

Title 8

HEALTH AND SAFETY

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Chapter 8.04

HEALTH ADMINISTRATION

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- 8.04.010 Board of health established.

There shall be and is created a town board of health, which board of health shall be comprised of the town chairperson, who shall act as its chairperson, the town clerk, who shall act as secretary of the board, the health officer, who shall act as the executive officer of the board, and two resident citizens of the town. (Prior code § 9.01(1))

- 8.04.020 Term of office.

The members of the town board and the town clerk shall serve during their terms of office. The citizen members of the board shall serve for staggered two year terms commencing on May 1st of each year, with the exception of the first appointees, who shall commence their terms on November 1, 1986. One of the appointees shall serve a term until April 30, 1988 and the other until April 30, 1989. (Prior code § 9.01(2))

- 8.04.030 Office of health officer created.

There shall be and is created the office of town health officer for the town. The health officer shall possess the requirements set forth by Wisconsin Statutes and shall be appointed for a term of two years, commencing on May 1st in odd numbered years. The health officer shall receive an annual salary as may from time to time be established by the town board and shall be reimbursed for actual and necessary expenses in the performance of his or her duties. In the event the health officer appointed is not a physician, the board of health shall arrange for the services of a physician as may be necessary. (Prior code § 9.02)

8.04.040 Board of health duties.

The board of health shall assume the general administration of health and sanitation laws and regulations in the town, supervise the work of the health officer and attend to the administration and enforcement of the health laws of the state and the rules and regulations prescribed by the State Department of Health and Social Services and the ordinances of the town. (Prior code § 9.03)

8.04.050 Board of health powers.

The board may take such measures and make such rules and regulations as are necessary and effectual for the preservation and promotion of the public health in the town. All orders and regulations of the board shall be published in the official newspaper and, after publication, shall have the force and effect of ordinances, including penalty for violation. (Prior code § 9.04)

8.04.060 Health officer duties and powers.

A. General Duties. The health officer, under the supervision of the District State Health Officer, shall:

1. Maintain continuous sanitary supervision over his territory;
2. Promote the spread of information as to the cause, nature and prevention of prevalent diseases and the preservation and improvement of health;
3. Enforce the health laws, rules and regulations of the State Department of Health and Social Services, the state and the town, including the laws relating to contagious diseases contained in Wisconsin Statutes Chapter 143;
4. Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths;
5. Keep and deliver to his successor a record of all his official acts;
6. Make annual reports to the State Department of Health and Social Services and to the town board, and such other reports as they may request.

B. Materials and supplies. The health officer may procure at the expense of the town all record books, quarantine cards and other materials needed by the board of health, except those furnished by the State Department of Health and Social Services. (Prior code § 9.05)

8.04.070 Rules and regulations.

The health officer and the board of health may make reasonable and general rules for the enforcement of this chapter, for the prevention of health nuisances and for the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such requirements when approved by the town board shall have the same effect as ordinances, and any person violating any of such regulations or any lawful order of the board shall be subject to a penalty as provided in this code. (Prior code § 9.06)

8.04.080 Abatement of health nuisances.

The health officer or the board of health may abate health nuisances in accordance with Wisconsin Statutes Section 146.14, which is adopted by reference and made a part of this chapter as if fully set forth herein. (Prior code § 9.07)

8.04.090 Communicable diseases.

Wisconsin Statutes Chapter 143 and Wisconsin Administrative Code Chapter H45 are adopted by reference and made a part of this chapter; and the health officer shall enforce the provisions thereof. (Prior code § 9.08)

Chapter 8.08

FIRE AND BURGLAR ALARM SYSTEMS

Sections:

8.08.010 Purpose.

8.08.020 Definitions.

8.08.030 Connection prohibited.

8.08.040 Alarm equipment to be reported.

8.08.050 Fire alarms.

8.08.060 Violations—Penalties.

8.08.010 Purpose.

The purpose of this chapter is to provide for the regulation and control of automatic fire and burglar alarm systems within the town and specifically to prevent the telephone line to the Kansasville fire department from becoming inoperative because of incoming automatic alarm dialings. (Prior code § 6.10(1))

8.08.020 Definitions.

As used in this chapter, the following terms are defined:

“Alarm system” means any device which, when activated by fire or other emergency situation requiring response by the fire department, transmits a signal electronically or produces an audible or visible signal designed to notify persons within audible or visual range of the signal.

“False alarm” means a signal from an alarm system resulting in a response by the fire department when an emergency situation did not exist and shall include the verbal notification of an alarm given by electronic means.

“The public primary telephone line of the Kansasville fire department” means the current telephone line designated as the fire department telephone number. (Ord. 97-18 § 6.10(2) (c); prior code § 6.10(2))

8.08.030 Connection prohibited.

No person, firm or corporation shall sell, use or cause to be used any alarm system consisting of equipment which automatically dials the public primary telephone line of the Kansasville fire department and produces any prerecorded message to report a fire or other emergency. (Prior code § 6.10(3))

8.08.040 Alarm equipment to be reported.

Any person, firm or corporation employing an alarm system of any type designed to report the existence of a fire or other emergency shall notify the Kansasville fire chief of the location and type of alarm, the type of signal given and the person or persons, if any, authorized to verbally transmit emergency information to the fire station. (Prior code § 6.10(4))

8.08.050 Fire alarms.

A. Any person, firm or corporation employing an alarm system which transmits a false alarm, whether by electronic, audible or visual means, including any alarm transmitted verbally, shall pay to the Kansasville fire department a charge for such false alarms to which the fire department responds according to the following schedule for each calendar year:

| | |
|--------------------------------------|-----------|
| 1. First two false alarms: | No charge |
| 2. Third false alarm: | \$100.00 |
| 3. Fourth false alarm | 250.00 |
| 4. Fifth and subsequent false alarms | 500.00 |

B. This section is intended to impose strict liability on the person, firm or corporation maintaining an alarm system and applies regardless of the cause of a false alarm. This section shall not apply to any person who in good faith transmits verbal notice of a functioning alarm. (Ord. 98-11; prior code § 6.10(5))

8.08.060 Violations—Penalties.

Any person, firm or corporation who shall violate the provisions of Section 8.08.030 shall, upon conviction, be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00). (Prior code § 6.10(6))

Chapter 8.12

FIREWORKS

Sections:

8.12.010 Sale and discharge of fireworks restricted.

8.12.010 Sale and discharge of fireworks restricted.

A. Wisconsin Statutes Section 167.10, regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this chapter as though set forth in full with the following exception:

Any permit issued pursuant to Wisconsin Statutes Section 167.10 shall specify all of the following:

1. The name, address, date of birth and telephone number of the permit holder;
2. The date on and after which fireworks may be purchased;
3. The kind and quantity of fireworks which may be purchased;
4. The date, time and location of the permitted use;
5. The name, address, telephone number and exact location of the premises where fireworks will be stored prior to display;
6. The name of the liability insurance company, policy holder's name and address, liability insurance policy number, the limits of the liability insurance coverage and a statement that the town is a named insured on the policy;
7. The name, age, address, telephone number and brief description of the qualifications of the person who will be in charge of the fireworks display.

B. No fireworks shall be discharged other than on the date for which the permit is issued and not prior to sunset nor after eleven p.m. on that date.

C. No user's permit for the possession or use of fireworks may be issued without the permit holder submitting proof acceptable to the clerk of the town that a policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit has been procured. Any such policy of liability insurance shall be taken in the

name of the town and shall be in the minimum amount of one million dollars (\$1,000,000.00) for injury to any one person. The policy of liability insurance shall be filed in the office of the clerk for the town prior to the issuance of any permit. Prior to the issuance of any users permit, under Wisconsin Statutes Section 167.10, the permit holder shall execute an indemnity and release agreement in a form acceptable to the town.

D. Any permit holder who falsifies any information of any permit application or who uses or discharges fireworks contrary to the terms and provisions of the permit or any person possessing or using fireworks without a permit, shall forfeit to the town upon conviction thereof, not less than one hundred dollars (\$100.00) no more than five hundred dollars (\$500.00) plus the cost of prosecution and in default of payment thereof, imprisonment in the county jail.

E. There shall be a thirty-five-dollar (\$35.00) nonrefundable permit application fee paid to the town at the time of the application for a permit for the purposes of covering administrative costs leading to the issuance of the permit provided in this chapter. As a further condition to the issuance of any permit provided in this chapter, applicant shall permit an appropriate member of the fire department to inspect the premises where fireworks will be stored prior to display. (Ord. 93-7 § 8.13: prior code § 8.13)

Chapter 8.16

GARBAGE COLLECTION AND DISPOSAL

(11/14/2016 AMENDED SECTION 8.16.020 and .030)

8.16.020 Limitation of use of the town trash collection station.

A. Only residents of the town or owners of real estate within the town may utilize the town trash collection station. Non-residents owning property within the town may only dump trash and garbage generated from their property located within the town.

B. Only household trash and garbage may be delivered and/or deposited at the town trash collection station. Trash and garbage which is generated at or by a commercial property, or at a residence by a commercial contractor other than their own property within the Town of Dover, is excluded from use of the collection station.

C. A permit for use of the town trash collection station shall be issued to any household in the town upon request. Such permit shall entitle only residents of that household to utilize the town trash collection station in accordance with this chapter. No such permit may be transferred without the express written consent of the town clerk.

8.16.030 Regulations for materials deposited at the town trash collection station.

A. All trash and garbage delivered to the town collection station shall be securely enclosed in plastic bags, sealed boxes or similar containers which shall prevent the spilling or blowing of any trash or garbage onto town property or property adjoining the town property.

B. No permit holder may deposit more than six 32 gallon cans/bags of construction materials per calendar year. Construction materials shall include dry-wall, doors, shingles, siding, wood, windows, boards, carpet, fencing (not metal), hardware, insulation and other materials generated by construction on a permit holder's property. Any amount in excess of this limit shall be disposed of by the permit holder in a private dumpster or other legal means, but may not be disposed of at the town dumping site.

C. The town collection station shall be open on each Saturday during the designated hours; garbage and items for recycling may be deposited only during the designated and posted hours. Collection of speciality items such as Construction Items, Furniture, Metal, Appliances, TV's, Electronics, Brush, Motor Oil and Tires are accepted on specified Saturdays and posted hours.

Sections:

8.16.010 Purpose.

8.16.020 Limitation of use of the town trash collection station.

8.16.030 Regulations for materials deposited at the town trash collection station.

8.16.040 Placing receptacles for pick up.

8.16.050 Violations—Penalties.

8.16.010 Purpose.

The purpose of this chapter is to control the deposit of trash and household garbage at the town collection station and to prevent the spilling and blowing of trash and garbage on town property and neighboring private properties. (Ord. 94-3 § 1 (part): prior code § 6.14(1))

8.16.020 Limitation of use of the town trash collection station.

A. Only residents of the town or owners of real estate within the town may utilize the town trash collection station. Nonresidents owning property within the town may only dump trash and garbage generated from their property located within the town.

B. Only household trash and garbage may be delivered and/or deposited at the town trash collection station. Trash and garbage which is generated at or by a commercial property is excluded from use of the collection station.

C. A permit for use of the town trash collection station shall be issued to any household in the town upon request. Such permit shall entitle only residents of that household to utilize the town trash collection station in accordance with this chapter. No such permit may be transferred without the express written consent of the town clerk. (Ord. 2003-3; Ord. 2002-3; Ord. 94-3 § 1 (part); prior code § 6.14(2))

8.16.030 Regulations for materials deposited at the town trash collection station.

A. All trash and garbage delivered to the town collection station shall be securely enclosed in plastic bags, sealed boxes or similar containers which shall prevent the spilling or blowing of any trash or garbage onto town property or property adjoining the town property.

B. The town collection station shall be open on each Saturday during the designated hours; garbage and items for recycling may be deposited only during the designated and posted hours. (Ord. 94-3 § 1 (part); prior code § 6.14(3))

8.16.040 Placing receptacles for pick up.

No person shall permit any receptacles for trash or garbage to be situated closer than forty (40) feet from any public right-of-way for a period greater than twenty-four (24) hours in a seven-day week, and not more than twenty-four (24) hours from the date that such trash or garbage is to be picked up by any trash or garbage collection service. All such receptacles utilized for storage of trash or garbage shall have a lid or shall be otherwise so covered so as to prevent the spilling and blowing of any trash or garbage onto town property or neighboring private properties. (Ord. dated 5/13/94 § 1 (part); Ord. 94-3 § 1 (part); prior code § 6.14.(4))

8.16.050 Violations—Penalties.

Any person, firm or corporation who shall violate the provisions of any section of this chapter shall, upon conviction, be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), together with the costs incurred by the town as a result of the violation, including, but not limited to cost of clean up and/or disposal of the material deposited and the cost of prosecution. (Ord. dated 5/13/94 § 1 (part); Ord. 94-3 § 1 (part); prior code § 6.14(5))

Chapter 8.20

HAZARDOUS MATERIALS

Sections:

8.20.010 Application of provisions.

8.20.020 Definitions.

8.20.030 Information required.

- 8.20.040 Reimbursement for cleanup of spills.
- 8.20.050 Compliance with Wisconsin Administrative Code Chapter ILHR 8.
- 8.20.060 Reimbursement for use of specialized extinguishing agents.
- 8.20.070 Violations—Penalties.
- 8.20.010 Application of provisions.

A. All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the town fire department as prescribed by this chapter.

B. The provisions of this chapter shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this chapter. (Ord. 94-1 § 9.19(a); prior code § 9.19(a))

8.20.020 Definitions.

As used in this chapter, the following terms are defined:

“Hazardous materials” means those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

“Infectious agent” means a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises. (Ord. 94-1 § 9.19(b); prior code § 9.19(b))

8.20.030 Information required.

A. Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the town fire department the following information:

1. Address, location of where hazardous materials are used, researched, stored or produced;
2. The trade name of the hazardous material;
3. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
4. The exact locations on the premises where materials are used, researched, stored and/or produced;
5. Amounts of hazardous materials on premises per exact location;

6. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
7. The flashpoint and flammable limits of the hazardous substance;
8. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
9. The stability of the hazardous substance;
10. Recommended fire extinguishing media, special fire fighting procedures and fire and explosion hazard information for the hazardous material;
11. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
12. Any condition or material which is incompatible with the hazardous material and must be avoided;
13. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous material;
14. Procedures for handling or coming into contact with the hazardous materials.

B. Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the town fire department the following:

1. The name and any commonly used synonym of the infectious agent;
2. Address/location where infectious agents are used, researched, stored and/or produced;
3. The exact locations where infectious agents are used, researched, stored and/or produced;
4. Amount of infectious agent on premises per exact locations;
5. Any methods of route of transmission of the infectious agents;
6. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
7. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
8. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled. (Ord. 94-1 § 9.19(c); prior code § 9.19(c))

8.20.040 Reimbursement for cleanup of spills.

Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the town for actual and

necessary expenses incurred by the town or its agents to contain, remove or dispose of the hazardous material or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance. In addition to the actual costs, hourly rates for various services provided shall be established by resolution. (Ord. 07-01: Ord. 94-1 § 9.19(d): prior code § 9.19(d))

8.20.050 Compliance with Wisconsin Administrative Code Chapter ILHR 8.

Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Wisconsin Administrative Code Chapter ILHR 8, as the same is now in force and may hereafter from time to time be amended. (Ord. 94-1 § 9.19(e): prior code § 9.19(e))

8.20.060 Reimbursement for use of specialized extinguishing agents.

Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the town for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill. (Ord. 94-1 § 9.19(f): prior code § 9.19(f))

8.20.070 Violations—Penalties.

Any person who violates a provision of this chapter may be required to forfeit not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for each violation. (Ord. 94-1 § 9.19(g): prior code § 9.19(g))

Chapter 8.24

IDENTIFICATION OF FIRE DIVISION WALLS

Sections:

8.24.010 Purpose.

8.24.020 Fire division wall identification required.

8.24.030 Definitions.

8.24.040 Sign requirements.

8.24.050 Location.

8.24.010 Purpose.

Pursuant to Wisconsin Statutes Section 101.135, the purpose of this chapter is to establish uniform standards for the identification of fire division walls or occupancy separation walls of 2-R fire-resistive rating or greater on the exterior of buildings within the town. (Ord. 93-8 § 9.17(1); prior code § 9.17(1))

8.24.020 Fire division wall identification required.

Owners of buildings within the town shall be required to identify the location of a fire division wall or occupancy separation wall at the exterior walls of their buildings with a sign. A sign may not be required to identify a fire division wall or occupancy separation wall in the following cases:

- A. Abutting exterior walls of two or more buildings along streets in downtown areas;
- B. With a visible parapet from the street;
- C. Which extends above roofs and is an exterior wall of another part of a building; and
- D. In buildings more than three stories. (Ord. 93-8 § 9.17(2); prior code § 9.17(2))

8.24.030 Definitions.

As used in this chapter, the following terms are defined:

“Fire division wall or occupancy separation wall” means a wall extending from the lowest floor level to or through the roof and extending the full width or length of the building.

Note: See “fire division wall” as defined in Wisconsin Administrative Code Section ILHR 510.01 (144)(b); fire division wall requirements in accordance with Wisconsin Administrative Code Section ILHR 51.02 (13), or occupancy separation wall requirements in accordance with Wisconsin Administrative Code Section ILHR 51.02 (20); and occupancy separation requirements in accordance with Table 51.08. (Ord. 93-8 § 9.17(3); prior code § 9.17(3))

8.24.040 Sign requirements.

A. General. The sign shall consist of three circles arranged vertically on the exterior wall marking the location of the fire division wall or occupancy separation wall and centered on the fire division wall or occupancy separation wall. The circles may be affixed directly to the surface of the building or may be placed on a background material which is affixed to the building.

B. Size of Circle. Each circle shall be the same size. The diameter of the circle shall be at least one and one-half inches, but no greater than two inches.

C. Spacing. The circles shall be spaced equal distance apart. The maximum distance measured from the top of the uppermost circle to the bottom of lowermost circle shall be twelve (12) inches.

D. Color. The color of the circle shall be limited to either red, amber (orange-yellow) or white (clear) and shall be reflective. The color of the circle shall contrast with the color of the background. (Ord. 93-8 § 9.17(4); prior code § 9.17(4))

8.24.050 Location.

The top of the sign shall be located on the face of the exterior wall of the building and located no more than twelve (12) inches below the eave, roof edge, fascia or parapet. (Ord. 93-8 § 9.17(5); prior code § 9.17(5))

Chapter 8.28

JUNKED VEHICLES

Sections:

8.28.010 Applicability.

8.28.020 Definitions.

8.28.030 Prohibitions.

8.28.040 Abandoned motor vehicles prohibited—Removal and disposal.

8.28.050 Validity.

8.28.010 Applicability.

The provisions of this chapter shall apply to all vehicles which are stored on either public or private property, that are in such condition as to be deemed to be junk or junked vehicles as defined in this chapter. (Ord. 94-7 § 1: prior code § 7.05(1))

8.28.020 Definitions.

As used in this chapter, the following terms are defined:

“Junk vehicle” means a vehicle which is incapable of operation or use upon a highway and which has no resale value except as a source of parts or scrap, or any other vehicle not in compliance with Chapter 341 and Chapter 347 of the Wisconsin Statutes and Chapter MVD-5 of the Wisconsin Administrative Code as may be amended from time to time.

“Junked vehicle” means a vehicle which has been dismantled for parts or scraped.

“Owner” means the individual owner of the vehicle in question or the owner, tenant or occupant of the premises upon which a vehicle is located.

“Vehicle” means any mobile home, moped, motor bicycle, motor bus, motorcycle, motor home, motor truck, automobile, or any other vehicle as defined in Wisconsin Statutes Chapter 340 as may be amended from time to time. (Ord. 94-7 § 2: prior code § 7.05(2))

8.28.030 Prohibitions.

A. No person, firm, partnership or corporation shall accumulate or store any junk or junked automobiles or parts thereof outside of any building on any real estate within two thousand (2,000) feet outside of the corporate limits of a city or a village or within seven hundred fifty (750) feet of the centerline of any county truck, state truck or federal highway or within five hundred (500) feet of the centerline of any town road, except upon a permit issued by permission of the town board.

B. Any person, firm, partnership or corporation violating any of the provisions of this chapter shall upon conviction be fined not less than seventy-five (\$75.00), nor more than five hundred dollars (\$500.00) for each offense, and in default of payment of the fine shall be imprisoned in the county jail for a period not exceeding thirty (30) days. Each day that junk, or junked vehicles, as defined, shall be stored contrary to the provisions of this chapter shall constitute a separate and distinct offense. Further, that upon conviction, any vehicle in violation of this section shall be deemed a public nuisance and shall be impounded until lawfully claimed or disposed of as set forth in Section 8.28.040. The owner of such vehicle shall be responsible for all costs of impoundment and disposal of such vehicles.

C. A permit issued by the town board shall be signed either by the chairperson or clerk and shall specify the quantity and manner of storing such junk or junked vehicles. The permit shall be revocable at any time by the board after a hearing at which it has been found that the permit holder has failed or refused to comply with the ordinances or restrictions providing regulations for the storage of such junk or junked automobiles or parts thereof. The hearing may be held by the board upon its own motion, or upon a complaint in writing, duly signed and verified by a complainant. The complaint shall state the nature of the alleged failure to comply with such ordinance or regulation. A copy of the complaint, together with a notice of the hearing, shall be served upon the permit holder not less than ten days previous to the date of hearing.

D. Any person, firm, partnership or corporation now engaged in the business of accumulating or storing and leaving accumulated or stored junk or junked automobiles, or parts thereof, outside of any building on any real estate within two thousand (2,000) feet outside the corporate limits of a city or village, or within seven hundred fifty (750) feet of the centerline of any state trunk or federal highway in any town may, upon application therefore to the governing body of such town upon showing such facts, be granted a permit for such place of accumulation or storage; any person, firm, partnership or corporation succeeding a business now engaged in accumulating or storage and leaving accumulated and stored junk or junked automobiles, or parts thereof, outside of any building on real estate on herein before provided, may likewise be granted such permit. (Ord. 2000-1; Ord. 94-7 § 3: prior code § 7.05(3))

8.28.040 Abandoned motor vehicles prohibited—Removal and disposal.

A. No person shall abandon or leave unattended, any motor home, or other vehicle as defined in Wisconsin Statutes Chapter 340, as may be amended from time to time, on any public highway or public or private property for such time, and under such circumstances, that the vehicle reasonably appears to have been abandoned. Any vehicle that has been left unattended on private property without the permission of the property owner for more than forty-eight (48) hours within the town shall be deemed abandoned, except that a motor vehicle on private property shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when, after investigation by the police officer, the vehicle has been designated as not abandoned.

B. Any vehicle in violation of this section shall be deemed a public nuisance and shall be impounded until lawfully claimed or disposed of as hereinafter set forth, except that if the police officer determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the town prior to the expiration of the impoundment period upon

determination by the sheriff of Racine County, or any other law enforcement official having town jurisdiction, that the vehicle is not stolen or otherwise wanted for evidence or for any other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be disposed of in accordance with subsection C of this section.

C. Any vehicle which shall be deemed abandoned and not otherwise disposed of, shall be retained in storage for a minimum period of ten days after personal service of a notice has been given to the owner and any lien holder of record to permit reclamation of the vehicle after payment of all accrued charges. In the event that personal service cannot be obtained, such notice may be sent by certified mail, with return receipt requested, to the owner and any lien holder of record. The notice shall contain the following information:

1. Year, make, model and serial number of the vehicle;
2. The date and time when the vehicle was picked up and the place where the vehicle is being held;
3. The reason that the vehicle was picked up and is being held by the town;
4. That the failure of the owner or lien holders to exercise the right of reclamation under this section shall be deemed a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle.

In the event that the vehicle is not reclaimed by an owner or lien holder, the town shall dispose of the vehicle by sealed bid, and the town shall accept the highest bid for any such abandoned motor vehicle, always provided that if the bid is deemed inadequate by the chairperson of the town board or by a duly authorized town representative, all bids may be rejected. In the event that bids are rejected, or no bid shall be received, the town chairperson, or duly authorized town representative may, at his or her discretion, order the vehicle readvertised for bid opening at a date certain or sell the motor vehicle at a private sale or as a junk motor vehicle. Notice of sealed bids shall be by advertising as a class 1 notice and by posting in not less than three places throughout the town, in the same manner as ordinances and resolutions are posted. Notices of sale shall be in the same form as the certified mail notice sent to the owner or lien holders of record. Upon sale of the abandoned vehicle, the town clerk shall supply the purchaser with a completed form designated by the Motor Vehicle Division of the Department of Transportation enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten days to remove the vehicle from the storage area and shall pay such charges for storage as may be established by the town or the owner of the premises to which the abandoned vehicle shall be removed for each day that the vehicle remains in storage after the second business day subsequent to the sale. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle, and the vehicle shall be deemed abandoned and may be sold again by the same procedure as set forth in this chapter. Sales may be to any interested person and any listing of vehicles to be sold by the town shall be made available to any interested person or organization which makes written request for such list to the town clerk and upon the payment of a fee of one dollar (\$1.00) for each such list.

D. Within five days after the sale or disposal of an abandoned vehicle, as provided in this chapter, the town clerk shall advise the Motor Vehicle Division of the sale or disposition on a form supplied by the Motor Vehicle Division.

E. Upon the sale of the vehicle, the proceeds thereof shall be used to pay the cost of towing and impoundment, storage on town property at the rate of fifteen dollars (\$15.00) per day, the cost of notification and advertising, and such other costs as may be incidental to disposing of the vehicle. The

excess thereof shall be held by the town treasurer for reclamation by the owner upon filing a proper claim therefore and paying all fines or forfeitures that may be imposed for violation of this chapter or any other ordinance, and in the event that the proceeds from the sale are not sufficient to pay the cost of towing, impoundment, storage, advertising and related costs, the town may recover any deficiencies in a civil action against the owner of the abandoned vehicle. (Ord. 94-7 § 4: prior code § 7.05(5))

8.28.050 Validity.

Should any section, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid or be repealed, the remainder of this chapter by reason thereof should be effected thereby. (Ord. 94-7 § 5: prior code § 7.05(7))

Chapter 8.32

LARGE ASSEMBLIES

Sections:

8.32.010 Intent.

8.32.020 License required.

8.32.030 Conditions for issuing a license.

8.32.040 Board action.

8.32.050 License form.

8.32.060 Revocation.

8.32.070 Enforcement.

8.32.010 Intent.

A. It is the intent of the town board to regulate the assemblage of large numbers of people in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the town, in order that the health, safety and welfare of all persons in the town, residents and visitors alike, may be protected.

B. It is the intent of the town board that all sections and provisions of this chapter have independent existence and should any subsection or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the town board that any subsection or provision so declared shall be severable from and shall not effect the validity of the remainder of the section. (Prior code § 8.07(1))

8.32.020 License required.

A. No person shall permit, maintain, promote, conduct, advertise, as an entrepreneur, undertake, organize, manage or sell or give tickets or allow attendance to an actual or reasonably anticipated assembly of five hundred (500) or more people, or to any assembly involving actual or reasonably anticipated attendance of more than two hundred fifty (250) people if such assembly will continue or can reasonably be expected to continue for twelve (12) or more consecutive hours without first obtaining a license from the town clerk. Application for such assembly license shall be made to the town clerk at least thirty (30) days in advance of the commencement of the assembly. A license to hold an assembly shall permit the licensee to engage in any lawful activity in connection with the holding of such licensed assembly.

B. Definitions.

1. "Assembly" means a company of persons gathered together at any location at any single time for any purpose.

