentence at a jail, juvenile facility or other correctional institution or facility.

E. The person is a minor or ward under guardianship.

### § 226-5. Appeals.

The above requirements of 1,500 feet for residency and rental may be waived upon approval of the Village Board through appeal by the affected party. Such appeal shall be made, in writing, to the Village Clerk's office, who shall forward the request to the Village Board, which shall receive reports from law enforcement agencies on such appeal. The Village Board shall convene and consider the public interest as well as the affected party's presentation and concerns. After deliberation, the Village Board shall forward its decision, in writing, via the minutes or otherwise, to the Wilton Police Department for its information and action. A written copy of the decision shall be provided to the affected party.

### § 226-6. Loitering prohibited; exceptions.

A. It shall be unlawful for any sex offender, as designated in § 226-2 above, to loiter or prowl at any school or school property; recreational trail, playground or park; within 300 feet of a licensed child care center or group home; in a place, at a time, or 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 actor takes flight upon appearance of a law enforcement officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances makes it impractical, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself or explain his or her presence and conduct at the aforementioned locations. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true, and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

B. Exceptions. The prohibitions set forth in Subsection A above shall not apply where the actor was with his or her parent or other adult person having his or her care, custody or control; or the actor was exercising First Amendment rights protected by the United States Constitution, including freedom of speech, free exercise of religion and the right of assembly.

### § 226-7. Prohibited activities.

It shall be unlawful for any sex offender to participate in a holiday event involving children under 18 years of age, including, but not limited to, for purposes of example: distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday

events in which the offender is the parent or guardian of the children involved, and no nonfamilial children are present, are exempt from this section. Participation is to be defined as actively taking part in the event.

### § 226-8. Measurement of distance.

For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the closest outer property line of the permanent residence or temporary residence to the closest outer property line of a private or public school, recreational trail, playground or park where children regularly gather, licensed day care center or licensed group foster home.

# Chapter 231

# SNOWMOBILES

§ 231-1. Operation within Village limits. § 231-2. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Wilton 1-8-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Play vehicles — See Ch. 60.
Parks and public grounds — See Ch. 205.
Vehicles and traffic — See Ch. 263.

## § 231-1. Operation within Village limits. [Amended 8-13-2001; 2-9-2015]

A. Individuals may operate a snowmobile within the Village limits, provided the individual is following a direct path on Village streets and alleys to or from any residence, regardless of whether the individual resides there, or storage area to a Department of Natural Resources or Village approved snowmobile trail.

B. All operators must follow the rules of the road and ordinances of the Village, except that no individual may operate a snowmobile at a speed greater than 10 miles per hour.

## § 231-2. Violations and penalties.

Any individual violating any provision of this chapter shall, upon conviction thereof, forfeit not less than $20 nor more than $500 and the cost of prosecution, together with the penalty assessment imposed by Wisconsin Statutes.

# Chapter 235

# SOLID WASTE


§ 235-1. Collection and disposal of garbage and rubbish.
§ 235-2. Preparation of waste for collection.
§ 235-3. Placement of garbage and refuse bags.
§ 235-4. Permit required to collect garbage.
§ 235-5. Enforcement.
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§ 235-7. Business establishments.
§ 235-8. Yard waste.
§ 235-9. Construction materials.
§ 235-10. Recycling.
§ 235-11. Violations and penalties.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 10.05 and 10.17 of the 1987 Code; amended in its entirety 9-13-1999. Subsequent amendments noted where applicable.]**

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 92.
Junked or abandoned property — See Ch. 174.
Nuisances — See Ch. 198.
Salvage yards — See Ch. 224.

## § 235-1. Collection and disposal of garbage and rubbish.[1]

The collection, removal and disposal of garbage and rubbish shall be conducted under the supervision, direction and control of the Public Works Committee and with such additional rules and regulations as may be made from time to time by the Village Board.

## § 235-2. Preparation of waste for collection.

A. All ordinary garbage shall be drained of surplus water and deposited promptly in clear plastic bags not to exceed 33 gallons.

B. Refuse or garbage placed in clear plastic bags shall not exceed a weight of 40 pounds per bag.

C. All clear plastic bags must be preprinted "Village of Wilton" and purchased from the Village of Wilton or designated outlets.

D. It is unlawful for any person to deposit ashes containing burning embers or inflammables for collection.

E. All clear plastic bags must be stored in a closed container if stored outside the premises.

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1 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

### § 235-3. Placement of garbage and refuse bags.

On days of collection, garbage and refuse bags shall be placed at the alley line or at the curbline of a street in order to be easily accessible by the collectors. Clear plastic bags, as stated above, must not be set out at the street or alley more than 12 hours before the day of collection, and containers must be removed from the street or alley within 12 hours after the collection day, to a point at least as far from the street or alley as the resident's house or garage is located.

### § 235-4. Permit required to collect garbage.

No person shall engage in the collection and removal of the garbage or offal within the village limits unless he is permitted by the Public Works Committee. This section shall not be construed to prevent the destruction of the garbage by the State Department of Health and Family Services' approved methods.

### § 235-5. Enforcement.[2]

It shall be the duty of the Village Board to strictly enforce the provisions of this chapter and see that all violations thereof are promptly abated and the violators thereof prosecuted, and it shall be the special duty of area law enforcement and the Director of Public Works of the village to give attention throughout said village to any case of violation thereof and promptly report such violations to the Village Board.

### § 235-6. Unlawful deposit of garbage.

It shall be unlawful for any person to deposit, throw or place any garbage on or within any public street, alley, park, sidewalk or other public place or on or within any private property, whether owned, kept or controlled by such person or not, unless in clear plastic bags, preprinted "Village of Wilton." All such garbage must be removed or otherwise disposed of at least once every 10 days.

### § 235-7. Business establishments.

Garbage from restaurants, hotels, groceries, meat markets or any other such business shall be stored in a dumpster or a closed container, and the business shall arrange for removal weekly, unless the business is using the clear bag system.

### § 235-8. Yard waste.

All stumps and large brush items from trees on private property shall be removed at the owner's expense. Leaves and grass must be placed in a clear plastic bag; small brush and garden items may be placed at the curbside or alley and will be picked up at a designated time.

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2 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

### § 235-9. Construction materials.

At no such time will the Village of Wilton pick up any construction materials or shingles.

### § 235-10. Recycling.

In the Village of Wilton a designated "Village of Wilton" recycling container will be provided and should be placed on the alley line or at the curbline of a street in order to be easily accessible by the collectors on the days of collection. Each homeowner – resident's household will receive the first container free of charge; replacements or additional containers can be purchased at a nominal fee, set by resolution periodically by the Village Board.[3] Recycling must not be set out at the street or alley more than 12 hours before the day of collection, and containers must be removed from the street or alley within 12 hours after the collection day, to a point at least as far from the street or alley as the resident's house or garage is located. It is unlawful for any nonresident to deposit, throw or place any recycling on or within any public street, alley, park, sidewalk or other public place. All recycling shall be brought to the site as defined by the Monroe County Recycling Program by the Village of Wilton.

### § 235-11. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

A. Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

B. Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Village Board after allowing the licensee or permittee a hearing on notice.

C. Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

D. Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

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[3] **Editor's Note: See Ch. A282, Fees.**

# Chapter 242

# STREETS AND SIDEWALKS


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ARTICLE IV
**Snow and Ice Removal**

**§ 242-13. Deposit of snow on streets or sidewalks prohibited.**


**[HISTORY: Adopted by the Village Board of the Village of Wilton as indicated in article histories. Amendments noted where applicable.]**

GENERAL REFERENCES

**Snowmobiles — See Ch. 231.**
**Subdivision of land — See Ch. 247.**
**Vehicles and traffic — See Ch. 263.**
**Water and sewers — See Ch. 270.**

## ARTICLE I
## General Provisions
## [Adopted 2-2-1987 as Ch. 6 and Sec. 12.01(F) of the 1987 Code]

### § 242-1. Grades. [Amended 8-13-2001]

A. Establishment. The grade of all streets, alleys and sidewalks shall be established by resolution of the Village Board and the same shall be recorded by the Village Clerk-Treasurer's office. No street, alley or sidewalk shall be worked until the grade thereof is established.

B. Alteration of grade prohibited. No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof by any means whatsoever unless authorized or instructed to do so by the Village Board or the Chairman of the Public Works Committee. All such alterations of grade shall be recorded in the Village Office by the Clerk-Treasurer or the officer authorizing the alteration.

## § 242-2. Sidewalks.

A. Use and maintenance. All sidewalks in the village shall be maintained in good condition of repair, free from obstructions to permit passage by pedestrians. Snow and ice shall be removed therefrom within 24 hours after any storm, or, failing to do so, the village shall obtain the removal thereof, making charges therefor against the property in the same manner as taxes.

B. Construction and repair. The Village Board may from time to time establish the width, determine the materials and prescribe the method of construction of standard sidewalks.

C. Repair. The Public Works Committee or the Village Board may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk with the standard fixed by the Village Board.

D. Notice. A copy of the resolution or order directing such laying, removal, replacement or repair shall be served upon the owner of each lot or parcel of land in front of which such work shall have been ordered by the Public Works Committee or the Chairman of said Committee, if the Board shall request him to make such service by personally delivering the same to the owner or his agent, and in case the owner or his agent cannot be found in the village, by publishing in the official newspaper.

E. Default of owner. Whenever any such owner shall neglect for a period of 20 days after such service to lay, remove, replace or repair any such sidewalk, the village may cause such work to be done at the expense of such owner.

F. Minor repairs. When the cost of repairs of any sidewalk in front of any lot or parcel of land shall not exceed the sum of $50, the Public Works Committee may immediately repair such sidewalk without notice or letting the work by contract and charge the cost thereof to the owner of such lot or parcel of land in the same manner as taxes.

G. Rules. The Village Board may from time to time make all needful rules and regulations for carrying the aforesaid provisions into effect and regulating the use of the sidewalks of the village and preventing their obstruction.

## § 242-3. Driveways.

A. Approval required. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Public Works Chairman or the Village President. **[Amended 12-11-2006]**

B. Specifications for driveway construction.

(1) Width. No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Village Board.

(2) Interference with intersections prohibited. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.

(3) Interference with street. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or

roadside areas or with any existing structure on the right-of-way. When required by the Public Works Committee to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.

(4) Workmanship and materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction established by the Village Board. **[Amended 8-13-2001]**

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

## § 242-4. Excavations and openings.

A. Permit required. No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Village without first obtaining a permit therefor from the Public Works Chairman or the Village President.[1] **[Amended 12-11-2006]**

B. Bond. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Clerk-Treasurer an indemnity bond approved by the Village Attorney in the sum of $3,000 conditioned that the applicant will fill up and place in good and safe condition all excavations and openings made in the street and will replace and restore the pavement over any openings he may make as near as can be to the state and condition in which he found it and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Public Works Committee for a period of one year. Such bond shall also guarantee that if the village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year. Such bond shall be further conditioned that he will observe the provisions of all state laws, ordinances, rules and regulations governing the issuance of permits under this section. Such bonds may be filed individually for each excavation, or an annual bond may be given covering all excavation work done by the principal for one year beginning January 1.

C. Insurance. Prior to commencement of excavation work, a permittee must furnish the Public Works Committee satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation public liability insurance, bodily injury, of not less than $500,000 for one accident and property damage insurance of not less than $100,000. **[Amended 8-13-2001]**

D. Regulations governing street and sidewalk openings.

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1. **Editor's Note: Former Sec. 6.04(B), Fee, which immediately followed this subsection, was deleted 8-13-2001.**

(1) No opening in the streets or sidewalks for any purposes shall be permitted when the ground is frozen, except where necessary as determined by the Public Works Committee.

(2) In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and, together with the excavated material from trenches, shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.

(3) Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Warning lights shall be kept burning from sunset to sunrise, one light to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Director of Public Works, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. 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 the cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

(4) In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Public Works Committee is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than 12 inches in depth and each layer rammed, tamped or flushed to prevent after settling. When the side of the trench will not stand, perpendicular sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The village may elect to have the village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining for one year shall be charged to the person making the street opening.

E. Excavation in new streets limited. Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Board, the Public Works Committee shall notify in writing each person, utility, village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any

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

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

G. Village work excluded. The provisions of this section shall not apply to excavation work under the direction of the Public Works Committee, by village employees, or contractors performing work under contract with the village necessitating openings or excavations in village streets, which openings or excavations shall be regulated by the contract between the village and the contractor.

### § 242-5. Obstructions and encroachments.

A. Obstructions and encroachments prohibited. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsection C.

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

C. Exceptions. The prohibition of Subsection A shall not apply to the following:

(1) Public utility encroachments duly authorized by state law or village ordinance.

(2) Awnings, signs, overhead sidewalk heaters and canopies, provided they do not extend below any point seven feet above the sidewalk, street or alley.

(3) Temporary encroachments or obstructions authorized by permit.

(4) Excavations and openings in streets permitted by this article.

### § 242-6. Violations and penalties.

Any person violating any provision of this article, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by

reference, shall, upon conviction thereof, forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

## ARTICLE II
## Permit for Sidewalk Use
## [Adopted 6-8-1998]

### § 242-7. Designated area. [Amended 8-13-2001]

Owners of property adjacent to property owned by the Village of Wilton located on Main Street between Railroad Street and Water Street must apply for the permit authorized by this article.

### § 242-8. Grant of permit. [Amended 8-13-2001]

The Board may grant a permit to allow owners or tenants of private property to construct and/or place temporary structures or improvements on or over the sidewalk located within the designated area.

### § 242-9. Procedure.

A. Application. Any property owner or tenant of private property located within the designated area seeking issuance of a permit shall file a written application with the Village Clerk-Treasurer requesting that a permit be issued. The application shall describe the location of the property, identify if the applicant is the owner or tenant, describe in detail the proposed project and include a detailed map. The application shall be dated and signed. **[Amended 8-13-2001]**

B. Public hearing. Upon receipt of the application, the Village President shall schedule a public hearing before the Village Board. Notice of said hearing shall be posted in at least three locations at least 10 days prior to the public hearing.

C. Determination. The Board shall grant or deny the application after first considering:

(1) Safety to the general public;

(2) Potential liability to the public and the village;

(3) Scope of the proposed project;

(4) Pedestrian traffic flow; and

(5) Any other factors the Board deems relevant and in the best interest of the residents of the village.

### § 242-10. Permit agreement. [Amended 8-13-2001]

No permit shall be issued by the Clerk-Treasurer until after approval by the Village Board and only after the applicant has executed the permit agreement in a form acceptable to the Village Attorney and Village Board.

### § 242-11. Enforcement; violations and penalties.

A. Interference. No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.

B. Penalties. Any person violating any provision of this article, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this article exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(1) Except as otherwise provided in this Code, any license or permit issued pursuant to this article may be suspended by the officer or department issuing the same upon a hearing on notice.

(2) Except as otherwise provided in this Code, any license or permit issued pursuant to this article may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.

(3) Any license or permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

(4) Upon conviction thereof, any person violating any provision of this article shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

## ARTICLE III
## Yard Waste on Streets
## [Adopted 3-13-2017]

### § 242-12. Blowing grass clippings and raking leaves into streets prohibited.

In the interests of public safety, health and general welfare, community appearance, and efficiency of operation, it shall be unlawful to rake, place, or mow fallen tree leaves or grass clippings onto the pavement or into the gutter of any public street or alley, except during the leaf pickup season during the months of October and/or November at designated dates and times. No person shall permit grass clippings from mower swaths to remain upon sidewalks, street pavements, alleys, gutters of any public street, or on abutting property not owned or occupied by him/her. The penalty for violating this article is set forth in the Village of Wilton

Bond and Penalty Schedule, and penalties may be adjusted from time to time by Village Board action.

## ARTICLE IV
## Snow and Ice Removal
## [Adopted 3-13-2017]

### § 242-13. Deposit of snow on streets or sidewalks prohibited.

A. No person shall deposit or cause to be deposited any snow or ice taken and removed from his/her premises or elsewhere upon any sidewalk, alley, parkway, public place, fire hydrant, or street in the Village, except snow removed from sidewalk areas where there are no boulevards or terraces. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.

B. Penalty. Penalties for violations within a calendar year shall be as described in the Village of Wilton Bond and Penalty Schedule.

C. Assessment of cost. In addition to the penalties provided for the violation of this section, the Village may summarily remove any snow or ice so deposited and assess the cost of removal to the owner of the property from which the snow or ice was removed. Upon failure of the property owner to pay the cost, it may be charged as a special assessment on the tax bill of the property owner from which the snow or ice was removed.

# Chapter 247

# SUBDIVISION OF LAND


§ 247-1. Purpose and objectives.
§ 247-2. Authority.
§ 247-3. Definitions.
§ 247-4. Approval of subdivision plat required; applicability.
§ 247-5. Application procedure.
§ 247-6. Construction of public improvements or posting of security.
§ 247-7. Plats, construction plans and certified survey maps.
§ 247-8. Design of subdivisions.
§ 247-9. Design standards for public improvements.
§ 247-10. Underground utilities.
§ 247-11. Exceptions in cases of hardship.
§ 247-12. Violations and penalties.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Ch. 15 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Building construction — See Ch. 97.
Fair housing — See Ch. 137.
Mobile home parks — See Ch. 191.
Streets and sidewalks — See Ch. 242.
Water and sewers — See Ch. 270.
Floodplain zoning — See Ch. 150.

## § 247-1. Purpose and objectives.

A. The purpose of this chapter is to promote the public health, safety, convenience and general welfare.

B. The regulations are designed to lessen congestion in the streets; to foster the orderly layout and use of land; to ensure safety from fire, panic and other dangers; to discourage any platting of land subject to flooding; to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels.

C. 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.

## § 247-2. Authority.[1]

This chapter is adopted pursuant to § 236.45, Wis. Stats., which permits the adoption of regulations more restrictive than those contained in the Chapter 236, Wis. Stats.

## § 247-3. Definitions.

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

BUTT LOT — 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.

CERTIFIED SURVEY MAP — A map intending to create not more than four parcels of land as provided in § 236.34, Wis. Stats. Certified survey maps shall, in addition to the provisions of § 236.34, Wis. Stats., bear a certificate of approval of the Village Board, certified by the Clerk-Treasurer.

DIVISION OF LAND — Any splitting up of a recorded tract of land, except as provided in § 247-4C of this chapter.

FINAL PLAT — A map of a subdivision with all necessary text, certificates and affidavits to qualify it for recording in the office of the Register of Deeds.

LOT WIDTH — The width of a lot, measured at the setback line.

OWNER — Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation or any combination of these.

PLAN COMMISSION — The Plan Commission of the Village of Wilton. See Chapter 43, Plan Commission.[2]

PRELIMINARY PLAT — A map or sketch of a proposed subdivision or division of land.

STREET — A public thoroughfare providing primary access to abutting property.

A. MAJOR THOROUGHFARE — One designed for fast or dense and heavy traffic.

B. COLLECTOR – DISTRIBUTOR STREET — One which carries traffic from local streets to the system of major thoroughfares, including the principal entrance streets of a residential development, and provides for circulation within such development.

C. LOCAL STREET — One which is used primarily for access to abutting properties.

D. MARGINAL ACCESS STREET — One 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. ALLEY — A public thoroughfare which provides secondary access to abutting properties.

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

F. PEDESTRIAN PATHWAY — A public thoroughfare, 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.

G. 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.

SUBDIVISION — As defined in § 236.02(12), Wis. Stats.

TENTATIVE APPROVAL — An approval with or without recommended alterations given to the preliminary plat by the Plan Commission. It shall constitute 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.

### § 247-4. Approval of subdivision plat required; 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, 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 Chapter 236, Wis. Stats., are met and the plat and the plan or plans of the subdivision shall have been approved by the Plan Commission and the Village Board and certified thereto by the Clerk-Treasurer.

B. No building permit shall be issued by the village authorizing the building on or improvement of any parcel of land not on record as of the effective date of this chapter until the provisions and requirements of this chapter have been met.

C. 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 Chapter 236, Wis. Stats., or any other ordinance of the village.

### § 247-5. Application procedure.

Any owner of land (or his/her agent) who wishes to divide such land shall comply with the general principles of design and minimum layout requirements as set forth in § 247-8, and the procedure shall in every case be as follows:

A. Pre-application conference. The owner of the land (or his agent) which is located within the corporate limits of the village shall submit to the Plan Commission or its representative such information as may be required by the Plan Commission to describe or outline the existing conditions of the site and the proposed development thereof.

B. Preliminary plat.

(1) Before submitting the final plat for approval the owner shall prepare a preliminary plat which shall conform to the provisions set forth in §§ 247-8 and 247-9 of this chapter and shall file with the Clerk-Treasurer an application in writing for the tentative approval of said plat or map, accompanied by such copies as shall be required by the Clerk-Treasurer to comply with Chapter 236, Wis. Stats.

(2) The preliminary plat or map shall be checked and reviewed as to its conformity with the Official Map and the principal standards and requirements set forth in this chapter, and copies of plats shall be referred for review and recommendations as required by § 236.12, Wis. Stats.

(3) After review of the preliminary plat or map and conferences with the owner on any changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall, within 20 days of submission, approve, conditionally approve or reject the plat.

(4) If the Plan Commission rejects the plat, it shall return it to the owner. If it approves or conditionally approves the plat, it shall so notify the Village Board.

