

**Municipal Code**

**Of The**

**Village of Glenbeulah**

**Glenbeulah, Wisconsin**

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## CODE ADOPTION

(1) Title--Citation—Reference:

This code shall be known as the "Municipal Code of the Village of Glenbeulah" and it shall be sufficient to refer to said code as the "Municipal Code of the Village of Glenbeulah" in any prosecution for the violation of any provisions thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Municipal Code of the Village of Glenbeulah. Further reference may be had to the titles, chapters, sections and subsections of the Municipal Code of the Village of Glenbeulah and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

(2) Codification authority:

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the Village of Glenbeulah, Wisconsin, codified pursuant to the provisions of Section 66.035 of the Wisconsin Statutes Annotated.

(3) Ordinances passed prior to adoption of the code:

The last ordinance included in this code was Ordinance 1-2009, passed May 13, 2009. The following ordinances, passed subsequent to Ordinance 1-2009, but prior to the adoption of this code, are adopted and made a part of this code.

(4) Reference applies to all amendments:

Whenever a reference is made to this code as the Municipal code of the Village of Glenbeulah or to any portion thereof, or to any ordinance of the Village of Glenbeulah, Wisconsin, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(5) Effect of title, chapter and section headings:

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

(6) Reference to specific ordinances:

The provisions of this code shall not in any manner affect matters of record, which refer to, or are otherwise connected with ordinances, which are therein specifically designated by number otherwise, and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

(7) Effect of code on past actions and obligations:

Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the Village of Glenbeulah shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this code, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations there under appertaining shall continue in full force and effect.

(8) Effective date:

The code shall become effective on the date the ordinance codified in this chapter, adopting this code as the Municipal Code of the Village of Glenbeulah, becomes effective.

(9) Constitutionality:

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The

board declares that it would have passed this code, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

CHAPTER I  
VILLAGE BOARD MEETINGS

- 1.01 Meeting Time and Date
- 1.02 Order of Business
- 1.03 Presiding Officer
- 1.04 Committees
- 1.05 General Rules
- 1.06 Public Records

1.01 MEETING TIME AND DATE:

- (1) Regular Meetings: Regular meetings of the Village Board shall be held on the second Wednesday of each month. Any regular meeting falling on a legal holiday shall be rescheduled at the preceding meeting.
  
- (2) Special Meetings: Special meetings of the Board may be called by 2 trustees by notifying the Clerk. The Clerk shall immediately notify each trustee of the time and purpose of such meeting. The notice shall be delivered to each trustee personally or left at his usual place of abode at least 24 hours prior to the time specified for such meeting. No business shall be transacted at the special meeting except for the purpose stated in the notice thereof.
  
- (3) Quorum: Three trustees, or two trustees and the Village President shall constitute a quorum.

1.02 ORDER OF BUSINESS:

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

- (1) Call to order by the presiding officer.
- (2) Roll Call.
- (3) Reading and approval of minutes of previous meeting.
- (4) Treasurer's report.
- (5) Citizen comment period.
- (6) Unfinished business from previous meeting.
- (7) Agenda Items.
- (8) Reports of committees and Village Officers.
- (9) Communications and miscellaneous business.

1.03 PRESIDING OFFICER:

- (1) Control of Meeting: The Village President shall preserve order and conduct the proceedings of the meeting.
  
- (2) Absence of President: In the absence of the President, the Clerk shall designate a trustee to preside for that meeting.

#### 1.04 COMMITTEES:

(1) Committee Appointments: At the first regular board meeting in May, the President shall appoint 2 trustees to each of the following standing committees:

- (a) Finance
- (b) Health & Sanitation
- (c) Streets
- (d) Parks & Recreation
- (e) Fire & Police
- (f) Emergency Government

The President shall be ex-officio chairman of the Finance Committee and shall designate chairmen of other standing committees.

(2) Committee Reports: Each committee shall, at the next regular meeting, report on all matters referred to it, and recommend a definite action on each item.

#### 1.05 GENERAL RULES:

The deliberations of the board shall be conducted in accordance with the rules contained in Robert's Rules of Order, which is hereby incorporated in this section by reference. No person other than a member shall address the board unless invited to do so by the presiding officer. No ordinance, resolution, or other motion shall be acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the persons making and seconding same. No action shall be taken nor any substantial discussion made on any item that is not on the posted agenda. Citizen comment during the scheduled period shall address a single topic and be limited to five minutes per speaker. The board will not discuss or take any action on the topic but may schedule it as an agenda item for a subsequent meeting. The citizen comment period shall be limited to 15 minutes duration total unless a majority vote of the board permits otherwise.

#### 1.06 PUBLIC RECORDS:

(1) Purpose: The purpose of this ordinance shall be to set policies relating to retention and preservation of, destruction of, and access to Village of Glenbeulah public records to the extent and manner allowed by state law.

(2) Statutes Incorporated: The provisions of Sections 19.21 to 19.39, Wisconsin Statutes (2005-2006) and any future revisions or additions thereto, are adopted by reference in this section as if fully set forth herein.

(3) Legal Custodian:

(a) Unless otherwise prohibited by law, the Village Clerk-Treasurer, or the designated Deputy Clerk-Treasurer, shall act as legal custodian for the Village Board and for any committees, commissions, boards or authorities created by ordinance or resolution of the Village Board. A copy of all records received or created by any town official or employee shall be forwarded to the Custodian within seven (7) days.

(b) For assessment records, the designated custodian shall be the Village Assessor.

(c) The Glenbeulah Fire Department, an independent Chapter 5 corporation which receives 50% or more of its funding from the Village of Glenbeulah, is subject to the open records law, and shall establish its own legal custodian and records policies.



(4) Retention and Preservation of Records:

(a) All public records shall be retained for a minimum of seven (7) years from the date of creation or receipt by the Legal Custodian, unless a shorter period has been fixed by the public records board under Section 16.61(3)(e), Wisconsin Statutes (2005-2006), and except as provided in paragraphs (b) through (g) below.

(b) Any taped recording of a meeting, as defined in Section 19.82(2), Wisconsin Statutes (2005-2006) of any governmental body, committee, commission or board of the Village of Glenbeulah may be destroyed no sooner than 90 days after the minutes of said meeting have been approved, if the purpose of the recording was to make minutes of the meeting.

(c) Electronic copies of printed records kept by the Legal Custodian shall be retained for a minimum of three (3) years, provided the printed copy of the same record is retained as required by state law and other sections of this ordinance. Those records which may not have a printed copy shall be retained electronically for the otherwise required time period.

(d) Electronic mail (e-mail) messages sent or received by Village officials shall be retained for a minimum of three years. Email sent from or received at an official's personal email address shall also be subject to this provision, unless a copy of the e-mail is forwarded to the Villages e-mail address for retention.

(e) Unsolicited mail and e-mail received from advertisers, retail companies, e-mail user groups, general newsletters and other similar correspondence shall not be considered public records and may be discarded or deleted immediately after receipt.

(f) Records of historical significance, including but not limited to all minutes of meetings, ordinances, resolutions, budgets and annual financial statements, shall be permanently preserved in a manner consistent with state laws. Other pertinent records may be permanently preserved as storage space allows. If adequate storage and preservation is deemed impossible by the Village, and records must be removed from the care of the Legal Custodian, the procedures listed in Section 1.06(5) shall be followed.

(g) At the direction of the Village Board, or the discretion of the Village Clerk-Treasurer, any public records, including electronic records, may be retained for a longer period of time than that specified by law or this ordinance.

(5) Destruction of Records:

(a) Only obsolete records which have reached the end of their retention period may be destroyed following the procedures set forth in paragraph (b) below. This paragraph shall not be construed as requiring the destruction of any record or permitting its destruction after a period of time less than that prescribed by law.

(b) Prior to the destruction of records, the Legal Custodian shall provide the Wisconsin State Historical Society (hereafter Society) at least 60 days written notice of those records to be destroyed. The Society shall preserve those records it determines to be of historical interest. The Society may, upon application, waive such notice for specific types of records. A copy of each waiver obtained shall be permanently filed with the Legal Custodian. If the Society does not wish to preserve said records, the Legal Custodian shall provide the Sheboygan County Historical Research Center (hereafter Center) 30 days written notice of those records to be destroyed. If the Center does not wish to preserve said records, the records may be destroyed.

c) No record may be destroyed at any time after the receipt of a request for inspection or copying of the record, until after the request is granted or until at least 60 days after the date that the request is denied, or as otherwise prescribed by Section 19.35(5), Wisconsin Statutes (2005-2006).

(6) Public Access:

(a) A representative government is dependent upon an informed electorate; therefore it is the policy of the Village of Glenbeulah, in conformance with state law that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. To that end, except as provided by paragraph (d) below, any person has a right to inspect a record and to make or receive a copy of any record as provided by law.

(b) Public Notice: Pursuant to Section 19.34, Wisconsin Statutes (2005-2006), each authority shall adopt, prominently display and make available for inspection and copying a notice containing a description of its organization, the Legal Custodian from whom, the established times and places at which, and the methods whereby the public may obtain information and access to records, make requests or obtain copies, and the costs thereof. This paragraph does not apply to individual members of the Village Board.

(c) Hours of Inspection: Records shall be available for inspection and copying during all regular office hours. If no regular office hours are kept, records shall be available upon at least 48 hours written or oral notice of intent to inspect or copy a record, and the Legal Custodian shall establish a period of at least two (2) consecutive hours per week during which access to records is permitted.

(d) Limitations on Access:

1. If the Legal Custodian considers a record to be exempt from disclosure, in whole or in part, as allowed by Sections 19.35(1) and 19.36, Wisconsin Statutes (2005-2006) or other applicable state laws, he or she shall without delay refer the request and record to the Village Attorney for advice, citing any grounds for denying public access and specifying any need to restrict access at the time the request is made.

2. If the Legal Custodian considers a request to be insufficient because it is without a reasonable limitation as to subject matter or length of time represented by the record, the request shall be denied.

3. Except as may be required by law, the Legal Custodian is not required to create a new record by extracting information from existing records and compiling the information in a new format.

As control over form and content are not currently possible with the technology available to the Village, and therefore electronic copies of Village records may not remain intact, either by lack of transferability from one type of software to another, or through deliberate unauthorized changes, whenever possible records shall be provided in written or printed form. Copies of records, which exist in electronic form, may be provided if specifically requested or as required by state law or court order.

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

5. No person shall be allowed to remove an original Village of Glenbeulah record from the care of the Legal Custodian.

(7) Public Record Fees: A requester shall be charged a fee, as authorized by the Village Board and set by resolution or ordinance, to defray the cost of locating and copying records. The fee shall be determined by the following guidelines:

- (a) A per page charge for photocopying, computer printouts, or faxing.
- (b) If the form of a record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
- (c) The actual cost of providing a copy in an alternative format, including electronic, audio or videotape, if required.
- (d) The actual cost of any necessary mailing or shipping.
- (e) The costs for locating a record, determined by an hourly rate, provided however, that such costs shall only be billed if the total cost is greater than \$50.
- (f) If the Legal Custodian estimates the costs of locating and copying a record shall exceed \$5, prepayment of the estimated fees shall be required.
- (g) If payment has not been received from a requester for previous requests, and such previous requests accumulate to more than \$5, prepayment of all past due fees and current fees shall be required prior to providing the record requested. This paragraph shall not prevent the requester from inspecting the record; however, no copies or other costs will be incurred until payment is received.
- (h) Village of Glenbeulah elected or appointed officials shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

## CHAPTER II

### OFFICIALS

- 2.01 Elected Officials
- 2.02 Appointed Officials
- 2.03 Chief of Police
- 2.04 Fire Chief
- 2.05 Director of Public Works
- 2.06 General Regulations

#### 2.01 ELECTED OFFICIALS:

(1) Trustees: There shall be 4 trustees of the Village of Glenbeulah. Two trustees shall be elected at each annual spring election for a term of 2 years, commencing on the 3rd Tuesday in April in the year of their election.

(2) Other Elected Officials: The following officers of the Village shall be chosen at the regular spring election in odd-numbered years for terms of 2 years commencing on the 3rd Tuesday in April in the year of their election:

- (a) Village President

#### 2.02 APPOINTED OFFICIALS:

The Village officials hereinafter set forth shall be appointed at the first regular meeting of the Village Board in May of even-numbered years by the Village President subject to confirmation by a majority vote of the members of the board:

- (a) Clerk
- (b) Treasurer
- (c) Attorney
- (d) Assessor
- (e) Building Inspector
- (f) Health Officer

The term of office of each official so appointed shall be 2 years. All terms shall commence on the 15th day of May following appointment.

#### 2.03 CHIEF OF POLICE:

(1) Offices of Marshal and Constable Abolished Pursuant to ss. 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village of Glenbeulah elects not to be governed by those portions of state statutes 61.19 and 61.23 relating to the selection and tenure of constable and marshal and hereby abolishes the offices of Village Constable and Village Marshal.

(2) Office of Chief of Police Created: There is hereby created the office of Chief of Police, which shall be filled by appointment by the Village President subject to confirmation by a majority vote of the members of the board for an indefinite term, subject to removal by 3/4 vote of the board for incompetence, misconduct, inefficiency, cowardice or failure to perform duties. The Chief shall exercise the powers and duties of Village Marshals and Village Constables and any other powers and duties as provided from time to time by the Village Board.