2. "Person" means any natural person, partnership, corporation, firm, company, association, society or group.

C. A separate license shall be required for each location in which five hundred (500) or more people shall assemble or can reasonably be anticipated to assemble and shall state the specific day or dates of the assembly. The fee for each license shall be one hundred fifty dollars (\$150.00).

D. A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit the assembly of more than the maximum permissible number of people stated in such license.

E. The licensee shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly and shall take such measures as are necessary to prevent any sound from the assembly entering upon adjoining lands between the hours of ten p.m. and eight a.m.

F. This chapter shall not apply to any regularly established permanent place of worship, stadium, athletic field, auditorium or other similar permanently established place of assembly nor to assemblies required to be licensed by other laws, ordinances and regulations of Racine County or the state. (Prior code § 8.07(2))

8.32.030 Conditions for issuing a license.

Before a license may be issued, the applicant shall first:

A. Determine the maximum number of people who will be assembled or admitted to the location of the assembly; provided, that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly, the size of the location of the assembly and the safety of those in attendance at the assembly; and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the county or any other ordinance enforceable at the location of the assembly;

B. Submit a written application to the Racine County sheriff, which application shall contain a statement made under oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and which statement shall be signed and sworn to or affirmed by the

individual making the application in the case of an individual, by all officers in the case of a corporation, by all partners in the case of a partnership, or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group. The application shall contain and disclose:

1. The name, age, residence and mailing address of all persons required to sign the application by subsection B of this section and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent or more of the stock of such corporation,

2. The address and legal description of the property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all of such property,

3. A statement made under oath or affirmation by the record owner(s) of all of such property where the assembly is to be held that the applicant has permission to use such property for an assembly of the estimated number of persons anticipated to attend the assembly and for the purpose of the assembly; in lieu thereof, proof of ownership by the applicant of all property upon which the assembly is to be held,

4. A statement from the Racine County zoning office indicating that the assembly is to be held upon property zoned for a recreational use or upon property otherwise properly zoned for such an assembly or, in the alternative, upon property for which a conditional use has been granted for such assembly,

5. The nature or purpose of the assembly,

6. The total number of days and the hours during which the assembly is to last and the dates of the assembly,

7. The number of persons which the applicant shall permit to assemble at any time and the number of persons permitted to remain between the hours of midnight and eight a.m. as determined according to subsection A of this section,

8. The maximum number of tickets to be sold or distributed, if any, and the total circulation, viewing or listening audience of each advertisement or circular issued giving notice of the assembly,

9. The plans of the applicant to limit the maximum number of people permitted to assemble;

C. Submit, in conjunction with the application required by subsection B of this section, an affidavit indicating that the location where the assembly is to be held is presently furnished with or, in the alternative, that the applicant will furnish, at his own expense before the assembly commences:

1. A fence or other barrier, either natural or assembled, completely enclosing the proposed location, of sufficient height and strength, or in the alternative, any other reasonable plan to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have a controlled point of entry and at least four points of exits, one at or near four opposite points of the compass, with the affidavit indicating the type and dimensions of the fence or other barrier,

2. Water meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day, and in the event of overnight camping, water for bathing at the rate of at least ten gallons per person per day

along with one bathing facility for every two hundred (200) persons with the bathing facilities to be evenly divided between male and female, with the affidavit to further indicate the source of water, and the amount available. For overnight assemblies between one hundred (100) and two hundred (200) persons, continuing between the hours of midnight and eight a.m., there shall be at least one male and one female bathing facility,

3. Separate enclosed toilets for males and females meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every two hundred (200) persons with the facilities to be evenly divided between male and female together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; one lavatory for every five hundred (500) persons with running water under pressure and a continuous supply of soap and paper towels to be provided with each lavatory or, in the alternative, a sufficient number of chemically treated sanitary towels with the affidavit indicating in addition the source, number, type and means of disposing of waste deposited. Except, that in the event of overnight assemblies of less than four hundred (400) people, continuing between the hours of midnight and eight a.m., there shall be at least two toilet facilities for males and two for females, and further that in the event of such overnight assemblies of less than five hundred (500) persons, there shall be at least one lavatory for males and one lavatory for females,

4. A sanitary method of disposing of solid waste in compliance with state and local laws and regulations sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight-fitting lids and personnel to perform the task with the affidavit to indicate the method of disposing of such waste,

5. Medically trained personnel certified as capable of administering emergency first aid at the rate of one certified personnel per one thousand (1,000) persons and the minimum amount of medical equipment and supplies as may be required by the state or other municipal authorities; an enclosed, covered structure where treatment may be rendered and at least one emergency on-site ambulance available and the affidavit to further indicate that sufficient and timely written notice will be given to an additional local ambulance service which may be called upon in an emergency situation, the notice giving the time and location and points of entry and exit of the assembly and the aforementioned enclosed covered structure where treatment may be rendered. In addition, the affidavit shall indicate the names and addresses and hours of availability of medically trained personnel and by whom they are certified to give first aid medical treatment. In the event of assemblies of less than one hundred (100) persons continuing between the hours of midnight and eight a.m., medically trained personnel shall not be required on the site. However, all other provisions of this section shall apply,

6. Illumination sufficient to light the entire area of the assembly if the assembly is to continue during hours of darkness with the illumination to be provided at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly, with the affidavit to indicate the source and amount of power,

7. An off-street parking area sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons, with the affidavit to indicate the size and capacity of the parking lots, and with the affidavit to further indicate that parking attendants would be provided at the rate of one attendant for every four hundred (400) cars and with the parking area to have controlled points of entry and exit,

8. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each two thousand (2,000) persons, and one additional phone to be located in the medical structure described in subsection (C)(5) of this section with the affidavit to further indicate the source and number of telephones. Except that in the case of assemblies of less than two thousand (2,000) persons, continuing between the hours of midnight and eight a.m., there shall be at least two phones,

9. Camping facilities within the boundaries of the location of the assembly if the assembly is to continue overnight with the camping facilities to be in compliance with all state and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled or anticipated to sleep overnight, but in no event shall such number exceed the maximum permitted to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the county or any other ordinance enforceable at the location of the assembly,

10. Security guards, either regularly employed, duly sworn off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every seven hundred fifty (750) people and, in addition, the affidavit shall indicate the number of guards, their deployment, names, addresses and credentials. Except that in the case of assemblies of less than seven hundred fifty (750) people, continuing between the hours of midnight and eight a.m., there shall be at least one security guard,

11. Fire protection, including alarms, extinguishing devices and fire lanes and escapes sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and the ordinances of the county and sufficient emergency personnel to efficiently operate the required equipment; in addition thereto, the affidavit shall indicate that notice shall be given in writing to that fire department having jurisdiction over the assembly area with the notice to provide the fire department with the location of the assembly, the dates of assembly and the hours of operation as well as points of entrance, fire lanes, location of extinguishers and possible water supply, and any structures which may be on the assembly grounds, with the affidavit to indicate the number and type of all such fire protection devices and the number, names, addresses, and credentials of emergency fire personnel,

12. All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly with the affidavit to further indicate the number, power, and source of power of amplifiers and speakers,

13. Space for only licensed food and beverage concessionaires in the event that concessions will be allowed to operate on the grounds with the affidavit to further indicate the names and addresses of all concessionaires and hours of operation;

D. Submit, in conjunction with the application required by subsection B of this section, a scaled drawing of the location where the assembly is to be held with such drawing or map to show in addition to the surrounding area:

1. The location of the fence or other barrier and points of entry and exits as required by subsection (C)(1) of this section, and

2. The location of water outlets as required by subsection (C)(2) of this section, and

3. The location of toilets for males and females as required by subsection (C)(3) of this section, and

4. The location of trash cans and receptacles as required by subsection (C)(4) of this section, and
5. The location of the medical structure as required by subsection (C)(5) of this section, and
6. The location of the power supply and location of lamps as required by subsection (C)(6) of this section, and
7. The location of parking lots, lanes, points of highway access and interior roads, including routes between highway access points and parking lots as required by subsection (C)(7) of this section, and
8. The location of telephone lines and receivers as required by subsection (C)(8) of this section, and
9. The location of camping facilities as required by subsection (C)(9) of this section with the facilities to be located within reasonable proximity to water, toilets, bathing facilities, trash receptacles, medical treatment, lighting, parking, telephones, and fire protection devices, and
10. The location of all fire protection devices including extinguishers and water supply as required by subsection (C)(11) of this section, and
11. The location of amplifiers and speakers and their power source as required by subsection (C)(12) of this section, and
12. The location of food and beverage concessions as provided for in subsection (C)(13) of this section;

E. Provide a bond, to be filed with the county clerk, either in cash or underwritten by a surety company licensed to do business in Wisconsin at the rate of five dollars (\$5.00) per person for the maximum number of people permitted to assemble each day which shall indemnify and hold harmless this municipality or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting the license and from any cost incurred in cleaning up any waste material produced or left by the assembly. In the alternative, the applicant shall provide any other alternative type of insurance which shall satisfy the needs of the county;

F. Submit the license fee as required by Section 8.32.020C, which shall be returned if the license is denied. (Prior code § 8.07(3))

8.32.040 Board action.

Upon receipt of the application and affidavits, the town board shall determine if the requirements of this chapter have been met and shall upon majority vote in favor of granting such a license, issue an activity control license to the applicant in the form provided for in Section 8.32.050. Any decision to deny the issuance of a license shall contain the reason for such denial. (Prior code § 8.07(4))

8.32.050 License form.

The form of the license shall be as follows:

Town of Dover, Racine County, State of Wisconsin
ACTIVITY CONTROL LICENSE

Valid on the following dates of assembly:

Town of Dover, to all whom it may concern:

WHEREAS, the Town Board of the Town of Dover, Racine County, Wisconsin has authorized the granting of an activity control (IC,180) license on the ____ day of _____, 19____ to _____, upon application therefor, which application for an activity control license for the premises hereinafter described, and

WHEREAS, said applicant has paid to the Treasurer of the Town of Dover the sum of \$_____, and

WHEREAS, said applicant has agreed to limit said assembly to ____ persons per day so as to provide for the health, safety and welfare of those assembled and to limit overnight assemblies to ____ persons.

NOW THEREFORE, an Activity Control License is hereby granted to _____ to allow an assembly of not more than ____ persons per day and overnight camping not to exceed ____ persons per day on premises located at: _____.

Given under my hand and seal this ____ day of _____, 19____.

Town of Dover

Racine County, Wisconsin

By: _____

Town Clerk

(Prior code § 8.07(5))

8.32.060 Revocation.

Any license granted pursuant to this chapter may be revoked by the town board at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with or if any condition previously met ceases to be complied with. The revocation shall contain the reasons for such revocation and shall become effective upon posting notice of the revocation at the assembly site. (Prior code § 8.07(6))

8.32.070 Enforcement.

A. The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

B. The holding of an assembly in violation of any provisions or conditions contained in this chapter shall be deemed a public nuisance and may be abated as such.

C. Any person who violates this chapter or who violates any condition upon which a license is granted shall forfeit not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) together with the costs of prosecution and, in default of payment thereof, shall be imprisoned in the county jail until such fine and costs are paid but not to exceed ninety (90) days. Each day of violation shall be considered a separate offense. (Prior code § 8.07(7))

Chapter 8.36

NUISANCES

Sections:

- 8.36.010 Public nuisance defined.
- 8.36.020 Public nuisances affecting health.
- 8.36.030 Public nuisances offending morals and decency.
- 8.36.040 Public nuisances affecting peace and safety.
- 8.36.050 Abatement of public nuisances.
- 8.36.060 Cost of abatement.
- 8.36.070 Violation—Penalty.
- 8.36.010 Public nuisance defined.

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

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency;
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property. (Prior code § 7.01)

8.36.020 Public nuisances affecting health.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 8.36.010:

- A. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- B. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within twenty-four (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. Privy vaults and garbage cans which are not fly-tight;

E. All noxious weeds and other rank growth of vegetation;

F. All animals running at large;

G. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the town 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 the property in the town;

H. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances;

I. Any use of property, substances or things within the town and within one mile from the town limits emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of persons within the town;

J. All abandoned wells not securely covered or secured from public use;

K. Any use of property which shall cause any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the town. (Prior code § 7.02)

8.36.030 Public nuisances offending morals and decency.

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 8.36.010:

A. All disorderly houses, bawdy houses, houses of illfame, 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. Any place or premises within the town where town or Racine County ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated. (Prior code § 7.03)

8.36.040 Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions and things are 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 Section 8.36.010:

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 town in violation of the provisions of the ordinances of the town, relating to materials and manner of construction of buildings and structure within the district;

- C. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal;
- D. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
- E. All limbs of trees which project over and less than fourteen (14) feet above the surface of a public sidewalk or street or less than ten feet above any other public place;
- F. All use or display of fireworks except as provided by the laws of the state and ordinances of the town;
- 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 fifteen (15) feet above the surface thereof;
- I. Make or cause to be made any loud disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence;
- 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 town;
- 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 town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished;
- 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 or unlawful use of property abutting on a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of streets or sidewalks;
- O. Repeated and continuous violation of the ordinances of the town or the Racine County ordinances or the laws of the state;
- P. The depositing of debris, obstructions or other materials, including snow, on any public roadway within the town so as to restrict or obstruct traffic or restrict or obstruct vision along and upon any portion of such public roadway;

Q. The dumping or storage of rubbish or junked automobiles upon any property within the town which is not licensed as a junk dealer or junk or motor vehicle rubbish business, except for tree stumps, branches and tree trunks in farm woodlots. "Rubbish" is defined as waste, refuse, such as tin cans and discarded household appliances, containers and the like, used lumber, tree stumps, old branches, lawn rakings, glass, waste, metal, garbage, ashes, junk, crockery and parts of any automobile or other motor vehicle, construction materials and similar waste products and debris;

R. The dropping, dumping or discarding of any glass, cans, refuse, waste, paper, rubbish or building or construction materials upon any of the streets, alleys, public parks, highways, or upon private property without the authority of the owner, or upon the bank, stream bed or stream, or into any surface water drainage ditch or upon the shore or surface of any body of water within the town;

S. The dumping or storage of junked boats, snowmobiles, or other recreational equipment upon any of the streets, alleys, public parks, highways, or upon any private property within the town.