(5) If the Plan Commission approves the preliminary plat, the Village Board shall, within 90 days of the date the plat was filed with the Clerk-Treasurer, approve conditionally or reject such plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement by the subdivider. Failure of the Village Board to act within 90 days or extension thereof shall constitute an approval of the preliminary plat. The Clerk-Treasurer shall communicate to the owner the action of the Board. If the plat is approved, the Clerk-Treasurer shall endorse it for the Board.[3]

(6) Upon filing the preliminary plat with the village, the owner shall pay a fee as set from time to time by the Village Board.[4]

C. Public improvements, plans and specifications. Simultaneously with the filing of the preliminary plat, the owner shall file with the Clerk-Treasurer five complete sets of preliminary plans and specifications for the construction of any public improvements required by § 247-9 of this chapter.

D. Final plat.

(1) Simultaneously with the filing of the final plat, the owner shall file with the Clerk-Treasurer four copies of the final plans and specifications for public improvements required by § 247-9 of this chapter. If the plat has not been certified by the state agencies under § 236.12(6), Wis. Stats., then copies as required by § 236.12(2), Wis. Stats., shall also be provided.

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3 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

4 **Editor's Note: See Ch. A282, Fees.**

(2) The Clerk-Treasurer shall forward the plat and plans and specifications of public improvements to the Plan Commission. He shall forward copies of the plat as provided by § 236.12(2), Wis. Stats.

(3) The Plan Commission shall refer the final plat and final plans and specifications for public improvements to the Village Engineer[5] for review.

(4) The Village Engineer shall examine the plat and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Plan Commission.

(5) 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.

(6) If the plat and the plans and specifications of public improvements are not satisfactory to the Commission, they shall be rejected in writing and returned to the owner with appropriate reasons for such rejection.[6]

(7) When the Village Board receives the approved plat and plans and specifications from the Plan Commission, it shall signify its action by motion or resolution. If rejected the Clerk-Treasurer shall so notify the owner in writing. If approved, the Clerk-Treasurer shall endorse the plat, as required by Chapter 236, Wis. Stats., and return it to the owner for recording.

(8) The approval of the final plat by the Village Board shall constitute acceptance of the dedication of any public street, open space or other public areas shown thereon.

(9) 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. 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.[7]

**§ 247-6. Construction of public improvements or posting of security.**

A. Upon notification by the Clerk-Treasurer that the preliminary plat has been approved by the Village Board, the owner shall construct and install the required public improvements.

B. In lieu of Subsection A above, 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 to by the Village Engineer, to assure the satisfactory installation of said improvements as outlined in § 247-9 of this chapter and contained in the plans and specifications. Said surety bond shall be approved by the President of the Village Board.

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5 **Editor's Note: Throughout this chapter, references to the "Director of Public Works" were amended to "Village Engineer" at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

6 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

7 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

**§ 247-7. Plats, construction plans and certified survey maps.**

A. A preliminary plat shall be legible print made from a drawing that shows correctly the following:

(1) Date, scale and North point.

(2) Proposed name of the subdivision, if a plat.

(3) Name and post office address of owner or his agent.

(4) Small drawing showing the location of the land to be divided.

(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) Reference to special requirements if the plat is located in a floodplain zoning district.

(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; and 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, easements for sewers, water mains and other public utilities.

(11) Direction and distance to nearest water mains and sewer mains.

(12) Approximate dimensions of and areas of all lots and parcels.

(13) Proposed building setback lines, if different from that required by the Code of the Village of Wilton.

(14) Contour lines at an interval of not more than 2½ feet, with reference to village datum.

B. Construction plans. As required by §§ 247-8 and 247-9 of this chapter, the owner shall furnish, with the preliminary plat, necessary construction plans of public improvements. If the owner so chooses, he may obtain approval of a preliminary plat as to layout only. 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. Final plat. A final plat of a subdivision shall comply in all respects with the requirements of Chapter 236, Wis. Stats.

D. Final certified survey map. A final certified survey map of a division of land not requiring a plat shall comply in all respects with the requirements of § 236.34, Wis. Stats.

**§ 247-8. Design of subdivisions.**

A. General. In laying out a subdivision, the owner shall conform to the provisions of Chapter 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 Chapter 236, the more restrictive provision shall apply.

B. Public parks and sites for 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) above.

(c) Where the dedication of land under Subsection B(1)(a) or (b) above would result in lands which would not be useful to the village, the Village Plan Commission may stipulate to the owner some other equitable means for making a dedication or a cash payment to the city in lieu thereof.

(2) When public parks and sites for other public areas, as shown on the Official Map, lie within the area proposed for development and are greater in area than required by Subsection B(1)(a) above, 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.

C. Streets.

(1) 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.

(2) The layout of streets shall conform to the Official Map.

(3) In areas not covered by the Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas in their relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

(4)[8] Street classification. Streets shall be classified as indicated below. Physical dimensions of streets shall conform to the established street standards. See § 247-9D(1).

(a) Major thoroughfares are those streets which have the greatest importance to the development of the village and which are shown on the Official Map or have a

[8] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

right-of-way width of not less than 100 feet for a median-divided roadway nor less than 66 feet for a single roadway.

(b) Collector – distributor streets are streets of somewhat less importance than major thoroughfares and which are shown on the Official Map or have a right-of-way width of not less than 60 feet.

(c) Local streets are streets designed primarily for access to abutting property and have a right-of-way width of not less than 60 feet, except dead-end streets not more than 500 feet long, which may have a right-of-way width of not less than 50 feet but must be provided with a turnaround at the dead end as provided in Subsection C(4)(d) below.

(d) Turnarounds at the end of dead-end streets shall be paved as provided for local streets, with thirty-seven-foot-wide pavement, with an outside diameter of the turnaround of 84 feet and an inside diameter of 26 feet, and be connected by smooth curves to the pavement of the main portion of the street.

(e) Marginal access streets (as defined in § 247-3 of this chapter) may not be less that 50 feet wide.

(5) Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect.

(6) 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. Dead-end streets not over 500 feet in length will be approved when necessitated by the topography.

(7) Grades. The grade of major thoroughfares and collector – distributor streets shall not exceed 6% unless necessitated by exceptional topography and approved by the Plan Commission. Grades of local streets shall not exceed 10%. The minimum grade of all streets shall be 9.4%.

(8) Horizontal curves. A minimum sight distance with clear visibility, measured along the center line, shall be provided of at least 500 feet on major thoroughfares, 200 feet on collector – distributor streets and 120 feet on all other streets.

(9) Vertical curves. 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 the rate of grade for major thoroughfares and 20 times this algebraic difference for all other streets.

(10) Tangents. A tangent of at least 100 feet long shall be introduced between reverse curves and between curves and a street intersection on major thoroughfares and collector – distributor streets.

(11) Street names. 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.

(12) Reserve strips. Reserve strips controlling access to streets shall be encouraged where their control is definitely placed in the village under conditions approved by the Plan Commission.

(13) Half streets. Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider.

(14) Intersections.

(a) Property lines at street intersections of major thoroughfares shall be rounded with a radius of 25 feet or of a greater radius where the Plan Commission considers it necessary.

(b) Street jogs with center-line offsets of less than 125 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(15) Alleys.

(a) Alleys shall be provided in all commercial and industrial districts, except that the Plan Commission may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. No alley shall connect with a major thoroughfare.

(b) Width of alleys shall be not less than 20 feet.

(c) Dead-end alleys are prohibited.

D. Block and lot layout.

(1) 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 appropriate depth between street lines. As a general rule, blocks shall not be less than 600 feet in length.

(2) 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 deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(3) General considerations for lots.

(a) The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated.[9]

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[9] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

(b) Lot dimensions shall conform to the requirements of § 236.16, Wis. Stats., but in no case shall a lot have a frontage of less than 50 feet at the building line or a depth of less than 100 feet.[10]

(c) 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.

(d) Residential lots fronting on major streets and highways shall be platted with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.

(4) Corner lots for residential use shall have extra width to permit full building setback from both streets.

(5) 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.

(6) Butt lots will be permitted by the Plan Commission only in exceptional cases.

(7) Side lot lines shall be substantially at right angles to or radial to abutting street lines.

(8) In case a tract is divided into parcels of more than 1½ acres in area, such parcels shall be so arranged as to permit redividing into parcels.

(9) 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.

E. Flood protection.

(1) Filling of all lots in each subdivision is required, to a point not less than one foot below flood protection elevation for the particular area.

(2) Areas to be filled shall also include all street rights-of-way and other appropriate areas, such as parks and open space lands, so that they bear a reasonable relationship to adjoining properties.

F. Easements.

(1) Utility easements shall be provided at the rear of all residential lots and along the side lot lines where required. Such utility easements shall be at least 12 feet wide and normally centered upon the rear or side lot line. Evidence shall be furnished to the Plan Commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

(2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream:

(a) There shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width

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10 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section.

(b) Alternately, 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 section.

(c) 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 wide.

### § 247-9. Design standards for public improvements.

A. Improvements completed. All improvements required under this chapter shall be constructed in accordance with its provisions prior to filing the final plat with the Clerk-Treasurer for approval by the Village Board. In lieu of construction of the public improvements, the owner may furnish a surety bond as provided in this chapter.

B. Guaranty 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.

C. Procedure.

(1) Simultaneously with the filing of the preliminary plat with the Clerk-Treasurer, or as soon thereafter as practicable, four copies of the construction plans and specifications shall be furnished for the following public improvements:

(a) Street grading and surfacing.

(b) Sanitary sewers.

(c) Water mains and laterals.

(d) Curb, gutters and sidewalk.

(2) The Public Works Committee shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter. If the plans and specifications are rejected, it shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Public Works Committee shall approve them in writing and transmit them to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed.[11]

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11 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

(3) Construction and inspection.

(a) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Public Works Committee upon receipt of all necessary permits and in accordance with the construction methods described in Subsection F.

(b) Construction of all improvements required by this chapter shall be completed within two years from the date of approval of the final plat by the Plan Commission, unless good cause can be shown for the President and Village Board to grant an extension.

(c) During the course of construction, the Village Engineer shall make such inspections as the Village Board 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 inspections. This fee shall be the actual cost to the village of inspectors, engineers and other parties necessary to ensure satisfactory work.[12]

(4) As-built plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. This map shall be in black ink on tracing cloth and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the map shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

D. Design standards.

(1) Streets.[13]

(a) Major thoroughfares shall have a right-of-way width as established on the Official Map or as designated in § 247-8 of this chapter. In lieu of building pavements to standards required for this class of street, the owner shall pay to the village a sum of money equal to the cost of improving the street to standards established in Subsection D(1)(c).

(b) Collector – distributor streets shall have a right-of-way width as established on the Official Map or as designated in § 247-8 of this chapter. In lieu of building pavements to standards required for this class of street, the owner shall pay to the village a sum of money equal to the cost of improving the street to standards established in Subsection D(1)(c) for local streets.

(c) Local streets shall have a right-of-way width as established on the Official Map or as designated in § 247-8 of this chapter. They shall be provided with one thirty-seven-foot wide pavement. The pavement shall consist of a seven-inch

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12 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

13 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

waterbound crushed stone or gravel base course, with a two-inch cold mix bituminous wearing surface.

(2) Alleys. Alleys provided to serve business, commercial or industrial areas shall be provided with a pavement of not less than 16 feet in width. The pavement shall consist of an eight-inch portland cement concrete pavement or an eight-inch waterbound macadam base with a three-inch plant mix bituminous concrete wearing surface.

(3) Curb and gutter. All major thoroughfares, collector – distributor streets or local streets shall be provided with curb and gutter in accordance with the standard specifications of the village.

(4) Sanitary sewer system. There shall be provided a sanitary sewer system in conformity with the master plan of sewers as approved by the Village Board. The cost of providing and installing sewer pipe of sizes larger or at a deeper depth than required to serve the area shall be borne by the village, as agreed upon between the landowner and the Village Board prior to approval of the final plat or certified survey map.

(5) Water supply system. There shall be provided a water supply system in conformity with the master plan of the water system as approved by the Village Board. The cost of providing and installing water pipe of sizes larger than required to serve the area shall be borne by the village as agreed upon prior to the approval of the final plat.

(6) Sidewalks shall be provided to serve the following areas:

(a) Commercial property shall be provided with concrete sidewalks at least eight feet wide and four inches thick.

(b) Residential property shall be provided, along each side of the street, with a concrete sidewalk four feet wide and four inches thick.

E. Final construction plans shall be legible prints of a size acceptable to the Public Works Committee and shall include the following:

(1) Map or plat of subdivision of lands, including title of plat or map.

(2) Layout of streets.

(3) Layout of sanitary sewers.

(4) Layout of water supply system.

(5) Plans and profiles of streets and sewers at a scale of not more than 40 feet per inch horizontal and four feet per inch vertical.

F. Material standards. All improvements constructed under this chapter shall be of the standards, where applicable, established by the State Department of Transportation, Division of Highways, Standard Specifications for Roads and Bridges. Where the Division of Highways' specifications do not apply, the standards shall be as approved by the Public Works Committee.

**§ 247-10. Underground utilities.**

A. Lines to be underground in newly platted areas.

(1) All new electric distribution lines (excluding lines of 15,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines and community antenna television cables and services installed within a newly platted area, mobile home park or planned development shall be underground unless the Plan Commission shall specifically find after study that:

(a) The placing of such facilities underground would not be compatible with the planned development;

(b) Location, topography, soil, stands of trees or other physical conditions would make underground installation unreasonable or impracticable; or

(c) The lots to be served by said facilities can be served directly from existing overhead facilities.

(2) Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade, pedestal-mounted terminal boxes, may be located above ground.

(3) The subdivider or his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat or certified survey map.

(4) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Plan Commission under Subsection A(1)(a), (b) and (c) above.

B. Utility easements.

(1) Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six inches of final grade by the subdivider prior to the installation of such facilities, and earth fill, piles or mounds of dirt and construction materials shall not be stored on such easement areas.

(2) Where the electric and/or communications facilities are to be installed underground, a note shall be placed on the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six inches by the subdivider, his agent or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved.

C. Lines to be underground in existing plats. Utility lines and services of the kind heretofore described in Subsection A constructed in an area which was platted prior to the effective

date of this provision and in which such lines and services have not previously been installed shall also be placed underground, subject to the applicable provisions of § 247-9A. To implement these provisions, all owners of the lots in such platted area shall grant the necessary easements for such lines and services and shall make with the owner or owners of such lines or services such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin for the placing of such facilities underground.

D. Streetlighting. In areas where underground electric facilities are installed, poles for streetlights shall be ornamental in nature. In a newly platted area, the subdivider shall provide for the location of all streetlights within the area being developed, upon consultation with the electric utility servicing the subdivision and as approved by the Village Engineer.

E. Permits for utility services. Permits shall be obtained for underground facilities from the Village Board for the installation of new communications, electric, power, gas and other utility lines or services to be located in the public rights-of-way shown on the final plat or certified survey map when such rights-of-way are located within the corporate limits of the Village of Wilton, and any required fee shall be paid before any installation is begun.[14]

## § 247-11. Exceptions in cases of 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 Secretary and transmitted to the Village Board. The Village Board, if it approves, shall do so by motion or resolution and instruct the Clerk-Treasurer to notify the Plan Commission and the owner.

## § 247-12. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

14 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

# Chapter 253

# TAXICABS


§ 253-1. Definitions.
§ 253-2. License required.
§ 253-3. Application for license.
§ 253-4. License fees.
§ 253-5. Issuance of license.
§ 253-6. Inspection of vehicles.
§ 253-7. Insurance.
§ 253-8. Records.
§ 253-9. Renewal of license.
§ 253-10. Revocation of license.
§ 253-11. Suspension of license.
§ 253-12. Taxicab driver's license required.
§ 253-13. Drivers to report accidents.
§ 253-14. Vehicles to be marked with owner's name and number.
§ 253-15. Rates.
§ 253-16. Fraud in obtaining taxicab or driver's license.
§ 253-17. Enforcement; violations and penalties.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 11.03 and 11.17 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Vehicles and traffic — See Ch. 263.

## § 253-1. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them by this section:

OPERATOR — Any person owning or having control of the use of one or more taxicabs used for hire upon the streets of the village or engaged in the business of operating a taxicab.

RATE CARD — A card on which are printed the tariff rates in the village as provided by this chapter.

TAXICAB — Any motor vehicle engaged in the business of carrying persons for hire, whether the same is operated from a street stand or subject to calls from a garage, or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Corporation Law or used by undertakers in carrying on their business.

TAXICAB DRIVER — Any person who drives a taxicab, whether such person is the owner of such taxicab or employed by a taxicab owner or operator.

TAXICAB LICENSE — Permission granted by the village to any person to operate or keep for hire any taxicab in such village.

TAXICAB STAND — Any place alongside the curb of a street or elsewhere which is exclusively reserved by taxicab operators for the use of taxicabs.

### § 253-2. License required.

No person shall, for hire or reward, transport passengers within the limits of the village, nor shall any person solicit passengers to be transported for hire or reward within said village, without first having obtained a license therefor as hereinafter provided.

### § 253-3. Application for license.

A. Application for a license to convey passengers for hire or reward, commonly known as "taxicab service," shall be made in writing to the Clerk-Treasurer, upon blanks furnished by him, giving the address from which the business is conducted and signed by the owner of the business. In the case of a copartnership, the name of the company and the names and addresses of the partners must also be given, and the application must be signed by one of the partners. In the case of a corporation, the names and addresses of the principal officers must also be given, and the application must be signed by one of the duly elected officers of said corporation. The application must also state the make, model and year of manufacture, the engine number, factory number and capacity for passengers and the Wisconsin state certificate of title number and license number for the current year of each motor vehicle. The application shall state whether the vehicle is mortgaged, the name of the mortgage and the amount of said mortgage. No license will be granted until the applicant presents license fees and the policy of liability insurance as hereinafter required to the Clerk-Treasurer.[1]

B. Determination of convenience and necessity. Such application shall be referred by the Clerk-Treasurer to the Board, which shall set a date for hearing the same not more than 20 days after filing of the application, which hearing shall be open to the public. It shall be the duty of the Clerk-Treasurer to notify the applicant of the time and place of said hearing. At the time set by the Board after the hearing, the Board shall determine whether the public convenience and necessity warrant the issuance of the license.[2]

C. The application shall further state the name of the insurance carrier and the name of the insured and the number and amount and duration of the policy for each vehicle.

D. The applicant shall further state whether he has been previously licensed to operate a taxicab and, if so, where and whether the license to operate a taxicab has ever been revoked and, if so, for what cause.

### § 253-4. License fees.

A. Amount. Every person who shall, for hire or reward, engage in the business of carrying passengers, who shall offer taxicab service to the public, shall pay an annual license fee as

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

set from time to time by the Village Board.[3] The license year shall be January 1 to December 31 in each year. Licenses issued after August 1 shall require a fee equal to ½ the annual rate.

B. License not transferable. No license issued pursuant to § 253-5 hereof shall be transferable either from the vehicle described in the original application to another vehicle or from the original licensee to another person without a permit from the Board previously granted upon application therefor by the licensee.

C. Return of fees upon refusal to license. If said license is denied for any reason, the aforesaid fee or fees shall forthwith be returned to the applicant.

### § 253-5. Issuance of license.[4]

On filing with the Clerk-Treasurer of such application as herein prescribed and approved by the Board, together with the license fees as herein provided for and the policy of insurance as hereinafter provided for, then the Clerk-Treasurer shall issue to the applicant a license for the operation of such vehicle or vehicles, and each license granted shall be given a number and shall give this number and an adequate description of the taxicab licensed thereunder, and said license shall be carried in the taxicab for which is has been issued.

### § 253-6. Inspection of vehicles.

An annual license shall not be issued for any vehicle until it has been thoroughly and carefully inspected and examined and found to be in a thoroughly safe condition for the transportation of passengers, clean, fit, of good appearance and well painted. The Chief of Police or someone designated by him shall make such examination and inspection before a license is issued, and such automobiles shall be kept in good mechanical condition thereafter as is required by law.

### § 253-7. Insurance.

A. It shall be unlawful to operate a vehicle for the conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder, until and unless the applicant for a license deposits with the Clerk-Treasurer a policy or certificate of liability insurance covering all vehicles used for hire for which a license is sought, which policy shall describe such vehicle by factory number, maker's number, number of passengers capable of being accommodated therein at one time and the number of the state license under which the same is operated (which license number, when changed by the issuance of a new state license, shall be indicated upon the policy by the attachment of a rider thereto), said policy or certificate of liability insurance to be issued by an insurance company licensed to do business in the State of Wisconsin, indemnifying the applicant in the minimum amount of $500,000 single limit and in the amount of $50,000 for the injury or death of more than one person in any one accident and in the amount of $100,000 because

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3 **Editor's Note: See Ch. A282, Fees.**

4 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

of injury or destruction of property of others for any one accident due to the negligent operation of such vehicle.[5]

B. The policy or policies shall be approved by the Village Attorney as to legal form before they are filed and shall contain a provision that the same may not be canceled before the expiration of their term, except upon 30 days' written notice to the village.

C. The cancellation or other termination of any insurance policy issued in compliance with this section shall automatically revoke and terminate all licenses issued for the vehicle covered by such insurance policy unless another policy complying with this section shall be provided and in effect at the time of such cancellation or termination.