#### 2.04 FIRE CHIEF:

(1) Appointment: The office of the Fire Chief shall be filled by appointment by a majority vote of the members of the Village Board and in accordance with chapter 5 of this code.

#### 2.05 DIRECTOR OF PUBLIC WORKS:

(1) Appointment: The Director of Public Works shall be appointed by the Village President

subject to confirmation by a majority vote of the members of the Board.

(2) Term: The Director of Public Works shall hold office for an indefinite term and at the pleasure of the Village Board.

(3) Duties and Powers: The Director of Public Works shall have the following duties and powers:

(a) Have general charge and supervision of all public works in the Village.

(b) Have responsibility for the maintenance, repair, and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, culverts and drainage facilities, sanitary sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his control.

(c) Have charge of all public services including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.

(d) Perform such other duties and activities as are imposed on him by the Village Board.

(e) Have full power to employ and discharge all employees under his direction.

#### 2.06 GENERAL REGULATIONS COVERING ALL VILLAGE OFFICIALS:

(1) Effect: The provisions of this section shall apply to all officers of the Village, regardless of time of creation of the office or selection of the officer unless otherwise specifically provided by ordinance or resolution of the Village Board.

(2) Oath of Office: Every officer of the Village, including members of the Village Boards and commissions shall, before entering upon duties and within 5 days of election or appointment or notice thereof take the oath of office prescribed by law and file said oath in the office of the Village Clerk, except the Village Clerk who shall file the oath in the office of the Village Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

(3) Salaries: All officers of the Village shall receive such salaries as may be provided from time to time by the Village Board by ordinance. No officer receiving a salary from the Village shall be entitled to retain any portion of any fees collected for the performance of duties as such officer in the absence of a special law or ordinance to that effect.

(4) Vacancies: Vacancies in elective offices shall be filled by appointment by the Village President subject to confirmation by a majority vote of the Village Board, for the remainder of the unexpired term. Vacancies in appointive offices shall be filled in the same manner as the original appointment for the residue of the unexpired term unless the term for such office is indefinite.

## CHAPTER III

### POLICE

- 3.01 Personnel
- 3.02 Appointment and Removal
- 3.03 General Powers of Police Officers
- 3.04 Chief of Police
- 3.05 Civilians to Assist
- 3.06 Obedience to Officers
- 3.07 Assisting Escape of Prisoner
- 3.08 Impersonating Police Officer
- 3.09 Special Police Officers

#### 3.01 PERSONNEL:

The Police Department of the Village of Glenbeulah shall consist of the Chief of Police and such other police officers as the Village Board may prescribe from time to time by ordinance or resolution. In the case where the office of Chief of Police is vacant, other police officers shall be subject to direction from the Chairman of the Police and Fire Committee.

#### 3.02 APPOINTMENT AND REMOVAL:

Police officers, other than the Chief, shall be selected by the Chief subject to the approval of the Village Board. The Chief shall have full authority to demote, suspend temporarily or remove from the force any officer of the Department subject to the right of such officer to appeal to the Village Board for reinstatement.

#### 3.03 GENERAL POWERS OF POLICE OFFICERS:

The Chief of Police and all policemen of the Village shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law on Village Marshals and Constables. Every member of the Police Department shall have full power and authority and shall have the duty to:

- (1) Arrest with or without process all persons in the Village found in a state of intoxication or engaged in any disturbance of the peace or violation of law or ordinance of the State or Village or aiding or abetting in such violation and take all such persons in charge and confine them and within proper time as prescribed by law bring them before the Court to be dealt with according to law.
- (2) Be familiar with the ordinances of the Village and attend to the enforcement of such ordinances by all lawful means.
- (3) Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- (4) Assist the Fire Department in maintaining order at the scene of a fire.
- (5) See that the necessary permits and licenses issued by the proper authority of the State or Village are in possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.

### 3.04 CHIEF OF POLICE:

(1) Duties: In addition to the duties imposed by s. 3.03, the Chief of Police shall keep a record of all arrests made by members of the department, traffic tickets issued, the dates, hours and places thereof, names of persons arrested, arresting officers, offenses charged, actions taken, and results.

(2) Powers: The Chief shall have command of the Police Force of the Village of Glenbeulah and shall have custody, care, and control of the property and equipment of the Department.

### 3.05 CIVILIANS TO ASSIST:

It shall be the duty of all persons in the Village, when called upon by any police officer or peace officer, to promptly aid and assist in the execution of police duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to a penalty as provided in s.16.04 of this code.

### 3.06 OBEDIENCE TO OFFICERS:

See s. 12.02 (5) of this code.

### 3.07 ASSISTING ESCAPE OF PRISONER:

See s. 12.02 (6) of this code.

### 3.08 PERSONATING POLICE OFFICERS:

See s. 12.02 (7) of this code.

### 3.09 SPECIAL POLICE OFFICERS:

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

## CHAPTER IV

### TRAFFIC CODE

- 4.01 State Traffic Laws Adopted
- 4.02 Speed Limits
- 4.03 Through Streets Designated
- 4.04 Parking Limitations
- 4.05 Weight Limitations
- 4.06 Erection of Signs and Signals
- 4.07 Traffic to Stop for School Bus
- 4.08 Snowmobile Operation
- 4.90 Penalty
- 4.95 Enforcement

#### 4.01 STATE TRAFFIC LAWS ADOPTED:

Except as otherwise specifically provided in this ordinance, all provisions of Chapters 340 to 348 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Each section of the Wisconsin Statutes adopted by this chapter shall bear the same chapter and section number in this code as it has in the Wisconsin Statutes.

Hereby also adopted by reference, the following sections of the Wisconsin Statutes but the prosecution of such offenses under this ordinance shall be as provided in chapters 340 to 348 of the Wisconsin Statutes and the penalty for the violation thereof shall be limited to a forfeiture as provided in subsection (1) hereof.

- 941.01(1) Negligent operation of vehicle off highway.
- 947.045 Drinking in motor vehicles on highway.
- 350.01 Definitions.
- 350.02 Crossing highways.
- 350.03 Operation of snowmobile on or in vicinity of a highway.
- 350.05 Operation by youthful operators restricted.
- 350.06 Firearms and bows.
- 350.07 Driving bear, deer, or other game prohibited.
- 350.08 Owner permitting operation.
- 350.09 Head lamps, tail lamps, and brakes.
- 350.10 Miscellaneous provisions for snowmobile provision.
- 350.15 Accidents and accident reports.

(1) Forfeitures for violation of any provisions of Chapters 341 to 348 adopted by reference shall conform to forfeitures for violation of the comparable State offense, including any variations or increases for second offenses. The forfeiture for violation of any provision of Sections 941.01(1), 947.045, and 350.01 through 350.15 as adopted by reference herein shall be not less than \$25.00 or more than \$200.00.

#### 4.02 SPEED LIMITS: (vacant)

#### 4.03 THROUGH STREETS DESIGNATED:

The following streets in the Village of Glenbeulah, in the interest of public safety are hereby declared to be through streets:



- (1) CTH "A" from its entry at the east limits of the Village of Glenbeulah, and to the West limits of the Village of Glenbeulah.
- (2) CTH "S" from the north curb line of CTH "A" to and including its exit at the north limits of the Village of Glenbeulah and from its entry at the south limits of the Village of Glenbeulah to the south curb line of CTH "A".
- (3) CTH "C" from its entry at the west limits of the Village of Glenbeulah to its exit at the east limits of the Village of Glenbeulah.
- (4) Young Street, from its intersection with CTH "A" to its intersection with CTH "S".
- (5) Dillingham Street, from its intersection with CTH "A" to its intersection with Benson Street.
- (6) Otis Street, from its intersection with CTH "A" to its intersection with Benson Street.

All vehicles proceeding onto CTH "A" from the following streets shall stop behind the crosswalk of those respective streets at the intersection of that street with CTH "A" which is hereby declared to be a through street at that intersection:

- |                  |                       |             |
|------------------|-----------------------|-------------|
| (1) Young Street | (4) Swift Street      | (7) CTH "P" |
| (2) Main street  | (5) Dillingham Street | (8) CTH "C" |
| (3) Otis Street  | (6) Garden Street     |             |

All vehicles proceeding onto CTH "S" from the following streets shall stop behind the crosswalk of those respective streets at the intersection of that street with CTH "S" which is hereby declared to be a through street at that intersection:

- |                     |                   |
|---------------------|-------------------|
| (1) Appleton Street | (4) Benson Street |
| (2) Young Street    | (5) Akin Street   |
| (3) Barrett Street  |                   |

All vehicles proceeding in a northerly direction on CTH "S" shall stop behind the crosswalk at the intersection of CTH "S" with CTH "C", which is hereby declared to be a through street at that intersection.

All vehicles proceeding on Otis Street shall stop behind the crosswalk at the intersection of Otis Street with Young Street, which is hereby declared to be a through street at that intersection.

All vehicles proceeding on Barrett Street shall yield the right-of-way to all traffic on Dillingham Street and Otis Street, which are hereby declared through streets at their intersection with Barrett Street.

4.04 PARKING LIMITATIONS:

(1) Direction: Where angle parking is designated by street markers, all vehicles are to park between such markers with the front portion of the vehicle facing the curb. Vehicles parked or stopped in other areas shall face in the direction of normal traffic flow for the lane in which said vehicle is stopped or standing.

(2) Parking prohibited at all times:

- (a) On Walnut Street, from a point 300 feet south of Appleton Street to and including Walnut Grove Cemetery, no vehicle shall park, stop, or stand between the hours of 8:00

P.M. and 6:00 A.M.

(b) There shall be no parking on all Village streets from November 15th through April 1st between the hours of 2:00 A.M. and 6:00 A.M.

(c) Parking on that portion of the east side of Swift Street, from its intersection with Benson street north to the north line of the Dr. Hansen Park is prohibited.

(d) No vehicle shall remain parked continuously for any 24 hour period on any Village street or in any Village parking lot.

(e) Parking on the east side of Otis Street from its intersection with Main Street north to its intersection with Barrett Street is prohibited.

(f) Parking on the east side of Swift Street from its intersection with the south line of Barrett Street to a point 70 feet south is prohibited.

(g) In any municipal park when said park is closed to the public.

(h) Within a fire lane consisting of the driveway area between the front doors of the fire station.

(3) Parking prohibited at certain times. No person shall park a vehicle on any of the following streets or parking lots during the hours or according to the restrictions indicated

(a) Any commercial vehicle exceeding 8000 pounds GVW or any trailer in the Village Municipal Building parking lot unless attending municipal or civic meetings or functions or such private activities as have been approved by the Village Board.

(4) Unregistered vehicle parking: No person shall park, stop or leave standing on any Village street or alley, for a period of more than two hours, any vehicle described in s. 341.05 of the Wisconsin Statutes as being exempt from registration. A separate offense shall be deemed committed on each day which a violation of this subsection occurs or continues.

(5) Defective vehicles: No disassembled or inoperable and unlicensed motor vehicle and no junked or wrecked motor vehicle shall be stored or allowed to remain in the open upon public or private property within the Village for a period in excess of three days.

(a) Removal by Village: When the Police Department shall find any such vehicle so placed or stored it shall cause such vehicle to be removed to a junk or salvage yard or other suitable place and stored for a period of 30 days, after which the vehicle may be disposed of by the owner of the junk or salvage yard, or by the Police Department, unless the vehicle was claimed by the owner.

(b) Notice to owner: Prior to such removal of the vehicle, the Police Department shall notify the owner of the property upon which such vehicle is placed or stored, and the owner of the vehicle, if such can be determined, of the intention of the Village to remove the vehicle. If such vehicle is not removed within 3 days of the notice, the Police Department shall cause the vehicle to be removed, the cost of such removal to be charged to the property from which the removal was made, or if it shall be determined that such vehicle was abandoned, and without the consent of the owner of the property upon which it was abandoned, then such cost shall be charged against the owner of the vehicle or shall be paid by the Village. Such charge against the property owner shall be entered on

the tax roll as a special charge against such property.

Any value which may be received for such vehicle by the Police Department shall be an offset to the charge for disposal of such vehicle, and any excess shall be returned to the owner of the property from which the vehicle was removed, or to the owner of the vehicle.

If such vehicle is claimed by the owner, the junk or salvage yard shall be entitled to a reasonable fee for handling and storage, which fee shall be paid by the owner of said vehicle.

(c) Violations: No person shall interfere in any manner with the enforcement of this section. Each motor vehicle stored or allowed to remain on the property in violation of this section shall constitute a separate offense.

#### 4.05 WEIGHT LIMITATIONS:

All streets and alleys within the Village of Glenbeulah, except the following enumerated streets, are hereby designated Class "B" highways and shall be subject to the weight limitations imposed by s. 340.16 of the Wisconsin Statutes, unless otherwise designated by the County Board.

- (1) CTH "A"    (2) CTH "S"

The following streets within the Village of Glenbeulah are hereby designated heavy traffic routes:

- (1) CTH "A"    (2) CTH "S"

No vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 6000 pounds shall be operated or moved on any street or alley not part of the heavy traffic route designated in this section except for the purpose of obtaining orders for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon, provided that in no event shall the weight of the vehicle and load on such other street exceed the limitations of ss. 346.15 or 346.16 (3) of the Wisconsin Statutes or the ordinances of the Village pertaining to class "A" highways or deliveries on class "B" highways.