Junked recreational equipment shall include, but is not limited to, recreational equipment to which any of the following conditions apply:

1. If such equipment normally has an engine and is without an engine;
2. The equipment has not been registered with the state for the current year, if such registration is required;
3. Such equipment is not in operating condition;
4. Such equipment has not been moved from its current location for at least nine months;
5. Such equipment cannot be utilized for the purposes for which it was manufactured;
6. Such equipment is lacking one or more of its structural parts. (Ord. 97-15 § 7.04(19); Ord. 94-8 § 7.04(19); prior code § 7.04)

8.36.050 Abatement of public nuisances.

A. Inspection of Alleged Nuisance. Whenever a complaint is made to any town official that a nuisance exists within the town, such official shall promptly notify the town constable, health officer or building inspector who shall forthwith inspect or cause to be inspected the premises or situation complained of and shall make a written report of his or her findings to the town board. Whenever practicable, the inspecting officer shall cause photographs to be made and witness statements to be taken and shall file the same with the written report of findings.

B. Summary Abatement.

1. Notice. If the inspecting officer shall determine that a public nuisance exists within the town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the town board may direct the constable to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of the notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such

nuisance within twenty-four (24) hours and shall state that unless such nuisance is so abated, the town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

2. Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the health officer, in case of health nuisances, and the town constable, in other cases, shall cause the abatement or removal of such public nuisance.

C. Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspecting officer shall file a written report of his or her findings with the town board which shall cause an action to abate such nuisance to be commenced in the name of the town in the circuit court of Racine County in accordance with the provisions of Chapter 823 of the Wisconsin Statutes. (Prior code § 7.06(1—3))

8.36.060 Cost of abatement.

In addition to any other penalty or remedy provided herein, the cost of abating a public nuisance incurred by the town shall be collected as a debt from the person causing or maintaining the nuisance, and if such cost is incurred with respect to abating a nuisance on private property, it shall be assessed against the real estate as a special charge, provided notice shall have been first given to the owner to abate the nuisance. (Prior code § 7.07)

8.36.070 Violation—Penalty.

Any person who shall violate any provision of this chapter may be required to forfeit not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) together with the costs of prosecution and in default of payment thereof, to be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed ninety (90) days. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues. (Prior code § 7.08)

Chapter 8.40

OPEN BURNING

Sections:

8.40.010 Open fires prohibited.

8.40.020 Definitions.

8.40.030 Restrictions.

8.40.040 Permission required.

8.40.050 Violations—Penalties.

8.40.010 Open fires prohibited.

All open fires are prohibited in the town except for:

A. Outdoor fires for cooking ceremonies and recreation. Such fires may not burn plastic, rubber, asphalt, oily substance or any materials that will create dense smoke or cause a nuisance;

B. Back fires to control forest fires or fires set for forest and wildlife habitat management as prescribed by governmental agencies;

C. Burning of trees, wood or brush in department approved air curtain destructors or by such other methods approved by the department;

D. Fires burning clean, dry combustible material used to thaw the ground for street or sewer repairs;

E. Fires set for the practice and instruction of firefighters or testing of fire fighting equipment;

F. Burning of brush or weeds on agricultural lands including fires set for cropland management, insect and rodent control, provided dense smoke is not created and no nuisance occurs;

G. Burning of explosives or dangerous material for which no other safe disposable method exists;

H. Open fires for clean, dry, combustible refuse disposal on one- or two-family residential properties. The fires must be at least ten feet from the property line and may not burn wet, combustible rubbish, garbage, oily substances, asphalt, plastic, rubber products or any material which creates dense smoke or causes a nuisance. Where a business is operated from a home or an attached structure, no business refuse may be burned upon any conditions. (Ord. dated 1/9/95 § 15.11(1); prior code § 15.11(1))

8.40.020 Definitions.

As used in this chapter the term “department” means the Racine County department of environmental control. (Ord. dated 1/9/95 § 15.11(4); prior code § 15.11(4))

8.40.030 Restrictions.

A. Exceptions noted in Section 10.40.010A through D have no time limit and approval of town fire protection authorities is not necessary.

B. Exceptions noted in Section 10.40.010 E and F have no time limits but do require prior approval of the town fire chief or duly authorized representative.

C. Exceptions noted in Section 10.40.010 G and H are permitted only between the hours of twelve noon and seven p.m. prevailing time.

D. No church, school, manufacturing plant or business is permitted to burn trash or refuse of any kind on the ground in a barrel, in a wire cage or other open container except approved air curtain destructors. (Ord. 97-16 § 15.11(2); Ord. dated 1/9/95 § 15.11(2); prior code § 15.11(2))

8.40.040 Permission required.

No person, firm or organization shall start or maintain open fire as described in Section 10.40.010F, G or H without first obtaining permission to do so from the town fire chief or duly authorized representative, who shall grant such permission except in the following circumstances:

A. When the director of the department of environmental control has declared atmospheric conditions unacceptable for outdoor burning and has so notified the town fire chief;

B. When the town board has adopted a resolution declaring outdoor burning to be hazardous because of excessive dryness, unfavorable atmospheric conditions or other prevailing factors which would be conducive to the spread of fire. Such resolution shall remain in effect until its stated expiration period or until rescinded by the town board;

C. When the town fire chief, in his or her discretion determines that any of the conditions set out in subsection B of this section would make open burning unduly hazardous or that because of wind or proximity to buildings, the proposed burning would create a hazard to persons or property.

Such permission may be granted orally but the town fire chief shall cause to be kept a record of each permit granted setting out the name and address of the person to whom permission is granted and the date when and location where the burning is to take place. (Ord. dated 1/9/95 § 15.11(4): prior code § 15.11(3))

8.40.050 Violations—Penalties.

A. Any person, firm or corporation who shall violate any of the terms of this chapter shall, upon conviction, be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for an violation thereof with each day of violation constituting separate offense.

B. If the court finds that the violation has a commercial motivation, then any person firm or corporation who shall violate any of the terms of this chapter shall, upon conviction, be subject to a forfeiture of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), together with any costs incurred by the town in controlling the fire. (Ord. dated 1/9/95 § 15.12(part): prior code § 15.12(part))

Chapter 8.44

PROHIBITED DISCHARGES

Sections:

8.44.010 Prohibited discharges.

8.44.020 Containment, cleanup and restoration.

- 8.44.030 Site access.
- 8.44.040 Public protection.
- 8.44.050 Enforcement.
- 8.44.060 Violations—Penalties.
- 8.44.070 Civil liability.
- 8.44.010 Prohibited discharges.

No person, firm or corporation shall discharge or cause to discharge, leak, leach or spill upon any public street, alley, or public property, or onto the ground, surface waters, subsurface waters, or aquifers, or on any private property except those areas specifically licensed for waste disposal or landfill activities, within the town any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment. (Prior code § 9.10)

- 8.44.020 Containment, cleanup and restoration.

Any person, firm or corporation in violation of Section 8.44.010 must, upon direction of any emergency government officer or staff, begin immediate actions to contain, cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition. Should any person, firm or corporation fail to engage or complete the requirements of this section, the office of emergency government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the town under Section 8.44.010. (Prior code § 9.11)

- 8.44.030 Site access.

Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government staff or officers for the purpose of evaluating the threat to the public and monitor containment, cleanup and restoration activities. (Prior code § 9.12)

- 8.44.040 Public protection.

Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, the coordinator of emergency government or in his or her absence the deputy coordinator of emergency government or the senior police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the town chairperson or town board can act. (Prior code § 9.13)

- 8.44.050 Enforcement.

The coordinator of emergency government or deputies shall have the authority to issue citations or complaints under this chapter. (Prior code § 9.14)

8.44.060 Violations—Penalties.

A. Upon conviction in court, any person, firm or corporation found to be in violation of Section 8.44.010 shall forfeit not less than fifty dollars (\$50.00) nor more than three thousand dollars (\$3,000.00) and in default of payment thereof may be imprisoned not more than ninety (90) days. Each and every day of violation shall be considered a separate offense.

B. Except as otherwise provided, any person, firm or corporation found to be in violation of any of the provisions of this chapter shall forfeit not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) plus the costs of prosecution and in default of payment thereof, imprisonment in the county jail for ten days. Each day of violation shall constitute a separate offense. (Prior code § 9.15)

8.44.070 Civil liability.

Any person, firm or corporation in violation of Section 8.44.010 shall be liable to the town for any expenses incurred by the town or loss or damage sustained by the town by reason of such violation. (Prior code § 9.16)

Chapter 8.48

RECYCLING

Sections:

8.48.010 Title.

8.48.020 Purpose.

8.48.030 Statutory authority.

8.48.040 Abrogation and greater restrictions.

8.48.050 Interpretation.

8.48.060 Severability.

8.48.070 Applicability.

8.48.080 Administration.

8.48.090 Effective date.

8.48.100 Definitions.

8.48.110 Separation of recyclable materials.

- 8.48.120 Separation requirements exempted.
- 8.48.130 Care of separated recyclable materials.
- 8.48.140 Management of lead acid batteries, major appliances, waste oil and yard waste.
- 8.48.150 Preparation and collection of recyclable materials.
- 8.48.160 Responsibilities of owners or designated agents of multiple-family dwellings.
- 8.48.170 Responsibilities of owners or designated agents of nonresidential facilities and properties.
- 8.48.180 Prohibitions on disposal of recyclable materials.
- 8.48.190 Enforcement.
- 8.48.010 Title.

This chapter may be cited as the “recycling ordinance for the town of Dover.” (Ord. 94-2 § 9.18(1): prior code § 9.18(1))

- 8.48.020 Purpose.

The purpose of this chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wisconsin Statutes Section 159.09(3)(b), and Chapter NR 544, Wisconsin Administrative Code. (Ord. 94-2 § 9.18(2): prior code § 9.18(2))

- 8.48.030 Statutory authority.

This chapter is adopted as authorized under Wisconsin Statutes Section 159.09(3)(b), and the town. (Ord. 94-2 § 9.18(3): prior code § 9.18(3))

- 8.48.040 Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall apply. (Ord. 94-2 § 9.18(4): prior code § 9.18(4))

- 8.48.050 Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR.544, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this chapter, or in effect on the date of the most recent test amendment to this chapter. (Ord. 94-2 § 9.18(5): prior code § 9.18(5))

8.48.060 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. (Ord. 94-2 § 9.18(6); prior code § 9.18(6))

8.48.070 Applicability.

The requirements of this chapter apply to all persons within the town. (Ord. 94-2 § 9.18(7); prior code § 9.18(7))

8.48.080 Administration.

The provision of this chapter shall be administered by the town board of the town. (Ord. 94-2 § 9.18(8); prior code § 9.18(8))

8.48.090 Effective date.

The provisions of this chapter shall take effect on April 1, 1994. (Ord. 94-2 § 9.18(9); prior code § 9.18(9))

8.48.100 Definitions.

For the purposes of this chapter the following terms are defined:

“Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

“Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.

“HDPE” means high density polyethylene plastic containers marked by the SPI code No. 2.

“LDPE” means low density polyethylene plastic containers marked by the SPI code No. 4.

“Magazines” means magazines and other materials printed on similar paper.

“Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

“Mixed or other plastic resin types” means plastic containers marked by the SPI code No. 7.

“Multiple-family dwelling” means a property containing five or more residential units, including those which are occupied seasonally.

“Newspaper” means a newspaper and other materials printed on newsprint.

“Nonresidential facilities and property” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

“Office paper” means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial processwaste.

“Person” includes any individual, corporation, partnership, association, local governmental unit, as defined in Wisconsin Statutes Section 66.299(1)(a), state agency or authority or federal agency.

“PETE” means polyethylene terephthalate plastic containers marked by the SPI code No. 1.

“Post-consumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wisconsin Statutes Section 144.44(7)(a)1.

“PP” means polypropylene plastic containers marked by the SPI code No. 5.

“PS” means polystyrene plastic containers marked by the SPI code No. 6.

“PVC” means polyvinyl chloride plastic containers marked by the SPI code No. 3.

“Recyclable materials” includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass container; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

“Solid waste” has the meaning specified in Wisconsin Statutes Section 144.01(15).

“Solid waste facility” has the meaning specified in Wisconsin Statutes Section 144.43(5).

“Solid waste treatment” means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. “Treatment” includes incineration.

“Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

“Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs in intact root balls. (Ord. 94-2 § 9.18(10); prior code § 9.18(10))

8.48.110 Separation of recyclable materials.

Occupants of single-family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer waste:

- A. Lead acid batteries;
- B. Major appliances;
- C. Waste oil;

- D. Yard waste;
- E. Aluminum containers;
- F. Bi-metal containers;
- G. Corrugated paper or other container board;
- H. Foam polystyrene packaging;
- I. Glass containers;
- J. Magazines or other materials printed on similar paper;
- K. Newspapers or other materials printed on newsprint;
- L. Office paper;
- M. Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types;
- N. Steel containers;
- O. Waste tires.