D. Every day upon which any vehicle is operated for the conveyance of passengers for hire without an insurance policy as herein required being in effect and on file with the Clerk-Treasurer shall be deemed a separate violation and subject to the penalties of this chapter.

### § 253-8. Records.

The Clerk-Treasurer shall keep a register of the name of each person, firm, association or corporation owning or operating any vehicle licensed under this chapter, together with the license number and description and make and the name and address of the insurance companies and the date of the expiration of such insurance and furnish the Chief of Police with a copy thereof. The records shall be open to the inspection of the public at all reasonable times.

### § 253-9. Renewal of license.

Licenses issued hereunder shall expire the following December 31 and may be renewed upon the payment of the fees and filing of policies of insurance as herein required.

### § 253-10. Revocation of license.

Licenses granted under this chapter may be suspended or revoked at any time by the Board for any violations of the provisions of this chapter and also if the vehicle for which said license was issued shall not be of good appearance, clean and safe. Licenses suspended or revoked because the vehicle is not of good appearance, clean and safe shall not be reissued until the vehicle shall be put in good condition for use by the public to the satisfaction of the Board. When a taxicab license is revoked or canceled as herein provided, it shall be the duty of the Clerk-Treasurer to immediately notify the owner to cease at once to operate the vehicle for which the license has been revoked as a taxicab.

### § 253-11. Suspension of license.

All licenses to operate taxicabs to any person, firm, association or corporation as provided by this chapter shall be suspended for a period of 60 days upon said person, his agents, servants or employees being convicted of a violation of any of the provisions of this chapter, and for said

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[5] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

period of 60 days said person shall not operate, either directly or indirectly, any taxicab upon the streets of the village. The Clerk-Treasurer shall notify the owner of any such taxicab forthwith of such suspension.

### § 253-12. Taxicab driver's license required.

Each person driving a taxicab must fulfill the following requirements:

A. Be at least 18 years of age.

B. Be of sound physique, with good eyesight, and not subject to epilepsy, vertigo, heart trouble or any infirmity of body or mind which might render him unfit for the safe operation of the vehicle.

C. Be able to speak, read and write the English language.

D. Be clean in dress and person and not addicted to the use of intoxicating liquors or habit-forming drugs.

E. Possess a valid Wisconsin motor vehicle operator's license and a valid Wisconsin commercial driver's license.[6]

### § 253-13. Drivers to report accidents.[7]

It shall be the duty of every driver of a taxicab to report to the area law enforcement, within one hour after the happening thereof, any accident involving injury to persons or damage to property wherein his vehicle is involved.

### § 253-14. Vehicles to be marked with owner's name and number.[8]

Every vehicle used for the carrying of passengers for hire shall be conspicuously marked on the right and left side of said vehicle with the name of the owner of the vehicle and together with the owner's number of said vehicle, said letters and numbers not to be less than three inches in length/height, and such letters and numbers shall be of a light color on a dark background or dark color on a light background. A card containing the name of the owner, license number and the number of the vehicle and rates of fare printed thereon shall be placed and all times kept in a conspicuous place inside of such vehicle. No vehicle shall be used for carrying passengers until the foregoing provisions shall have been complied with.

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6 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

7 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

8 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

**§ 253-15. Rates.**

A. The rates or fares to be charged for the conveyance of passengers shall be fixed by the Board after consultation with operators concerning operating income and expenses and a duly held public hearing.

B. No person, firm, association or corporation shall charge or attempt to charge any passenger a higher or lower rate of fare than that to which the taxicab is entitled under the provisions stipulated by the Board.

C. A schedule of the rates being charged, not greater than those established by the Board as herein specified, shall be filed with the Clerk-Treasurer by the owner or operators of every taxicab and flat-rate vehicle operating within the village. It shall be unlawful for any such owner or operator to charge or permit to be charged any other or different rates or fares than those listed in such schedule unless a permit to revise such schedule is granted by the Board upon application of such owner or operator. The rates specified in such schedule shall be in effect 30 days or longer. Charges based on the hourly rates need not be listed in such schedule. All taxicabs shall be operated on a twenty-four-hour daily service.

**§ 253-16. Fraud in obtaining taxicab or driver's license.**

It shall be unlawful for any person to give any fictitious information or practice any fraud, misrepresentation or subterfuge to secure any license provided for by this chapter.

**§ 253-17. Enforcement; violations and penalties.**

A. Interference. No person shall prevent, resist or interfere with any of the officers or employees of the village in the entering of any premises or the carrying out of their duties.

B. Penalties. Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(1) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.

(2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Board after allowing the licensee or permittee a hearing on notice.

(3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of any ordinance violation.

(4) Upon conviction thereof, any person violating any provision of this chapter shall forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be

imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

# Chapter 261

# VEHICLES, ALL-TERRAIN AND UTILITY TERRAIN


§ 261-1. Purpose.
§ 261-2. Legislative authority.
§ 261-3. Routes regulated; adoption of provisions by reference.
§ 261-4. Operation of vehicles.
§ 261-5. Routes designated.
§ 261-6. Conditions applicable to routes.
§ 261-7. Liability.
§ 261-8. Enforcement.
§ 261-9. Violations and penalties.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 3-13-2017. Amendments noted where applicable.]**

GENERAL REFERENCES

Snowmobiles — See Ch. 231.

Vehicles and traffic — See Ch. 263.

## § 261-1. Purpose.

The purpose of this chapter is to establish ATV/UTV routes in the Village of Wilton and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Village of Wilton.

## § 261-2. Legislative authority.

The Village Board of the Village of Wilton has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under § 23.33(8)(b) and (11)(a), Wis. Stats., and § NR 64.12, Wis. Adm. Code.

## § 261-3. Routes regulated; adoption of provisions by reference.

The Village of Wilton designates ATV/UTV routes in the Village of Wilton and regulates the use of those routes and of ATVs/UTVs in the Village of Wilton. Additionally, the provisions describing and defining regulations with respect to ATVs/UTVs in the following enumerated subsections of § 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this section as if fully set forth herein.

## § 261-4. Operation of vehicles.

A. Pursuant to § 23.33(4)(d)4, Wis. Stats., except as otherwise provided in § 23.33(4), Wis. Stats., no person may operate an ATV/UTV on the roadway portion of any highway in the Village of Wilton except on roadways that are designated as ATV/UTV routes by this chapter. Operation of ATVs/UTVs on a roadway in the Village of Wilton that is an ATV/UTV route is authorized only for the extreme right side of the roadway, except that left turns may be made from any part of the roadway that is safe given prevailing

conditions. All ATVs/UTVs shall operate only the paved portion of the roadway. Operation on the sidewalks, shoulders, ditches or other highway rights-of-way is prohibited and illegal.

B. All ATV/UTV operators shall observe a speed limit of not more than 15 miles per hour.

C. All ATV/UTV riders shall ride in single file on the right-hand side of the paved portion of the road. Headlights shall be turned on and in working order at all times while operating on the route.

D. All ATV/UTV riders shall ensure that the vehicle they are operating is properly registered with the State of Wisconsin Department of Natural Resources and shall properly display the registration decal, unless exempt from registration under state law. Owners must have liability insurance coverage and must carry an insurance card.

E. Safety certificate.

(1) No person who is at least 16 years of age and who is born on or after January 1, 1988, may operate a utility terrain vehicle or all-terrain vehicle unless he or she holds a valid safety certificate issued by the Department, another state, or a province of Canada.

(2) Any person who is required to hold an all-terrain vehicle or utility terrain vehicle safety certificate while operating an all-terrain vehicle or utility terrain vehicle shall carry the certificate on the all-terrain vehicle or utility terrain vehicle and shall display the certificate to a law enforcement officer on request.

F. All ATV/UTV operators and passengers under 18 years old shall wear protective headgear while operating on Village of Wilton streets.

### § 261-5. Routes designated. [Amended 4-10-2017]

The following routes are designated ATV/UTV routes in the Village of Wilton:

A. All Village of Wilton streets (except Highway 71/131, except to cross).

B. The Village of Wilton designates State Trunk Highway 131 from Water Street to Midway Avenue, which includes the Kickapoo River bridge, as an ATV route under § 23.33(4)(d)3b and (11)(am)3, Wis. Stats.

### § 261-6. Conditions applicable to routes.

A. Routes shall be marked with uniform ATV/UTV route signs in accordance with § NR 64.12(7), Wis. Adm. Code. No person may do any of the following in regard to signs marking Village ATV/UTV routes:

(1) Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

(2) Possess any uniform ATV/UTV route or trail sign or standard of the type established by the Department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

B. Operation shall be subject to all provisions of § 23.33, Wis. Stats., which is adopted as a part of this chapter by reference, pursuant to § 23.33(11), Wis. Stats.

(1) The Village of Wilton retains the right to close any and all routes due to misuse. The following are some, but not all, examples: exceeding the ATV/UTV speed limits, creating ruts in the gravel roads, doing donuts in the road and any other misuse.

C. A copy of this chapter shall be sent by the Village of Wilton Clerk to the Department of Natural Resources and the Monroe County Sheriff's Department.

D. Under the direction of the Village of Wilton, ATV/UTV route signs shall be provided by and shall be installed by the ATV/UTV Kendall Mustang Riders Club. Signage shall be inspected annually and maintained by the Club or their successor(s). The Village of Wilton shall be notified immediately of any change in responsibility for maintenance of the ATV/UTV route signs. Should any signs require replacement by the Village of Wilton (due to failure of the Club to maintain), they will be billed to the Club and their successor(s) at the cost of sign and labor.

### § 261-7. Liability.

All operators of ATVs/UTVs travel at their own risk. The Village of Wilton will not be liable for any damages, injuries, or any liability caused by or from such operations within the Village of Wilton.

### § 261-8. Enforcement.

This chapter may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and any officer employed by the Village of Wilton or any other law enforcement official as set forth in § 23.33(12), Wis. Stats., additionally as stated in the Village of Wilton citation authority ordinance adopted per § 66.0113, Wis. Stats.

### § 261-9. Violations and penalties.

The penalties under § 23.33(13)(a), Wis. Stats., are adopted by reference.

# Chapter 263

# VEHICLES AND TRAFFIC


§ 263-1. State traffic laws adopted.
§ 263-2. Through streets.
§ 263-3. Parking, stopping and standing.
§ 263-4. Official traffic signs and signals.
§ 263-5. Weight limits.
§ 263-6. Power and speed exhibitions.
§ 263-7. Violations and penalties.
§ 263-8. Enforcement.
§ 263-9. School bus warning lights.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 4.01 to 4.05, 4.07, 4.08, 4.11 and 4.12 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Junked or abandoned property — See Ch. 174.
Parks and public grounds — See Ch. 205.
Vehicle vendors — See Ch. 221, Art. II.
Salvage yards — See Ch. 224.
Snowmobiles — See Ch. 231.
Taxicabs — See Ch. 253.

## § 263-1. State traffic laws adopted.

A. Except as otherwise specifically provided in this chapter, the statutory provisions of Chapters 340 to 348 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or a term in prison, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on highways, streets and alleys of the State of Wisconsin.

B. The following provisions of the Wisconsin Statutes are hereby adopted by reference:

(1) Section 218.0116(3), Dealer To Have Display and Repair Facilities.

(2) Sections 218.20 and 218.23, Motor Vehicle Salvage Dealers.

(3) Section 218.30, Motor Vehicle Auction Dealers To Be Licensed, except in each case where appearing in the statute, the following words are deleted: "or imprisonment not more than 60 days or both."

C. The following chapters of the Wisconsin Administrative Code are hereby adopted by reference:

MVD 3 Reciprocity - nonresident motor carriers.

| | |
|---|---|
| MVD 4 | Lettering on vehicles, display of evidence of registration and dual permits. |
| MVD 5 | Standards for motor vehicle equipment. |
| MVD 6 | Transportation of explosives by motor vehicles. |
| MVD 8 | Requirements for trailer and semitrailer brake, hitch and coupling, safety chains, cable and leveling bars. |
| MVD 17 | Transportation of school children. |

D. Other laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chapters 340 to 348 of the Wisconsin Statutes, and the penalty for violation thereof shall be limited to a forfeiture as provided in § 263-8 of this chapter:

(1) Section 941.01(1), Negligent operation of vehicle off highway.

### § 263-2. Through streets. [Amended 8-13-2001]

In the interest of public safety, the Village Board by resolution shall designate and declare through streets, and traffic signs or signals giving notice thereof shall be erected by the Public Safety Committee in accordance with the provisions of this chapter.

### § 263-3. Parking, stopping and standing.

A. Night parking. No motor vehicle or any other type of vehicle shall be parked or left standing on Main Street from Center Street to Railroad Street between the hours of 2:00 a.m. and 6:00 a.m. This provision shall be effective between November 1 and April 1 following in each year.

B. No parking, stopping or standing and loading zones.

(1) Establishment. The Public Safety Committee shall have the authority to designate any portion of a street as a no parking zone, a no stopping zone, a no standing zone or a loading zone, which such action shall be necessary in the interest of public safety and convenience. The order of the Committee stating the reason for the order shall be filed with the Village Clerk-Treasurer and a copy thereof transmitted to the Village Board, whereupon it shall become effective until vacated by action of the Board or further order of the Committee. The Committee shall cause the erection of official signs and/or the painting of curbs to designate such areas.

(2) No vehicle shall be parked, stopped or left standing in a no parking zone, no stopping zone or no standing zone designated by an official sign or curb marking.

(3) No vehicle shall be parked, stopped or left standing in a loading zone designated by an official sign or curb marking, except temporarily for purposes of and while actually engaged in loading or unloading or in receiving or discharging passengers

# RESOLUTION REAFFIRMING APPROVAL OF ORDINANCE AMENDMENTS

**WHEREAS,** on May 30, 2023, the Village Board of Trustees of the Village of Wilton reviewed and approved proposed amendments to certain ordinances; and

**WHEREAS,** there is a need to memorialize the approved ordinance amendments in writing so the Clerk may post them to become effective.

**NOW, THEREFORE, BE IT RESOLVED** the Village Board, by Resolution hereby reaffirms the adoption of following ordinance amendments as follows:

1. **Section 92-1 of Chapter 92, BRUSH, GRASS, AND WEEDS.**

92-1. Duty of property owner

No person owning property within the Village shall permit to grow lawns or grasses that exceed the height of eight inches. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways, and dead or diseased plantings and trees shall be removed. Growing on the premise of any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or conceal filthy deposits are prohibited. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses or weeds.

2. **Sections 110-1 and 110-2(A) and (C) of Chapter, 110, CAMPGROUNDS.**

110-1. Definitions (Travel Trailer amended)

TRAVEL TRAILER --- Recreational vehicle (RV) means motor homes, motor coaches, pickup campers when not positioned on top of a pickup, camping trailers, travel trailers, tent campers, folding campers, carnival equipment and their trailers, and cases or boxes used to transport recreational vehicles or their equipment, and similar equipment and vehicles.

110-2. Travel trailers located outside campgrounds (paragraph A amended and paragraph C created).

A. Inhabited recreational vehicles may be placed, parked or kept within the village for a period not to exceed 5 days, provided adequate water and toilet facilities are available to the occupants. No person shall occupy any recreational vehicle on any premises which is situated outside an approved campground after the first 5 days of occupancy within the village without a permit issued by the Policy Department or their designee.

C. Uninhabited recreational vehicles may be parked on the village streets for a period of no more than 48 hours. If the recreational vehicles are parked on the village street during the 48-hour period, they will occupy space on the street in front of the registered owner's residence. If the property is rented, such storage shall be permitted to the tenant if the recreational vehicle is owned by the tenant and was last titled in the name of the tenant.

3. **Section 174-1 of Chapter 174, JUNKED OR ABANDONED PROPERTY.**

174-1. Storage of junked vehicles or other property.

The storage outside of any building within the village of old, unused, stripped, junked, unlicensed, abandoned, or other motor vehicles not in condition for normal use or in good and safe operating condition and any other vehicles, recreation vehicles, machinery, implements, appliances or equipment or personal property which is no longer usable for the purposes for which manufactured, or parts thereof, which is hereafter referred to as "personalty," for more than five days, except in a licensed salvage yard, is hereby declared to be a public nuisance and dangerous to the public safety and prohibited. For purpose of this section the owner or owners of the land upon which the property is located or the tenants, licensees or occupants of said land may be held responsible.

**4. Sections 263-3 (C), (D)(2), (E) and (F) of Chapter 263, VEHICLES AND TRAFFIC.**

263-3 Parking, stopping and standing (paragraphs C and D2 amended and paragraphs E and F created).

C. Parking of unattended vehicles, trailers, recreational vehicles, or farm machinery. No vehicle, trailer, uninhabited recreational vehicle, or farm machinery shall be left parked on any village street for more than 48 hours.

D. Specific no parking locations.

(2) Liability of owner. Whenever any vehicle has been parked in violation of this section, the vehicle is subject to removal from the village streets by the direction of the Chief of Police or their designee. The costs and expenses related to such removal will be the responsibility of the person in whose name such vehicle is registered, and they shall have prima facie responsibility for such violation and shall be subject to the penalty therefore.

E. No vehicle, trailer, recreational vehicle, or farm machinery shall be parked in such a manner as to obstruct passage of a road, alleyway or driveway access. Nor shall a vehicle, trailer, recreational vehicle or farm machinery cause a visual impediment to other drivers by obscuring the roadway in such a manner as to cause an unsafe or hazardous condition.

F. No recreational vehicle, all-terrain vehicle, farm machinery, boat, snowmobile, vehicle, or trailer shall be parked or stored in a front or street yard except for a maximum of one on a hard-surfaced approved driveway.

**BE IT FURTHER RESOLVED,** all other Ordinances in conflict with the foregoing are hereby repealed.

**BE IT FURTHER RESOLVED,** the Ordinance amendments reaffirmed and adopted as set forth herein shall take effect upon posting.

Resolution adopted this 13th day of May, 2024.

Millicent Coldren

Millicent Coldren, Village President

ATTEST: Mindy Haase

Mindy Haase, Village Clerk

and while the vehicle is attended by a licensed operator so that it may be promptly moved in case of an emergency or to avoid obstruction of traffic.

C. Parking of unattended vehicles, trailers or farm machinery. No vehicle, trailer or farm machinery shall be left parked on any Village street unattended for more than 48 hours.[1] **[Amended 2-11-2008]**

D. Specific no-parking locations. **[Added 9-16-2014]**

(1) No-parking restriction. No vehicle shall be parked, stopped or left standing at any time in violation of the time designated on the official parking control sign at the following locations:

| Name of Street | Location |
|---|---|
| 605 Main Street | Approximately 123 feet from the north side of the driveway north to the fire hydrant |

(2) Liability of owner. Whenever any vehicle has been parked in violation of this section, the person in whose name such vehicle is registered shall be prima facie responsible for such violation and shall be subject to the penalty therefor.

(3) Penalty. Any person convicted of violating this section shall, upon conviction, be subject to a penalty as described in Chapter A282. The receipt of the penalty funds shall be deemed an entry of appearance and a stipulation for entry of judgment for forfeiture in that amount.

## § 263-4. Official traffic signs and signals.

A. The Public Safety Committee is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Highway 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 Committee shall determine will best effect the purpose of this chapter and give adequate warning to users of the street or highway.

B. Removal of unofficial signs and signals. The Public Safety Committee shall have the authority granted by § 349.09, Wis. Stats., and is hereby directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this chapter or § 346.41, Wis. Stats. Any charge imposed on a premises for removal of an illegal sign, signal or device shall be reported to the Village Board at its next regular meeting for review and certification. **[Added 8-13-2001]**

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1. **Editor's Note: Former Subsection D, regarding the parking of trailers in the fire limits, added 8-13-2001, which immediately followed this subsection, was repealed 12-10-2012. Former Subsection E, Calendar restricted parking, added 12-10-2001, which also immediately followed, was repealed 1-9-2006.**

### § 263-5. Weight limits.

The Public Works Committee shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway of any highway, bridge or culvert within the jurisdiction of the Village or for the safety of users of such highway, bridge or culvert and shall be responsible for erecting signs giving notice thereof in accordance with Wisconsin Statutes.

### § 263-6. Power and speed exhibitions.

It shall be unlawful for any person to operate a motor vehicle within the limits of the Village of Wilton in any manner that is, or tends to be, an exhibition of power or speed. The term "exhibition of power or speed" is hereby meant to include the operation of a motor vehicle in a manner where power in excess of that necessary for safe operation is used and from which it may reasonably be inferred that a display of unique power is intended or acceleration is very rapid from any position in a roadway (moving, stopped or parked), from public facilities, private drives, stop signs or traffic signals. It is also to include the revving of the engine, where such revving is not intended to be for effective operation of the engine and is immediately preceded by the squealing or spinning of tires of such duration that it may be reasonably inferred therefrom that the display of acceleration is intended.

### § 263-7. Violations and penalties. [Amended 8-13-2001]

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

### § 263-8. Enforcement.

This chapter shall be enforced in accordance with the provisions of §§ 345.20 to 345.53, Chapter 799 and § 66.0114, Wis. Stats.