#### 4.06 ERECTION OF SIGNS AND SIGNALS:

The Director of Public Works is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Highway Commission giving such notice of the provisions of ss. 4.02, 4.03, 4.04, and 4.05 of this chapter as required by State law. Signs shall also be erected at such locations and manner as authorized by the governing body as to give adequate warning to users of the street, alley or highway in question.

#### 4.07 TRAFFIC TO STOP FOR SCHOOL BUS:

(1) Operation of flashing red lights by school bus operators: A school bus operator shall use flashing red warning lights in a residence or business district in the Village of Glenbeulah when pupils or other authorized passengers are being loaded or unloaded at locations at which there are no traffic signals and such persons must cross the street or highway before being loaded or after being unloaded.

(2) Traffic to stop: All traffic must stop for a school bus with flashing red lights in accordance with s. 346.48 and s. 349.21, Wisconsin Statutes.

#### 4.08 SNOWMOBILE OPERATION:

(1) State Snowmobile Laws Adopted: Except as otherwise specifically provided in this ordinance, the statutory provisions describing and defining regulations with respect to snowmobiles or all-terrain vehicles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this ordinance.

346.02(10)	Applicability of rules of road to snowmobiles
350.01	Definitions
350.02	Operation on or in vicinity of highway
350.03	Right of way
350.04	Races, derbies and routes
350.045	Public utility exemptions
350.05	Operation by youthful operators
350.055	Safety certification program established
350.06	Firearms and bows
350.07	Driving animals
350.08	Owner permitting operation
350.09	Lighting and brakes
350.10	Miscellaneous provisions
350.12	Registration
350.13	Uniform trail signs and standards
350.15	Accident reports
350.17	Enforcement
350.19	Liability of landowners

The adoption of s.346.02 (10) of the Wisconsin Statutes by reference is intended to include the rules of the road therein enumerated which are as follows: 346.04, 346.06, 346.11, 346.14(1), 346.18 to 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46 to 346.48, 346.50(1)(b), 346.51, 346.55, 346.87 to 346.91, 346.92(1), (6), (6m), and (9)

(2) Snowmobile Routes and Trails Designated: Except as provided in ss.350.02 and 350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with s.350.04, no person shall operate a snowmobile or all-terrain vehicle upon any public right of way, in any public park, or on any other public municipal property in the Village of Glenbeulah, except upon the following designated snowmobile routes and trails:

Routes: The following streets or portions thereof are designated snowmobile routes:

- (a) Otis Street
- (b) Slade Street
- (c) Young Street between Swift and Otis Street
- (d) Benson Street west of Swift Street.
- (e) Railroad Avenue
- (f) Dillingham Street between Main Street and the alley north of Main Street.
- (g) Garden Street.
- (h) Main Street between Dillingham and Garden Streets.
- (i) All alleys.

(3) Additional Regulations:

- (a) No person shall fail to obey any route or trail sign, marker or limit created in

accordance with this ordinance.

(b) No person shall operate a snowmobile or all-terrain vehicle upon any trail or route designated in this ordinance or upon any public street within the Village of Glenbeulah at a speed in excess of 10 miles per hour.

(c) No person shall operate a snowmobile or all-terrain vehicle on any sidewalk or pedestrian way within the Village of Glenbeulah except for the purpose of crossing to obtain immediate access to an authorized area of operation.

(d) No person shall operate an all-terrain vehicle (ATV) on any public right of way, in any public park, or on any public municipal property in the Village of Glenbeulah, except municipal employees for designate municipal operations.

#### 4.90 PENALTY:

Any person who shall violate any of the provisions of this chapter shall upon conviction thereof be subject to a penalty as provided in s. 16.04 of this code.

#### 4.95 ENFORCEMENT:

The provisions of this chapter shall be enforced in accordance with Wisconsin Statutes 345.20 to 345.53 Chapter 299, and 66.12.

(1) Stipulation of Guilt or no contest: Stipulations of guilt or no contest may be made by persons arrested for violations of this ordinance in accordance with s. 66.12 (1)(b), Wisconsin Statutes, whenever the provisions of s. 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under s. 345.11, Wisconsin Statutes, and may be accepted within 5 days of the date of the alleged violation. Stipulations may be accepted by the Glenbeulah Police Department.

(2) Deposits: Any person stipulating guilt or no contest under s. 4.01 must make the deposit required under s. 345.26, Wisconsin Statutes, or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits may be brought or mailed to the Police Department as directed by the arresting officer. Deposits for parking or nonmoving violations shall be mailed or brought to the Village Clerk or Glenbeulah Police Department.

(3) Notice of demerit points and receipt: Every officer accepting a forfeited penalty or money deposit under this chapter shall give receipt therefor in triplicate as provided in s. 345.261 (1)(a) and 345.27 (2), Wisconsin Statutes, and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under s. 345.11 Wisconsin Statutes.

(4) Forfeitures in treasury; officer to post bond, qualify: Any officer accepting deposits or forfeited penalties under this ordinance shall deliver them to the Village Treasurer within 20 days after receipt. Any officer authorized to accept deposits under s. 345.26, Wisconsin Statutes, of this ordinance shall qualify by taking the oath prescribed by s. 19.01, Wisconsin Statutes.

## CHAPTER V

### FIRE DEPARTMENT

- 5.01 Authorization
- 5.02 Organization and Membership
- 5.03 Powers and Duties of Chief
- 5.04 Equipment and Apparatus
- 5.04 Police Power of Department
- 5.06 Fire Inspector Duties
- 5.95 Penalties

#### 5.01 AUTHORIZATION:

(1) The volunteer fire company, heretofore known as the "Glenbeulah Fire Company" is hereby disbanded pursuant to s. 213.04 of the Wisconsin Statutes. In lieu thereof, the members of such fire organization are hereby officially recognized as the Fire Department of the Village of Glenbeulah and the duty of fire fighting and the prevention of fires in the Village of Glenbeulah is delegated to such department. Its organization and internal regulations shall be governed by the provisions of this ordinance and by such bylaws adopted by the department as are approved by the Village Board except as is otherwise provided by law and ordinance.

(2) The Glenbeulah Fire Department is hereby authorized and directed to adopt bylaws for the control, management, and government and for the regulation of business and proceedings of the department, which bylaws, after adoption by 2/3 vote of the members of the department, shall not become effective and operative until presented to and approved by the Village Board. Amendments shall be adopted in the same manner.

(3) The Village Board shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Fire Department, as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

(4) The officers and members of the Fire Department shall receive such reimbursement of expenses from the Village as may from time to time be fixed by the Village Board.

(5) All property of the former volunteer fire department shall become the property of the Village of Glenbeulah except, however, that one 1932 Dodge pumper shall not be sold or disposed of without 3/4 majority vote of members present at the meeting of the Fire Department to approve the sale.

(6) Any funds rose through its' own efforts by the Fire Department shall remain the property of the Department and shall be used for purposes entirely at the discretion of the Department.

#### 5.02 ORGANIZATION AND MEMBERSHIP:

(1) The Fire Department shall consist of the following officers:

- (a) Chief
- (b) Assistant Chief
- (c) Second Assistant Chief

(d) Secretary/Treasurer

And as many members as may be appointed by the Chief and approved by the Village Board; provided that at no time shall the Department consist of fewer than 22 active members.

(2) A vacancy in the office of Chief shall be filled by appointment by a majority vote of the Village Board. The Fire Department shall recommend suitable candidates for consideration. Upon creation of a vacancy of the office of Chief, the ranking officer shall perform the duties of Chief until such vacancy has been filled.

(3) The Chief shall immediately assume office for an indefinite term and shall hold office until removal for cause after a hearing by action of 3/4 of the members of the Village Board, unless his service be sooner terminated by resignation, change of residence outside the Village limits, or death.

(4) The Chief and Assistant Chief shall be members of the Department, in good standing, for at least 2 years, or persons with at least 2 years in training and experience in the Fire Department operations.

(5) Any person desiring to be a member of the Fire Department may file with the secretary, an application in such form as the department may require. The name of any applicant approved by the Chief, as provided in the bylaws, shall be presented to the Village Board for confirmation.

(6) Active membership in the Department shall cease at the age of 65 unless the Village Board shall by a majority vote approve of the person continuing as an active member. Upon reaching the age of 65, active members shall become honorary members and relieved from fire fighting duties.

(7) All resignations from the Department shall be made in writing and submitted to the Chief and Village Board. Such resignation shall state a cause or reason.

(8) The Chief shall have the power to demote or expel any officer or member of the Department for neglect or refusal to perform departmental duties, such demotion or expulsion to be subject to an appeal to the Village Board.

(9) The election of the Secretary/Treasurer and committee chairmen, as the bylaws may require, shall be held at the annual meeting of the Department in such manner as is provided in the bylaws. In case of any vacancy, the Chief shall appoint a member in good standing to fill the office until the next annual meeting and election.

### 5.03 POWERS AND DUTIES OF CHIEF:

(1) The Chief shall have general supervision of the Department subject to this ordinance and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.

(2) It shall be the duty of the Chief, or next ranking officer present, to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise and to enforce a rigid observance of this ordinance and the bylaws.

(3) It shall be the duty of the Chief or next ranking officer present, to be present at all fires, to have complete command of and entire responsibility for all fire fighting operation, to plan the

control of same, to direct the actions of the company when they arrive at a fire, to observe that every company does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.

(4) The Chief shall have the power to demote or expel any officer or member of the Department for neglect or refusal to perform his departmental duties, such demotion or expulsion to be subject to an appeal to the Village Board.

(5) Not later than October 1st of each year, the Chief shall appear in person, at a regular Village Board meeting with a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing year. The Chief shall also report on the conditions of the various pieces of apparatus, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the number of members of the Department, and resignation and expulsions from the department. He shall also report upon the drill and training program of the department, together with pertinent information including recommendations of such improvements, as he deems proper and necessary for the operation of the department.

(6) He shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the department.

(7) He shall keep a fire record book of every fire to which any company was called and shall enter in such book the locality of the fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishing and equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

(8) He shall keep an inventory of all apparatus and equipment and an inventory of all hose showing dates and results of tests on each length, which shall be individually identified.

#### 5.04 EQUIPMENT AND APPARATUS:

(1) The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. The Chief may authorize emergency repairs.

(2) No apparatus shall be used for any purpose except fire fighting or in training therefore, except pursuant to an agreement approved by the Village Board after the Chief has given his recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than fire fighting. A written report of any such use shall be made to the Village Board.

(3) No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Village of Glenbeulah, and no vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.



#### 5.05 POLICE POWER OF DEPARTMENT:

- (1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right of way to the Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to pass. The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impede the work of the Department during the progress of a fire.
- (3) It shall be lawful for any fireman while acting under the direction of the Fire Chief or other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

#### 5.06 FIRE INSPECTOR DUTIES:

- (1) The Fire Chief shall hold the office of Fire Inspector, with power to appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.
- (2) It shall be the duty of Fire Inspectors to inspect all buildings, premises and thoroughfares within the fire limits of the Village for the purpose of noting and causing to be corrected any condition liable to cause fire. The Inspector shall also investigate and issue permits in accordance with the regulations of the State Industrial Commission for the storage and handling of explosives and flammable liquids within the Village and shall perform such other duties as are required by the State Industrial Commission.
- (3) Whenever or wherever in the Village any inspection by the Fire Chief or his deputies reveals a fire hazard, the Chief or his deputies shall serve notice in writing upon the owner and any tenant or lessee of the property giving said persons a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The Fire Chief or his deputy is authorized to have the same removed by the Village, and the cost of such removal shall be recovered in an action by the Village against the owner of the property.
- (4) The Chief shall keep a written record of each property inspected, which shall conform to the requirements of the Industrial Commission and shall make such reports as the Industrial Commission may require.

(5) No person shall deny the Chief or his deputies free access to any property within the Village at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspector in the performance of his duty or refuse to observe any lawful direction given by him.

5.95 PENALTIES:

Any person, firm or corporation that shall violate any of the provisions of this ordinance shall be subject to the penalty provisions provided in s. 16.04 of this code.

## CHAPTER VI

### PUBLIC WORKS

- 6.01 Street and Sidewalk Grades
- 6.02 Sidewalk Construction and Repair
- 6.03 Driveways
- 6.04 Street and Sidewalk Excavation and Openings
- 6.05 Culverts
- 6.06 Trees in Street Right of Way
- 6.07 Structure in Street Right of Way
- 6.95 Penalties

#### 6.01 STREET AND SIDEWALK GRADES:

(1) Establishment: The grade of all streets, alleys, and sidewalks shall be established by resolution of the Village Board. No street, alley, or sidewalk shall be worked until the grade thereof is established.

(2) Alteration of Grade Prohibited: No person shall alter the grade of any street, alley, sidewalk or public ground unless authorized and instructed to do so by the Village Board or the Director of Public Works.

#### 6.02 SIDEWALK CONSTRUCTION AND REPAIR:

(1) Owner to Construct: It shall be the duty of the abutting owner to build, repair, construct, and perpetually maintain sidewalks along any street or highway within the Village and to pay the entire cost thereof. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, or altered, it shall proceed according to s. 66.615 Wisconsin Statutes.