(Ord. 94-2 § 9.18(11): prior code § 9.18(11))

8.48.120 Separation requirements exempted.

The separation requirements of Section 8.48.110 do not apply to the following:

- A. Occupants of single-family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8.48.110 from solid waste in as pure a form as is technically feasible;
- B. Solid waste which is burned as a supplemental fuel at a facility if less than thirty (30) percent of the heat input of the facility is derived from the solid waste burned as supplemental fuel;
- C. A recyclable material specified in Section 8.48.110 for which a variance or exemption has been granted by the Department of Natural Resources under Wisconsin Statutes Section 159.07(7)(d) or 159.11(2m), or Wisconsin Administrative Code Section NR 544.14. (Ord. 94-2 § 9.18(12): prior code § 9.18(12))

8.48.130 Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8.48.110 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to household hazardous waste, medical waste,

and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions. (Ord. 94-2 § 9.18(13); prior code § 9.18(13))

8.48.140 Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- A. Lead acid batteries will not be accepted by the town.
- B. Major appliances shall be accepted only at times designated by the town.
- C. Waste oil shall be collected at transfer site only when attendant is on duty. The oil must be contaminant free and of marketable quality.
- D. Yard waste will not be accepted by the town. (Ord. 94-2 § 9.18(14); prior code § 9.18(14))

8.48.150 Preparation and collection of recyclable materials.

Except as otherwise directed by the town, occupants of single-family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8.48.110E through O:

- A. Aluminum containers shall be clean; flattened if possible.
- B. Bi-metal containers shall be clean; paper removed; ends removed and flattened, if possible.
- C. Corrugated paper or other container board shall be cut and flattened; metal removed.
- D. Foam polystyrene packaging shall be clean. Check with attendant on items currently acceptable.
- E. Glass containers shall be clean with metal rings and caps removed.
- F. Magazines or other materials printed on similar paper shall be bundled using paper bags. No plastic or string.
- G. Newspapers or other materials printed on newsprint shall be bundled using paper bags. No plastic or string.
- H. Office paper shall not be accepted by the town.
- I. Plastic containers shall be prepared and collected as follows:
 - 1. Plastic containers made of PETE, including milk jugs and other such containers shall be cleaned and flattened.

2. Plastic containers made of HDPE, including soda bottles, and other such containers shall be cleaned and flattened.

3. Plastic containers made of PVC, LDPE, PP, and PS will not be accepted by the town.

J. Steel containers shall be clean; paper removed; ended removed; flattened.

K. Waste tires shall be accepted at transfer site when attendant is on duty. No fee shall be required. (Ord. dated 12/11/95; Ord. 94-2 § 9.18(15); prior code § 9.18(15))

8.48.160 Responsibilities of owners or designated agents of multiple-family dwellings.

A. Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in Section 8.48.110E through O:

1. Provide adequate, separate containers for the recyclable materials;
2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program;
3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility;
4. Notify tenants of reason to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

B. The requirements specified in subsection A of this section do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 8.48.110E through O from solid waste in as pure a form as is technically feasible. (Ord. 94-2 § 9.18(16); prior code § 9.18(16))

8.48.170 Responsibilities of owners or designated agents of nonresidential facilities and properties.

A. Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Section 8.48.110E through O:

1. Provide adequate, separate containers for the recyclable materials;
2. Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program;
3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility;
4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites,

locations and hours of operation, and a contact person or company, including a name, address and telephone number.

B. The requirements specified in subsection A of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 8.48.110E through O from solid waste in as pure a form as is technically feasible. (Ord. 94-2 § 9.18(17); prior code § 9.18(17))

8.48.180 Prohibitions on disposal of recyclable materials.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 8.48.110E through O which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility. (Ord. 94-2 § 9.18(18); prior code § 9.18(18))

8.48.190 Enforcement.

A. Any authorize officer, employee or representative of the town may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this chapter. No person may refuse access to any authorized officer, employee or authorized representative of the town who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

B. Any person who violates a provision of this chapter may be issued a citation by the town to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

C. Penalties for violating this chapter may be assessed as follows:

1. Any person who violates Section 8.48.180 may be required to forfeit fifty dollars (\$50.00) for a first violation, two hundred dollars (\$200.00) for a second violation and not more than two thousand dollars (\$2,000.00) for a third or subsequent violation.

2. Any person who violates a provision of this chapter, except Section 8.48.180, may be required to forfeit not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for each violation. (Ord. 94-2 § 9.18(19); prior code § 9.18(19))

Chapter 8.52

SEWAGE HOLDING TANKS

Sections:

- 8.52.010 Holding tanks prohibited.
- 8.52.020 Agreement required.
- 8.52.030 Compliance required for existing conditions.
- 8.52.040 Town clerk authorized to execute agreements.
- 8.52.050 New residential properties.
- 8.52.060 Appeal procedure.
- 8.52.010 Agreement required.

The installation or construction of sewage holding tanks within the town is prohibited except for the following:

- A. Holding tanks are permitted to be installed on real estate that is zoned commercial or industrial in the town.
- B. Holding tanks are permitted to be installed on properties that have failing existing private sewage disposal systems that will not support a conventional sewage system or a mound system.
- C. Holding tanks may be permitted after review and recommendation of the town planning commission and approval of the town board with regard to residential construction on a family farm or as may be permitted by Wisconsin Administrative Code COMM 83.18(2)(b)(4). (Ord. 99-4 (part))

8.52.020 Agreement required.

- A. No person, firm or corporation shall construct a sewage holding tank on any premises within the town without first having obtained a permit therefor and having entered into an agreement with the town in the form of Exhibit A found at the end of this chapter.
- B. Any person, firm or corporation installing such a sewage holding tank shall comply with all state, county and local codes pertaining to the design, construction and installation of such holding tanks.
- C. As a condition of the issuance of a permit for the installation of a sewage holding tank, the land owner shall enter into an agreement in the form of Exhibit A in duplicate and shall pay the town clerk the security deposit required. (Ord. 99-4 (part))

8.52.030 Compliance required for existing conditions.

Any person, firm or corporation presently utilizing a sewage holding tank upon premises within the town shall, no later than July 1, 1982, enter into an agreement with the town in the form of Exhibit A, and post the security deposit required. (Ord. 99-4 (part))

8.52.040 Town clerk authorized to execute agreements.

The town clerk shall be and is authorized to execute holding tank agreements on behalf of the town. (Ord. 99-4 (part))

8.52.050 New residential properties.

New residential properties that are not suitable for a conventional sewage disposal system or a mound system may construct and install a sewage holding tank within the town provided that they can and do convert to a mound system for sewage disposal within twenty-four (24) months after the date of occupancy. (Ord. 99-4 (part))

8.52.060 Appeal procedure.

Any person, firm or corporation aggrieved by the denial of the permit of the installation and use of a holding tank may appeal such prohibition and seek a variance from such prohibition by initiating an appeal to the board of appeals pursuant to the provisions of Chapter 2.36 of this code. (Ord. 99-4 (part))

EXHIBIT A

HOLDING TANK AGREEMENT AND EASEMENT

AGREEMENT made this ____ day of _____, 2000, between the TOWN OF DOVER (“Dover”) and _____ (“Owner”);

WHEREAS, application has been made for a building permit for the property described in Exhibit “A” attached hereto and incorporated herein by reference.

and said property is not located where municipal sewer service is available or soil conditions are not suitable for an on-site soil absorption system or the existing soil absorption system serving the premises has failed, requiring the installation of a holding tank;

NOW, THEREFORE, in consideration of and as an inducement to Dover to issue a holding tank agreement for the above-described premises, Owner agrees and binds himself as follows:

1. Owner agrees to conform with all applicable requirements of Chapter COMM 83, Wisconsin Administrative Code, relating to holding tanks. If the Owner fails to have the holding tank properly serviced in response to orders issued by Dover to prevent or abate a nuisance as described in Sec. 254.59, Stats. Dover may enter upon the property and service the tank or cause the tank to be serviced and charge the Owner by placing the charges on the tax bill as a special assessment for current services rendered. The charges will be assessed as prescribed by sec. 66.60, Stats.

2. Owner agrees to pay all charges and costs incurred by Dover for inspection, pumping, hauling or otherwise servicing and maintaining the holding tank in such a manner as to prevent or abate any nuisance or health hazard caused by the holding tank. Dover shall notify the Owner of any costs which shall be paid by the Owner within thirty (30) days from the date of notice. In the event the Owner does not pay the costs within thirty (32) days, the Owner specifically agrees that all of the costs and charges may be placed on the tax roll as a special assessment for the abatement of a nuisance and the tax shall be collected as provided by law.

3. The Owner, except as provided by sec. 146.20(3)(d), Stats. agrees to contract with a person who is licensed under Chapter NR-113, Wisconsin Administrative Code, to have the holding tank serviced and to file a copy of the contract or the Owner’s registration with Dover and with the county.

The Owner further agrees to file a copy of any changes to the service contract or a copy of the new service contract with Dover and the county within ten (10) business days from the date of change in the service contract.

4. The Owner agrees to contract with the person licensed under Chapter NR-113, Wisconsin Administrative Code, who shall submit to Dover and to the county a report in accord with sec. COMM 83.18(4)(a)2, Wisconsin Administrative Code, for the servicing on a semi-annual basis. In the case of registration under sec. 146.20(3)(d), Stats., the Owner shall submit the report to Dover and the county.

5. This agreement will remain in effect only until the local government unit responsible for the regulation of private sewage systems certifies the property is served by either a municipal sewer or a soil absorption system which complies with Chapter COMM 83, Wisconsin Administrative Code. This agreement will be canceled by executing and recording such certification making specific reference to this agreement in such manner which will permit the existence of the certification to be determined by reference to the property. This agreement shall be binding upon the Owner, the heirs of the Owner and assignees of the Owner. The Owner shall submit the agreement to the Racine County Register of Deeds for recording in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

6. In addition to the foregoing, at the time of the execution of this agreement, Owner shall deposit with the Dover Treasurer a \$500 deposit to guarantee Dover reimbursement for any and all administration costs associated with this agreement and any and all expenses incurred by Dover for which Owner is obligated to make reimbursement as provided above and provide information to the Town concerning the name, address, telephone number and loan number of any mortgage affecting the above described premises. It shall be presumed that there will be minimum administrative expenses of \$100 which shall be deducted from the \$500 deposit for administration of the deposit, this agreement and easement and compliance with this chapter. Any administrative fees or expenses in excess of \$100 shall be documented and submitted to the owner along with any remaining balance of the deposit.

7. In addition to the foregoing, all Owners of a newly constructed residence shall, within 24 months of the issuance of an occupancy permit for such residence, convert to a pressure distribution system and submit proof from Racine County that such conversion has occurred. To guarantee that property Owner will convert from a holding tank to a pressure distribution system within the time period herein provided, Owner consents and agrees that if the pressure distribution system conversion is not completed within two years of occupancy, the Town of Dover may arrange for the conversion from the holding tank to a pressure distribution system and impose a special tax on Owner's property herein above described in an amount equal to the cost of conversion, pursuant to Sec. 74.01(5), Wis. Stats. Owner waives any and all rights to contest or challenge the right of the Town to arrange for the conversion of said system or the imposition of such tax for any reason. Owner agrees that the imposition of the special tax is in lieu of requiring Owner to post a \$10,000 cash bond at the execution of this Agreement and that the Owner's consent to the imposition of the special tax and access to owner's land to install and connect the residence to a pressure distribution system is given freely and voluntarily. Owner agrees that the imposition of the special tax, if necessary, is fair and reasonable under all of the circumstances and that the ability of the Town to impose such special tax was a condition to the Town executing this Agreement. If the property Owner completes installation and construction of a pressure distribution system within the time herein provided, no special tax will be assessed against Owner's property. In the event the property owner fails to convert to a pressure distribution system within the time herein provided, the special tax may be imposed as herein above provided.

8. Owner does hereby grant, bargain, sell, transfer and convey unto Dover an easement with the right to enter upon the real estate described in Exhibit "A" attached hereto, together with the right to excavate, construct, and install a pressure distribution system for the treatment of sewage, wastewater and effluent emanating from any building situated on the property described on Exhibit "A" attached

hereto and the further right to remove, trees, bushes, undergrowth, and other obstructions interfering with the location, use, and maintenance of said pressure distribution system together with the right of ingress and egress over the lands of the Owner, his heirs, successor and assigns, for the purposes of this easement.

This easement shall terminate at such time as a pressure distribution system has been completely constructed and installed and is hooked up to and servicing all of the wastewater, sewage, and effluent emanating from any improvements situated on the property described in Exhibit "A."

The consideration hereinabove recited shall constitute payment in full for any damages to the land of the Owner, his heirs, successors and assigns, by reason of the installation, construction and operation of the structures or improvements referred to herein.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of Dover that shall terminate as hereinabove provided.

9. By entering into this agreement, Dover does not warrant that there will be private companies available for pumping said holding tank or that governmental regulations will continue to permit such pumping, and Owner agrees that the risk of properly servicing their holding tank in the future will be solely their own.

10. That Dover reserves the right to make any necessary amendments to this agreement in the future as may be required by law or which may best serve the interests of the parties.

11. The term "pressure distribution system" shall have the meaning set forth in Wisconsin Administrative Code Section COMM 83.01(39).

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed personally and by their duly authorized officers on the day and year first above written.

TOWN OF DOVER
Racine county, Wisconsin
By: _____
Owner:

Signed and sworn to before me this
____ day of _____, 200____.

THIS SPACE RESERVED
FOR RECORDING DATA

Notary Public, State of Wisconsin
My commission expires _____.

DRAFTED BY:
Kirt J.E. Ludwig
State Bar Number: 01010867
P.O. Box 190
Burlington, WI 53105
(414) 763-5046

(Ord. 2001-9; Ord. 99-15 Exh. A; Ord. 99-4 Exh. A)

Sections:

8.54.010 Purpose.

8.54.020 Restriction of private sewage systems and non-plumbing sanitation systems.

8.54.030 Permits required.

8.54.040 Inspection.

8.54.050 Violations—Penalties.

8.54.010 Purpose.

The purpose of this chapter is to regulate private sewage systems and non-plumbing sanitation systems as allowed by Chapter Comm. 83, Wisconsin Administrative Code, on properties in the town. (Ord. 2001-2 (part))

8.54.020 Restriction of private sewage systems and non-plumbing sanitation systems.

The use of non-plumbing sanitation systems in the town is restricted as follows:

A. Composting toilet systems, incinerating toilets, and pit privies, as defined in Chapter Comm. 91.03, Wisconsin Administrative Code, are prohibited.