A. Stipulation of guilt or no contest. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with § 66.0114(1)(b), Wis. Stats., whenever the provisions of § 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and the complaint under § 345.11, Wis. Stats., and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the Chief of Police and the court. **[Amended 8-13-2001]**

B. Deposits. Any person stipulating guilt or no contest under Subsection A of this section may make the deposit required under § 345.26, Wis. Stats., or if the deposit is not established under such statute shall deposit a forfeiture penalty as provided in the

schedule established by the courts. Deposits may be brought or mailed to the office of the court as directed by the arresting officer. **[Amended 8-13-2001]**

C. Notice of demerit points and receipt. Every officer accepting a forfeiture penalty for money deposited under this chapter shall receipt therefor in triplicate as provided in § 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under this provision of this chapter shall comply with the provisions of §§ 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 in the uniform traffic citation and complaint promulgated under § 345.11, Wis. Stats.

## § 263-9. School bus warning lights. [Added 4-12-2004]

A. Notwithstanding the provisions of § 346-48(2)(b)2, Wis, Stats, adopted by reference in the contrary, and except as provided in § 349.21(2), Wis, Stats., school bus operators shall use flashing red warning lights in residential and business districts where pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

B. Pursuant to § 349.21(2), Wis. Stats., the use or flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by "school" warning signs as provided in § 118.08(t), Wis Stats., in which a street or highway borders the grounds of a school.

# Chapter 270

# WATER AND SEWERS

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**[HISTORY: Adopted by the Village Board of the Village of Wilton 2-2-1987 as Secs. 8.08 to 8.10, Ch. 9 and Sec. 10.03 of the 1987 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Building construction — See Ch. 97.
Campgrounds — See Ch. 110.
Mobile home parks — See Ch. 191.
Nuisances — See Ch. 198.
Floodplain zoning — See Ch. 150.
Subdivision of land — See Ch. 247.

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ARTICLE I
**General Provisions**

### § 270-1. Water and Sewer Commissioner.

A. Appointment. The Public Works Director will serve as the Water and Sewer Commissioner. **[Amended 8-13-2001]**

B. Duties. It shall be the duty of the Commissioner to operate the pumping plant and disposal plant, supervise all construction and repairs, read meters, record all extension to mains or lateral on the Official Map, keep all records, file all reports with appropriate agencies and have care and control of Utility equipment. The Commissioner shall also have the duties as assigned to him/her by the Village Board.

### § 270-2. Utility officers. [Amended 8-13-2001]

The Village Clerk-Treasurer shall be the Clerk-Treasurer of the Water and Sewer Utility and shall keep all records, bill customers, file reports and keep a record of all receipts and disbursements.

### § 270-3. Definitions.

The following definitions are applicable to this chapter:

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° C., expressed as milligrams per

liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.

GARBAGE — The residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.

INDUSTRIAL WASTE — The wastewater from industrial process, trade or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

PERSON — Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

pH — The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of the hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen-ion concentration of $10^{-7}$.

SANITARY SEWER — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwater, stormwater and surface water that are not admitted intentionally.

SHOCK — 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 concentrations of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

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 Water Works Association and the Federation of Sewage and Industrial Wastes Associations.

STORM DRAIN (sometimes termed "storm sewer") — A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and that are removable by laboratory filtering as prescribed in Standard Methods for Examination of Water and Wastewater and are referred to as "nonfilterable residue."

WASTEWATER — The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial

buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present but not intentionally admitted.

WASTEWATER TREATMENT WORKS — An arrangement of devices and structures for treating wastewater, industrial wastes and sludge, sometimes used as synonymous with "waste treatment."

WATERCOURSE — A natural or artificial channel for the passage of water, either continuously or intermittently.

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT — A document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

### § 270-4. Compulsory connection to sewer and water. [Amended 8-13-2001]

A. When required. Whenever a sewer or water main becomes available to any building used for human habitation, the Village Board shall notify the owner or his agent in writing in the manner prescribed by § 281.45, Wis. Stats., or by registered mail addressed to the last known address of the owner or his agent.

B. Notice. The notice required by this section shall direct the owner or his agent to connect the building to such main or mains in the manner prescribed by the Village Board and to install such facilities and fixtures as may be reasonably necessary to permit passage of sewage incidental to such human habitation into the sewerage system and to furnish an adequate supply of pure water for drinking and prevent creation of a health nuisance.

C. Connection by village at expense of owner. If the owner or his agent fails to comply with the notice of the Village Board within 10 days of service or mailing thereof, the Village Board may cause connection to be made, and the expense thereof shall be assessed as a special tax against the property.

D. Installment option. The owner or his agent may, within 30 days after completion of the work, file a written option with the Village Clerk-Treasurer stating that he cannot pay the cost of connection in one sum and electing that such sum be levied in five equal annual installments, with interest at the rate of 10% per annum from the completion of the work.

E. Privies, cesspools, etc., prohibited after connection to sewer. After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.

F. In lieu of the above the Village Board at its opinion may impose a penalty for the period that the violation continues, after 10 days' written notice to any owner failing to make a connection to the sewer system, of an amount equal to 150% of the minimum quarterly charge for sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to § 281.45, Wis. Stats.

G. The Village of Wilton reserves the right to limit new connections to the sewer system in such cases where capacity in all downstream facilities is not available.

H. This section ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the Village of Wilton and fails to assure preservation of public health, comfort and safety of said Village of Wilton.

### § 270-5. Property lines.

Sewer and water pipes shall be located within the property lines or on public land only. Septic tanks and dry wells shall be located within the property and five feet from the property lines.

### § 270-6. Defects in existing systems. [Amended 8-13-2001]

Plumbing or drainage or water piping which becomes defective or improper, or other conditions endangering health or violating this chapter, shall be corrected within such time as is specified by the Village Board.

## ARTICLE II
## Sewer System

### § 270-7. Management, operation and control. [Amended 8-13-2001]

The management, operation and control of the sewer system for the Village of Wilton is vested in the Village Board of said Village of Wilton. All records, including financial records, minutes and all written proceedings thereof shall be kept by the Village Clerk-Treasurer of the Village of Wilton.

### § 270-8. Powers of Water and Sewer Utility and Village Board.

A. The Water and Sewer Utility[1] of the Village of Wilton shall have the power to construct sewer lines for public use and shall have the power to lay sewer pipes in and through the alleys, streets and public grounds of the Village of Wilton and generally to do all such work as may be found necessary or convenient in the management of the sewer system.

B. The Village Board shall have the power, by itself, its officers, agents and servants, to enter upon any land for the purpose of making examination or supervising in the performance of its duties under this article, without liability therefor, and the Village Board shall have power to purchase and acquire for the Village of Wilton all real and personal property which may be necessary for construction of the sewer system or for any repair, remodeling or additions thereto.

### § 270-9. Condemnation of real estate.

Whenever any real estate or any easement therein or use thereof shall in the judgment of the Village Board be necessary to the sewer system, and whenever, for any cause, an agreement

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1. **Editor's Note: Throughout this chapter, references to the "Sewer Utility" and "Water Utility" were amended to "Water and Sewer Utility" 8-13-2001.**

for the purchase thereof cannot be made with the owner thereof, the Village of Wilton shall proceed with all necessary steps to take such real estate easement or use by condemnation in accordance with Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if federal funds are used.

### § 270-10. Title to real estate and personalty.

All property, real, personal and mixed, acquired for the construction of the sewer system and all plans, specifications, diagrams, papers, books and records connected with said sewer system and all buildings, machinery and fixtures pertaining thereto shall be the property of said Village of Wilton.

### § 270-11. Regulations to be part of contract; violations.

The rules, regulations and sewer rates of the Water and Sewer Utility of the Village of Wilton hereinafter set forth shall be considered a part of the contract with every person, company or corporation who or which is connected with the sewer system of the Village of Wilton, and every such person, company or corporation, by connecting with the sewer system, shall be considered as expressing his or its assent to be bound thereby.

A. Whenever any of said rules and regulations, or such others as said Village Board of the Village of Wilton may hereafter adopt, are violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be reestablished except by order of the Village Board and/or on payment of all arrears, the expenses and established charges of shutting off and putting on and such other terms as the Village Board may determine and a satisfactory understanding with the party that no further cause for complaint shall arise.

B. In case of such violation said Village Board furthermore may declare any payment made for the service by the party or parties committing such violation to be forfeited, and the same shall thereupon be forfeited.

C. The right is reserved to the Village Board to change said rules, regulations and sewer rates from time to time as it may deem advisable and to make special rates and contracts in all proper cases.

### § 270-12. Rules and regulations for plumbers and sewer users.

The following rules and regulations for the government of licensed plumbers, sewer users and others are hereby adopted and established.

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

B. Users.

(1) Application for service.

(a) Every person connecting with the sewer system shall file an application in writing with the Village Board of the Village of Wilton in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Village Clerk-Treasurer. The application must state fully and truly all the use which will be allowed, except upon further application and permission regularly obtained from said Village Board. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Water and Sewer Utility of the Village of Wilton are referred to herein as "users."

(b) The application may be for service to more than one building or more than one unit of service through one service connection, and, in such case, charges shall be made accordingly.

(c) If it appears that the service applied for will not provide adequate service for the contemplated use, the Village Board may reject the application. If the Village Board shall approve the application, it shall issue a permit for services as shown on the application.

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

(3) User to keep in repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

(4) User use only. No user shall allow others or other services to connect to the sewer system through his lateral.

(5) User to permit inspection. Every user shall permit the Village of Wilton, or its duly authorized agent, at all reasonable hours of the day, to enter his or its premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate, and the user must at all times, frankly and without concealment, answer all questions put to the user relative to its use.

(6) Utility responsibility. It is expressly stipulated that no claim shall be made against said Water and Sewer Utility or Village of Wilton be reason of breaking, clogging, stoppage or freezing of any service pipes, nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any district of said Water and Sewer Utility the Village of Wilton shall, if practicable, give notice to each and every consumer within such affected district of the time when such service will be so shut off.

### § 270-13. Excavations.

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

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

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

### § 270-14. Tapping the mains.

A. No person, except those having special permission from the Village Board, or persons in their service and approved by them, will be permitted under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said Village Board.

B. Pipes should always be tapped on the top half and not within six inches (15 centimeters) of the joint or within 24 inches (60 centimeters) of another lateral connection.

### § 270-15. Installation of house laterals.

A. All service pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter H 62,[2] Design, Construction, Installation, Supervision and Inspection of Plumbing, specifically Section H 62.04(4),[3] Building Sewers.

B. Per Section H 62.04(5),[4] all laterals will be inspected. The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling.

### § 270-16. Septic tank and holding tank disposal.

A. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the Village of Wilton boundaries unless a permit for disposal has been first obtained from the Village Board. Written application for this permit shall be made to the

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2. **Editor's Note: See now Ch. SPS 382, Wis. Adm. Code.**
3. **Editor's Note: See now Ch. SPS 382.20, Wis. Adm. Code.**
4. **Editor's Note: See now Ch. SPS 382.20, Wis. Adm. Code.**

Village Board and shall state the name and address of the applicant, the number of its disposal units and the make, model and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee as set from time to time by the Village Board.[5] The Board may impose such conditions as it deems necessary on any permit granted. Charges for a disposal shall be as set from time to time by the Village Board. Bills shall be mailed on a monthly basis, and if payments are not received in 30 days thereof, disposal privileges shall be suspended. **[Amended 8-13-2001]**

B. Any person or party disposing of septic tank or holding tank sludge agrees to carry public liability insurance in an amount not less than $500,000 to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his or its employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect. **[Amended 8-13-2001]**

C. Any materials dumped into the treatment system shall be of domestic origin only, and he will comply with the provisions of any and all applicable ordinances of the Village of Wilton and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or flammable liquids or other deleterious substances into any manhole or allow any earth, sand or other solid material to pass into any part of the sewerage system.

D. The person(s) or party disposing waste agrees to indemnify and save harmless the Village of Wilton from any and all liability and claims for damages arising out of or resulting from work and labor performed.

E. The person(s) or party disposing waste shall furnish bond to the Village of Wilton in the amount of $100,000 to guarantee performance. Said performance bond shall be delivered to the Village Clerk-Treasurer prior to the issuance of the permit hereunder. **[Amended 8-13-2001]**

### § 270-17. Sewer user charge system.

A. It shall be the policy of the Village of Wilton to obtain sufficient revenues to pay the cost of the annual debt retirement payment on any bonded indebtedness, any required cash reserve account payment and operation and maintenance of the sewage works, including a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewage works during the service life for which such works were designed and constructed), through a system of user charges as defined in this section. The system shall assure that each user of the sewage works pays a proportionate share of the cost of such works.

B. All sewer users shall be classified by the Utility as residential/commercial (domestic strength), industrial or public authority customers. **[Amended 8-13-2001]**

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5. **Editor's Note: See Ch. A282, Fees.**

C. User charges shall consist of a minimum quarterly billing, on the basis of user charge factors, and a unit price per volume of water utilized. The minimum quarterly billing shall be sufficient to pay the annual debt. A portion of the debt service and reserve account may be budgeted by levying an ad valorem tax in accordance with state statutes. The unit price per volume shall be sufficient to pay the annual cost of operation and maintenance, including any replacement fund, of the sewage works. Users will be notified annually of the portion of user charges or ad valorem taxes attributable to wastewater treatment services. Water meter readings shall be used to determine the actual water volume used. If a portion of the water furnished to any customer is not discharged into the sewer system, the quantity of such water will be deducted in computing the charge for sewer service, provided a meter has been installed to measure such water. The customer must at his own expense make necessary changes in the water piping and install couplings so that a meter can be set. A quarterly service charge, in accordance with current rates on file in the Clerk-Treasurer's office, shall be made. **[Amended 8-13-2001]**

D. The user charges, and this article, shall be reviewed not less than annually. Such review shall be performed by the Village Board and the Village Clerk-Treasurer. User charges shall be adjusted, as required, to reflect actual volumes of water used and actual costs. **[Amended 8-13-2001]**

E. Where it is not possible to obtain a water meter reading, or in cases where no water meter exists, the customer shall be assigned an average water volume by the village, based on previous meter readings, and this shall be so stated on the bill. The difference shall be adjusted when the meter is read again.

F. Sewer rates. **[Amended 8-13-2001]**

(1) There shall be charged to each user of the sewer system a sewer charge. The current sewer rates are on file in the office of the Village Clerk-Treasurer.

(2) All charges for sewerage service shall be made quarterly and shall be payable within 20 days after the date of billing. A three-percent penalty will be added to those bills not paid on or before the 20th day after the due date of the bill. A failure to receive a bill shall not excuse nonpayment. Sewerage service charges shall be a lien on the property served in accordance with § 66.0821(4)(d), Wis. Stats.

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

H. The Village of Wilton shall maintain a separate and distinct account used exclusively for replacement transactions.

I. The Village of Wilton shall account separately for operation and maintenance revenues and revenues for local capital costs.

J. The Village of Wilton shall keep the records necessary to comply with Section NR 128.13 of the Wisconsin Administrative Code regarding equitable user charges.

K. The costs of operation and maintenance for all flow not directly attributable to users, e.g., infiltration and inflow, shall be distributed among all users on the basis of the flow volume of the users, except where the infiltration/inflow is a measurable quantity attributed to a single user.[6]

### § 270-18. Maintenance of services. [Amended 6-8-1998]

A. The Utility shall maintain the sewer service main within the limits of the Village of Wilton. The property owner shall maintain the sewer lateral from the main to connection, which maintenance shall include payment of all expenses associated with replacement, cleaning and maintenance of the lateral line. The Utility shall be responsible for the replacement cost of the curb, gutter and any street repairs. The property owner must notify the village prior to initiating work on any lateral maintenance. It shall be the property owner's obligation to keep the sewer service lateral free of defective conditions at all times.

B. When any sewer service is to be re-laid and there are two or more buildings on said service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

### § 270-19. Penalty for improper use.

A. It shall be unlawful for any person to willfully injure the sewer system, or any building, machinery or fixture pertaining thereto, or to willfully and without authority of the Village of Wilton bore or otherwise cause to leak any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying or collecting sewage.

B. It shall be unlawful for any person to introduce sewage into the system which shows an excess of BOD or suspended solids concentration of over 250 milligrams per liter (normal domestic sewage); a surcharge shall be based on the excess of BOD or suspended solids. The charge is set from time to time by the Village Board.[7] The Village of Wilton reserves the right to test the sewage at any point within the connection system of the user or consumer. Users discharging toxic pollutants shall pay for any increased operations and maintenance or replacement costs caused by the toxic pollutants.

C. No user shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:

(1) Any stormwater, surface water, groundwater, roof runoff or surface drainage.

(2) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or sticky substance capable of

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6. **Editor's Note: Former Sec. 9.14, Miscellaneous rules and regulations, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

7. **Editor's Note: See Ch. A282, Fees.**

causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.

(4) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans and animals or create any hazard in the receiving treatment facility.

(5) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

(6) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(7) Any garbage that has not been property shredded.

(8) Any liquid or vapor having a temperature higher than 150° F.

(9) Any water or wastes which may contain more than 100 parts per million by weight of fat, oil or grease.

(10) Any water or wastes having a pH lower than 6.0 or higher than 9.0 having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

**§ 270-20. Pretreatment or flow equalization.**

A. If any sewage is discharged or proposed to be discharged to the public sewer collection system which contains the substances or possesses the characteristics enumerated in § 270-19C and which, in the judgment of the Village of Wilton, may have a deleterious effect upon the sewage treatment works, processes, equipment or receiving waters or which otherwise creates a hazard to life or constitutes a public nuisance, the Village of Wilton may in writing:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition prior to discharge to the sanitary sewers;

(3) Require flow equalization of the rate of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by sewer charges under the provisions of § 270-17.

B. If the Village of Wilton permits the pretreatment or equalization of waste flows, plans and specifications shall be submitted to the village and, if applicable, to the Department of Natural Resources for review and approval.

C. Where pretreatment or flow-equalizing facilities are provided they shall be maintained continuously in satisfactory condition and effectively operated by the owner at his expense. Pretreatment requirements for removal or reduction of incompatible pollutants

required for discharges to publicly owned treatment works shall comply with the requirements of § 270-19C of this article or the applicable subcategory of the Wisconsin Administration Code, Chapters NR 221 through NR 297, whichever is more stringent.

### § 270-21. Grease and oil separators and sand interceptors.

Grease and oil separators and sand interceptors shall be provided when, in the opinion of the Village of Wilton, they are necessary for the proper handling of liquids containing grease in excessive amounts or any flammable fluid, sand or other harmful ingredients, except that such interceptors and separators shall not be required for private living quarters or dwelling units. All separators and interceptors shall be of a type and capacity approved by the Department of Natural Resources and/or Division of Health and shall be so located as to be readily and easily accessible for cleaning and inspection.

### § 270-22. Special control manholes.

Special control manholes may be required by the Village of Wilton should the wastewater discharge contain a toxic or deleterious fluid or solid not reflected by volume, $BOD_5$ or suspended solids. The control manhole shall be located and constructed in accordance with Section H 62.04(4)[8] of the Wisconsin Administrative Code and shall be approved by the Department of Natural Resources and the Village of Wilton prior to installation. The owner shall design, construct, operate and maintain the special control manhole at his expense.

### § 270-23. Damage recovery. [Amended 8-13-2001]

The Utility shall have the right of recovery from all persons of any expense incurred by said system for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under his control or by any negligent act.

### § 270-24. Violations and penalties. [Amended 8-13-2001]

Any person who shall violate any of the provisions of this article or rules or regulations of the Water and Sewer Utility of the Village of Wilton or who shall connect a service pipe without first having obtained a permit therefor or who shall violate any provision of the Wisconsin Statutes, Wisconsin Administrative Code or any other materials which are incorporated by reference shall, upon conviction thereof, forfeit not less than $50 nor more than $500 and the costs of prosecution. This, however, shall not bar the Village of Wilton from enforcing the connection duties set out in § 270-4 for mandatory hookup.

### § 270-25. Private sewage disposal systems.

The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Village of Wilton serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after January 1, 1983, the use of septic tanks or any

8. **Editor's Note: See now Ch. SPS 382.20, Wis. Adm. Code.**

private sewage disposal system within the area of the Village of Wilton serviced by the sewerage system shall be prohibited.

### § 270-26. Vacating of premises and discontinuance of service. [Amended 8-13-2001]

Whenever premises served by the Utility are to be vacated, or whenever any person desires to discontinue service from the Utility, the Utility must be notified in writing. The owner of the premises shall be liable for any damages to the property or such damage which may be discovered as having occurred to the property of the Utility other than through the fault of the Utility or its employees, representatives or agents.

### § 270-27. Charges to be a lien on property.

All sewer services, charges and special assessments shall be a lien on a lot, part of a lot or land on which sewer services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October of any year shall be certified to the Village Clerk-Treasurer to be placed on the tax roll for collection as provided by Wisconsin Statutes.

### § 270-28. Unit of service. [Amended 8-13-2001]

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

### § 270-29. Adoption of other rules. [Amended 10-8-2012]

There are hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Safety and Professional Services and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the Water and Sewer Utility of the Village of Wilton. All extensions of the system will comply with administrative rules, Chapters NR 108 and NR 110, Wisconsin Administrative Code, of the Department of Natural Resources.

### § 270-30. Sewer extensions.

All sanitary sewer extensions within the village shall be extended on either a special assessment or cost advancement basis.