(2) Permit Required: No person shall lay, replace, or repair any public sidewalk unless he has obtained a permit therefor from the Village Clerk and has obtained specifications from him for that work. No fee shall be charged for that permit.

#### 6.03 DRIVEWAYS:

(1) Approval and Specifications: No person shall construct any driveway across any sidewalk or curbing without first obtaining a permit and specifications from the Village Clerk. No fee shall be charged for that permit

(2) Setback from abutting property: No person shall construct any driveway closer than 3 feet from any property line.

(3) Improvements to nonconforming driveways: For any preexisting driveway that does not conform to the setback requirements of s. (2): no improvements such as grading or resurfacing may be performed unless the resulting surface is pitched away from or have a curb that will direct water away from the abutting property.

#### 6.04 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS:

(1) Permit Required: No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk, or other public way within the Village without first obtaining a permit from the Village clerk.

## 6.05 CULVERTS:

(1) Permit Required: Any property owner in the Village needing a culvert for a driveway that enters a public street shall make application therefor to the Village Board. The Village Board shall approve the size, type and location of the culvert and it shall be installed according to Village specifications.

(2) Village Board may Order: A culvert may also be installed at the direction of the Village Board upon determination that the culvert is necessary.

(3) Property Owner to Pay Costs: The property owner shall pay the cost of the culvert and installation of any culvert installed pursuant to this section; such charges to be placed on the tax roll if unpaid.

## 6.06 TREES IN STREET RIGHT OF WAY:

(1) Permit Required: A permit must be obtained from the Village prior to the removal of any tree growing in the area between the curb and the sidewalk. At such time as the tree is removed, any stump must also be removed. A permit must be obtained from the Village prior to planting any tree, shrub, or bush in the area between the curb and sidewalk. The permit will specify the type, variety, size and location of any tree to be planted.

(2) Tree Care and Maintenance: It shall be the responsibility of the abutting property owner to maintain and care for any tree located in the street or alley right of way. Such care to include trimming, disease prevention or control, removal of broken branches or branches threatening to break, and removal of fallen leaves or other debris. Any portion of a tree that overhangs the street or alley and interferes with vehicular or pedestrian traffic may be trimmed by the Village if it requests. Portions of trees encroaching the property of the abutting property owner or encroaching an adjoining property shall be maintained by the property owner concerned about such encroachment.

## 6.07 STRUCTURES IN STREET RIGHT OF WAY:

(1) Approval and Specifications: No person shall erect or maintain any driveway post, sign, mailbox, newspaper receptacle, parcel container, permanent trash bin, or similar obstruction within the village limits of the street right-of-way without first obtaining a permit and specification from the Village Clerk. No fee shall be charged for that permit.

(2) Setback from street or road edge or abutting property: No permit shall be issued to establish any obstruction closer than 3 feet from the traveled portion of a street or road or any property line.

(3) Exception and Variances: A permit may be granted or a variance issued in a circumstance where any applicant can establish that unless a receptacle for mail, newspaper, or parcel is provided contrary to this ordinance; delivery will be denied and will not be provided in another manner.

(4) Nonperforming items: Any mailbox or paper receptacle, driveway post, or other obstruction existing and in use on the effective date of this ordinance may continue so long as the property upon which the obstruction exists remains titled to the current owner or is otherwise permitted to continue by action of the Village Board.

6.95 PENALTIES:

Penalty: The penalty for violation of any provision of this section shall be a penalty as provided in s. 16.04 of this code in addition to taking whatever corrective action is necessary to comply with any permit for removal or planting as issued by the Village.

## CHAPTER VII

### UTILITIES

- 7.01 Standard Gas Code
- 7.02 Cable Television
- 7.03 Storm Water Drainage
- 7.04 Cross Connection Control
- 7.05 Private Wells

#### 7.01 STANDARD GAS CODE:

##### (1) Safety Standards:

(a) All gas appliances and accessories hereafter installed, sold or offered for sale shall conform to reasonable standards of safety.

(b) The presence on a gas appliance or accessory of a safety seal or label of a nationally recognized testing agency or a certificate or letter of approval from such agency or the inclusion of an appliance or accessory in the approved listing by such agency shall be prima facie evidence that such appliance or accessory conforms to reasonable standards of safety. Such nationally recognized testing agency shall be one qualified and equipped to perform and one that does perform periodic inspections of current modes of gas appliances and accessories.

##### (2) Installation of Appliances:

(a) All gas appliances, accessories and piping systems shall be installed to conform to reasonable standards of safety.

(b) Installation of appliances, accessories and piping that complies with the standards recommended by the American Standards Association, Inc., in the manual entitled "American Standard Installation of Gas Appliances and Gas Piping", 1964 edition or subsequent revision thereof, shall be considered prima facie evidence as conforming to reasonable standards of safety, the provisions of which are incorporated herein by reference as though set forth in full.

(c) It shall be unlawful for any person, firm or corporation excepting an authorized agent or employee of the gas supplier to turn on or reconnect gas in or on any premises where and when gas service is not at the time being rendered. This shall not prohibit an installer from turning on the supply of gas temporarily for the purpose of testing the installation made by him or from turning on gas that he had temporarily turned off for the purpose of connection of an appliance or making repairs.

(d) It shall be unlawful for any person, firm or corporation to sell, offer for sale, or install any gas appliance or accessories or gas piping system if the same when installed for use could be in violation of any of the provisions of this code or would be unsafe or dangerous.

(e) It shall be unlawful for any person, firm or corporation to install any gas appliance for the purpose of space heating without first determining from the gas supplier that adequate facilities are present to supply gas to such appliance in quantities that will assure reasonably safe and uninterrupted operation.

(f) The provisions of the rules of the Industrial Commission of The State of Wisconsin (Wis. Adm. Code Chapter Ind. 9) as created effective June 1, 1961, and any subsequent revision thereof are incorporated herein by reference as though set out in full and all such provisions and rules shall be complied with.

(3) Enforcement:

The Village Fire Chief is hereby authorized to disconnect or to order disconnection of any gas appliance, accessory, or gas piping which does not conform to the requirements of this ordinance or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, accessory or gas piping, which shall state it, has been disconnected until it shall have been made to conform to the requirements of this ordinance and its reconnection has been authorized by the Fire Chief.

7.02 CABLE TELEVISION:

Establishes cable TV franchise and describes hookup particulars. For complete text, see the Village Clerk.

7.03 STORM WATER DRAINAGE:

(1) Discharge Prohibited:

(a) No person shall discharge or cause to be discharged any storm water drains or clear water drains of any kind, including sub-soil drains, building drains, tile drains and down spouts from roof gutters into a sewer designed or designated as a sanitary sewer. The Glenbeulah Water and Sewer Utility shall give the person offending five days notice to disconnect. Failure to disconnect after such notice shall authorize the Glenbeulah Water and Sewer Utility to institute action for violation of this ordinance.

No person, firm or corporation shall maintain any roof drains or down spouts that discharge into a cistern or other collecting tank located within the building. All such drains shall be removed so that no possibility remains that roof runoff water will be collected and stored within any building that is connected to the public sewer system of the Village of Glenbeulah.

(b) This ordinance shall also apply to discharging water from basement excavations during construction into sanitary sewers.

(c) A copy of this ordinance shall be delivered to all present customers of the Glenbeulah Water and Sewer Utility, and to each new customer with the first billing.

(d) A copy of this ordinance shall be delivered by the Building Inspector with every building permit requested within the Village.

(e) A representative of the Glenbeulah Water and Sewer Utility shall at the time he delivers or installs each new water meter or replaces a water meter for any reason, or at any time he deems necessary shall inspect the customer's premises to insure that no unauthorized drains are connected to the sanitary sewer.

#### 7.04 CROSS CONNECTION CONTROL:

(1) Purpose: To provide a program for protecting the public water system from contamination due to backflow of contaminants through the water service connection into the public water system and to comply with NR 811 and COMM 82, Wisconsin Administrative Code.

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

(3) Cross Connection Forbidden: No person or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution system of the Village, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Village of Glenbeulah Water Department and by the Wisconsin Department of Natural Resources in accordance with NR 811.09 (2), Wisconsin Administrative Code.

(4) Inspection: It shall be the duty of the Water Department to cause inspections to be made of all properties served by the public water system where cross connection with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Village and as approved by the Wisconsin DNR.

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

(5) Disconnection: The Village Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes. Water service to such property shall not be restored until the cross connection or connections have been eliminated in compliance with the provisions of this ordinance.

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

(6) State Plumbing Code Adopted: The Village of Glenbeulah hereby adopts by reference, the State Plumbing Code of Wisconsin being COMM Chapter 82, Wisconsin Administrative Code. This ordinance does not supersede the State Plumbing Code but is supplementary to same.

#### 7.05 PRIVATE WELLS:



(1) Purpose: To prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable ground water. These wells must be properly filled and sealed.

(2) Coverage: All private wells located on any premise, which is served by the public water system of the Village, shall be properly filled by December 31, 1986. A premise is "served" by the public water system if it draws water from the public water system. Only those wells for which a well operation permit has been granted by the Village Clerk may be exempted from this requirement; subject to conditions of maintenance and operation.

(3) Well Operation Permits: A permit may be granted to a well owner to operate a well for a period not to exceed five years if the following requirements are met. Application shall be made on forms provided by the Village Clerk.

(a) The well and pump installation meet the STANDARDS FOR EXISTING INSTALLATIONS described in Chapter NR 812, Wisconsin Administrative Code.

(b) The well has a history of producing safe water and presently produces bacteriological safe water as evidenced by three samplings two weeks apart. In areas where the DNR has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water. This requirement does not apply to a well used to produce non-contact cooling water only.

(c) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.

(d) The private well shall have a functioning pumping system.

(e) The proposed use of the well can be justified as reasonable in addition to water provided by the municipal water system.

(4) Methods: Wells to be abandoned shall be filed according to the procedures outlined in Chapter NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment. The sealing must be observed by a member or representative of the Village Board.

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

CHAPTER VIII  
BUILDING REGULATIONS

- 8.01 Purpose
- 8.02 Wisconsin Uniform Dwelling Code
- 8.03 Building Regulations
- 8.04 Building Inspector
- 8.05 Building Permit Required
- 8.06 Fees
- 8.07 Mobile Homes
- 8.95 Penalties

8.01 PURPOSE:

- (1) To exercise jurisdiction over the construction and inspection of new one-family and two-family dwellings and all other construction or demolition within the Village.
- (2) To provide plan review and on-site inspections.
- (3) To establish and collect fees to defray costs.
- (4) To provide remedies and penalties for violations.

This code shall be enforced within the limits of the Village by the Village of Glenbeulah and any municipalities with which the Village may enter into intergovernmental cooperation agreements pursuant to ss. 66.30 and 101.65 (1)(b), Wisconsin Statutes.

8.02 WISCONSIN UNIFORM BUILDING CODE ADOPTED:

Chapter COMM 22, Wisconsin Administrative Code, as adopted and effective December 1, 1978, and Chapters COMM 20, 21, 23, 24, and 25 as adopted and effective June 1, 1980 and all amendments thereto, are adopted and incorporated by reference.

8.03 BUILDING REGULATIONS:

Regulations for building and construction within the Village shall be in accordance with the code adopted in s. 8.02 of this chapter and chapter IX of this code and all amendments thereto.

8.04 BUILDING INSPECTOR:

There is hereby created the position of Village Building Inspector, who shall administer and enforce this ordinance. This appointment is subject to confirmation by the Village Board.

8.05 BUILDING PERMIT REQUIRED:

- (1) New Construction: No person shall build or cause to be built any building for human habitation within the Village limits without first obtaining a State Uniform Building Permit for such dwelling. Such building permit shall be furnished by the Village.
- (2) Alteration or Remodeling: No person shall modify any existing structure without first having obtained a building permit. The term "modify", as used in this section shall include erection, enlargement, or alteration of any structure; installation, enlargement, or alteration of any plumbing, heating or electrical system, or any operation affecting the value of real property

within the Village. Such building permit shall be furnished by the Village. Any building permit shall expire one year after issue. A copy of such permit shall be filed with the Village Building Inspector.

(3) Demolition: A permit shall be required to raze or demolish any building. Such permit shall be issued in the same manner and cost as a building permit. Demolition shall be completed within 60 days of the date of the permit with the foundation filled and ground leveled and the site left clean. Appropriate measures shall be taken to barricade open excavations and limit access by fencing or other means when the site is left unattended. Any demolition permit shall expire 60 days after issue.

(4) Conversion: No building not originally designed as a dwelling may be converted to such use nor shall any single-family dwelling be converted to a two-family dwelling or multi-family dwelling unless approved by the Village Board following a public hearing addressing such conversion.

The fee for a plan review and public hearing is per the Village fee schedule and shall be paid prior to such review and hearing and shall not depend upon approval of such conversion request.

This section shall not apply to a property owner who, prior to the effective date of this ordinance, notifies the Village Clerk of intent to convert any of his property to another use.

(5) Exceptions: No permit shall be required for any of the following activities:

(a) When the total value of the activity will not exceed \$1,00.00 as determined by the building inspector.

(b) When the work done is maintenance or repair as determined by the building inspector.

(c) When the work consists of a replacement that is not an improvement as determined by the building inspector.