B. Portable restrooms may be allowed for use at temporary construction sites and seasonal truck farming operations when an indoor plumbing system is not available on the premises. In addition, portable restrooms may be used for temporary special events to handle anticipated increase in wastewater flow above the design capacity of the private sewage system located at the site. The following applies to these uses:

1. If plumbing is installed or running water is supplied, excluding hose bibbs and wall hydrants, to a structure on the premises, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system, must be provided;

2. Any required private sewage system that serves the use cannot be downsized due to the use of a non-plumbing sanitation system;

3. The use must comply with the provisions of Chapter Comm. 91, Wisconsin Administrative Code, and associated regulations.

C. Vault privies and portable restrooms will be allowed for parks, golf courses, and recreational areas on a case-by-case basis. The following applies to these uses:

1. A need must be established to show why it is not feasible to use another technology allowed by Chapter Comm. 83, Wisconsin Administrative Code, and this section;

2. If plumbing is installed or running water is supplied, excluding hose bibbs and wall hydrants, to a structure on the premises, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system, must be provided;

3. Any required private sewage system that services the use cannot be downsized due to the use of a non-plumbing sanitation system;

4. The use must comply with the provisions of Chapter Comm. 91, Wisconsin Administrative Code, and associated regulations. (Ord. 2001-2 (part))

8.54.030 Permits required.

Non-plumbing sanitation under Sections 8.54.020(B) and (C) shall require a permit from the town as follows:

A. Any person requesting use of a non-plumbing sanitation system under Sections 8.54.020(B) and (C) shall be required to complete a permit on a form issued by the town clerk. The permit shall, among other things, require the applicant to identify himself or herself, state the purpose of the non-plumbing sanitation and intended use, state the expected duration of the use and show the location of the use.

B. Non-plumbing sanitation under Section 8.54.020(B) shall not require additional town approval. Non-plumbing sanitation under Section 8.54.020(C) shall require approval of the town board, based upon a showing of need as set forth herein.

C. That the applicant shall pay a permit fee in the amount of twenty-five dollars (\$25.00), or another amount to be established by resolution of the town board, for each separate application. Separate applications shall be required for each separate parcel on which non-plumbing sanitation will be placed or installed, and for each renewal of this permit.

D. Permits for such a system shall expire within ninety (90) days from the date of issuance, unless otherwise determined by the town board. Any party may petition the town board for extension of any permit for any duration deemed appropriate by the town. (Ord. 2001-2 (part))

8.54.040 Inspection.

The town by its representatives and employees, shall have the right to inspect any sanitation system governed by the terms of this chapter, from time to time, and as may be deemed necessary by the board. The permittee shall allow access to any town representative, including the building inspector, for purposes of inspection of the sanitation system. (Ord. 2001-2 (part))

8.54.050 Violations—Penalties.

Any person, firm or corporation who shall violate the provisions of any section of this chapter shall, upon conviction, be subject to a fine of not less than one hundred dollars (\$100.00) or no more than one thousand dollars (\$1,000.00) together with the costs incurred by the town as a result of the violation, including, but not limited to, the cost of clean-up and/or removal of the violating system. Each day the violation continues shall constitute a separate offense. (Ord. 2001-2 (part))

Chapter 8.56

SLUDGE DISPOSAL

Sections:

- 8.56.010 Definitions.
- 8.56.020 Permit required.
- 8.56.030 Application.
- 8.56.040 Referral to plan commission.
- 8.56.050 Local roads.
- 8.56.060 Traffic controls.
- 8.56.070 Bond and liability insurance.
- 8.56.080 Permittee's obligations.
- 8.56.090 Dumping hours.
- 8.56.100 Inspections and testing.
- 8.56.110 Term of permit.
- 8.56.120 Violation—Penalty.
- 8.56.130 Town utility district.
- 8.56.010 Definitions.

As used in this chapter, the following terms are defined:

Site. The term “site” or “property site” means the property on which the applicant intends to apply sludge. Each real estate tax parcel, as found on the tax rolls of the town, shall constitute a separate “site” or “property site.”

Sludge. The term “sludge” means the accumulated residual solids (usually in liquid) resulting from the treatment of municipal or private waste waters. (Prior code § 8.10(1))

- 8.56.020 Permit required.

A. No person, firm or corporation shall apply sludge, or allow sludge to be applied, to lands under their ownership, lease, or control located within the limits of the town without first obtaining a permit from the town.

B. Application for a permit must be made by the treatment facility generating the sludge. A permit fee of thirty-five dollars (\$35.00) per acre per application for each acre of land to be treated with wastewater sludge, and an annual permit fee of one hundred dollars (\$100.00) must be paid before a permit shall be granted.

C. All such permit fees shall be set aside and allocated to a road maintenance fund and a sludge application inspection fund.

D. Subsection B of this section shall not apply to any facilities generating residential sludge within the town. (Prior code § 8.10(2))

8.56.030 Application.

Written application for a permit to apply sludge on any lands located within the town shall be made to the town clerk. The application shall state:

A. The name and address of the applicant who shall be the owner of the treatment facility generating the sludge; and, if the applicant is a corporation, the name, address and registered agent of the corporation;

B. The post office address, legal description and tax parcel number of the site to be used;

C. The names and addresses of land owners and haulers involved with the proposed disposal of the sludge. A copy of any contract relating to the proposed disposal shall be appended to the application;

D. The length of time the applicant intends to apply sludge on the site described in the application;

E. The names and addresses of the owners of any other site or sites upon which the applicant is presently applying sludge, whether or not such site or sites are within or without the corporate limits of the town;

F. The names and addresses of all property owners within three hundred (300) feet of the boundaries of the proposed application site;

G. The name and telephone number of a representative of the applicant to be contacted if any problems arise. (Prior code § 8.10(3))

8.56.040 Referral to plan commission.

The town clerk shall refer all permit applications under this chapter to the plan commission for review and recommendation to the town board. Such review by the plan commission shall also provide for public hearing on the application and the town clerk shall so notify the applicant and all persons owning property lying within three hundred (300) feet of the site designated in the application of the hearing. Such notice shall be given at least ten days before the hearing date. The applicant may present such evidence as he or she deems necessary to the plan commission at such hearing in support of the application and all persons

desiring to be heard for or against the application shall be given an opportunity to be heard. Upon such review and hearing, the plan commission shall make its recommendation to the town board at least five days prior to the next scheduled town board meeting. If the plan commission meets in joint session with the town board, such recommendation may be made and action taken by the town board at such joint meeting. (Prior code § 8.10(4))

8.56.050 Local roads.

A. Movement to the site shall be restricted to state and county trunk highways and local roads shall not be used by tankers carrying sludge to the site unless otherwise specifically authorized.

B. When a proposed site cannot be reached with the use of local roads, the town engineer, at the expense of the applicant, shall check the local road route to determine if the roads can bear the heavy loads and shall make note of the condition of designated routes. All damage caused by the movement of the sludge tankers over the local roads shall be repaired by the town at the expense of the permittee and, if not paid within thirty (30) days of billing by the town, the cash bond shall be used for that purpose. The cost of the determination made by the town engineer shall also be billed to the permittee and, if not paid within thirty (30) days, shall be charged against the cash bond. If the engineer approves the use of local roads as set forth in this section, the permittee shall restrict travel of the vehicles to the route laid out by the engineer. (Prior code § 8.10(5))

8.56.060 Traffic controls.

Vehicles used for sludge dumping shall not be parked on the public roads or rights-of-way. Adequate traffic controls in the form of warning signs, lights and personnel shall be maintained by the permittee at all times when sludge dumping vehicles pose any hazard or interference with pedestrian or vehicular traffic. (Prior code § 8.10(6))

8.56.070 Bond and liability insurance.

A. To insure that sludge shall be properly incorporated into the soil as required by the town, the Department of Natural Resources or by any other regulations, and to further insure that any road damage is paid for, the permittee, prior to obtaining a permit for dumping any sludge, shall deposit with the town clerk a cash bond in the amount of ten thousand dollars (\$10,000.00). For each violation of this chapter resulting from improper incorporation of sludge, the sum of one thousand dollars (\$1,000.00) shall be deducted from such bond after such violation has been verified by the town inspector and a representative from either the state or Racine County and/or the permittee or his or her designated representative. The town shall contact the representative designated in Section 10.56.030G of any violation requiring verification.

B. The town clerk shall place each cash bond in a segregated interest bearing account and shall notify the permittee of any disbursements out of such account and the permittee shall promptly replenish the cash bond. The town may suspend the permit granted hereunder if, after notice, the permittee does not replenish the cash bond within ten days. Any interest accruing on the cash bond account shall inure to the benefit of the permittee.

C. The applicant shall also file with the town clerk proof of liability insurance in the amount of five hundred thousand dollars (\$500,000.00).

D. Subsections A and B of this section shall not apply to facilities generating residential sludge within the town. (Prior code § 8.10(7))

8.56.080 Permittee's obligations.

A. The permittee shall incorporate all the sludge into the soil by sunset of each day. Improper incorporation of the sludge into the soil shall be cause for immediate revocation of the permit. The permittee shall clean up all mud and sludge tracked onto all town roads at the end of each day. If such clean-up is not performed within twenty-four (24) hours, the town shall arrange for the clean-up and deduct the cost of such clean-up from the cash bond, plus a forfeiture in the amount of five hundred dollars (\$500.00). In the case of a facility generating residential sludge within the town, the cost of such clean-up shall be billed to the applicant and, if not paid within thirty (30) days, shall be added to the tax roll as a special assessment against the subject property. Improper or untimely clean-up shall be verified by a town inspector and a representative from the Wisconsin or Racine County and/or the designated representative of the permittee. The town shall contact the representative designated in Section 8.56.030G of any violation requiring verification.

B. The sludge shall be applied in accordance with the appropriate regulations of the Department of Natural Resources and with any special requirements incorporated into the approval obtained by the applicant from the Department of Natural Resources and the town board to apply sludge to the site described in the permittee's application.

C. The applicant must have applied for and received all appropriate licenses from county or state licensing authorities.

D. A copy of all reports required by the county or state shall be sent to the town clerk at the same time as sent to the state or county.

E. The application of sludge in compliance with this section and state regulations will not constitute a nuisance as that term is defined in Chapter 8.36. (Prior code § 8.10(8))

8.56.090 Dumping hours.

A. Sludge dumping shall not begin prior to sunrise and shall cease at least one hour prior to sunset of each day.

B. Violation of this section shall result in a forfeiture in the amount of five hundred dollars (\$500.00) per violation. (Prior code § 8.10(9))

8.56.100 Inspections and testing.

A. Any inspection of dumping sites, including sludge dumping operations, incorporation and clean-up operations, that the town deems necessary, shall be made and the cost deducted from the cash bond. In the case of a facility generating residential sludge within the town, the cost of such clean-up shall be billed to the applicant and, if not paid within thirty (30) days, shall be added to the tax roll as a special assessment against the subject property.

B. The town board may require the applicant to conduct soil testing to determine the ability of the soil upon the premises described in the application to absorb sludge. The town board may also require a

sludge analysis at any time deemed necessary. The manner and type of such soil test and sludge analysis shall be determined by the town board and all costs and expenses for such soil test and sludge analysis shall be paid by the applicant. (Prior code § 8.10(10))

8.56.110 Term of permit.

A permit issued under this chapter shall be for a period commencing on April 1st in the year of application and ending on December 1st in the year of application. (Prior code § 8.10(11))

8.56.120 Violation—Penalty.

A. If any provisions of this chapter are violated by any person, firm or corporation, the town plan commission shall hold a hearing thereon on notice to the permittee and, if the plan commission finds that the terms of the chapter were violated, the town board may revoke all permits issued to the permittee and withhold the issuance of any new permits for a period of one year in addition to any other penalties prescribed by this section.

B. Each violation and each day a violation continues or occurs shall constitute a separate offense. (Prior code § 8.10(12))

8.56.130 Town utility district.

The Eagle Lake sewer utility district of the town shall be exempt from the provisions of this chapter so long as it transports and applies its own sludge using utility district personnel. (Prior code § 8.10(13))

Chapter 8.60

CONTROL OF HUMAN HEALTH HAZARDS

Sections:

8.60.010 Purpose.

8.60.020 Statutory authority.

8.60.030 Adoption of ordinance.

8.60.040 Definitions.

8.60.050 Regulations generally.

8.60.060 Abatement on private premises/property.

8.60.070 Cost of abatement.

8.60.080 Violation—Penalty.

8.60.010 Purpose.

The purpose of this chapter is to define, prevent and abate human health hazards. (Ord. dated 6/13/96 § 7.10(intro); prior code § 7.10(intro))

8.60.020 Statutory authority.

The governing body of the town has the specific authority, powers and duties, pursuant to Wisconsin Statutes Chapter 254, (1993-94) to regulate, control, prevent and enforce against certain uses, activities, businesses and operations by persons that may cause a human health hazard. (Ord. dated 6/13/96 § 7.10(A); prior code § 7.10(A))

8.60.030 Adoption of ordinance.

The governing body of the town has, by adoption of the ordinance codified in this chapter, confirmed the specific statutory authority, powers and duties noted in this chapter and has established by this chapter, regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may cause a human health hazard. (Ord. dated 6/13/96 § 7.10(B); prior code § 7.10(B))

8.60.040 Definitions.

As used in this chapter, the following terms are defined:

“Dwelling” means any structure, all or part of which is designed or used for human habitation.

“Human health hazard” means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.

“Owner” means a person who has legal title to a building or a person who has charge, care or control of a dwelling or unit of a dwelling as an agent of or as executor, administrator, trustee or guardian of the estate of a person.

“Vector” means a carrier, including an arthropod or an insect, that transfers an infective agent from one host to another. (Ord. dated 6/13/96 § 7.10(C); prior code § 7.10(C))

8.60.050 Regulations generally.

A. No person shall cause, allow or permit any person to create any human health hazard on premises owned, leased or controlled by that person in the town.