## § 270-31. Special assessments for sewers.

A. When applicable. Sanitary sewer extensions shall be financed by special assessments when deemed advisable by the Village Board. In general the special assessment method shall be used for main extensions to service areas in immediate need of service or which are deemed likely to develop and need service within 10 years. All special assessments shall be levied in accordance with the provisions of the Wisconsin Statutes and of this section.

B. Front foot rates. Special assessments shall be determined according to benefits and levied on a front foot basis. The amount levied for each front foot of benefiting abutting property on each side of the street shall be determined as follows:

(1) The total estimated apportionable costs of the extension, including legal services, finance carrying charges, engineering, inspection, grading and the necessary street resurfacing and other direct and indirect costs, shall be determined. Such amount shall be divided by the total number of assessable front feet of property served by the main.

(2) The following items will be considered unapportionable costs:

(a) Sewer mains in excess of eight inches in diameter except when service required is more than normally provided.

(b) Sewage lift stations when the station provided is necessary for or of benefit to the general public or Utility or when such facility is to serve a large geographic area such as a separate and entire drainage basin. Prior to the public hearing for any project involving sewage lift stations, the Village Board shall determine whether or not the facilities are apportionable. **[Amended 8-13-2001]**

(3) The Village Board may annually by resolution determine the amount to be levied for each front foot of benefiting abutting property on each side of the street on the basis of previous experience and estimated costs for the coming construction year.

C. Single frontage lots. The special assessment on lots which abut on only one public street shall be determined by multiplying the total number of front footage by the special assessment charge per foot.

D. Corner lots.

(1) The special assessment on corner lots shall be made on the basis of the footage on the short side even though the hookup might be on the long side, provided the long side does not exceed 150 feet, and, if it does, the footage in excess of 150 feet shall also be assessed on foot rate basis.

(2) A corner lot shall be defined as a lot with adjacent sides fronting on streets with the frontage on the two streets equal to approximately 50% of the perimeter of the lot.

E. Irregular lots. The special assessment on irregular lots shall be based on the average footage of the lot.

**§ 270-32. Cost advancement for sewers.**

A. When applicable. Sanitary sewer extensions shall be financed by cost advancements when deemed advisable by the Village Board. In general the cost advancement method shall be used only when application is made for sanitary sewer service which would require the extensions of mains through sparsely occupied areas to serve such applicant or through areas which in the judgment of the Village Board are unlikely to develop extensively within the next 10 years.

B. Where extensions are authorized on a cost advancement basis, the procedure shall be as follows:

(1) The applicant shall deposit with the Village Clerk-Treasurer a sum equal to the estimated total amount that would have been assessed to all property which would have been assessed under § 270-31.

(2) Such deposit shall be made before construction is started or contracted. If the actual apportionable cost shall be less that the amount deposited, the excess of the deposit over the cost shall be refunded to the applicant within 30 days after payment for the completed project. If the apportionable cost shall exceed the deposit, the applicant shall pay the deficiency prior to the granting of sanitary sewer service.

(3) When additional customers are connected to a sanitary sewer main which was originally financed in part by customers, the village will require a contribution from each new customer in an amount necessary to equalize the average contribution. When the amount of customer contribution computed under Subsection B(1) above is less than would have been assessed under § 270-31 above, the applicant for service shall pay an amount equivalent to the assessment. This amount shall then be refunded pro rata to all contributors along the extension whose remaining contribution still exceeds what would have been assessed under § 270-31B above.

(4) When refunds have reduced the contribution of any contributor to the applicable assessment per front foot, no further refund will be made to that individual. After all refunds have been made, the remaining premises that may connect will be charged at the rate per front foot established for the extension.

(5) All connection charges collected by the Village under Subsection B(3) herein shall be paid to the applicant or his assigns or heirs unless specifically provided otherwise in writing.

(6) When an extension beyond an existing extension is required to serve a new customer and the cost for a customer exceeds the average remaining contribution in the original extension, then the new extension will be considered as an entirely new project, without refunds or other connection with the original extension.

(7) When customers connect to a sanitary sewer main laid at village expense, there will be a contribution of an amount equivalent to the applicable assessment as determined in § 270-31 herein.

(8) The development period during which refunds shall be made will be limited to 20 years.

### § 270-33. Lateral connection to main sewer. [Amended 8-13-2001]

No lateral connection shall be made to any main sewer unless a permit is obtained from the Village Board. The fee for such connection shall be determined from time to time by resolution of the Village Board.[9] Fees shall be determined on the basis of the average previous cost and estimated future costs.

### § 270-34. Property in annexed areas.

A. Charges required. The owners of any property annexed to the village pursuant to Wisconsin Statutes lying adjacent to any sewer main installed prior to the annexation proceedings shall be required to pay a connection charge at the time of connection to said sewer main.

B. Amount of charge. The connection charge shall be equal to the assessment previously levied on each lot, part of lot or lots or parcel of land fronting or abutting said sewer main and benefiting thereby and shall be due and payable at the time of the connection thereto.

C. Permit to connect. Permits for annexed property to connect to the sewer system shall be issued after payment is received by the Clerk-Treasurer for the connection charge required by this section. **[Amended 8-13-2001]**

### § 270-35. Sewer pipe materials. [Amended 8-13-2001]

All sewer main and sewer lateral pipe used in the village sewer system and upon property of the village shall be made of cast iron, clay tile, PVC or reinforced concrete.

### § 270-36. Protection of floor drains.

All floor drains or low level openings to the sewer system shall be protected with backwater valves, plugs or other similar devices to prevent wastes from entering premises whenever there is an obstruction or an excessive flow in the sewer main.

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9. **Editor's Note: See Ch. A282, Fees.**

ARTICLE III
**Wellhead Protection**
**[Added 5-8-1995]**

## § 270-37. Title.

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

## § 270-38. Purpose and authority.

A. The residents of the Village of Wilton (hereafter "village") depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHP Ordinance is to institute land use regulations and restrictions to protect the village's 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 authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare.[10]

## § 270-39. Applicability.

The regulations specified in the WHP Ordinance shall apply within the village's corporate limits.

## § 270-40. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EXISTING FACILITIES WHICH MAY CAUSE OR THREATEN TO CAUSE ENVIRONMENTAL POLLUTION — Existing facilities which may cause or threaten to cause environmental pollution within the corporate limits of the village's well field recharge areas, which include but are not limited to the Wisconsin Department of Natural Resources' (hereafter DNR) draft list of Inventory Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution and the Department of Safety and Professional Services' (hereafter SPS) list of Underground Storage Tanks (hereafter USTs) and list of facilities with hazardous solid waste permits, all of which are incorporated herein as if fully set forth. **[Amended 10-8-2012]**

GROUNDWATER DIVIDE —

A. Ridge in the water table, of the potentiometric surface, from which groundwater flows away at right angles in both directions.

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10. **Editor's Note: See § 62.23(7)(c), Wis. Stats.**

B. Line of highest hydraulic head in the water table or potentiometric surface.

GROUNDWATER PROTECTION OVERLAY DISTRICT — That area contained in the map attached.[11]

RECHARGE AREA — Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

WELL FIELD — A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

## § 270-41. Groundwater protection overlay district.

A. Intent. The area to be protected is the Wilton well field recharge areas extending to the groundwater divide or a five-year time of travel, as determined through use of the Environmental Protection Agency's WHPA Computer Groundwater Model, contained within the village boundary limits. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.

B. Permitted uses. Subject to the exemptions listed in § 270-42, the following are the only permitted uses within the district. Uses not listed are to be considered prohibited uses.

(1) Parks and campgrounds, provided there are no on-site fuel storage tank facilities associated with this use.

(2) Playgrounds.

(3) Wildlife areas.

(4) Nonmotorized trails, such as biking, skiing, nature and fitness trails.

(5) Municipally sewered residential, church, school or other civic buildings free of flammable and combustible liquid underground storage tanks.

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

C. Separation distances. The following separation distances as specified in Wisconsin Administrative Code Chapter NR 811 shall be maintained and shall not be exempted as listed in § 270-42.

(1) Fifty feet between a well and a storm sewer main.

(2) Two hundred feet between a well and any sanitary sewer main, lift station or a single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current AWWA 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.

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**11. Editor's Note: The map is included at the end of this chapter.**

(3) Four hundred feet between a well and a septic tank receiving less than 8,000 gallons per day, a cemetery or a stormwater drainage pond.

(4) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from SPS or its designated agent under Wisconsin Administrative Code Section SPS 310.110. **[Amended 10-8-2012]**

(5) One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.

(6) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain, destructor, processing, one-time disposal or small demolition facility; sanitary landfill; coal storage area; salt or de-icing material storage area; gasoline or fuel oil storage tanks that have not received written approval from SPS or its designated agent under Wisconsin Administrative Code Section SPS 310.110; bulk fuel storage facilities; and pesticide handling or storage facilities. **[Amended 10-8-2012]**

D. Requirements for existing facilities.

(1) Facilities shall provide copies of all required federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the village.

(2) 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.

(3) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(4) 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.

## § 270-42. Requests for additional land uses.

A. Individuals and/or facilities may request the village to permit additional land uses in the district.

B. All requests shall be in writing and shall include an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Village Engineer and/or designee(s) for recommendation and final dedication by the Village Board.

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

D. Any permitted uses shall be conditional and may include required environmental and safety monitoring consistent with local, state or federal requirements and/or bonds and/or securities satisfactory to the village.

### § 270-43. Enforcement.

A. In the event that the individual and/or facility causes the release of any contaminants which endanger the district, the activity causing said release shall immediately cease and a cleanup satisfactory to the village shall occur.

B. The individual/facility shall be responsible for all costs of cleanup and village consultant fees at the invoice amount, plus administrative costs for oversight, review and documentation, including the following: **[Amended 8-13-2001]**

(1) The cost of a village employee's 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.

(2) The cost of village equipment employed.

(3) The cost of mileage reimbursed to village employees attributed to the cleanup.

C. Following any such discharge the village may require additional test monitoring and/or bonds/securities as outlined in § 270-42D.

D. Enforcement shall be provided pursuant to Chapter 1, General Provisions, Article II of this Code.

## ARTICLE IV
## Water System

### § 270-44. Utility rules; claims for damages.

A. Compliance with the rules. All persons now receiving a water supply from the Village of Wilton Water and Sewer Utility or who may hereafter make application therefor shall be considered as having agreed to be bound by the rules and regulations as filed with and approved by the Public Service Commission of Wisconsin, which rules and regulations are incorporated herein by reference.

B. No claims for damages. No person shall enter a claim for damage against the Village of Wilton as a Water and Sewer Utility, or any officer thereof, for damage to any pipe, fixture or appurtenance by reason of interrupted water supply or variations of pressure or for damage of any nature whatsoever caused by the turning off or turning on, either wholly or partially, of the water supply for the extension, alteration or repair of any water main or premises' supply or for the discontinuance of the premises' water supply

for the violation of any rules or regulations of the Utility. No claims will be allowed against the village on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stoppage for repairs, on account of fire or other emergency, and no claims shall be allowed for any damage caused by the breakage of any pipe or machinery.

### § 270-45. Utility rate schedule.

The rates charged for water service shall be based on rate schedules established and approved from time to time by the Public Service Commission of Wisconsin.

### § 270-46. Cross-connection control. [Added 10-10-1990]

A. A cross-connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Wilton 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.

B. 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 Wilton, 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 Wilton Water and Sewer Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 810.15, Wisconsin Administrative Code.

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

D. Upon presentation of credentials, the representative of the Wilton Water and Sewer 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 Wilton for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under § 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.

E. The Wilton Water and Sewer Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only

after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in Subsection F. Water service to such property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this section.

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

G. The Village of Wilton adopts by reference the State Plumbing Code of Wisconsin being Chapter SPS 382, Wisconsin Administrative Code. **[Amended 10-8-2012]**

H. This section does not supersede the State Plumbing Code and Chapter 97, Building Construction and Fire Prevention, of this Code but is supplementary to them.

### § 270-47. Private water supplies. [Amended 8-13-2001]

All private water supplies shall be uncontaminated, and the source shall in construction comply with the specifications of the Wisconsin Well Construction and Pump Installation Code, which is hereby adopted by reference.

### § 270-48. Well abandonment. [Added 10-10-1990]

A. Purpose. The purpose of this section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system are properly abandoned.

B. Applicability. This section applies to all wells located on premises served by the Wilton municipal water system.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

MUNICIPAL WATER SYSTEM — A system for the provision to the public of piped water for human consumption, when such system has at least 15 service connections or regularly serves at least 25 year-round residents, owned or operated by a city, village, county, town, town sanitary district, utility district or public institution, or a privately owned water utility serving any of the above. **[Amended 8-13-2001]**

NONCOMPLYING — A well or pump installation which does not comply with the provisions of Chapter NR 812, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

PUMP INSTALLATION — The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

UNSAFE — A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in excess of the standards of Chapter NR 809 or Chapter NR 140, Wisconsin Administrative Code, or for which a health advisory has been issued by the Department of Natural Resources.

UNUSED — A well or pump installation which is not in use or does not have a functional pumping system.

WELL — An excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for consumption or other use.

WELL ABANDONMENT — The filling and sealing of a well according to the provisions of Chapter NR 812, Wisconsin Administrative Code.

D. Abandonment required. All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this section and Chapter NR 112, Wisconsin Administrative Code, by January 1, 1991, or no later than one year from the date of connection to the municipal water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from the Wilton Water and Sewer Utility.

E. Well operation permit. The Wilton Water and Sewer Utility may grant a permit to a private well owner to operate a well for a period not to exceed five years, provided the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Wilton Water and Sewer Utility, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk-Treasurer. The following conditions must be met for issuance or renewal of a well operation permit:

(1) The well and pump installation meet or are upgraded to meet the requirements of Chapter NR 812, Wisconsin Administrative Code;

(2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well;

(3) There are no cross-connections between the well and pump installation and the municipal water system; and

(4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

F. Abandonment procedures.

(1) All wells abandoned under the jurisdiction of this section or rule shall be abandoned according to the procedures and methods of Chapter NR 812, Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

(2) The owner of the well, or the owner's agent, shall notify the Clerk-Treasurer at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Director of Public Works.

(3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk-Treasurer and the Department of Natural Resources within 10 days of the completion of the well abandonment.

G. Penalties. Any well owner violating any provision of this section shall, upon conviction, be punished by forfeiture of not less than $20 nor more than $500 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this section for more than 10 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

### § 270-49. Water main extensions.

All water main extensions within the village shall be extended on either a special assessment or cost advancement basis.

### § 270-50. Special assessments for water mains.

A. When applicable. Water main extensions shall be refinanced by special assessments when deemed advisable by the Village Board. In general the special assessment method shall be used for main extensions to service areas in immediate need of service or which are deemed likely to develop and need service within 10 years. All special assessments shall be levied in accordance with the provisions of the Wisconsin Statutes and of this section.

B. Front foot rates. Special assessments shall be determined according to benefits and levied on a front foot basis. The amount levied for each front foot of benefiting abutting property on each side of the street shall be determined as follows:

(1) The total cost of the extension, including legal services, finance carrying charges, engineering, inspection, grading and the necessary street resurfacing, and other direct and indirect costs, less apportionable costs, shall be determined. Such amount shall be divided by the total number of assessable front feet of property served by the main. For the purpose of this section, unapportionable costs shall include any additional expenses incurred for the installation of water mains in excess of eight inches in diameter, except when service required is more than normally provided, as in the case of sprinkled buildings or wet industries. Pump stations and water booster stations shall be considered unapportionable when the

service provided is necessary for or of benefit to the general public or Utility or when such facility is to serve a large geographic area such as a separate and entire drainage basin. Pumping stations which serve a specific consumer or group of consumers or on isolated and limited geographic area shall be considered apportionable. Prior to the public hearing for any project involving pump stations or water booster stations, the Village Board shall determine whether or not the facilities are apportionable. **[Amended 8-13-2001]**

(2) The Village Board may annually by resolution determine the amount to be levied for each front foot of benefiting abutting property on each side of the street on the basis of previous experience and estimated costs for the coming construction year.

C. Single frontage lots. The special assessment on lots which abut on only one public street shall be determined by multiplying the total number of front footage by the special assessment charge per foot.

D. Corner lots.

(1) The special assessment on corner lots shall be made on the basis of the footage on the short side, even though the hookup might be on the long side, provided the long side does not exceed 150 feet, and, if it does, the footage in excess of 150 feet shall also be assessed on foot rate basis.

(2) A corner lot shall be defined as a lot with adjacent sides fronting on streets, with the frontage on the two streets equal to approximately 50% of the perimeter of the lot.

E. Irregular lots. The special assessment on irregular lots shall be based on the average footage of the lot.

## § 270-51. Cost advancement for water mains.

A. When applicable. Water main extensions shall be financed by cost advancements when deemed advisable by the Village Board. In general the cost advancement method shall be used only when application is made for public water service which would require the extensions of mains through sparsely occupied areas to serve such applicant or through areas which in the judgment of the Village Board are unlikely to develop extensively within the next 10 years.

B. Where extensions are authorized on a cost advancement basis, the procedure shall be as follows:

(1) The applicant shall deposit with the Clerk-Treasurer a sum equal to the estimated total amount that would have been assessed to all property which would have been assessed under § 270-50.

(2) Such deposit shall be made before construction is started or contracted. If the actual apportionable cost shall be less than the amount deposited, the excess of the deposit over the cost shall be refunded to the applicant within 30 days after payment for the completed project. If the apportionable cost shall exceed the

deposit, the applicant shall pay the deficiency prior to the granting of water service.

(3) When additional customers are connected to a water main which was originally financed in part by customers, the village will require a contribution from each new customer in an amount necessary to equalize the average contribution. When the amount of customer contribution computed under Subsection B(1) above is less than would have been assessed under § 270-50B above, the applicant for service shall pay an amount equivalent to the assessment. This amount shall then be refunded pro rata to all contributors along the extension whose remaining contribution still exceeds what would have been assessed under § 270-50B above.

(4) When refunds have reduced the contribution of any contributor to the applicable assessment per front foot, no further refund will be made to that individual. After all refunds have been made, the remaining premises that may connect will be charged at the rate per front foot established for the extension.

(5) All connection charges collected by the village under Subsection B(3) herein shall be paid to the applicant or his assigns or heirs unless specifically provided otherwise in writing.

(6) When an extension beyond an existing extension is required to serve a new customer and the cost for a customer exceeds the average remaining contribution in the original extension, then the new extension will be considered as an entirely new project without refunds or other connection with the original extension.

(7) When customers connect to a transmission main or connection loops laid at Utility expense, there will be a contribution of an amount equivalent to the applicable assessment as determined in § 270-50B herein.

(8) The development period during which refunds shall be made will be limited to 20 years.

### § 270-52. Lateral connection to water main. [Amended 8-13-2001]

No connection shall be made to any water main unless a lateral connection fee shall have been paid therefor. Such lateral connection fee shall be determined from time to time by the Village Board of the Village of Wilton by resolution on the basis of the average previous and estimated future costs.[12]

### § 270-53. Violations and penalties. [Amended 8-13-2001]

A. Any person who shall violate any of the provisions of this article or any ordinances, rules or regulations of the Village Board or the Public Service Commission relating to the Water and Sewer Utility or who shall turn on the water into any premises from which the water has been shut off, or into which the water has not yet been turned on, or who shall connect any water main or service pipe without first having obtained a permit therefor or who shall violate any provisions of this article, including those

12. Editor's Note: See Ch. A282, Fees.

provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than $20 nor more than $500 and the costs of prosecution, together with the penalty assessment imposed by § 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

B. In addition to the provisions of Subsection A hereof, any person violating any of the provisions of this article shall become liable to the village for any expense, loss or damage occasioned the village by reason of such violation. The Village Board shall be held harmless as a result of any expense, loss or damage incurred as a result of a violation to this article.

## ARTICLE V
## Lead Water Service Line Replacement
## [Added 4-16-2018]

### § 270-54. Intent and purpose.

The Village Board finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe water service lines in use within both the Village utilities water system and in private systems.

### § 270-55. Water system reconstruction.

A. Inspection required. The Public Works Director or his/her designee shall inspect all private connections to the public water mains at the time that the utility system is to be reconstructed.

(1) Any existing private lead water laterals connected to mains that do contain lead shall be considered illegal.

(2) Prior to the actual reconstruction of the water main and lateral system, each property owner shall be given written notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.

(3) As the reconstruction progresses, the Public Works Director or his/her designee shall inspect each private water lateral connection for the presence of lead or, in the event inspection had been made previously, determine the condition of the private water connection from the inspection records.

(4) In the event that the private water lateral does not contain lead, the Village shall reconnect the same to the utility system at an appropriate point near the right-of-way line.

(5) In the event that the private water lateral is found to contain lead, the Public Works Director or his/her designee shall immediately notify the owner in writing of that fact.

B. Owner to replace lead service. The owner shall, at the owner's expense, replace the lead service. In all cases, the Village shall supply an appropriate connection point as part of its work. The owner may elect to:

(1) Contract with licensed contractor to complete the repair. All work needed to accomplish the replacement shall be done at the expense of the owner within 30 days of the giving of notice for the repairs to be completed.

(2) Have contractors working on water main service for the Village, if available, complete the replacement.