#### 8.06 BUILDING PERMIT FEES:

(1) The building permit fee for new construction according to s. 8.05(1) of this section is as follows:

(a) Inspections for a single family dwellings including plan review, all required inspections, and any return visits needed – per Village Fee Schedule

(b) Inspections for two family dwellings including plan review, all required inspections, and any return visits needed – per Village Fee Schedule

(c) Per Inspection Fee – special inspection(s) for individual inspections – per Village Fee Schedule

(2) The building permit fee schedule for new construction of garages or outbuildings or for any remodeling activity involving structural alteration or modification of the plumbing, heating, or electrical system of an existing structure is as follows:

(a) Residential attached garages – per Village Fee Schedule

(b) Residential detached garages – per Village Fee Schedule

(c) Additions to dwelling w/o foundations – per Village Fee Schedule

(d) Additions to dwelling w/ foundations – per Village Fee Schedule

(e) Commercial Inspection Fee – per Village Fee Schedule. Minimum permitting fee is charged if building permit is issued. Commercial electrical inspections are to be determined at the time of permit issuance.

d) Per Inspection Fee – special inspections(s) for individual inspections – per Village fee Schedule.

(3) The permit fee for any other activity described in s. 8.05(2) or (3) of this chapter is per the Village fee Schedule

(4) Applications for a building permit for new construction according to s. 8.05(1) of this chapter shall be subject to plan review by the Village Board at the first regular meeting after receipt of said application or at whatever special sessions requested by the applicant that may be required to bring about approval or rejection thereof. The costs of any such special sessions shall be paid for by the applicant. Plan review by the Village Board is not necessary for new construction in subdivision, planned unit developments, or developments that have already been approved by the Village Board. Permits for any activity described in s. 8.05(2) or (3) of this chapter shall be issued by the building inspector after his approval of the application.

(5) Any building activity undertaken according to any provision of this chapter shall proceed according to the approved plan or application. Any substantial deviation from the content of the approved permit shall require a new or amended permit and the payment of new permit fees.

(6) The term “plan” as referenced in this chapter means the following:

(a) For any activity under s.8.05; a document produced or approved by an architect, building professional, or other person skilled in the building trades that is acceptable to the building inspector.

(b) For any activity under s.8.05 (4) where the building size exceeds 50,000 cubic feet, including any basement, a document bearing the approval stamp of an architect or registered professional engineer specializing in building design and licensed to practice in the State of Wisconsin.

#### 8.07 MOBILE HOMES:

(1) The provisions of s. 66.058, Wisconsin Statutes, and the definitions therein are hereby adopted by reference.

(2) There is hereby imposed on each occupied, non-exempt mobile home located in the Village of Glenbeulah, a monthly parking fee as determined in accordance with s. 66.058, Wisconsin Statutes. Said fees shall be paid to the Village Treasurer on or before the 10th day of the month following the month for which such fees are due.

(3) It shall be unlawful for any person to establish or operate upon property owned or controlled by him within the Village of Glenbeulah a mobile home park without first having secured a license therefor from the Village Clerk. The application for such license shall be accompanied by a fee of \$2.00 for each space in the existing or proposed park but not less than \$25.00. The license shall expire one year from the date of issuance. Such parks shall comply with Wisconsin Administrative Code H77, which is hereby adopted by reference.

(4) Licenses of mobile home parks and owners of land on which are parked any occupied, non-exempt mobile homes shall furnish information to the Village Clerk and Village Assessor on such homes added to their park or land within 5 days after arrival of such homes on forms furnished by the Village Clerk in accordance with s. 66.058 (3) (c) and (e), Wisconsin Statutes.

Occupants or owners of non-exempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Village Treasurer as provided in Section 2. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied non-exempt mobile home therein and to remit such fees to the Village Treasurer as required in Section 2.

#### 8.95 PENALTIES:

The Village Board shall provide for the enforcement of this section and all other laws and ordinances relating to building by means of withholding of building permits, imposition of forfeitures, and injunctive action according to s. 62.23, Wisconsin Statutes and other penalties as provided in s. 16.04 of this code.

## CHAPTER IX

### PLANNING & ZONING

- 9.01 Declarations of Purpose
- 9.02 Definitions
- 9.03 Districts Established
- 9.04 Agricultural District Regulation
- 9.05 Residence District Regulation
- 9.06 Commercial District Regulation
- 9.07 Industrial District Regulation
- 9.08 Floodplain District
- 9.10 Planned Development District Regulations
- 9.11 Planned Commission
- 9.12 Conditional Use Permits
- 9.13 Comprehensive Plan
- 9.80 Non-conforming Uses
- 9.85 Certificate of Occupancy Required
- 9.90 Appeals and Variances
- 9.91 Fees
- 9.92 Board of Appeals
- 9.95 Penalties

#### 9.01 DECLARATION OF PURPOSE:

In order to provide for orderly future expansion within the Village while maintaining environmental conditions compatible with existing uses of buildings and property, to regulate the location and uses of buildings and land for trade, industry, residence, and other purposes and for the said purpose to divide the Village of Glenbeulah into districts best suited to carry out said purpose, to provide a method for administration and enforcement and to provide penalties for its violation.

#### 9.02 DEFINITIONS:

For the purpose of this chapter certain words and terms are defined as follows:

(1) Accessory Use or Building: An accessory use or building is a subordinate use, or a building or portion of a main building the use of which is customarily incidental to and located on the same lot with the main building or use.

(1) Accessory Use or Building: An accessory use or building is a subordinate use, or a building or portion of a main building the use of which is customarily incidental to and located on the same lot with the main building or use.

(2) Basement: A story partly underground which if occupied for living purposes, shall be counted as a story for purposes of height measurement.

(3) Building: A building is a structure having a roof supported by columns or walls. When separated by division walls from the ground up, without openings, each portion of such building shall be deemed a separate building. The word "building" includes the word "structure".

(4) Family: A family is a body of persons who live together in one dwelling unit as a single housekeeping entity in a domestic relationship based upon birth, marriage or similar domestic bond as distinguished from a group occupying a boarding house, lodging house, club, cooperative

living unit, fraternity or hotel.

(5) Frontage: Frontage is defined to mean all property abutting on one side of a street between 2 intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

(6) Front Yard: A front yard is an open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the principal building projected to the side lines of the lot.

(7) Garage, Private: An accessory building or space for the storage of not more than 4 motor driven licensed vehicles.

(8) Garage, Public: Any building or premises, other than a private or storage garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

(9) Garage, Storage: Any building or premises used for the storage only of motor driven vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease, or oil is sold and vehicles are not equipped, serviced, repaired, hired, or sold. No commercial motor vehicle exceeding 2 tons capacity shall be stored in any storage garage.

(10) Home Occupation: A home occupation is a gainful occupation conducted within a place of residence or accessory building, provided that the specified use is incidental to the residential use.

(11) Lot: A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building together with the open spaces required by this ordinance and abutting on a public street or officially approved place.

(12) Nonconforming Use: A nonconforming use is a building or premises occupied by a use that does not conform to the regulations of the district in which it is situated.

(13) Professional Office: The office of a doctor, practitioner, dentist, minister, architect, professional engineer, lawyer, author, musician or other recognized profession is a professional office. When established in a residential district, a professional office shall be incidental to the residential occupation, and occupying not more than 25% of the floor area. Only one unlighted nameplate, not exceeding one square foot in area, containing the name and profession of the occupant of the premises shall be exhibited.

(14) Rear Yard: A rear yard is an open, unoccupied space, except for permitted accessory buildings or structures, on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the principal building projected to the side lines of the lot.

(15) Side Yard: A side yard is an open, unoccupied space, except for permitted accessory buildings or structures on the same lot with a principal building, situated between the side line of the principal building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard.

(16) Setback: The minimum horizontal distance between the street and the nearest point of a building or any projection thereof including uncovered steps.

(17) Street: All property dedicated or intended for public or private street purposes or subject to public easements therefore and 21 feet or more in width.

(18) Street Line: The street line is the dividing line between the street and the lot.

(19) Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground is a structure.

(20) Structural Alteration: Any change in the supporting members of a structure such as bearing walls, columns, beams or girders is a structural alteration.

### 9.03 DISTRICTS ESTABLISHED:

The Village of Glenbeulah is hereby divided into districts as follows:

(1) Agricultural District

(2) Residence District

(3) Commercial District

(4) Industrial District

(5) Planned Development District

A Zoning Map of the Village of Glenbeulah is hereby adopted. Such map shall remain on file with the Village Clerk.

### 9.04 AGRICULTURAL DISTRICT REGULATIONS:

(1) Purpose and Use Permitted:

(a) Purpose: The purpose of the Agricultural District is to: (1) Preserve productive agricultural land for food and fiber production. (2) Preserve productive forms by preventing land use conflicts between incompatible uses and controlling public services. (3) Maintain a viable agricultural base to support agricultural processing and service industries. (4) Prevent conflicts between incompatible uses. (5) Reduce costs of providing services to scattered, non-farm uses. (6) Pace and shape urban growth. (7) Implement the provisions of the County agricultural plan when adopted and periodically revised. (8) Comply with the provisions of the Farm Preservation Law to permit eligible landowners to receive tax credits under s. 71.09, Wisconsin Statutes.

(b) Lands Included: The Agricultural District is generally intended to apply to lands in productive farm operations including: (1) Lands historically exhibiting high crop yield or capable of such yields. (2) Lands which have been demonstrated to be productive for dairying, livestock raising, and grazing. (3) Other lands which are integral parts of such farm operations. (4) Lands used for the production of specialty crops such as cranberries, mint, sod, fruits, and vegetables.

(c) As a matter of policy, it is hereby determined that the highest and best use of these lands is agricultural.



(2) Principal Uses:

- (a) Apiculture (beekeeping).
- (b) Dairying.
- (c) Fish or fur farming.
- (d) Floriculture (cultivation of ornamental flowering plants).
- (e) Forest and Game Management. (f) Gas and electric utility uses not requiring authorization under Chapter 196.491, Wisconsin Statutes
- (g) Grazing
- (h) Greenhouses
- (i) Livestock raising except commercial feedlots.
- (j) Orchards
- (k) Plant nurseries.
- (l) Poultry raising except commercial production.
- (m) Raising of grain, grass, mint and seed crops.
- (n) Raising of tree fruits, nuts and berries.
- (o) Roadside stands for sale of produce raised on the farm there located.
- (p) Sod farming.
- (q) Stables
- (r) Vegetable raising.
- (s) Viticulture (grape raising).
- (t) One single-family farm dwelling for each resident owner, each resident laborer, each resident son of one legal owner, or each resident daughter of one legal owner, all of whom must be substantially engaged in conducting a principal or approved conditional use.
- (u). One two-family farm dwelling for those resident persons described above. (NOTE: such accessory residential uses shall conform with all regulations set forth in this ordinance, except that no such lot created there under shall be less than 60,000 square feet in area).

(3) Existing Substandard Lots: Principal, conditional and accessory farm structures may be erected on any legal lot or parcel on record in the County Register of Deeds office before the effective date of this ordinance provided, however, that variances to the building and yard requirements shall be granted only by the Village Board in accordance with s. 9.90 of this ordinance.

(4) Farm Consolidation: Notwithstanding the area requirements to the contrary, farm dwellings existing at the time of adoption of this ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided, however, that the parcel created conforms with all regulations set forth in this ordinance, except that no such lot shall be less than 60,000 square feet in area.

(5) Structures: The only structures and improvements permitted in the Agricultural District shall be consistent with agricultural use.

## 9.05 RESIDENCE DISTRICT REGULATIONS:

(1) The following uses are permitted in the R-1 Residence District:

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Churches, schools, public libraries, public museums, and municipal buildings.
- (d) Farming, except chicken, fur, and stock farms; truck gardening, nurseries and greenhouses for propagation of plants only.
- (e) Accessory buildings situated in the rear of dwelling and occupying not more than 10% of the lot area.
- (f) Professional offices.
- (g) Uses customarily incidental to any use specified in this subsection and not involving the conduct of a business except home occupations, providing no advertising sign of any character shall be permitted except one name plate not exceeding 6 square feet.
- (h) Cemeteries.

(2) Regulations: In the R-1 Residence District, no building or premises shall be used and no building or structure shall be erected, moved, or structurally altered except in accordance with the following regulations:

(a) Front Yard: No building shall hereafter be erected, and no existing building shall be reconstructed or altered in such a way that any portion thereof shall be closer to the street line than 20 feet or the average setback of adjacent properties if these are presently closer than 20 feet. Any new building constructed in an area where the distance from the closest building on an adjacent lot exceeds 100 feet shall not be closer to the street line than 35 feet.

(b) Side Yard: There shall be provided on every lot 2 side yards, each of which shall be at least 10 feet wide.

(c) Rear Yard: There shall be a rear yard of not less than 25 feet in depth.

(d) Building Size: A building for human habitation shall be not less than 600 square feet in living area on the ground floor and shall have a minimum total living area of not less than 1000 square feet excluding any basement. No building shall exceed 2 stories in height excluding the basement. The minimum width of any such building shall be 20 feet.

(e) Accessory Buildings and Structures: Accessory buildings or garages shall have a setback, including the overhand of the buildings, as not to have any portion be closer than 5 feet from any rear lot line, 10 feet from any side lot line, and 5 feet from any alley where access is from the alley, except that no building shall be placed closer than 25 feet from the lot line if the abutting property is part of the Village Glenbeulah Public Parks System.