B. Human health hazard control or health protections for the community include the following but should not be construed to exclude other public nuisances affecting public health in the town:

1. Control of rats, stray animals, noise, rabies and other diseases;
2. Control of wildlife, including the keeping of wild animals, disease transmission and eradication;

3. Pest control, including community sanitation, rodent and vector control and safe pesticide use.

C. Public Places. The owner and occupant and everyone in charge of a public building, as defined in Wisconsin Statutes Section 101.01(2)(g) shall keep the building clean and sanitary.

D. Beaches. The local health department shall close or restrict swimming, diving and recreational bathing if a human health hazard exists in any area used for those purposes on a body of water and on associated land and shall require the posting of the area.

E. Buildings. The local health department may declare a dilapidated building area where old or dilapidated buildings, structures and equipment are allowed to stand while they are dangerous, unsafe, unsanitary, inhabitable, to be a human health hazard. (Ord. dated 6/13/96 § 7.10(C)(1—4); prior code § 7.10(C)(1—4))

8.60.060 Abatement on private premises/property.

A. If the local health officer finds a human health hazard, the officer shall order the abatement or removal of the human health hazard within a reasonable time period.

B. The local health officer shall notify the owner by registered mail with return receipt requested, of the presence of the human health hazard and order its removal within thirty (30) days or less of the receipt of the notice.

C. If it is not removed by that date, the health officer shall immediately enter the property and remove the hazard or may contract to have the work performed. The hazard shall be removed in a manner which is approved by the health officer. (Ord. dated 6/13/96 § 7.10(C)(5); prior code § 7.10(C)(5))

8.60.070 Cost of abatement.

The cost of the abatement of a human health hazard may be recovered from the person permitting the violation. It may also be the expense of the municipality and may be collected as an assessment as are other special taxes. (Ord. dated 6/13/96 § 7.10(C)(6); prior code § 7.10(C)(6))

8.60.080 Violation—Penalty.

Anyone maintaining a human health hazard may also be fined not more than three hundred dollars (\$300.00) or imprisoned for more than ninety (90) days or both. (Ord. dated 6/13/96 § 7.10(C)(7); prior code § 7.10(C)(7))

Chapter 8.64

SWIMMING POOLS

Sections:

- 8.64.010 Definition.
- 8.64.020 Construction and maintenance.
- 8.64.030 Permit
- 8.64.040 Appeal from inspectors ruling.
- 8.64.050 Duty to comply.
- 8.64.010 Definition.

“Swimming pool” as used in this section is defined as any artificial body of water intended to be used for wading or swimming, having a depth at any point greater than twenty-four (24) inches or with a surface area exceeding two hundred (200) square feet, constructed, installed or maintained in the ground or on top of the ground outside or as an accessory to a residential building on private property within the town. (Ord. 2001-1 (part))

8.64.020 Construction and maintenance.

A. Every swimming pool shall be so designed and constructed as to facilitate cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times.

B. Every swimming pool shall be designed, constructed and maintained so that it will not create a hazard to health, safety or the general welfare, and will not be detrimental to the neighborhood or to the residents thereof.

C. All buildings or structures to be erected under the provisions of this section shall conform to the requirements of this code for setbacks and area requirements for accessory structures for the zoning district of the property.

D. Any lights illuminating such swim-ming pool be so erected as to eliminate direct rays and minimize reflected rays of light on adjoining premises.

E. Except as hereafter provided, a substantial tight fence with a minimum height of forty-two (42) inches shall completely surround all swimming pools and have a self-latching and self-closing gate. Such fences shall be erected in such a manner that there shall be an apron of level surface at least three feet in width surrounding all sides of the pool and conform to the side yard requirements for accessory building of this code. The provisions of this section shall not be required on above ground swimming pools which are forty-two (42) inches in height, provided that there is no permanent access to the top of the swimming pool while not in use or, if the permanent access is available by either a set of retracting stairs, ladder or similar means that these devices be securable with a lock to prevent unauthorized access to the pool when it is not in use.

F. All swimming pools must be equipped with an adequate self-contained filtration and recirculating system detached from any potable water supply or waste disposal system.

G. Pools shall not drain into sanitary sewers, roadside ditches or neighboring property. Pool waste water may be used for irrigation by surface spreading providing no hazard, nuisance or unsanitary condition will occur in the opinion of the health officer. (Ord. 2001-1 (part))

8.64.030 Permit.

All private swimming pools shall require a building permit with the fee as listed on the schedule of building permits fees on file in the town clerk's office. Application for permits shall be accompanied by plans, before construction commences, showing plot plan, dimensions, depths, volume of gallons, type and size of filter system and waste disposal. (Ord. 2001-1 (part))

8.64.040 Appeal from inspectors ruling.

Any person feeling himself or herself aggrieved by any order or ruling of the building inspector may appeal in writing to the board of planning and zoning of the town within thirty (30) days of the alleged act or omission of said inspector pursuant to Section 62.23, Wisconsin Statutes, and the rules and regulations of the board. (Ord. 2001-1 (part))

8.64.050 Duty to comply.

Compliance with this section shall be the duty of the person owning, controlling or managing any building or premises wherein or whereon there shall be placed or there exists a swimming pool subject to this section. (Ord. 2001-1 (part))

Chapter 8.68

PROHIBITION OF SMOKING

Sections:

8.68.010 Purpose.

8.68.020 Smoking prohibited.

8.68.030 Posting of signs.

8.68.040 Penalty.

8.68.010 Purpose.

The town of Dover recognizes that tobacco smoke is a major contributor to indoor air pollution, and that breathing second-hand smoke is a cause of disease in healthy nonsmokers. The town believes it is in the best interest of its citizenry that all town of Dover public facilities be designated as nonsmoking facilities, and that smoking be prohibited in the same. (Ord. 2003-5)

8.68.020 Smoking prohibited.

No person may smoke or carry a lighted cigarette, cigar, pipe or any other lighted smoking equipment in the interior of any building owned by the town of Dover, including the town hall, Eagle Lake Sewer Utility District building and the fire department building. (Ord. 2003-5)

8.68.030 Posting of signs.

The town clerk shall post or cause to be posted in a clear and conspicuous manner in all entrances and areas of said town buildings "No Smoking" signs or international "No Smoking" symbols consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. (Ord. 2003-5)

8.68.040 Penalty.

Any person who willfully violates this chapter may be subject to a forfeiture of up to fifty dollars (\$50.00) for a first violation, and up to two hundred dollars (\$200.00) for any subsequent violation. (Ord. 2003-5)

Chapter 8.72

REGULATION AND CONTROL OF CAMPING AND CAMPGROUNDS

Sections:

8.72.010 Purpose.

8.72.020 Definitions.

8.72.030 Permit required.

8.72.040 Application.

8.72.050 Permit fee.

8.72.060 Town board determination.

8.72.070 Requirements and restrictions.

8.72.080 Violations.

8.72.010 Purpose.

The purpose of this chapter is to regulate and control camping and the operation of campgrounds within the town of Dover, Racine County, Wisconsin, by permit and otherwise. (Ord. 05-04 (part))

8.72.020 Definitions.

“Campground” is defined as an area upon which four or more tents, travel trailers, campers, recreational vehicles, or any other temporary sleeping apparatus, or one or more tents, travel trailers, campers, recreational vehicles, or any other temporary sleeping apparatus being used by persons, are utilized on a temporary basis and not as a place of permanent residence, subject to private restriction or open to the public and designated as a camping area and set aside for paying camping purposes.

“Camping” is defined as the act of utilizing a campground, as set forth in this section, and shall also include the act of utilizing a tent, travel trailer, camper, recreational vehicle, or any other temporary sleeping apparatus, in areas not deemed to be a campground, utilized on a temporary basis and not as a place of permanent residence, overnight or for a period which exceeds eight hours, including camping which may be offered free of charge.

“Operator” is defined as the person(s) responsible for the campground or camping operation or event and the person upon whom legal notices may be served, if necessary.

“Town” refers to the town of Dover, Racine County, Wisconsin.

“Unit” is defined as a plot of ground in a campground intended for the use of a single camping structure (e.g., one tent, one trailer, one camper). (Ord. 05-04 (part))

8.72.030 Permit required.

No person shall operate or maintain, or permit to be operated or maintained, a campground upon any property owned, leased or controlled by him or her, nor shall any person allow camping upon any property owned, leased, or controlled by him or her, as defined herein, by more than twelve (12) persons, without first obtaining from the town clerk, a permit to operate the same. Permits may be issued for one-year periods, for campgrounds, or for single events, for camping. One-year permits may be renewed for additional periods of one year as provided herein. The permit shall state on its face, the duration of the permit and any conditions or requirements of the permit. Any person, owner or operator camping or allowing camping upon any property owned, leased or controlled by him or her outside the scope or term of the permit shall be deemed in violation of this section. (Ord. 05-04 (part))

8.72.040 Application.

Prior to issuance of a permit, the applicant must submit an application for the permit to the town board, which, application shall contain the following information:

A. Campground Permit.

1. Name of campground, if any;
2. Accurate description of land to be used for camping, or other description of the land to be utilized for camping sufficient to apprise the board;
3. Name, address and telephone number of the owner of the land;
4. Name and address of the operator;

5. Number of units proposed;
6. Name and address of insurance company and agent;
7. Any additional information sufficient to apprise the board of the nature and extent, and anticipated use, of the campground.

B. Renewal Permit.

Any request for renewal of a campground permit shall note any changes or modifications to the original campground permit.

C. Camping Permit.

1. Legal description or address of the land;
2. Number of units proposed;
3. Name and address of property owner;
4. Inclusive dates and times on which the camping will take place;
5. Intended purpose of the camping (i.e., family reunion, special event);
6. Any intended firepits, fireplaces, grills or other areas intended for fires shall be inspected and approved by the fire chief;
7. Method and plan for garbage and sewage disposal.

D. Exceptions.

Camping which would otherwise fall within the definitions set forth in this chapter shall not be required to obtain a permit, if it meets the following exceptions.

1. Any camping by twelve (12) or fewer family members, relatives and/or friends of the owner(s) of the property on which the camping takes place. This exception, however, shall be limited to fourteen (14) consecutive days. Nothing in this chapter shall be deemed to allow property owners to reside permanently, or semipermanently, in temporary, camping structures or units.

2. Camping for nonprofit organizations (as defined by the state of Wisconsin), such as Boy/Girl Scouts, 4-H and church organizations, unless the organization is charging a fee for the camping. (Ord. 05-04 (part))

8.72.050 Permit fee.

The town board shall, from time to time, establish a fee for permits hereunder by resolution, which fee shall be paid prior to issuance of a permit, and in conjunction with an application, and which shall be nonrefundable. (Ord. 05-04 (part))

8.72.060 Town board determination.

Upon receipt of an application for an initial or renewal campground or camping permit, the town board shall review the terms of the application and make a determination as to whether the operation of the proposed campground or camping should be permitted. The town board may consider the health, safety and welfare of the public of the town, the nature of the real estate on which the camping is to take place, the nature and extent of the camping, the location and situation of the camping on the particular parcel, the adequacy of provisions regarding waste and sewage removal, lighting, or other conditions necessary for the safe and adequate operation of the camping or campground, the purpose of the camping, or any other factor which the board deems relevant. The board may choose to deny a permit, issue a permit, or issue a permit with conditions. Any such conditions shall be binding on the owner(s) and/or operator(s), and any violation of a condition shall be deemed a violation of the ordinance as further set forth herein. (Ord. 05-04 (part))

8.72.070 Requirements and restrictions.

It shall be the responsibility of the owner(s) and/or operator(s) to ensure compliance with the following requirements and restrictions:

- A. That all campgrounds or camping areas shall be in compliance with existing zoning regulations, state statute, administrative code and town and county ordinance;
- B. The owner(s)/operator(s) shall comply with the terms of the permit, and shall ensure compliance of the terms of the permit by any third persons camping on the subject property;
- C. The sale of alcoholic beverages in the campground or camping areas shall be prohibited, unless otherwise expressly allowed in the terms of the permit;
- D. The owner(s)/operator(s) shall maintain at least one person in charge of the campground or camping on the premises at all times, which person shall have immediate access to a copy of the permit on his or her person;
- E. The owner(s)/operator(s) shall allow the town board or its designee to inspect the campground at any reasonable time;
- F. The campground or camping areas shall be maintained in clean, orderly and sanitary condition at all times. (Ord. 05-04 (part))

8.72.080 Violations.

Any person who shall violate a provision of this chapter may be subject to one or more of the following penalties or remedies:

- A. A forfeiture of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) per violation. Each violation and each day of violation shall be considered a separate violation;
- B. Injunctive relief requiring compliance with any violation;

C. Revocation of the camping or campground permit, and immediate cessation of all camping;

D. Any other remedy under law necessary to effectuate the purposes of this chapter, and to ensure the health and safety of the town and its residents. (Ord. 05-04 (part))