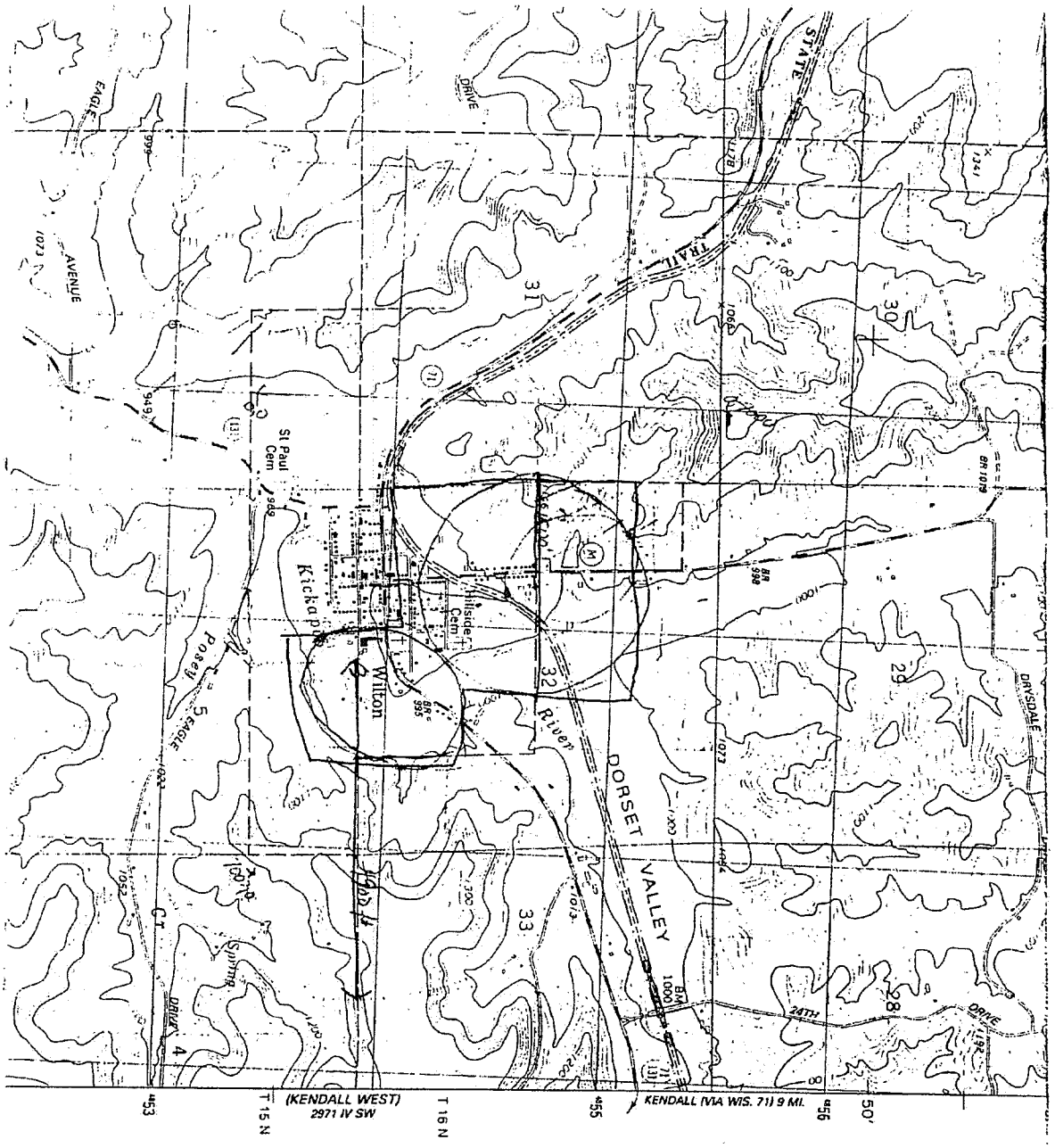
(a) The Village may, as part of any project, as a matter of convenience only, request unit bid prices for the calculation of the cost of making appropriate replacement of the private building water laterals.

(b) If available, and should the owner select this option, the owner may contract with the contractor to pay the entire cost of making the replacement.

(c) The Village shall not be considered a party to any contract between a homeowner and contractor and the Village shall have no responsibility to ensure the quality of the work and makes no representation as to the suitability of the contractor to perform the work under a separate contract. The Village also makes no representations regarding payment for any work performed under a separate contract.

C. Authority to discontinue service. As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding replacement of illegal private water laterals, the utility may, no sooner than 30 days after the giving of notice, discontinue water service to such property served by illegal private water lateral after reasonable opportunity has been given to make the appropriate repairs.

D. All ordinances or parts of ordinances in conflict with the provisions of this article are hereby repealed.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# APPENDIX

# Chapter A281

# CABLE TELEVISION FRANCHISE


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§ A281-58. Acceptance.

**[HISTORY: Adopted by the Village Board of the Village of Wilton 8-12-1996. Amendments noted where applicable.]**

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## ARTICLE I
## Purpose; Findings; Title; Definitions

### § A281-1. Statement of intent and purpose.

A. The village intends, by the adoption of this franchise, to bring about the development of a cable communications system, and the continued operation of it. Such a development can contribute significantly to the communication needs and desires of many. Further, the village may achieve better utilization and improvement of public services with the development and operation of a cable communication system.

B. Past studies by the village have led the way for organizing a means of procuring and securing of a cable communications system which, in the judgment of the Board, is best suited to the village. This has resulted in the preparation and adoption of this franchise.

### § A281-2. Findings.

In the review of the renewal proposal and application of Triax Midwest Associates, L.P. ("grantee"), and as a result of a public hearing, the Village Board makes the following findings:

A. The grantee's technical ability, financial condition, legal qualifications, and character were considered and approved in a full public proceeding after due notice and a reasonable opportunity to be heard;

B. The grantee's plans for constructing, upgrading, and operating the system were considered and found adequate and feasible in a full public proceeding after due notice and a reasonable opportunity to be heard;

C. The franchise granted to the grantee by the village complies with the existing applicable Wisconsin Statutes, federal laws and regulations; and

D. The franchise granted to the grantee is nonexclusive.

### § A281-3. Short title.

This franchise ordinance shall be known and cited as the "Cable Communications Ordinance."

### § A281-4. Definitions.

For the purposes of this franchise, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.

BASIC CABLE SERVICE — Any service tier which includes the lawful retransmission of local television broadcast signals and any public, educational, and governmental access programming required by the franchise to be carried on the basic tier. Basic cable service as defined herein shall not be inconsistent with 47 U.S.C. § 543(b)(7) (1993).

CABLE COMMUNICATIONS SERVICE — The provision of television reception, communications and/or entertainment services distributed over a cable communications system. This definition shall not include telephone services regulated pursuant to Wisconsin Statute as may be amended from time to time.

CABLE COMMUNICATIONS SYSTEM or SYSTEM — A system of antennas, cables, wires, lines, towers, wave guides, or other conductors, converters, equipment, or facilities located in the village and designed and constructed for the purpose of producing, receiving, transmitting, amplifying, or distributing audio, video, and other forms of electronic signals in the village.

CABLE PROGRAMMING SERVICE:

A. Any video programming provided over a cable system, regardless of service tier, including installation or rental of equipment used for the receipt of such video programming, other than:

(1) Video programming carried on the basic service tier;

(2) Video programming offered on a pay-per-channel or pay-per-program basis; or

(3) A combination of multiple channels of pay-per-channel or pay-per-program video programming offered on a multiplexed or time-shifted basis so long as the combined service:

(a) Consists of commonly identified video programming; and

(b) Is not bundled with any regulated tier of service.

B. "Cable programming service" as defined herein shall not be inconsistent with the definition as set forth in 47 U.S.C. § 543(1)(2) (1993) and 47 CFR 76.901(b) (1993).

CLASS IV CABLE COMMUNICATIONS CHANNEL — A signaling path provided by a cable communications system to transmit signals of any type from a subscriber terminal to another point in the system.

CONVERTER — An electronic device which converts signals to a frequency acceptable to a television receiver of a subscriber and by an appropriate selector permits a subscriber to view all subscriber signals included in the service.

DROP — The cable that connects the ground block on the subscriber's residence to the nearest feeder cable of the system.

FCC — The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

GRANTEE — Triax Midwest Associates, L.P., its agents and employees, lawful successors, transferees or assignees.

GROSS REVENUES — All revenue received from cable communications service, as defined, received directly by the grantee from the operation of its system within village, including but not limited to basic cable service fees, cable programming service fees, pay television fees, installation and reconnection fees, upgrade and downgrade fees, converter rental, lockout device fees, or other services. The term "gross revenues" shall not include franchise fees, access operating fees, advertising revenues, any fees itemized and passed through as a result of franchise-imposed requirements or any taxes or fees on services furnished by the grantee imposed directly on any subscriber or user by any municipality, state, or other governmental unit and collected by the grantee for such governmental unit.

INSTALLATION — The connection of the system from feeder cable to the point of connection, including standard installations and custom installations.

LOCKOUT DEVICE — An optional mechanical or electrical accessory to a subscriber's terminal which inhibits the viewing of a certain program, certain channel, or certain channels provided by way of the cable communication system.

PAY TELEVISION — The delivery over the system of pay-per-channel or pay-per-program audiovisual signals to subscribers for a fee or charge, in addition to the charge for basic cable service or cable programming services.

PERSON — Any person, firm, partnership, association, corporation, company, or other legal entity.

STANDARD INSTALLATION — Any residential installation which can be completed using a drop of 150 feet or less.

STREET — The surface of, and the space above and below, any public street, road, highway, freeway, lane, alley, path, court, sidewalk, parkway, or drive, or any easement or right-of-way now or hereafter held by village.

SUBSCRIBER — Any person who lawfully receives cable television service. In the case of multiple office buildings or multiple dwelling units, "subscriber" means the lessee, tenant or occupant.

VILLAGE — The Village of Wilton, a municipal corporation, in the State of Wisconsin, acting by and through its Village Board.

VILLAGE BOARD — The Wilton Wisconsin Village Board.

## ARTICLE II
## Grant of Authority and General Provisions

### § A281-5. Franchise required.

It shall be unlawful for any person to construct, operate or maintain a cable communications system in the village unless such person or the person for whom such action is being taken shall have first obtained and shall currently hold a valid franchise ordinance. It shall also be unlawful for any person to provide cable television service in the village unless such person shall have first obtained and shall currently hold a valid franchise ordinance. All cable communications franchises granted by the village shall contain the same substantive terms and conditions.

### § A281-6. Grant of franchise.

This franchise is granted pursuant to the terms and conditions contained herein.

### § A281-7. Grant of nonexclusive authority.

A. The grantee shall have the right and privilege to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto in the village, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the village of a cable communications system as herein defined. The cable communications system constructed and maintained by the grantee or its agents shall not interfere with other uses

of streets. The grantee shall make use of existing poles and other facilities available to the grantee to the extent it is technically and economically feasible to do so.

B. Notwithstanding the above grant to use streets, no street shall be used by the grantee if the village, in its sole opinion, determines that such use is inconsistent with the terms, conditions, or provisions by which such street was created or dedicated, or with the present use of the street.

C. This franchise shall be nonexclusive, and the village reserves the right to grant a similar use of said streets, alleys, public ways and places to any person at any time during the period of this franchise, provided, however, that any additional cable franchise grants shall be under the same substantive terms and conditions as this franchise.

D. The grantee shall have the authority to use village easements, public rights-of-way, streets and other conduits for the distribution of the grantee's system. The village may require all developers of future subdivisions to allow and accommodate the construction of the system as part of any provisions for utilities to serve such subdivisions.

### § A281-8. Franchise term.

This franchise shall be in effect for a period of 15 years from the date of acceptance by the grantee, unless renewed, revoked or terminated sooner as herein provided.

### § A281-9. Previous franchises.

Upon acceptance by the grantee as required by Article XII herein, this franchise shall supersede and replace any previous ordinance or agreement granting a franchise to grantee to own, operate and maintain a cable communications system within the village.

### § A281-10. Compliance with applicable laws, resolutions and ordinances.

The grantee shall at all times during the life of this franchise be subject to all lawful exercise of the police power, statutory rights and the right of eminent domain by the village.

### § A281-11. Rules of grantee.

The grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable said grantee to exercise its rights and perform its obligation under this franchise and to assure uninterrupted service to each and all of its subscribers, provided that such rules, regulations, terms and conditions shall not be in conflict with provisions hereto, the rules of the FCC, or the laws of the State of Wisconsin, village, or any other body having lawful jurisdiction thereof.

### § A281-12. Territorial area involved.

This franchise is granted for the corporate boundaries of the village, as it exists from time to time. In the event of annexation by the village, or as development occurs, any new territory

shall become part of the area covered, provided, however, that the grantee shall not be required to extend service beyond its present system boundaries unless there are a minimum of 40 homes per cable mile as measured from the last fiber node or terminating amplifier. Access to cable service shall not be denied to any group of potential residential cable subscribers because of the income of the residents of the area in which such group resides. The grantee shall be given a reasonable period of time to construct and activate cable plant to service annexed or newly developed areas.

### § A281-13. Written notice.

A. All notices, reports, or demands required to be given in writing under this franchise shall be deemed to be given when delivered personally to any officer of the grantee or the village's administrator of this franchise or 48 hours after it is deposited in the United States mail in a sealed envelope, with registered or certified mail postage prepaid thereon, addressed to the party to whom notice is being given, as follows:

| | |
|---|---|
| If to village: | Village of Wilton<br>Janet Henthorne, Clerk<br>311 Main Street<br>P.O. Box 70<br>Wilton, WI 54670 |
| With copies to: | Robert Mubarak, Esq.<br>Mubarak & Radcliffe, S.C.<br>917 Superior Avenue<br>Tomah, WI 54660 |
| If to grantee:<br>Attn | Triax Midwest Associates, L.P. |
| With copies to: | Larkin, Hoffman, Daly & Lindgren, Ltd.<br>1500 Norwest Financial Center<br>7900 Xerxes Avenue<br>South Bloomington, Minnesota 55431<br>Attention: Jane F. Bremer, Esq. |

B. Such addresses may be changed by either party upon notice to the other party given as provided in this section.

### § A281-14. Drops to public buildings.

A. The grantee shall provide installation of one cable drop, one cable outlet, and monthly basic cable service without charge to the following institutions and such other public or educational institutions located within 150 feet of the system which the village may designate: none.

B. No redistribution of the free basic cable service provided pursuant to this section shall be allowed. Additional drops and/or outlets in any of the above locations will be provided by the grantee at the cost of the grantee's time and material. Alternatively, at the institution's

request, said institution may add outlets at its own expense, as long as such installation meets the grantee's standards and provided that any fees for cable communications services are paid. Nothing herein shall be construed as requiring the grantee to extend the system to serve additional institutions as may be designated by the village. The grantee shall have one year from the date of Village Board designation of additional institution(s) to complete construction of the drop and outlet.

## ARTICLE III
## Construction Standards

### § A281-15. Time limits for construction.

If the system, or subsequent rebuilds or extensions, proposed for the franchise area consist of fewer than 100 plant miles of cable:

A. Within 90 days of the granting of the franchise, the grantee shall apply for the necessary governmental permits, licenses, certificates, and authorizations;

B. The energized trunk cable must be extended substantially throughout the authorized area within one year after receipt of the necessary governmental permits, licenses, certificates, and authorizations, and the persons along the route of the energized cable shall have individual drops as desired during the same period of time; and

C. The above-stated requirements may be waived by the village only upon occurrence of acts beyond the reasonable control of the grantee or acts of God.

### § A281-16. Construction codes and permits.

A. The grantee shall obtain all required permits from the village before commencing any construction upgrade or extension of the system, including the opening or disturbance of any street or private or public property within the village. The grantee shall substantially comply with all state and local laws and building and zoning codes currently or hereafter applicable to construction, operation or maintenance of the system in the village and give due consideration at all times to the aesthetics of the property.

B. The village shall have the right to inspect all construction or installation work performed pursuant to the provisions of the franchise and to make such tests at its own expense as it shall find necessary to ensure compliance with the terms of the franchise and applicable provisions of local, state and federal law.

### § A281-17. Repair of streets and property.

Any and all streets or public property or private property which is disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the system shall be promptly and fully restored by the grantee, at its expense, to a condition as good as that prevailing prior to the grantee's work, as approved by the village in the case of streets and other public property. If the grantee shall fail to promptly perform the restoration required herein, the village shall have the right to put the streets or public or private property

back into good condition. The village reserves its rights to pursue reimbursement for such restoration from the grantee.

### § A281-18. Conditions on street use.

A. Nothing in this franchise shall be construed to prevent the village from constructing, maintaining, repairing or relocating sewers; grading, paving, maintaining, repairing, relocating and/or altering any street; constructing, laying down, repairing, maintaining or relocating any water mains; or constructing, maintaining, relocating, or repairing any sidewalk or other public work.

B. All system transmission and distribution structures, lines and equipment erected by the grantee within the village shall be located so as not to obstruct or interfere with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights of property owners who abut any of the said streets, alleys and other public ways and places and not to interfere with existing public utility installations. The grantee shall furnish to and file with the village administrator the maps, plats, and permanent records of the location and character of all facilities constructed, including underground facilities, and the grantee shall file with the village updates of such maps, plats and permanent records annually if changes have been made in the system.

C. If at any time during the period of this franchise the village shall elect to alter or change the grade or location of any street, alley or other public way, the grantee shall, at its own expense, upon reasonable notice by the village, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures of the system, and in each instance comply with the standards and specifications of the village. If the village reimburses other occupants of the street, the grantee shall be likewise reimbursed.

D. The grantee shall not place poles, conduits, or other fixtures of the system above or below ground where the same will interfere with any gas, electric, telephone, water or other utility fixtures, and all such poles, conduits, or other fixtures placed in any street shall be so placed as to comply with all requirements of the village.

E. The grantee shall, on request of any person holding a moving permit issued by the village, temporarily move its wires or fixtures to permit the moving of buildings, with the expense of such temporary removal to be paid by the person requesting the same, and the grantee shall be given not less than 10 days' advance notice to arrange for such temporary changes.

F. The grantee shall have the authority to trim any trees upon and overhanging the streets, alleys, sidewalks, or public easements of the village so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee.

G. Nothing contained in this franchise shall relieve any person from liability arising out of the failure to exercise reasonable care to avoid injuring the grantee's facilities.

### § A281-19. Undergrounding of cable.

A. In all areas of the village where all other utility lines are placed underground, the grantee shall construct and install its cables, wires and other facilities underground. Amplifier

boxes and pedestal-mounted terminal boxes may be placed above ground if existing technology reasonably requires but shall be of such size and design and shall be so located as not to be unsightly or unsafe.

B. In any area of the village where there are certain cables, wires and other like facilities of a public utility or public utility district underground and at least one operable cable, wire or like facility of a public utility or public utility district suspended above the ground from poles the grantee may construct and install its cables, wires and other facilities from the same pole with the consent of the owner of the pole.

C. The grantee shall be granted access to any easements granted to a public utility, municipal utility or utility district in any areas annexed by the village or new developments.

### § A281-20. Erection, removal and joint use of poles.

No poles, conduits, or other wire-holding structures shall be erected or installed by the grantee without prior approval of the village with regard to location, height, type and other pertinent aspects.

### § A281-21. Safety requirements.

A. The grantee shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

B. The grantee shall install and maintain its system, wires, cables, fixtures and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations and in such manner that they will not interfere with any installations of the village or of any public utility serving the village.

C. All system structures and all system lines, equipment and connections in, over, under and upon the streets, sidewalks, alleys, and public ways and places of the village, wherever situated or located, shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

## ARTICLE IV
## Design Provisions

### § A281-22. Minimum channel capacity.

The grantee shall provide a system which utilizes 450 MHz equipment and which is capable of delivering a minimum of 60 channels within 24 months of the effective date of this ordinance. The grantee shall meet with the village to review its system design and construction plans prior to the commencement of construction and shall, at the request of the village, participate in a public meeting designed to inform residents of the village of said design and construction plans.

### § A281-23. Operation and maintenance of system.

The grantee shall render effective service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruption, to the extent feasible, shall be preceded by notice in accordance with § A281-13 herein and shall occur during periods of minimum use of the system.

### § A281-24. Technical standards.

The technical standards used in the operation of the system shall comply, at a minimum, with the technical standards promulgated by the FCC relating to cable communications systems pursuant to the Federal Communications Commission's rules and regulations and found in Title 47, Sections 76.601 to 76.617, as may be amended or modified from time to time, which regulations are expressly incorporated herein by reference.

### § A281-25. Special testing.

The village may require special testing of a location or locations within the system if there is a particular matter of controversy or unresolved complaints pertaining to such location(s). Demand for such special tests may be made on the basis of complaints received or other evidence indicating an unresolved controversy or noncompliance. Such tests shall be limited to the particular matter in controversy or unresolved complaints. The village shall endeavor to so arrange its request for such special testing so as to minimize hardship or inconvenience to the grantee or to the subscribers caused by such testing. Before ordering such tests, the grantee shall be afforded 30 days to correct problems or complaints upon which tests were ordered. The village shall meet with the grantee prior to requiring special tests to discuss the need for such and, if possible, visually inspect those locations which are the focus of concern. If, after such meetings and inspections, the village wishes to commence special tests and the 30 days have elapsed without correction of the matter in controversy or unresolved complaints, the tests shall be conducted by a qualified engineer selected by the village. In the event that special testing is required by the village to determine the source of technical difficulties, the cost of said testing shall be borne by the grantee if the testing reveals the source of the technical difficulty to be within the grantee's reasonable control. If the testing reveals the difficulties to be caused by factors which are beyond the grantee's reasonable control then the cost of said test shall be borne by the village.