Accessory buildings located closer than 50 feet from the main building shall be of a construction and style similar to that of the main building and approved by the Plan Commission and Village Board at a regular meeting.

Accessory buildings located more than 50 feet from the main building may differ in construction and style from that of the main building, but must be approved by the Plan Commission and Village Board at a regular meeting. Abutting property owners must receive written notice of the time and subject matter to be discussed at these meetings

Accessory buildings located more than 100 feet from any private lot line and more than 300 feet from any street or alley may be poled or other utility buildings constructed of new materials. Any construction must be approved by the Plan Commission and Village Board at regular meetings.

Accessory building having unique construction features such as a green house, swimming pool enclosures, smokehouses, saunas, solar observatories, etc. must have the construction style and placement approved by the Plan Commission and Village Board at regular meetings. Abutting property owners must receive written notice of the time and subject matter to be discussed at these meetings.

(f) Maintenance of Existing Yards: The lot or yard areas of buildings existing at the time of the enactment of this code shall not be diminished below the requirements of this section.

(g) Lot Area Per Family: Every building hereinafter erected or structurally altered shall provide a lot area of not less than 10,000 square feet per family and no such lot shall be less than 75 feet in width measured at the primary building setback. This subsection shall not apply to rebuilding or replacing an existing dwelling on a lot that does not meet these dimensional standards.

(3) The following uses are permitted in the R-2 residence district:

- (a) Any use permitted in the R-1 residence district.
- (b) Multiple-family dwellings.

(4) Regulations: In the R-2 residence district, no building or premises shall be used and no building or structure shall be erected, moved, or structurally altered except in accordance with the following regulations:

(a) All regulations included in 9.05 (2) (a) thru (d), (e), & (f).

(b) Minimum Building Size: A building for human habitation shall be not less than 1200 square feet on the ground floor and shall have a total minimum living area of 600 square feet per family excluding the basement. Such building shall have a minimum width of 20 feet and shall not exceed 2 1/2 stories in height.

(c) Lot Area Per Family: Every building hereinafter erected or structurally altered shall provide a lot area of not less than 10,000 square feet per family and no such lot shall be less than 100 feet in width.

(d) Auto Parking: Every building hereinafter erected or structurally altered shall provide motor vehicle parking space with hard useable surface off the public street in the ratio of 240 square feet for each family residence unit together with provisions for ingress from or egress to a street or alley.

(5) The following uses are permitted in the R-3 residence district:

- (a) Any use permitted in the R-1 and R-2 residence districts.
- (b) Mobile home park.

## 9.06 COMMERCIAL DISTRICT REGULATIONS:

(1) The following uses are permitted in the Commercial District:

- (a) Any use permitted in the Residence District
- (b) Retail store
- (c) Barber shop
- (d) Beauty parlor
- (e) Clinic
- (f) Professional Office
- (g) Photographer
- (h) Utility company office
- (i) Automobile and farm machinery sales and service
- (j) Parking lots
- (k) Public garage.
- (l) Theaters

(2) Regulations: In the Commercial District, no building or premises shall be used and no building or structure shall be erected, moved, or structurally altered except in accordance with the following regulations:

- (a) Height: Buildings shall not exceed 45 feet or 3 stories in height.
- (b) Side Yard: For buildings or parts of buildings hereafter erected or structurally altered for residential use the side yard regulations of the Residence District.
- (c) Setback: To be determined at time Building Permit is issued.
- (d) Rear Yard: The rear yard shall have a minimum depth of 25 feet.
- (e) Lot Area per Family: Every building or part of a building hereinafter erected or structurally altered for residential purposes shall provide a lot area of not less than 7200 square feet per family.

## 9.07 INDUSTRIAL DISTRICT REGULATIONS:

(1) Use: In the Industrial District, buildings and premises may be used for any lawful purpose whatsoever which is in conformity with the laws of this State and the ordinances of the Village regulating nuisances, except one family dwellings provided, however, that no building or occupancy permit shall be issued for any of the following uses unless and until the location of such use shall be approved by the Village Board after public hearing and determination by the Board that such use shall not be detrimental to the public health, safety, and welfare.

- (a) Acid manufacture
- (b) Cement, lime, gypsum, or plaster of Paris manufacture
- (c) Distillation of bones
- (d) Explosives manufacture or storage
- (e) Fat rendering
- (f) Fertilizer manufacturing
- (g) Garbage, offal, or dead animal reduction or storage.
- (h) Glue manufacturing
- (i) Petroleum refining
- (j) Smelting of tin, copper, zinc, or iron ore
- (k) Stockyards or slaughter of animals
- (l) Storage of old iron, bottles, rags, junk automobiles or machinery, or automobile wrecking yards

(m) Any other trade, industry, or use, without limitation because of prior enumeration, that is noxious or offensive to the physical senses of ordinary persons by reason of the emission of odor, smoke, dust, gas, or noise.

#### 9.08 FLOODPLAIN DISTRICT REGULATIONS:

A Floodplain Zoning Ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, Wisconsin Statutes. The complete text of this ordinance, including the floodplain map, is available from the Village Clerk.

#### 9.09 ACTIVITIES REGULATED IN AREAS DESIGNATED AS WETLANDS:

(1) Regulations: The Village of Glenbeulah prohibits all activities which are prohibited by Wisconsin DNR regulation NR117 in any area designated a wetland on the Wisconsin Wetland Inventory maps. The complete text of this ordinance, including the wetland maps is available from the Village Clerk.

#### 9.10 PLANNED DEVELOPMENT DISTRICT REGULATIONS:

(1) Purpose: The Planned Development District is established to encourage and promote improved environmental design in the Village of Glenbeulah by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance with the basic intent of the zoning ordinance and the general plan for community development. The District allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive, unified projects. It is further intended to encourage more rational and economic development with regard to public services and encourage and facilitate preservation of open land.

(2) Criteria for Approval: As a basis for determining the acceptability of a Planned Development proposal, the following criteria shall be applied to the development plan with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance, and produces significant benefits in terms of good land use principles.

(a) Character and Intensity of Land Use: The uses proposed and their intensity and arrangement on the site shall be of such a visual, aesthetic and operational character that they:

1. Are compatible with the physical nature of the site, with particular concern for preservation of natural features, tree growth and open space.
2. Would produce an attractive environment compatible with the general development plans established by the community.
3. Would not adversely affect the anticipated provision for municipal services.
4. Would not create traffic or parking demand, which exceeds the capacity of those facilities proposed to serve it.

(b) Economic Feasibility and Impact: The Village Board shall be provided with satisfactory evidence that the proposal is economically feasible, has available adequate financing to insure its completion, and will not adversely affect the economic prosperity of the Village or the values of surrounding properties.

(c) Engineering Design Standards: The width of rights-of-way, width and location of

streets or other paving, requirements for outdoor lighting, location of sanitary and storm sewer and water lines, and provision for drainage and other similar engineering considerations shall be based upon information provided by the Village Designated Engineer.

(d) Preservation and Maintenance of Open Space: Adequate provision shall be made for the permanent preservation and maintenance of common "open space" and rights-of-way either by private reservation or dedication to the public.

1. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Village, as part of the conditions for project approval, an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for non-commercial recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan, or subsequently with the express approval of the Village Board.

2. In the case of roadway and other rights-of-way which are not dedicated to the public, there shall be granted to the Village such easements over the same as may be necessary to enable the Village to provide suitable and adequate fire protection, sanitary and storm sewer, water, and other required municipal services to the project area.

3. The care and maintenance of such open space reservations and rights-of-way shall be assured either by establishment of appropriate management organization for the project or by agreement with the Village for establishment of a special service district for the project area on the basis of which the Village shall provide the necessary maintenance service and levy the cost therefor as a special assessment on the tax bills of properties within the project area. In any case the Village shall have the right to carry out, and levy an assessment for the cost of any maintenance, which it feels necessary if it is not otherwise taken care of to the satisfaction of the Village. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.

4. Ownership and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the Village and made part of the conditions of the plan approval.

(e) Factors and Requirements to be considered by the Village Board:

1. Heights of structures
2. Auto parking facilities
3. Landscaping
4. Setbacks
5. Open space reservations
6. Compatibility of site with existing neighborhood use
7. Nature and use of the proposed structures
8. Adequacy of traffic pattern and proposed parking areas
9. Proposed roadway, driveway and walk location.
10. Highway access to the site, number of openings and location of same

11. Drainage
12. Capacities required for sewer, water, and other necessary utilities
13. Proposed methods and hours of operation
14. Educational capacity capabilities (number of families and school load)
15. Economic impact on the Village, its inducements, attractions and detractions
16. Lighting
17. Comparison of open space as required by the underlying basic zones with that of the proposed project
18. Operational control
19. Commencement and completion dates
20. Highway dedication
21. Deed restrictions and sureties deemed necessary to protect the health, safety, and welfare of the community
22. Such other limitations, conditions or special requirements as may be deemed necessary to complete and implement the operation of the project as approved.

(f) Implementation Schedule: The proponents of a planned development shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions (and the Village may require the furnishing of a suitable and sufficient performance bond) for assurance that each phase could and shall be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of any phase.

3. Procedure: The procedure for approval of a planned development project shall consist of two phases: Preliminary Approval, consisting of approval of the proposed project in principle only, and Final Approval, consisting of approval of the proposed project in all its terms and details.

(a) Preliminary Approval: A person desiring to develop a particular site as a planned development district project shall apply to the Village Clerk on a form provided by the Village and pay a fee of \$150 which shall accompany such written application. Such application shall contain the names, mailing addresses and telephone numbers of the owner and developers, and a description of the development site. The Village Clerk shall place the application on the agenda of a Village Board meeting for evaluation by the board. When the Board shall decide by majority vote that the proposed project meets the requirements of this section, it shall certify the application as qualified for final approval. To the extent that special Board meetings are required to study, discuss, amend, or modify the conditions and details of the application, the cost of such meetings shall be paid by the applicant.

(b) Final Approval: Before any building permit for a planned development shall be issued, the applicant and the owner shall enter into an appropriate contract with the Village to guarantee the implementation of the development according to the terms and conditions of the plan given preliminary approval. The Village shall have the right, if deemed appropriate, to require the inclusion of a performance bond satisfactory to the Village Attorney. Such contract shall be recorded by the developer in the County Register of Deeds office within 10 days after its execution. Any subsequent change of use of any lot or parcel of land or addition or modification of the plans shall be submitted for approval to the Village Board and if the Board shall determine that such change or modification does not constitute a substantial alteration of the original approved plans, it may allow amendment to the contract accordingly

## 9.11 PLAN COMMISSION

### (1) Title:

This ordinance is entitled the “Village of Glenbeulah Plan Commission Ordinance.”

### (2) Purpose:

The purpose of this ordinance is to establish a Village of Glenbeulah Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Village and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

### (3) Authority; Establishment: (5-Member)

The Village Board of the Village of Glenbeulah hereby under sec. 60.22(3), Wis. establishes a five (5) member Plan Commission under secs. 60.62(4), 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the “Village Planning Agency” under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Village adoption of a subdivision or other land division ordinance.

### (4) Membership: (5-Member)

The Plan Commission consists of one (1) member of the Village Board, who may be the Village President, and four (4) citizen members, who are not otherwise Village officials, and who shall be persons of recognized experience and qualifications.

### (5) Appointments:

The Village Board President shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Village President may appoint himself or herself or another Village Board member to the Plan Commission and may designate himself or herself, the other Village Board member, or a citizen member as Chairperson of the Plan Commission. [All appointments are subject to the advisory approval of the Village Board.] In a year in which any Village Board member is elected at the spring election, any appointment or designation by the Village President shall be made after the election and qualification of the Village Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

### (6) Terms of Office: (With Citizen Member Terms Staggered)

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except:

(1) Initial Terms: (5-member) The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.

(2) Village Board Member or President: The Plan Commission member who is a Village Board member or Village President, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Village Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

### (7) Vacancies:

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the Village of Glenbeulah



term.

(8) Compensation; Expenses:

The Village Board of the Village of Glenbeulah hereby sets a per diem allowance of \$20.00 per meeting for citizen and Village Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Village Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

(9) Experts & Staff:

The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Village Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

(10) Rules; Records:

The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Village ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

(11) Chairperson & Officers:

(1) Chairperson: The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 5 and 6 of this ordinance. The Chairperson shall, subject to Village ordinances and Commission rules:

- (a) Provide leadership to the Commission
- (b) Set Commission meeting and hearing dates
- (c) Provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee
- (d) Preside at Commission meetings and hearings
- (e) Ensure that the laws are followed

(2) Vice Chairperson: The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

(3) Secretary: The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Village Board, designate the Village Clerk or other Village officer or employee as Secretary.

(12) Commission Members as Local Public Officials:

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

(13) General & Miscellaneous Powers:

The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

- (1) Necessary to enable it to perform its functions and promote Village planning.
- (2) To make reports and recommendations relating to the plan and development of the Village to the Village Board, other public bodies, citizens, public utilities and organizations.
- (3) To recommend to the Village Board programs for public improvements and the financing of such improvements.
- (4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

(14) Village Comprehensive Planning: General Authority & Requirements:

- (1) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.
- (2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Village Board, but not later than a time sufficient to allow the Village Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Village comprehensive plan is in effect by the date on which any Village program or action affecting land use must be consistent with the Village comprehensive plan under sec. 66.1001(3), Wis. Stats.
- (3) In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Village by the Plan Commission, Village staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization. plan under sec. 66.1001(3), Wis. Stats.