Title 9 PUBLIC PEACE, MORALS AND WELFARE Chapters: 9.04 Offenses Against Public Peace and Decency 9.08 Drug Paraphernalia 9.12 Theft and Related Offenses 9.16 Trespass 9.20 Curfew Chapter 9.04 OFFENSES AGAINST PUBLIC PEACE AND DECENCY Sections: 9.04.010 Disorderly conduct prohibited. 9.04.020 False alarms prohibited. 9.04.030 Interference with law enforcement. 9.04.040 Public disturbance noises. 9.04.050 Possession and consumption of intoxicants in or upon certain public places. 9.04.060 Disorderly, indecent or improper house. 9.04.010 Disorderly conduct prohibited. It is unlawful for any person in a public or private place within the town to engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance, or to intentionally cause, provoke, or engage in any fight, brawl, riot or noisy altercation, other than a bona fide athletic contest. (Prior code § 6.02) 9.04.020 False alarms prohibited. It is unlawful for any person to give or send, or cause to be sent or given in any manner, any alarm of fire or emergency requiring the response of fire, police or rescue equipment and/or personnel which he or she knows to be false. (Prior code § 6.03) 9.04.030 Interference with law enforcement. A. Resisting or Obstructing an Officer. 1. It is unlawful for any person within the town to knowingly resist or obstruct an officer while such officer is doing an act in an official capacity and with lawful authority. 2. The term "obstruct" shall include, without limitation, knowingly giving false information to an officer with intent to mislead him or her in the performance of his or her duties, including the service of any summons or civil process. 3. The term "officer" means a peace officer or other public officer or public employee having the authority by virtue of his or her office or employment to take another into custody. B. Refusing to Aid Officer. It is unlawful for any person within the town, without reasonable excuse, to refuse or fail, upon command, to aid any person known by the person to be a peace officer. C. Impersonating an Officer. It is unlawful for any person within the town to impersonate a peace officer with intent to mislead others into believing that he or she is actually a peace officer. D. Aiding Escape. It is unlawful for any person within the town to intentionally aid any prisoner or person under the lawful custody of a peace officer to escape or to assist an escaped prisoner in avoiding detection and/or arrest. (Prior code § 6.04) 9.04.040 Public disturbance noises. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public nuisance noises: A. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law; B. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property; C. Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m., or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property; D. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property such as sounds from audio equipment, musical instruments, band sessions or social gathering; E. Sound from motor vehicle sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the vehicle itself; F. Sound from audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the source, and if not operated upon the property of the

operator. The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts. (Ord. 97-17 § 6.05; prior code § 6.05) 9.04.050

Possession and consumption of intoxicants in or upon certain public places. A. Public Dispensing Prohibited. No person shall sell, serve or give to another person, or offer to sell, serve or give to another person, any fermented malt beverage or intoxicating liquor while upon any public street, alley or sidewalk or within a parked motor vehicle located on any public street or alley within the town. B. Public Consumption Prohibited. No person shall consume or possess an open container containing any fermented malt beverage or intoxicating liquor while upon any public street, alley or sidewalk, or within a parked vehicle located on any public street or alley within the town. C. Possession by Underage Persons Prohibited. No person under the legal drinking age unaccompanied by a parent, guardian or spouse who has attained the legal drinking age shall possess, transport or have under his or her control any alcoholic beverage in any motor vehicle, unless such person is employed by a liquor licensee and such possession is during regular working hours and in the course of his or her employment. D. Penalties. Any person who shall violate the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00), together with the costs of prosecution and in default in payment thereafter shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ninety (90) days. (Ord. 99-13; prior code § 6.12) 9.04.060

Disorderly, indecent or improper house. A. Authority. The ordinance codified in this section is enacted pursuant to power granted by virtue of present Wisconsin Statutes, including Section 125.10 and village powers if the elector have previously approved. The town board finds this section sets reasonable limits for what will be considered a disorderly, indecent or improper house. B. Restrictions. There shall be no nudity in public places holding an alcohol license issued by this town. C. Definitions. As used in this section, the following terms are defined: A “disorderly, indecent or improper house” shall be defined as a public place holding an alcohol license issued by the town. “Nudity” means the showing or exposing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple. This provision shall not apply to nursing mothers. D. Contact Prohibition. There shall be no contact between a patron, owner, employee, customer or bystander with a paid or amateur dancer during or shortly after a dance or other performance where clothing is or has recently been removed, either by direct, physical contact or the placing of money or other thing of value in the remaining clothing or body part of the performer. 1. This section is not to be interpreted as restricting the proper use of a bathroom facility by a male or female in an enclosed area where the person is of the same sex designated for such room, and is not engaged in for any sexual or exhibitionist purpose to or in front of or adjacent to other persons. 2. No person at the licensed premises shall engage in actual or simulated sexual intercourse or sexual contact through touching a person, animal or device. E. Violation. Each violation of this section shall result in a forfeiture of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Pursuant to procedures set forth in Wisconsin Statutes Section 125.12, or town ordinance, violation constitutes sufficient grounds for board consideration of license suspension, revocation, or nonrenewal where such violation occurred in conjunction with or related to the activity for which the license was issued. (Ord. dated 4/8/96 § 7.09; prior code § 7.09) Chapter 9.08 DRUG PARAPHERNALIA Sections: 9.08.010 Definitions. 9.08.020 Determination of drug paraphernalia. 9.08.030 Prohibited activities. 9.08.040 Violations—Penalties. 9.08.010 Definitions. A. Definitions. In this chapter “drug paraphernalia” means all equipment, products and materials of any kind which are used or solely intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, 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 Wisconsin Statutes Section 161, in violation of this section. It includes, but is not limited to: 1. Kits used or solely intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived; 2. Kits used or solely intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances; 3. Isomerization devices used or

solely intended for use in increasing the potency of any species of plant which is a controlled substance;

4. Testing equipment used or solely intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances used or solely intended for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or solely intended for use in cutting controlled substances;
7. Separation gins and sifters used or solely intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used or solely intended for use in compounding controlled substances;
9. Capsules, balloons, envelopes or other containers used or solely intended for use in packaging small quantities of controlled substances;
10. Containers and other objects used or solely intended for use in storing or concealing controlled substances;
11. Objects used or solely intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,
 - b. Water pipes,
 - c. Carburetion tubes and devices,
 - d. Smoking and carburetion masks,
 - e. Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand,
 - f. Miniature cocaine spoons and cocaine vials,
 - g. Chamber pipes,
 - h. Carburetor pipes,
 - i. Electric pipes,
 - j. Air-driven pipes,
 - k. Chilams,
 - l. Bongs,
 - m. Ice pipes or chillers.

B. "Drug paraphernalia" excludes hypodermic syringes, needles, and other objects used or intended for use in injecting substances into the human body. (Ord. 90-8 § 1 (part): prior code § 6.16(1, 2))

9.08.020 Determination of drug paraphernalia. In determining whether an object is drug paraphernalia, a court or other authority shall consider in addition to all other legally relevant factors, the following:

- A. Statements by an owner or by anyone in control of the object concerning its use;
- B. The proximity of the object in time and space to a direct violation of this chapter;
- C. The proximity of the object to controlled substances;
- D. The existence of any residue of controlled substances on the object;
- E. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom the person knows intends to use the object to facilitate a violation of this chapter. The innocence of an owner or of anyone in control of the object as to a direct violation of this chapter shall not prevent a finding that the object is solely intended for use, or designed for use as drug paraphernalia;
- F. Oral or written instructions provided with the object concerning its use;
- G. Descriptive materials accompanying the object which explain or depict its use;
- H. Local advertising concerning its use;
- I. The manner in which the object is displayed for sale;
- J. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- K. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- L. The existence and scope of legitimate uses for the object in the community;
- M. Expert testimony concerning its use.

(Ord. 90-8 § 1 (part): prior code § 6.16(3))

9.08.030 Prohibited activities.

- A. Possession of Drug Paraphernalia. No person under eighteen (18) years of age may use, or possess with the sole intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter.
- B. Manufacture or Delivery of Drug Paraphernalia. No person under eighteen (18) years of age may deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be solely used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter.
- C. Exemption. This section does not apply to law enforcement personnel, manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Wisconsin Statutes Chapter 161.

(Ord. 90-8 § 1 (part): prior code § 6.16(4))

9.08.040 Violations—Penalties.

- A. Any drug paraphernalia used in violation of this chapter shall be seized and forfeited to the town.
- B. Any person who violates Section 9.08.030 shall, upon conviction, be subject to a forfeiture of not more than five hundred dollars (\$500.00), together with the costs of prosecution, and

upon default of payment be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed twenty (20) days. (Ord. 90-8 § 1 (part); prior code § 6.16(5)) Chapter 9.12 THEFT AND RELATED OFFENSES Sections: 9.12.010 Theft. 9.12.020 Issuing worthless checks prohibited.

9.12.010 Theft. A. Acts. No person shall: 1. Intentionally take or carry away, use, transfer, conceal or retain possession of moveable property of another without their consent and with the intent to deprive the owner permanently of possession of such property; 2. By virtue of his or her office, business or employment, or as a trustee or bailee, having possession or custody of money or of a negotiable writing of another, intentionally use, transfer, conceal or retain possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his or her authority, and with the intent to convert to his or her own use or to the use of any other person except the owner. A refusal to deliver any money, security, instrument, paper or other negotiable writing, which is in his or her possession or custody by virtue of his or her office, business or employment, or as a trustee or bailee, upon the demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his or her own use within the meaning of this section; 3. Having a legal interest of movable property, intentionally and without consent, take such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of possession of such property; 4. Obtain title to property of another by intentionally deceiving him or her with a false representation which is known to be false, made with the intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with the intent not to perform it if it is a part of a false and fraudulent scheme; 5. Intentionally fail to return any personal property which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement, within ten days after the lease or rental agreement has expired.

B. Definitions. In this section: "Movable property" means property whose physical location can be changed, without limitations, including electricity and gas, documents which represent or embody intangible rights and things growing on, affixed to or found in land. "Property" means all forms of tangible property, whether real or personal, without limitations, including electricity, gas and documents which represent or embody a choice in action or other intangible rights. "Property of another" means and includes property in which the actor is a co-owner and the property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. "Value" means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a choice in action or other intangible rights, value means either the market value of the choice in action or other right of the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had one legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property. C. Penalties. Any person who shall violate the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution and in default in payment thereafter shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ninety (90) days. (Prior code § 6.11)

9.12.020 Issuing worthless checks prohibited. A. Whoever issues any check or other order for the payment of money, for less than one thousand dollars (\$1,000.00), which at the time of issuance, the person did not have an account with drawee, or did not have sufficient funds or credit with the drawee, and that person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order, is in violation of this section. B. Penalties. Any person who shall violate the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00), together with the costs of prosecution and in default in payment thereafter shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ninety (90) days. (Ord. 97-19 § 6.13(1); prior code § 6.13)

Chapter 9.16 TRESPASS Sections: 9.16.010 Trespass to land. 9.16.020 Notice. 9.16.030 Employer-provided housing. 9.16.040 Trespass to dwellings and buildings. 9.16.050 Violations—Penalties. 9.16.010 Trespass to land. It is unlawful for any person to: A. Enter any enclosed or cultivated land of another with intent to catch or kill any birds, animals or fish on such land or gather any products of the soil without the express or

implied consent of the owner or occupant to engage in any of those activities; B. Enter or remain on any land of another after having been notified by the owner or occupant not to enter or remain on the premises; C. Hunt, shoot, fish or gather any product of the soil on the premises of another, or enter the premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so; D. Enter upon public lands during the hours such lands are closed to the public pursuant to notice; E. Erect on the land of another signs which are the same as or similar to those described in Section 9.16.020 without obtaining the express consent of the lawful occupant of or holder of legal title to such land. (Prior code § 6.06(1)) 9.16.020 Notice. A person has received notice from the owner or occupant within the meaning of this chapter if he or she has been notified personally, either orally or in writing, if the land is posted or if signs describing the hours public lands are closed to the public are conspicuously posted at the entrances thereto. For land to be posted, a sign at least eleven (11) inches square must be placed in at least two conspicuous places for every forty (40) acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word “owner” if the person giving the notice is the holder of legal title to the land and by the word “occupant” if the person is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected within six months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this chapter. (Prior code § 6.06(2)) 9.16.030 Employer-provided housing. Any authorized occupant of employer-provided housing shall have the right to decide who may enter, confer and visit with him or her in the housing area he or she occupies. (Prior code § 6.06(3)) 9.16.040 Trespass to dwellings and buildings. It is unlawful for any person to enter the dwelling or buildings of another without the consent of the owner thereof or of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace. (Prior code § 6.06(4)) 9.16.050 Violations—Penalties. A. Any person violating subsections A, B, C or D of Section 9.16.010 of this chapter shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) together with the costs of prosecution. B. Any person violating subsection F of Section 9.16.010 of this chapter shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00). C. Any person violating Section 9.16.040 of this chapter shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) together with the costs of prosecution. D. In default of payment of the forfeiture and costs of prosecution as provided in this section, such person shall be imprisoned in the county jail until the forfeiture and costs are paid but not in excess of ninety (90) days. (Prior code § 6.06(5)) Chapter 9.20 CURFEW Sections: 9.20.010 Curfew on minors. 9.20.020 Adult responsibility. 9.20.030 Violations—Penalties. 9.20.010 Curfew on minors. It is unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll or play either on foot or in a vehicle of any nature whatsoever upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the town between the hours of eleven p.m. and six a.m.; provided, however, that the provisions of this chapter shall not apply to a minor accompanied by his or her parents, guardian or other adult person having legal custody or control of the minor or where the minor is upon an emergency errand or legitimate business directed by his or her parents, guardian or other adult person having legal custody or control of the minor or where the minor is pursuing the duties of his or her employment or where the minor is proceeding in an expeditious and orderly manner to his or her home. Each violation of the provisions of this chapter shall constitute a separate offense. (Prior code § 6.01(1)) 9.20.020 Adult responsibility. It is unlawful for any parent, guardian or other adult person having legal custody and control of any minor under the age of eighteen (18) years to knowingly allow or permit such minor to violate any of the provisions of this chapter. Each violation of the provisions of this chapter shall constitute a separate offense. (Prior code § 6.01(2)) 9.20.030 Violations—Penalties. A. Any minor found in violation of Section 9.20.010 for the first time shall be warned of the penalty for second and subsequent violations by any police officer of the town and shall be taken and delivered by such officer to the person having legal custody of the minor. A record of such violation shall be made and filed in the records of the Dover constable. Any minor found violating the provisions of Section 9.20.010 a second or subsequent time shall be dealt with in accordance with

Wisconsin Statutes Chapter 48, The Children's Code. B. Any adult person found in violation of Section 9.20.020 shall, upon conviction, forfeit not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), together with the costs of prosecution and in default of payment thereof shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ten days. (Prior code § 6.01(3))