### § A281-26. FCC reports.

The results of tests required to be filed by the grantee with the FCC shall also be copied to the village.

### § A281-27. Nonvoice return capability.

The grantee is required to use cable having the technical capacity for nonvoice return communications.

### § A281-28. Lockout device.

Upon the request of a subscriber, the grantee shall provide by sale or lease a lockout device.

## ARTICLE V
## Service Provisions

### § A281-29. Regulation of service rates.

A. The village may regulate rates for the provision of cable service, equipment, or any other communications service provided over the system to the extent allowed under federal or state law(s). In exercising its jurisdiction to regulate any such rates, the village will adhere to regulations adopted by the Federal Communications Commission at 47 CFR 76.900 et seq. as they may be amended from time to time.

B. A list of the grantee's current subscriber rates and charges shall be maintained on file with the village and shall be available for public inspection. The grantee shall give the village and subscribers written notice of any change in a rate or charge no less than 30 days prior to the effective date of the change.

C. In the event that the village elects to exercise its jurisdiction over locally regulatable rates, it shall, after notice, hold a public hearing for the consideration of views of interested parties with respect to initial rates filed and any subsequent proposed changes in rates.

### § A281-30. Sales procedures.

The grantee shall not exercise deceptive sales procedures when marketing its cable television services within the village. The grantee shall have the right to market its cable services door-to-door during reasonable hours consistent with local ordinances and regulation.

### § A281-31. Subscriber inquiry and complaint procedures.

A. The grantee shall have a publicly listed toll-free telephone number and be operated so as to receive subscriber complaints and requests on a twenty-four-hour-a-day, seven-day-a-week basis.

B. The grantee shall maintain adequate numbers of telephone lines and personnel to respond in a timely manner to schedule service calls and answer subscriber complaints or inquiries in a manner consistent with regulations adopted by the Federal Communications Commission at 46 CFR 76.309.

C. Subscriber requests for repairs shall be performed, to the extent possible, within 24 hours of the request unless conditions beyond the control of the grantee prevent such performance.

D. Subject to the privacy provisions of 47 U.S.C. § 521 et seq. (1993), the village and the grantee shall prepare and maintain written records of all complaints made to them and the resolution of such complaints, including the date of such resolution. Such written records

shall be on file at the office of the grantee. The grantee shall provide the village with a written summary of such complaints and their resolution on a biannual basis.

### § A281-32. Subscriber contracts.

The grantee shall submit any subscriber contract utilized to the village. If no written contract exists, the grantee shall file with the Village Clerk a document completely and concisely stating the terms of the residential subscriber contract offered to customers, specifically including the length of the subscriber contract. The length and terms of any subscriber contract shall be available for public inspection during normal business hours.

### § A281-33. Refund policy.

In the event a subscriber established or terminates service and receives less than a full month's service, the grantee shall prorate the monthly rate on the basis of the number of days in the period for which service was rendered to the number of days in the billing.

## ARTICLE VI
## Operation and Administration Provisions

### § A281-34. Franchise fee.

A. The village reserves the right to charge the grantee a franchise fee, which shall not exceed 5% of its annual gross revenues. The village may impose this franchise fee by providing written notice thereof to the grantee at least 90 days before commencement of the fee. However, in the event that the grantee becomes subject to "effective competition" as that term is defined in 47 U.S.C. § 521.01 et seq., as amended from time to time, and specifically including open video systems (OVS), as defined from time to time by the FCC, and/or the grantee experiences a decrease in the number of expanded basic subscribers in any one-year period calculated upon a yearly comparison of the number of subscribers on December 31 of each year, the franchise fee shall, following 90 days' written notice to the village, be reduced to the level of expenditure at which the competitive provider, if any, is obligated.

B. Payments due the village under this provision shall be payable annually. The payment shall be made within 45 days of the end of each of the grantee's fiscal years together with a brief report showing the basis for the computation.

C. All amounts paid shall be subject to audit and recomputation by the village, and acceptance of any payment shall not be construed as an accord that the amount paid is in fact the correct amount.

### § A281-35. Access to records.

The village shall have the right to inspect, upon reasonable notice, at any time during normal business hours, those records maintained by the grantee which relate to system operations and to gross revenues, subject to the privacy provisions of 47 U.S.C. § 521 et seq. ("Cable Act").

### § A281-36. Reports to be filed with village.

The grantee shall prepare and furnish to the village, at the times and in the form prescribed, such reports with respect to the operations, affairs, transactions or property, as they relate to the system, which the grantee and the village may agree upon.

## ARTICLE VII
## General Financial and Insurance Provisions

### § A281-37. Performance bond.

A. At the time the franchise becomes effective and at all times thereafter, until the grantee has liquidated all of its obligations with the village, the grantee shall furnish a bond to the village in the amount of $2,000 in a form and with such sureties as reasonably acceptable to the village. This bond will be conditioned upon the faithful performance of the grantee according to the terms of the franchise and upon the further condition that in the event the grantee shall fail to comply with any law, ordinance or regulation governing the franchise, there shall be recoverable jointly and severally from the principal and surety of the bond any damages or loss suffered by the village as a result, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the grantee, plus a reasonable allowance for attorneys' fees and costs, up to the full amount of the bond, and further guaranteeing payment by the grantee of claims, liens and taxes due the village which arise by reason of the construction, operation, or maintenance of the system. The rights reserved by the village with respect to the bond are in addition to all other rights the village may have under the franchise or any other law. The village may, from year to year, in its sole discretion, reduce the amount of the bond.

B. The time for the grantee to correct any violation or liability shall be extended by the village if the necessary action to correct such violation or liability is of such a nature or character as to require more than 30 days within which to perform, provided the grantee provides written notice that it requires more than 30 days to correct such violations or liability, commences the corrective action within the thirty-day period and thereafter uses reasonable diligence to correct the violation or liability.

C. In the event this franchise is canceled by reason of default of the grantee or revoked, the village shall be entitled to collect from the performance bond that amount which is attributable to any damages sustained by the village pursuant to said default or revocation. The grantee, however, shall be entitled to the return of such performance bond, or portion thereof, as remains at the expiration of the term of the franchise.

D. The rights reserved to the village with respect to the performance bond are in addition to all other rights of the village whether reserved by this franchise or authorized by law, and no action, proceeding or exercise of a right with respect to the performance bond shall affect any other right the village may have.

**§ A281-38. Indemnification of the village.**

A. The village, its officers, boards, committees, commissions, elected officials, employees and agents shall not be liable for any loss or damage to any real or personal property of any person, or for any injury to or death of any person, arising out of or in connection with the construction, operation, maintenance, repair or removal of, or other action or event with respect to, the system.

B. The grantee shall indemnify, defend, and hold harmless the village, its officers, boards, committees, commissions, elected officials, employees and agents from and against all liability, damages, and penalties which they may legally be required to pay as a result of the exercise of the franchise, except claims because of the village's own programming.

C. Nothing in this franchise relieves a person from liability arising out of the failure to exercise reasonable care to avoid injuring the grantee's facilities while performing work connected with grading, regrading, or changing the line of a street or public place or with the construction or reconstruction of a sewer or water system.

D. In order for the village to assert is rights to be indemnified, defended, and held harmless, the village must with respect to each claim:

(1) Promptly notify the grantee in writing of any claim or legal proceeding which gives rise to such right;

(2) Afford the grantee the opportunity to participate in and fully control any compromise, settlement or other resolution or disposition of any claim or proceeding; and

(3) Fully cooperate with reasonable requests of the grantee, at the grantee's expense, in its participation in and control, compromise, settlement or resolution or other disposition of such claim or proceeding subject to Subsection D(2) above.

**§ A281-39. Insurance.**

A. As a part of the indemnification provided in § A281-38, but without limiting the foregoing, the grantee shall file with its acceptance of this franchise, and at all times thereafter maintain in full force and effect at its sole expense, a comprehensive general liability insurance policy, including contractual liability coverage, in protection of the village in its capacity as such, its officers, elected officials, boards, commissions, agents and employees. The policy or policies shall name as additional insured the village, and their capacity as such, their officers, agents and employees. The policies of insurance shall be in the sum of not less than $300,000 for personal injury or death of any one person and $1,000,000 for personal injury or death of two or more persons in any one occurrence, $300,000 for property damage to any one person and $1,000,000 for property damage resulting from any one act or occurrence.

B. The policy or policies of insurance shall be maintained by the grantee in full force and effect during the entire term of the franchise. Each policy of insurance shall contain a statement on its face that the insurer will not cancel the policy or fail to renew the policy, whether for nonpayment of premium or otherwise, and whether at the request of the

grantee or for other reasons, except after 30 days' advance written notice has been provided to the village.

## ARTICLE VIII
## Sale, Abandonment, Transfer and Revocation of Franchise

### § A281-40. Village right to revoke.

A. In addition to all other rights which the village has pursuant to law or equity, the village reserves the right to revoke, terminate or cancel this franchise, and all rights and privileges pertaining thereto, if after the hearing required by § A281-41B herein it is determined that:

(1) The grantee has violated any material provision of this franchise;

(2) The grantee has attempted to evade any of the material provisions of the franchise; or

(3) The grantee has practiced fraud or deceit upon the village or subscriber.

B. The village may revoke this franchise without the hearing required by § A281-41B herein if the grantee is adjudged a bankrupt.

### § A281-41. Procedures for revocation.

A. The village shall provide the grantee with written notice of a cause for revocation and the intent to revoke and shall allow the grantee 60 days subsequent to receipt of the notice in which to correct the violation or to provide adequate assurance of performance in compliance with the franchise. Together with the notice required herein, the village shall provide the grantee with written findings of fact which are the basis of the revocation.

B. The grantee shall be provided the right to a public hearing affording due process before the village Board prior to revocation, which public hearing shall follow the sixty-day notice provided in Subsection A above. The village shall provide the grantee with written notice of its decision together with written findings of fact supplementing said decision.

C. After the public hearing and upon written determination by the village to revoke the franchise, the grantee may appeal said decision with an appropriate state or federal court or agency.

D. During the appeal period, the franchise shall remain in full force and effect unless the term thereof sooner expires.

E. Upon satisfactory correction by the grantee of the violation upon which said notice was given as determined in the village's sole discretion, the initial notice shall become void.

### § A281-42. Abandonment of service.

The grantee may not abandon the system or any portion thereof without having first given three months' written notice to the village. The grantee may not abandon the system or any portion thereof without compensating the village for damages resulting from the abandonment.

**§ A281-43. Sale or transfer of franchise.**

A. No sale, transfer, or fundamental corporate change of this franchise shall take place until the parties to the sale, transfer, or fundamental corporate change file a written request with the village for its approval, provided, however, that said approval shall not be required where the grantee grants a security interest in its franchise and assets to secure an indebtedness.

B. The village shall have 30 days from the time of the request to reply in writing and indicate approval of the request or its determination that a public hearing is necessary due to potential adverse affect on the grantee's subscribers resulting from the sale or transfer. Such approval or determination shall be expressed by Board resolution within 30 days of receipt of said request, or the request shall be deemed approved as a matter of law.

C. If a public hearing is deemed necessary pursuant to Subsection B above, such hearing shall be commenced within 30 days of such determination, and notice of any such hearing shall be given in accordance with local law or 14 days prior to the hearing by publishing notice thereof once in a newspaper of general circulation in the village. The notice shall contain the date, time and place of the hearing and shall briefly state the substance of the action to be considered by the village. Said hearing may be continued only with the grantee's written consent.

D. Within 30 days after the closing of the public hearing, the village shall approve or deny in writing the sale or transfer request. The village shall set forth in writing with particularity its reason(s) for denying approval. The village shall not unreasonably withhold its approval.

E. The parties to the sale or transfer of the franchise only, without the inclusion of the system in which substantial construction has commenced, shall establish that the sale or transfer of only the franchise will be in the public interest.

F. Any sale or transfer of stock in the grantee so as to create a new controlling interest in the system shall be subject to the requirements of this section. The term "controlling interest" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

G. In no event shall a transfer or assignment of ownership or control be approved without the transferee becoming a signatory to this franchise and assuming all rights and obligations thereunder and assuming all other rights and obligations of the transferor to the village.

H. In the event of any proposed sale or assignment pursuant to Subsection A of this section the village shall have the right of first refusal of any bona fide offer to purchase the system. "Bona fide offer," as used in this section, means an offer received by the grantee which it intends to accept subject to the village's rights under this section. This written offer must be conveyed to the village along with the grantee's written acceptance of the offer contingent upon the rights of the village provided for in this section.

I. The village shall be deemed to have waived its rights under this section in the following circumstances:

(1) If it does not indicate to the grantee in writing, within 30 days of notice of a proposed sale or assignment, its intention to exercise its right of purchase; or

(2) If it approves the assignment or sale of the franchise as provided within this section.

## ARTICLE IX
## Protection of Individual Rights

### § A281-44. Discriminatory practices prohibited.

The grantee shall not deny service, deny access, or otherwise discriminate against subscribers or general citizens on the basis of race, color, religion, national origin, sex or age. The grantee shall comply at all times with all other applicable federal, state, and village laws, and all executive and administrative orders relating to nondiscrimination.

### § A281-45. Subscriber privacy.

A. No signals including signals of a Class IV channel may be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provisions. Such written permission shall be for a limited period of time not to exceed one year which shall be renewed at the option of the subscriber. No penalty shall be invoked for a subscriber's failure to provide or renew such authorization. The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever. Such permission shall be required for each type or classification of Class IV channel activity planned for the purpose of monitoring individual viewing patterns or practices.

B. No information or data obtained by monitoring transmission of a signal from a subscriber terminal, or any other means, including but not limited to lists of the names and addresses of such subscribers or any lists that identify the viewing habits of subscribers, shall be sold or otherwise made available to any party other than to the grantee and its employees for internal business use, and also to the subscriber subject of that information, unless the grantee has received specific written authorization from the subscriber to make such data available.

C. Written permission from the subscriber shall not be required for the conducting of system-wide or individually addressed electronic sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing. Confidentiality of such information shall be subject to the provision set forth in Subsection B of this section.

## ARTICLE X
## Unauthorized Connections and Modifications

### § A281-46. Prohibited acts.

It shall be unlawful for any firm, person, group, company, corporation, or governmental body or agency, without the express consent of the grantee, to make or possess, or assist anybody in

making or possessing, any connection, extension, or division, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the system.

### § A281-47. Removal or destruction prohibited.

It shall be unlawful for any firm, person, group, company, corporation, or government body or agency to willfully interfere, tamper, remove, obstruct, or damage, or assist thereof, any part or segment of the system for any purpose whatsoever.

### § A281-48. Violations and penalties.

Any firm, person, group, company, corporation or government body or agency found guilty of violating this article may be fined not less than $20 and the costs of the action nor more than $500 and the costs of the action for each and every subsequent offense. Each continuing day of the violation shall be considered a separate occurrence.

## ARTICLE XI
## Miscellaneous Provisions

### § A281-49. Franchise renewal.

Any renewal of this franchise shall be done in accordance with applicable federal, state and local laws and regulations.

### § A281-50. Amendment of franchise ordinance.

The grantee and the village may agree, from time to time, to amend this franchise. Such written amendments may be made subsequent to a review session pursuant to § A281-54 or at any other time if the village and the grantee agree that such an amendment will be in the public interest or if such an amendment is required due to changes in federal, state or local laws. The village shall act pursuant to local law pertaining to the ordinance amendment process.

### § A281-51. Compliance with federal, state and local laws.

A. If any federal or state law or regulation shall require or permit the village or the grantee to perform any service or act or shall prohibit the village or the grantee from performing any service or act which may be in conflict with the terms of this franchise, then as soon as possible following knowledge thereof, either party shall notify the other of the point in conflict believed to exist between such law or regulation. The grantee and the village shall conform to state laws and rules regarding cable communications not later than one year after they become effective, unless otherwise stated, and conform to federal laws and regulations regarding cable as they become effective.

B. If any term, condition or provision of this franchise or the application thereof to any person or circumstance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition or provision to persons or circumstances

other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this franchise and all the terms, provisions and conditions hereof shall, in all other respects, continue to be effective and complied with, provided the loss of the invalid or unenforceable clause does not substantially alter the agreement between the parties. In the event such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision which had been held invalid or modified is no longer in conflict with the law, rules and regulations then in effect, said provision shall thereupon return to full force and effect and shall thereafter be binding on the grantee and the village.

### § A281-52. Nonenforcement by the village.

The grantee shall not be relieved of its obligations to comply with any of the provisions of this franchise by reason of any failure or delay of the village to enforce prompt compliance. Any waiver by the village of a breach or violation of any provision of this franchise shall not operate as or be construed to be a waiver of any subsequent breach or violation.

### § A281-53. Administration of franchise.

The village administrator or other the village designee shall have continuing regulatory jurisdiction and supervision over the system and the grantee's operation under the franchise. The village may issue such reasonable rules and regulations concerning the construction, operation and maintenance of the system as are consistent with the provisions of the franchise and law.

### § A281-54. Periodic evaluation.

The field of cable communications is rapidly changing and may see many regulatory, technical, financial, marketing and legal changes during the term of this franchise. Therefore, in order to provide for a maximum degree of flexibility in this franchise, and to help achieve a continued advanced and modern system, the following evaluation provisions shall apply:

A. Evaluation sessions may be held every five years. All evaluation sessions shall be open to the public and notice of sessions published in the same way as a legal notice. The grantee shall notify its subscribers of all evaluation sessions by announcement on at least one basic service channel of the system between the hours of 7:00 p.m. and 9:00 p.m. for five consecutive days preceding each session.

B. Topics which may be discussed at any evaluation session may include, but are not limited to, application of new technologies, system performance, programming offered, access channels, facilities and support, municipal uses of cable, customer complaints, amendments to this franchise, judicial rulings, FCC rulings, line extension policies and any other topics the village and the grantee deem relevant.

C. As a result of a periodic review or evaluation session, the village and the grantee may develop such changes and modifications to the terms and conditions of the franchise as are mutually agreed upon.

### § A281-55. Rights cumulative.

All rights and remedies given to the village by this franchise shall be in addition to and cumulative with any and all other rights and remedies, existing or implied, now or hereafter available to the village, at law or in equity, and such rights and remedies shall not be exclusive, but each and every right and remedy specifically given by this franchise or otherwise existing or given may be exercised from time to time and as often and in such order as may be deemed expedient by the village, and the exercise of one or more rights or remedies shall not be deemed a waiver of the right to exercise at the same time or thereafter any other right or remedy.

### § A281-56. Grantee acknowledgment of validity of franchise.

The grantee acknowledges that it has had an opportunity to review the terms and conditions of this franchise and that under current law the grantee believes that said terms and conditions are not unreasonable or arbitrary and that the grantee believes the village has the power to make the terms and conditions contained in this franchise.

## ARTICLE XII
## Publication; Effective Date; Acceptance

### § A281-57. Publication; effective date.

This franchise shall be published in accordance with applicable Wisconsin law. The effective date of this franchise shall be the date of acceptance by the grantee in accordance with the provisions of § A281-58.

### § A281-58. Acceptance.

A. The grantee shall accept this franchise within 60 days of its enactment by the Village Board, unless the time for acceptance is extended by the village. Such acceptance by the grantee shall be deemed the grant of this franchise for all purposes.

B. Upon acceptance of this franchise, the grantee shall be bound by all the terms and conditions contained herein.

C. The grantee shall accept this franchise in the following manner:

(1) This franchise will be properly executed and acknowledged by the grantee and delivered to the village.

(2) The grantee shall have continuing responsibility for this franchise, and if the grantee is a subsidiary or wholly owned corporate entity of a parent corporation, performance of this franchise shall be secured by a written guarantee of the parent corporation in a form and substance acceptable to the village, which shall be delivered with the executed franchise.

(3) With its acceptance, the grantee shall also deliver any grant payments, performance bond and insurance certificates required herein that have not previously been delivered.

# Chapter A282

# FEES


§ A282-1. Chapter 80, Amusement Devices.

§ A282-2. Chapter 84, Animals.

§ A282-3. Chapter 97, Building Construction and Fire Prevention.

§ A282-3.1. Chapter 101, Burning, Open.

§ A282-4. Chapter 106, Cabarets.

§ A282-5. Chapter 120, Cigarettes and Tobacco Products.

§ A282-6. Chapter 127, Dance Halls.

§ A282-7. Chapter 167, Intoxicating Liquor and Fermented Malt Beverages.

§ A282-8. Chapter 191, Mobile Home Parks.

§ A282-9. Chapter 221, Sales.

§ A282-10. Chapter 235, Solid Waste.

§ A282-10.1. Chapter 242, Streets and Sidewalks.

§ A282-11. Chapter 247, Subdivision of Land.

§ A282-12. Chapter 253, Taxicabs.

§ A282-13. Chapter 263, Vehicles and Traffic.