(15) Procedure for Plan Commission Adoption & Recommendation of a Village Comprehensive Plan or Amendment:

The Plan Commission, in order to ensure that the requirements of sec. 66.1001(4), Wis. Stats, are met, shall proceed as follows.

- (1) Public participation verification: Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Village Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, and information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an

opportunity for written comments to be submitted by members of the public to the Village Board and for the Village Board to respond to such written comments.

(2) Resolution: The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Village Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:

- (a) The Village Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
- (b) The plan contains the nine (9) specified elements and meets the requirements of those elements;
- (c) The (specified) maps and (specified) other descriptive materials relate to the plan;
- (d) The plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
- (e) The Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.

(3) Transmittal: One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Village Board shall be sent to:

- (a) Every governmental body that is located in whole or in part within the boundaries of the Village, including any school district, Village sanitary district, public inland lake protection and rehabilitation district or other special district.
- (b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Village.
- (c) The Wisconsin Land Council.
- (d) After September 1, 2003, the Department of Administration.
- (e) The regional planning commission in which the Village is located.
- (f) The public library that serves the area in which the Village is located.

(16) Plan Implementation & Administration:

(1) Ordinance development: If directed by resolution or motion of the Village Board, the Plan Commission shall prepare the following:

- (a) Zoning: A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Village construction site erosion control and storm water management zoning ordinance under sec. 60.627(6), Wis Stats., a Village exclusive

agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Village's authority.

(b) Official map: A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.

(c) Subdivisions: A proposed Village subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

(d) Other: Any other ordinance specified by the Village Board (*Note*: e.g., historic preservation, design review, site plan review).

(2) Ordinance amendment: The Plan Commission, on its own motion, or at the direction of the Village Board by its resolution or motion, may prepare proposed amendments to the Village's ordinances relating to comprehensive planning and land use.

(3) Non-regulatory programs: The Plan Commission, on its own motion, or at the direction of the Village Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(4) Program administration: The Plan Commission shall, pursuant to Village ordinances, have the following powers.

(a) Zoning conditional use permits: The zoning administrator shall refer applications for [conditional use][special exception] permits [*Note*: these terms are synonyms; use the term in your Village zoning ordinances] under Village zoning to the Plan Commission for review and recommendation to the Village Board as provided under section IX of the Village zoning ordinances.

(b) Subdivision review: Proposed plats under ch. 236, Wis. Stats, [and proposed subdivisions or other land divisions defined in the LAND DIVISION AND SUBDIVISION ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, shall conform in full with provisions of that ordinance] shall be referred to the Plan Commission for review and recommendation to the Village Board.

(5) Consistency: Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Village ordinances or programs that implement the Village's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats, shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

(17) Referrals to the Plan Commission:

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

- (a) The location and architectural design of any public building.
- (b) The location of any statue or other memorial.
- (c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
  - 1. Street, alley or other public way;
  - 2. Park or playground;
  - 3. Airport;
  - 4. Area for parking vehicles; or
  - 5. Other memorial or public grounds.
- (d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- (e) All plats under the Village's jurisdiction under ch. 236, Wis. Stats., including divisions under a Village subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
- (f) The location, character and extent or acquisition, leasing or sale of lands for
  - 1. Public or semi-public housing;
  - 2. Slum clearance;
  - 3. Relief of congestion; or
  - 4. Vacation camps for children.
- (g) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Village Plan Commission; the Village master plan or the Village comprehensive plan under sec. 66.1001, Wis. Stats.; a Village official map; and Village zoning under village powers.

(2) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

- (a) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
- (b) An application for initial licensure of a community-based residential facility under

sec. 50.03(4), Wis. Stats.

(c) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Village, as a pedestrian mall under sec. 66.0905, Wis. Stats.

(d) Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.

(e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.

(f) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.

(g) A proposed housing project under sec. 66.1211(3), Wis. Stats.

(h) Matters relating to urban redevelopment and renewal in the Village required to be referred under subch. XIII of ch. 66, Wis. Stats.

(i) The adoption or amendment of a Village subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.

(j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(3) Required referrals under this ordinance: In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:

(a) Any proposal, under sec. 59.69, Wis. Stats., for the village to approve general county zoning so that it takes effect in the village, or to remain under general county zoning.

(b) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.

(c) A proposed driveway access ordinance or amendment.

(d) A proposed Village official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Village ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.

(e) A proposed Village zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Village construction site erosion control and storm water management zoning ordinance under sec. 60.627(6), Wis Stats., and a Village exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.

(f) An application for a [conditional use][special exception] [*Note*: these terms are synonyms; use the term in your Village zoning ordinances] permit under the Village zoning ordinance [*Note*: Assuming that the Village Board, rather than the Plan Commission, grants these permits under sec. 62.23(7)(e) 1, Wis. Stats. and the Village's ordinances].

(g) A proposed site plan [*Note: Assuming that the Village Board has final authority, and that such review is not already covered by Village zoning or subdivision ordinances*].

(h) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.

(i) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.

(j) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.

(k) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Village for review or adoption.

(l) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Village and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.

(m) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.

(n) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.

(o) A proposed village airport zoning ordinance under sec. 114.136(2), Wis. Stats.

(p) A proposal to create environmental remediation tax incremental financing in the village under sec. 66.1106, Wis. Stats.

(q) A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Village, or proposed Village agricultural preservation plan or amendment.

(r) Other (specify).

(s) Any other matter required by any Village ordinance or Village Board resolution or motion to be referred to the Plan Commission.

(4) Discretionary referrals: The Village Board, or other village officer or body with final approval authority or referral authorization under the Village ordinances, may refer any of the following to the Plan Commission for report:

(a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.

(b) A proposed county zoning ordinance or amendment.

(c) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.

- (d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
- (e) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
- (f) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
- (g) A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of village arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
- (h) Any other matter deemed advisable for referral to the Plan Commission for report.

(5) Referral period: No final action may be taken by the Village Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Village Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Village's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Village Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable. s

#### 9.12 CONDITIONAL USE PERMITS:

(1) Application: Application for conditional use permits shall be made in duplicate to the Village board on forms furnished by its Clerk and shall include the following where pertinent and necessary for proper review by the Plan Commission and Village Board.

- (a) Name and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- (b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structures; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (c) Plat of survey prepared by a land surveyor registered in Wisconsin, or other map drawn to scale and approved by the County Planner showing the location, property boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines; mean and historic high water lines on or within 40 feet of the subject premises, and existing and proposed landscaping.
- (d) Additional information as may be required or waived by the Plan Commission or Village Board such as ground surface elevations, basements and first floor elevations, utility elevations, historic and probable future floodwater elevations, flood proofing measures, soil type, slope, and boundaries, and plans for proposed structures giving dimensions and elevations pertinent to its effects on flood flows.



(e) Fee for Conditional Use permits shall be \$250.00. The Village Board may change this and any other fee set forth in this ordinance by resolution at any time.

(2) Review and Approve: The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shore land cover, natural beauty and wildlife habitat, and shall make a recommendation to the Village Board.

The Village Board may authorize the issuance of a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance and are found to not be hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shore land cover, or property values in the Village of Glenbeulah and its communities. Notice of the public hearing shall be given by a class II notice listing the time, place, property and use involved.

Conditions, such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, street dedication, certified survey maps, flood proofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control hours of operation, improved traffic circulation, highway access restrictions, increased yards, or additional parking may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

Compliance with other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided elsewhere in this ordinance.

All conditional uses are subject to review at any time by the Village Board to determine whether the use is in accord with the terms of the use permit. Upon advance notice and hearing, the Board may determine whether the usage is in accord with the permit and at such time determine whether to amend the conditional use permit or enforce the terms thereof by appropriate legal action to terminate a violation of this ordinance. All conditional use permit holders shall be subject to review and up-date of the use every year by July 1<sup>st</sup>. upon notice provided to them by the Village Board or Plan Commission, if such authority is delegated to the Plan Commission. Such review is informational and intended to provide a mechanism for regular up-dating of conditional use permits to reflect anticipated changes in uses and in the zoning ordinance as well as to review compliance.

A conditional use permit may contain time limitations, limitations to the current owner or family, or other such limitations, as the Board deems appropriate.

**Special Assessments:** Pursuant to authority granted by Section 66.60, Wis. Stats., any cost incurred by the governing authority in ensuring compliance with the Conditional Use Permit or with any other requirement of this section shall be billed to the Conditional Use Permit holder, and to the current titleholder of the land if different from the Permit holder. Any amounts not paid within 30 days of billing shall accrue interest at 1.5% per month compounded monthly. Any amounts not paid within 90 days of billing shall be entered on the tax assessment roll as a special assessment for the parcel(s) for which the Conditional Use was granted.

(3) Public and Semi-Public Uses: Except where specifically permitted as a principal use, the following public and semi-public uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the Plan Commission shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in sections elsewhere in this ordinance, and upon the particular land use problems related to development of the site or sites as proposed.

(a) Airports, airstrips, and landing fields in all Agricultural Districts (except the A-1 district) and the P-1 and B-1 Districts, provided the site area is not less than 20 acres.

(b) Colleges, universities, hospitals, sanitariums, religious, charitable, penal, and correctional institutions; cemeteries and crematories in the P-1 and B-1 Districts provided all principal structures and uses are not less than 50 feet from any lot line.

(c) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, in all districts.

(d) Public, parochial, and private elementary and secondary schools and churches in all Residential, Business, Agricultural (except in the A-1 district), and Park Districts, provided the lot area is not less than two acres and all principal structures and uses are not less than 50 feet from any lot line.

(e) Public passenger transportation terminals such as heliports, bus and rail depots, except airport airstrips, and landing fields in the B-1 District, provided all principal structures and uses are not less than 100 feet from any Residential District boundary.

(f) Utilities in all districts provided all principal structures and uses are not less than 50 feet from any Residential District lot line.

(4) Recreational and Related Uses: Except where specifically permitted as a principal use elsewhere in this Ordinance, the following recreational and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the Plan Commission shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance and upon the particular problems related to development of the site or sites as proposed. No such conditional use permit shall be granted to land in the

A-1 District:

(a) Amusement activities such as fairgrounds, roller skating rinks, go-cart tracks, race tracks, and recreation centers.

(b) Archery ranges, golf driving ranges, firearm ranges, sports fields, polo fields, and skating rinks.

(c) Commercial recreation facilities such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, Turkish baths, skating rinks, and theaters.

(d) Cultural activities such as aquariums art galleries, botanical gardens, arboreta, historic and monument sites, libraries, museums, planet aria, and zoos.

(e) Golf courses and country clubs in all Residential, Conservancy and Business Districts.

(f) Hunting and fishing clubs.

(g) Public assembly uses such as amphitheaters, arenas, field houses, gymnasiums, natatoriums, auditoriums, exhibition halls, music halls, legitimate theaters, motion picture theaters, and stadiums.

(h) Public or private campgrounds.

(5) Residential and Related Uses: Except where specifically permitted as a principal use, the following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

Home occupations and professional offices in all Residential Districts, not to exceed more than 25 percent of the floor area.

(a) Standards:

In addition to all of the standards applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following standards:

1. No more than one person other than a member of the immediate family occupying such dwelling unit shall be employed.
2. No alteration of the principal building shall be made which changes the character thereof as a dwelling.
3. No more than 25 percent of the area of one story of a single family dwelling, nor more than 20 percent of the area of any other dwelling unit shall be devoted to the home occupation, provided, however, that rooms let to roomers are not subject to this limitation.
4. No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
5. The home occupation shall be conducted entirely within the principal residential building, or in a permitted private garage or accessory building.
6. There shall be no outside storage or display of equipment or materials used in the home occupation.
7. No signs shall be permitted other than those permitted by the applicable regulations in Section 24.

(b) Particular Occupations Permitted:

Customary home occupations include, but are not limited to, the following list of occupations, provided however, that each listed occupation shall be subject to the requirements of this section of the ordinance.

1. Dressmakers, seamstresses, tailors.

2. Music teachers provided that the instruction shall be limited to one pupil at a time except for occasional groups.
3. Artists, sculptors, or authors.
4. Physicians, dentists, or other licensed medical practitioners.
5. Lawyers, architects, engineers, realtors, insurance agents, brokers, and members of similar professions.
6. Ministers, rabbis, or priests.
7. The letting for hire of not more than two rooms for residential use only, and for not more than four persons, none of whom is a transient.
8. Use as a bed and breakfast inn with not more than four guest rooms.

(c) Particular Occupations Prohibited:

Permitted home occupations shall not in any event be deemed to include:

1. Funeral homes.
2. Restaurants
3. Clinics or hospitals

(1). In the R-4 District, one-family detached dwellings; one-family semidetached dwellings; one-family attached dwellings; two-family dwellings; multiple-family dwellings; and all conditional uses permitted in the B-1 District, provided that such business uses shall not occupy more than 15 percent of the total development area.