§ A282-14. Chapter 270, Water and Sewers.

§ A282-15. Building Inspector Rate Schedule

§ A282-16. Snow Shoveling and Grass Mowing Fees.

§ A282-17. Untagged Garbage Fees.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 8-13-2001 by resolution. Amendments noted where applicable.]**

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### § A282-1. Chapter 80, Amusement Devices.

§ 80-4, license fee: $5 per year for each device.

### § A282-2. Chapter 84, Animals. [Added 7-14-2003]

A. Altered cat: $3.

B. Unaltered cat: $8.

C. Late fee: $10.

D. Return fee: $50.

### § A282-3. Chapter 97, Building Construction and Fire Prevention. [Amended 10-8-2012]

(Reserved)

**§ A282-3.1. Chapter 101, Burning, Open. [Added 3-13-2017]**

§ 101-1D, burn barrel annual permit fee: $20.

**§ A282-4. Chapter 106, Cabarets.**

§ 106-3, license fee: $50 for the year; $25 for licenses issued after the first day of January.

**§ A282-5. Chapter 120, Cigarettes and Tobacco Products. [Amended 11-9-2009[1] ]**

§ 120-3B, license fee: $25 per year.

**§ A282-6. Chapter 127, Dance Halls.**

§ 127-1, dance hall license fee: $10 per year.

§ 127-3A, public dance permit: $10.

**§ A282-7. Chapter 167, Intoxicating Liquor and Fermented Malt Beverages.**

§ 167-3, license fees:

A. Class "A" fermented malt beverage retailer's license: $100 per year.

B. Class "B" fermented malt beverage retailer's license: $100 per year.

   (1) Six-month license: 3/4 of the applicable license fee shall be paid.

   (2) Picnic: $10 per day.

C. Wholesaler's fermented malt beverage license: $25 per year or fraction thereof.

D. Retail "Class A" liquor license: $160 per year.

E. Retail "Class B" liquor license: $250 per year.

F. Operator's license: $15.[2] **[Amended 10-11-2011[3] ; 2-11-2013]**

G. Provisional operator's license: $10.

H. Temporary operator's license: $10.

I. "Class C" retail wine license: $100 per year.

J. Provisional retailer's license fee: $15 per license. **[Added 3-8-2010]**

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1. **Editor's Note: This resolution provided the revised fee should take effect 1-1-2010.**
2. **Editor's Note: Section 125.17, Wis. Stats., requires this fee to be set by ordinance. See Ch. 167, § 167-3F.**
3. **Editor's Note: This amendment provided the revised fee would take effect 1-1-2012.**

§ 167-17H, permit fee. **[Added 8-13-2001]**

A. Beer garden permit: $50 per year, expiring on June 30 of each year.

### § A282-8. Chapter 191, Mobile Home Parks. [Amended 11-9-2009[4] ]

§ 191-4C, application for license: $50 for each 50 spaces or fraction thereof in the existing or proposed park, but not less than $50.

### § A282-9. Chapter 221, Sales.

§ 221-4C, registration fee for direct sellers: $25.

§ 221-13, license fee for vehicle vendors: $25.

### § A282-10. Chapter 235, Solid Waste.

§ 235-10, replacement or additional container: $5.

### § A282-10.1. Chapter 242, Streets and Sidewalks. [Added 3-13-2017]

Article IV, § 242-13, penalties for depositing snow:

A. First offense: written warning.

B. Second offense: $50.

C. Third offense: $75.

D. Fourth offense: $75 plus citation.

### § A282-11. Chapter 247, Subdivision of Land.

§ 247-5B(6), preliminary plat: $25.

### § A282-12. Chapter 253, Taxicabs.

§ 253-4A, annual license fee: $25 for the first taxicab operated and $15 for each taxicab operated after the first one.

### § A282-13. Chapter 263, Vehicles and Traffic. [5] [Added 2-11-2008; amended 2-8-2010; 7-13-2015]

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4. **Editor's Note: This resolution provided the revised fee should take effect 1-1-2010.**

5. **Editor's Note: The former fee for violation of calendar restricted parking, added 12-10-2001, was removed from this chapter pursuant to an ordinance adopted 1-9-2006.**

Parking Ordinance ticket: $15; if not paid within 10 days: $20. If not paid within 20 days, the state will be contacted to have the registration suspended.

### § A282-14. Chapter 270, Water and Sewers.

§ 270-16A, permit for disposal: $25 per calendar year, plus a volume charge of $5.90 per 1,000 gallons.

§ 270-19B, surcharge: $0.50 per pound.

§ 270-33, lateral connection to main sewer: minimum of $300 for four-inch sewer lateral or actual cost, whichever is greater.

§ 270-52, later connection to water main: $300, per Public Service Commission.

### § A282-15. Building Inspector Rate Schedule [Added 5-3-2004; amended 10-8-2012[6]]

| Permit | Fee |
|---|---|
| New homes | $0.25 per square foot (minimum: $533) |
| Manufactured homes | $383 flat fee |
| Additions and alterations | $0.25 per square foot (minimum: $50) |
| Garages and miscellaneous structures | $0.25 per square foot (maximum fee: $100) |
| Fences | $45 flat fee |
| Hourly rate | $35 per hour (minimum: 2 hours) |

### § A282-16. Snow Shoveling and Grass Mowing Fees. [Added 12-10-2007[7]]

A. First offense: $50.

B. Second offense: $75.

C. Third offense: $75, plus citation and every subsequent offense thereafter for reoccurring offenses in a twelve-month period.

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6. **Editor's Note: Fees to be effective 1-1-2013.**

7. **Editor's Note: Fees to be effective 1-1-2008.**

## § A282-17. Untagged Garbage Fees. [Added 12-10-2007[8]]

A. First offense: $2 per bag/large item garbage.

B. Second offense: $5 per bag/large item garbage.

C. Third offense: $5 per bag/large item garbage.

D. Fourth offense: $5 per bag/large item garbage, plus citation and every subsequent offense thereafter for reoccurring offenses in a twelve-month period.

8. **Editor's Note: Fees to be effective 1-1-2008.**

# Chapter A283

# SALARIES AND COMPENSATION


§ A283-1. Village President and Trustees.
§ A283-2. Meetings.
§ A283-3. Board of Review.
§ A283-4. Joint Police Commission.
§ A283-5. (Reserved)
§ A283-6. Election workers and inspectors.


**[HISTORY: Adopted by the Village Board of the Village of Wilton 8-13-2001.]**

## § A283-1. Village President and Trustees.

Salaries are as follows:

A. Village President: annual salary of $1,200.

B. Village Trustees: $350 per year. **[Amended 11-14-2011[1] ]**

## § A283-2. Meetings.

Compensation shall be as follows:

A. Special board meetings: $35 per meeting.

B. Committee meetings: $10. **[Amended 12-8-2008; 11-14-2011[2] ]**

## § A283-3. Board of Review.

The expense allowance of the Board of Review shall be as follows: $20 per day.

## § A283-4. Joint Police Commission. [Added 5-8-2006; amended 2-11-2008; 11-14-2011[3] ]

Compensation for Commission members shall be $10 per meeting, to be paid by the Norwalk-Wilton Joint Police Commission.

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1. **Editor's Note: This resolution provided for proration effective with the April 2012 election. A resolution adopted 12-12-2011 also clarified that the change for committee and Police Commission pay for appointed officials would be effective with the April 2012 election and for elected officials with their term of office.**

2. **Editor's Note: This resolution provided the revised fee would be effective with the April 2012 election. A resolution adopted 12-12-2011 also clarified that the change for committee and Police Commission pay for appointed officials would be effective with the April 2012 election and for elected officials with their term of office.**

3. **Editor's Note: This resolution provided the revised fee would be effective with the April 2012 election. A resolution adopted 12-12-2011 also clarified that the change for committee and Police Commission pay for appointed officials would be effective with the April 2012 election and for elected officials with their term of office.**

**§ A283-5. (Reserved)** [4]

**§ A283-6. Election workers and inspectors. [Added 3-8-2010; amended 11-9-2015]**

A. The salary for election Chief Inspectors shall be $8.50 per hour, effective January 1, 2016.

B. The salary for election workers shall be $7.75 per hour, effective January 1, 2016.

4. **Editor's Note: Former § A283-5, Joint Court Commission, added 2-11-2008, was repealed 11-14-2011.**

Village of Wilton

THE HEART OF THE ELROY SPARTA BIKE TRAIL

Established 1870

**MINUTES OF MEETING**

**Village of Wilton Board Meeting – 03/14/2022**

**Call to Order/Roll Call**

- The Village of Wilton met for a regular Board Meeting March 14, 2022, at the Village Office. Village President Timothy Welch called the meeting to order at 7:00 pm. Members present were Eli Yoder, Reina Coleman, Jamie Evans, Sid Thayer, Tom Brieske & Morgan Martin.

**Public Comments**

- Lori Brueggen asked why the trees were cut down in the park.
- Ed Wilde requested fill be brought in for the Fire Station.

**Village President Timothy Welch gave the Presidents report.**

***Updating the Board on Infrastructure funding, The Bridge Project, bids for the Sewer Plant Equipment deadline of March 24, 2022, as well as thanked The American Legion for their donation to WiltonFest and Rolling Hills Veterinary Clinic for the Donation to the cost of the Pet Waste Stations.***

**Consent Agenda**

- Motion by Coleman, 2nd by Thayer to approve the consent agenda. Motion carried by voice vote.

**Bathroom Cleaning Position**

- Motion by Thayer, 2nd by Coleman to table this discussion until the April 11, 2022, meeting. Motion carried by voice vote.

**Community Center Repairs**

- Motion by Evans, 2nd by Martin to approve the recommendations made by the Building and Grounds Committee to repair the bathrooms in the community center as well as install Village Hall window, trim exterior doors, and repair 1st floor bathroom walls. Motion carried by voice vote.

**Election Poll workers**

- Motion by Yoder, 2nd by Coleman to approve Madysen Schweinler, Dan Flock and Janelle Flock as Election poll workers. Motion carried by voice vote.

**WiltonFest Committee Establishment**

- Motion Martin, 2nd by Coleman to approve the establishment of a WiltonFest Committee and creating an ordinance to reflect said committee. Motion carried by voice vote.

**WiltonFest Budget**

- Motion by Martin, 2nd by Yoder to approve $25,000.00 for WiltonFest Budget. Motion carried by voice vote.

**Trees**

- Motion by Brieske, 2nd by Yoder to approve $5,000.00 for tree purchase. Motion carried by voice vote.

**Election Worker Pay**

- Motion by Brieske, 2nd by Coleman to approve Election Worker pay to be $150.00 per day and $75.00 per half day. Motion carried by voice vote.

**Brush Site**

- Motion by Yoder, 2nd by Coleman to approve Brush site to be used by Village Residents for brush or tree removal, even if cut commercially. Motion carried by voice vote.

**Adjourn**

- Motion By Brieske, 2nd by Coleman to Adjourn. Motion Carried by voice vote.

*Leigha Barton* – Clerk/Treasurer

These minutes will be presented for approval on 04/11/2022 and were posted on 03/15/2022 at the following locations: F&M Bank- Wilton, Wilton Village Hall, Wilton Hardware Hank, Wilton Post Office

# DISPOSITION LIST

# Chapter DL

# DISPOSITION LIST

**§ DL-1. Disposition of legislation.**

**The following is a chronological listing of legislation of the Village of Wilton adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Village Clerk-Treasurer. The last legislation reviewed for the original publication of the Code was an ordinance adopted 10-9-2000. A complete listing, including disposition, of all legislation reviewed in conjunction with the original publication of the Code is on file in the office of the Village Clerk-Treasurer.**

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**§ DL-1. Disposition of legislation.**

| Enactment | Adoption Date | Subject | Disposition |
|---|---|---|---|
| Ordinance | 8-13-2001 | Adoption of Code | Ch. 1, Art. I |
| Charter Ordinance | 8-13-2001 | Officers and employees amendment | Ch. 38 |
| Resolution | 8-13-2001 | Fees | Ch. A282 |
| Ordinance | 8-13-2001 | Salaries and compensation | Ch. A283 |
| Ordinance | 8-13-2001 | Beer gardens | Ch. 167, Art. II |
| Resolution | 8-13-2001 | Fees amendment | Ch. A282 |
| Ordinance | 12-10-2001 | Calendar restricted parking amendment; Fees amendment | Chs. 263 and A282 |
| Ordinance | 4-8-2002 | Elections | Ch. 12 |
| Ordinance | 5-13-2002 | Village Board: procedural rules amendment | Ch. 71, Art. I |
| Ordinance | 6-10-2002 | Village Board: procedural rules amendment | Ch. 71, Art. I |
| Ordinance | 3-10-2003 | Village Board: procedural rules amendment | Ch. 71, Art. I |
| Ordinance | 7-14-2003 | Licensing and regulation of cats; fees amendment | Ch. 84, Art. II; Ch. A282 |
| Ordinance | 8-11-2003 | Community Development Committee | Ch. 8 |
| Ordinance | 11-19-2003 | Comprehensive Plan | Ch. 123 |
| Ordinance | 4-12-2004 | Vehicles and traffic amendment (school bus warning lights) | Ch. 263 |

| Enactment | Adoption Date | Subject | Disposition |
|---|---|---|---|
| Ordinance | 5-3-2004 | Uniform dwelling code | Ch. 131 |
| Resolution | 5-3-2004 | Building Inspector flat fee schedule | Ch. A282 |
| Ordinance | 6-14-2004 | Minors amendment | Ch. 186 |
| Ordinance | 6-14-2004 | Garages and accessory buildings | Ch. 154 |
| Ordinance | 10-10-2005 | Joint Municipal Court | Repealed 11-14-2011 |
| Ordinance | 12-12-2005 | Bond schedule | Superseded 1-8-2007 |
| Ordinance | 1-9-2006 | Vehicles and traffic amendment | Ch. 263 |
| Ordinance | 4-10-2006 | Building construction and fire prevention amendment | Ch. 97 |
| Ordinance | 5-8-2006 | Peace and good order amendment (offenses against state law subject to forfeiture) | Ch. 209 |
| Resolution | 5-8-2006 | Joint Police Commission compensation | Ch. A283 |
| Ordinance | 5-8-2006 | Joint Police Commission | Ch. 46, Art. II |
| Ordinance | 8-14-2006 | Police Department amendment | Ch. 46, Art. I |
| Ordinance | 8-14-2006 | Building construction and fire prevention amendment | Ch. 97 |
| Ordinance | 8-14-2006 | Officers and employees amendment | Ch. 38 |
| Ordinance | 11-13-2006 | Peace and good order amendment (theft of library material) | Ch. 209 |
| Resolution | 11-13-2006 | Bond schedule amendment | Ch. 1 (Appendix) |
| Ordinance | 12-11-2006 | Streets and sidewalks: general provisions amendment | Ch. 242, Art. I |
| Ordinance | 12-11-2006 | Streets and sidewalks: general provisions amendment | Ch. 242, Art. I |
| Ordinance | 1-8-2007 | Bond schedule | Ch. 1 (Appendix) |
| Ordinance | 10-8-2007 | Joint Police Commission amendment | Ch. 46, Art. II |
| Ordinance | 12-10-2007 | Joint Police Commission amendment | Ch. 46, Art. II |
| Ordinance | 12-10-2007 | Skates and play vehicles | Ch. 60 |
| Ordinance | 12-10-2007 | Elections amendment | Ch. 12 |
| Resolution | 12-10-2007 | Fees amendment | Ch. A282 |
| Resolution | 12-10-2007 | Fees amendment | Ch. A282 |
| Resolution | 12-10-2007 | Bond schedule amendment | Ch. 1 (Appendix) |
| Ordinance | 2-11-2008 | Vehicles and traffic amendment | Ch. 263 |
| Resolution | 2-11-2008 | Fees amendment | Ch. A282 |
| Resolution | 2-11-2008 | Salaries and compensation amendment | Ch. A283 |

| Enactment | Adoption Date | Subject | Disposition |
|---|---|---|---|
| Resolution | 12-8-2008 | Salaries and compensation amendment | Ch. A283 |
| Resolution | 2-9-2009 | Bond schedule amendment | Ch. 1 (Appendix) |
| Resolution | 11-9-2009 | Fees amendment | Ch. A282 |
| Resolution | 11-9-2009 | Fees amendment | Ch. A282 |
| Ordinance | 1-11-2010 | Floodplain zoning | Ch. 150 |
| Resolution | 2-8-2010 | Peace and good order amendment | Ch. 209 |
| Resolution | 2-8-2010 | Fees amendment | Ch. A282 |
| Ordinance | 3-8-2010 | Intoxicating liquor and fermented malt beverages: licensing amendment | Ch. 167, Art. I |
| Resolution | 3-8-2010 | Fees amendment | Ch. A282 |
| Resolution | 3-8-2010 | Salaries and compensation amendment | Ch. A283 |
| Resolution | 3-8-2010 | Salaries and compensation amendment | Ch. A283 |
| Ordinance | 5-10-2010 | Identity theft policy | Ch. 21 |
| Ordinance | 5-10-2010 | Smoking prohibited in certain enclosed places | Ch. 62, Art. II |
| Resolution | 5-10-2010 | Bond schedule amendment | Ch. 1 (Appendix) |
| Resolution | 5-10-2010 | Intoxicating liquor and fermented malt beverages: beer gardens amendment | Ch. 167, Art. II |
| Ordinance | 6-14-2010 | Mobile homes and mobile home parks amendment | Ch. 191 |
| Resolution | 10-11-2011 | Fees amendment | Ch. A282 |
| Resolution | 11-14-2011 | Joint Municipal Court repealer | Ch. 10 |
| Resolution | 11-14-2011 | Salaries and compensation amendment | Ch. A283 |
| Resolution | 11-14-2011 | Salaries and compensation amendment | Ch. A283 |
| Resolution | 12-12-2011 | Salaries and compensation amendment | Ch. A283 (footnote only) |
| Resolution | 2-13-2012 | Intoxicating liquor and fermented malt beverages: licensing amendment | Ch. 167, Art. I |
| Resolution | 4-9-2012 | Intoxicating liquor and fermented malt beverages: licensing amendment | Ch. 167, Art. I |
| Resolution | 10-8-2012 | Fees amendment | Ch. A282 |
| Resolution | 10-8-2012 | Fees amendment | Ch. A282 |
| Resolution | 10-8-2012 | Statutory reference updates | Ch. 97; Ch. 131; Ch. 150; Ch. 191 (footnote only) |
| Ordinance | 11-12-2012 | Elections: election worker shifts | Ch. 12, Art. II |

| Enactment | Adoption Date | Subject | Disposition |
|---|---|---|---|
| Resolution | 12-10-2012 | Vehicles and traffic amendment | Ch. 263 |
| Resolution | 2-11-2013 | Fees amendment | Ch. A282 |
| Resolution | 2-11-2013 | Intoxicating liquor and fermented malt beverages: licensing amendment | Ch. 167, Art. I |
| Resolution | 2-11-2013 | Intoxicating liquor and fermented malt beverages: licensing amendment | Ch. 167, Art. I |
| Ordinance | 9-16-2014 | Vehicles and traffic amendment | Ch. 263 |
| Ordinance | 2-9-2015 | Snowmobiles amendment | Ch. 231 |
| Ordinance | 2-9-2015 | Police Amendment | Ch. 46 |
| Ordinance | 3-9-2015 | Officers and employees amendment | Ch. 38 |
| Resolution | 7-13-2015 | Fees amendment | Ch. A282 |
| Resolution | 11-9-2015 | Salaries and compensation amendment | Ch. A283 |
| Ordinance | 12-4-2015 | Nuisances amendment | Ch. 198 |
| Ordinance | 3-13-2017 | Village Board: procedural rules amendment | Ch. 71, Art. I |
| Ordinance | 3-13-2017 | Peace and good order amendment | Ch. 209 |
| Ordinance | 3-13-2017 | All-terrain and utility terrain vehicles | Ch. 261 |
| Ordinance | 3-13-2017 | Streets and sidewalks: yard waste on streets | Ch. 242, Art. III |
| Ordinance | 3-13-2017 | Sexual offenders: residency restrictions | Ch. 226, Art. I |
| Ordinance | 3-13-2017 | Open burning amendment | Ch. 101 |
| Ordinance | 3-13-2017 | Streets and sidewalks: snow and ice removal | Ch. 242, Art. IV |
| Resolution | 3-13-2017 | Fees amendment | Ch. A282 |
| Resolution | 3-13-2017 | Bond schedule amendment | Ch. 1 (Appendix) |
| Ordinance | 4-10-2017 | Board of Review amendment | Ch. 56 |
| Ordinance | 4-10-2017 | All-terrain and utility terrain vehicles amendment | Ch. 261 |
| Ordinance | 11-13-2017 | Collection of Taxes | NCM |
| Ordinance | 4-16-2018 | Water and Sewers Amendment | Ch. 270 |
| Ordinance | 5-14-2018 | Dumpsters: Campground Dumpsters | Ch. 130, Art. 1 |
| Ordinance | 10-14-2019 | Floodplain Zoning Amendment | Ch. 150 |
| Ordinance | 3-16-2020 | Officers and Employees Amendment | Ch. 38 |

# INDEX

**DEFINITIONS NOTE: For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading "Definitions and Abbreviations."**

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