(2). Planned residential development in the R-1, R-2, and R-3 Districts, provided that no planned development shall be approved which includes residential uses not permitted as a principal use in the given district. The district regulations may be varied provided that adequate open space shall be provided so that the average intensity of land use shall be no greater than that permitted for the district in which it is located.

(3). Rest homes, nursing homes, homes for the aged, clinics, and children's nurseries or day care centers in the R-3, P-1, and B-1 Districts provided all principal structures and uses are not less than 50 feet from any lot line.

(4). Residential dwelling units, not to exceed one unit per property in all districts, in addition to the other principal and conditional residential uses for the district may be temporarily allowed for family or business purposes. All use permits granted hereby shall specifically advise the grantee that such use must be terminated at the end of the specified time period. The initial time period may not exceed two years. Any extensions thereof by the Board may not be for more than two-year periods. This provision is separate and distinct from the temporary mobile home conditional use provision for the A-1 District.

### 9.13 COMPREHENSIVE PLAN

SECTION 1: Pursuant to sections 60.10(2)(c), 60.22(3), and 62.23 of the Wisconsin Statutes, the Village of Glenbeulah is authorized to prepare and adopt a comprehensive plan as defined in section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2: The Village Board of the Village of Glenbeulah, Wisconsin has adopted written procedures designed to foster public participation in every state of the preparation of a comprehensive plan as required by section 66.1001(4)(a) of the Wisconsin Statutes.

SECTION 3: The Plan Commission of the Village of Glenbeulah by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to the Village Board the “**VILLAGE OF GLENBEULAH 20-YEAR COMPREHENSIVE PLAN,**” containing all of the elements specified in section 66.1001(2) of the Wisconsin Statutes.

SECTION 4: The Village of Glenbeulah has held at least one public hearing on this ordinance, in compliance with the requirement of section 66.1001(4)(d) of the Wisconsin Statutes.

SECTION 5: The Village Board of the Village of Glenbeulah, Wisconsin, does, by the enactment of this ordinance, formally adopted the document entitled, Village of Glenbeulah 20-Year Comprehensive Plan, pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

SECTION 6: Should a court of competent jurisdiction declare any portion of this ordinance unconstitutional or invalid, the remainder shall not be affected.

SECTION 7: This ordinance shall take effect upon passage by a majority vote of the members – elect of the Village Board and posting as required by law.

### 9.80 NONCONFORMING USES:

The lawful use of land and buildings existing at the time of the adoption of this chapter, although such use does not conform to the provisions thereof, may be continued, but if such nonconforming use is discontinued for more than 12 months or changed to another use, any future use of the said premise shall be in conformity with the provisions of this chapter. No nonconforming use which has been damaged by fire or other causes to the extent of 50% or more of its value as determined by the assessor shall be rebuilt or repaired except in conformity with the requirements of this chapter or by the discretion of the Plan Commission and/or Village Board.

**9.85 CERTIFICATE OF OCCUPANCY REQUIRED:**

(1) When Required: No vacant land shall be occupied or used except for farming and gardening and no building hereafter erected, altered, repaired or moved shall be occupied or used until the Building Inspector shall issue a certificate therefor stating that the proposed building, occupancy or use complies with all the provisions of this chapter. A certificate may be issued to any person having a proprietary or tenant interest in the building or land affected.

(2) Application Fee: An application for a Certificate of Occupancy shall be made on the same form as an application for a building permit. If application for a certificate of occupancy is made at the same time as application for a building permit under s. 8.05 of this code, the Building Inspector may certify the proposed occupancy on the building permit in lieu of issuing a separate certificate of occupancy. The fee for a certification or certificate of occupancy shall be \$10.00 which shall be paid to the Village Treasurer who shall issue a receipt therefor to be presented to the Building Inspector.

(3) Clerk to Keep Records: The Building Inspector shall transmit to the Village Clerk and the Clerk shall keep on file a record of all certificates and certifications of occupancy issued under the provisions of this chapter.

**9.90 APPEALS AND VARIANCES:**

Nothing in this subdivision shall preclude the granting of special exceptions by the Village Board in accordance with this Zoning Ordinance.

**9.91 FEES:**

<b>APPLICATIONS</b>	
Conditional Use Permit	\$250.00
Variance	\$250.00
Zoning Permit	\$250.00
PUD Preliminary Approval	\$150.00
Special Board Meeting	\$150.00
Special Plan Commission Meeting	\$125.00
Mobile Home	\$2.00 per space >\$25.00
Board of Appeals	\$250.00
<b>LICENSE</b>	
Alcohol Operators	\$10.00
Cigarette	\$10.00
“Class B” Combination Liquor License	\$150.00
Temporary Class “B” Beer License	\$2.00
“Class A” Combination Liquor License	\$160.00
Dog Neutered/Spayed	\$10.00
Dog Male/Female	\$15.00

Dog Late Fee	\$20.00
<b>PERMITS</b>	
Building Permits (See Building Inspectors Schedule)	
Sidewalk	\$ 0
Driveway	\$ 0
Tree	\$ 0
Structures of Street Right Away	\$ 0
<b>OTHER CHARGES</b>	
Park/Hall Rental Resident	\$30.00
Park/Hall Rental Non-Resident	\$60.00
Special Assessment Letters	\$10.00
Photocopy Charge per Sheet	\$0.25

## 9.92 BOARD APPEALS:

### (1) Meetings:

(a) Place of Meetings: All meetings of the Board of Appeals shall be held in the Community Center and open to the public unless otherwise provided by law.

(b) Dates of Meetings: The Chairperson or any two members may call a meeting by notifying the Clerk.

(c) Notices: The Clerk shall post notice of each meeting in compliance with law, and shall notify each Board of Appeals member of the date, time and purpose of each meeting. Not later than one week before the meeting, the notice shall be mailed, delivered to the members personally or left at their usual abode.

(d) Adjournment: Any Board member may move to adjourn a meeting. If any agenda item has not been completed before a motion to adjourn is adopted, the Clerk shall place such item on the agenda for the Board's next meeting, unless the Board provides by motion to consider the item at a different date and time.

### (2) Absence of Members:

If a Board of Appeals member for any reason cannot attend a scheduled meeting, he or she shall provide reasonable advance notice to the Chairperson and Clerk, and shall provide the reason for his or her anticipated absence.

### (3) Selection of Officers:

The Chairperson shall appoint, subject to Board appeal, a Vice Chairperson and such other subordinate officers as the Chairperson may determine.

### (4) Call All To Order By Presiding Officer:

The Chairperson (Or the Vice Chair if the Chair is absent) shall at the hour appointed call the members to order and shall preside at the meeting. If the Chair and Vice Chair are absent from the meeting, the Clerk shall call the Board to order and preside until the Board selects another member to preside at that meeting.

### (5) Agenda and Order of Business:

(a) Agenda Preparation: The Clerk shall prepare the agenda for the Board meetings in consultation with the Chairperson. Any Board member may direct the Clerk to place any item on the agenda, provided that the request is made to the Clerk at least three (3) business days in advance of the meeting.

(b) Order of Business: The business of the Board shall be conducted in the following order, unless the prepared agenda states otherwise



1. Call to Order
2. Determination of compliance with open meeting law
3. Presentation and approval of the minutes of the preceding meeting, with corrections as necessary
4. Public Hearings
5. Old Business
6. New Business
7. Correspondence
8. Set next meeting date
9. Adjourn

Each agenda shall include such additional language, as the Clerk may deem appropriate, including language to ensure compliance with the open meeting law.

(6) Presiding Officer: Order

The presiding officer may speak on any question, make any motion, and vote on all matters submitted to the Board for its consideration. The presiding officer shall preserve order, conduct the proceedings of the Board, and be its parliamentarian. If a member or other person does not follow the Board's rules, the presiding officer may call the offending person to order. Any member may raise a question or point of order. The question of order must be raised at the time the alleged breach of order occurs. The presiding officer shall immediately rule on the question of order, subject to any appeal to the Board. The appeal may be sustained by a majority vote of the members present, exclusive to the presiding officer.

(7) Voting:

(a) Mode of Voting: All matters brought to a vote shall be by roll call, or by another method that allows the Clerk to record the vote of each member on each matter. No member may explain his or her vote during the call of the vote.

(b) Vote Required:

1. Appeals and Variances. For appeals of decisions by a Village official, and for applications for applications for variances, Board approval requires that four (4) members vote in favor of the appellant or applicant.

2. Other Matters: In all other cases, unless a different number is required by law, Board action requires that a quorum must vote on the motion and that the motion be supported by a majority of the votes cast.

3. Amendment and Withdrawal: No motion may be amended or withdrawn by the moving member without consent of the seconding member.

(c) Abstentions:

1. A Board member shall not vote on any matter in which he or she has a direct pecuniary or personal interest not common to other members of the Board.
2. A Board member who abstains from voting on any particular matter shall not be counted for determining (a) the number of members present if passage of that matter requires a favorable vote by a fraction greater than a majority (i.e., 2/3 or 3/4) of the members present, or (b) the presence of a quorum for purposes of that particular vote.

(8) Reconsideration of Question:

Any member who voted with the prevailing side on any question may move for reconsideration of the vote immediately after the vote, or at the next succeeding meeting of the Board if the matter is on the agenda. A motion to reconsider requires a second but the second need not be made by a member who voted with the prevailing side on the question. If a motion to reconsider is defeated, it may not again be presented to the Board.

(9) Visitors Right to Address Board:

(a) Right Declared: A citizen or other visitor may address the Board during a public hearing designated as such and at such other times as the Chair may determine.

1. For example, suspending a Rule requires a supporting vote of at least 2/3. If five members are present and one abstains, a motion to suspend the rules would need three votes are needed in favor. 3 out of 4 is greater and 2.3, but 3 out of 5 is note. This provision does not apply to the statutory requirement that approval of a variance or reversal of an administrative determination requires at least four votes. Four votes will still be required in such cases regardless the number of members voting.

2. For example, four members are present. A motion to approve the minutes of the previous meeting is made and seconded. Two members vote in favor of the motion and two abstain. The motion fails because the number of members voting is less that a quorum.

(b) Restrictions: If the Chair decides that the comments are not relevant, unduly repetitive, argumentative, abusive, or otherwise objectionable, the Chair may take such steps as may be necessary to ensure the efficient conduct of the Boards business.

(10) Manner of Deliberation:

(a) Method: No member shall address the Board until recognized by the Chair. The member shall then address the Chair and limit all remarks to matters that are germane to the question under discussion. The member shall avoid rudeness, intemperate language, and personal confrontation at all times.

(b) Recognition of Member: When two or more members simultaneously seek recognition, the Chair shall determine which member may speak first.

(11) Robert's Rules of Order to Govern Board:

In the absence of a standing rule, the Board shall be governed by *Robert's Rules of Order Newly Revised* (1990), unless contrary to state law.

(12) Suspension of Rules:

These rules or any part of them may be suspended in connection with any matter under consideration by a recorded vote of two-thirds (2/3) of the members present, provided that such action is in full compliance with the open meeting law and other applicable state laws.

9.95 VIOLATIONS AND PENALTY:

Any person who shall violate any provisions of this chapter shall be subject to a penalty provided in s. 16.04 of this code. Whenever a certificate of occupancy is issued under the provisions of this chapter, the occupancy or use of buildings or land for any purpose or purposes other than that proposed in an application for such certificate without certification of such change in use or proposed use by the Building Inspector under the provisions of this chapter shall constitute violation hereof. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

## CHAPTER X

### HEALTH & SANITATION

- 10.01 Health Officer, Duties & Powers
- 10.02 Compulsory Connection to Sewer & Water
- 10.03 Keeping of Animals and Fowl
- 10.04 Control of Weeds and Grasses
- 10.85 Right of Health Officer to Enter Premises
- 10.90 Abatement of Health Nuisances
- 10.95 Garbage and Refuse
- 10.96 Penalties

#### 10.01 HEALTH OFFICER, DUTIES AND POWERS:

(1) How Selected: See s. 2.02 of this code.

(2) General Duties: The Village Health Officer under the supervision of the district State Health Officer shall:

(a) Make an annual sanitary survey and maintain continuous sanitary supervision over his territory.

(b) Make a periodic sanitary inspection at least every 4 months of all school buildings, restaurants, dairies, grocery stores, meat markets, and places of public assemblage and report thereon to those responsible for the maintenance thereof.

(c) Promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.

(d) Enforce the health laws, rules and regulations of the State Board of Health, the State and the Village, including the laws relating to contagious diseases contained in Ch. 143, Wis. Statutes.

(e) Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.

(f) Keep and deliver to his successor a record of all his official acts.

(g) Make an annual report to the State Board of Health and to the Village Board and such other reports as they may request.

(3) Materials and Supplies: The Health Officer shall have the authority to procure at the expense of the Village, all record books, quarantine cards and other materials needed by the Board of Health, except such as are furnished by the State Board of Health.

10.02 COMPULSORY CONNECTION TO SEWER AND WATER:

(1) When Required: Whenever a sewer or water main becomes available to any building used for human habitation, the Health Officer shall notify the owner or his agent in writing in the manner prescribed by s. 262.08 of the Wisconsin Statutes or by registered mail addressed to the last known address of the owner or his agent.

(2) Contents of Notice: The notice required by this section shall direct the owner or his agent to connect the building to such main or mains in the manner prescribed by the Health Officer and to install such facilities and fixtures as may be reasonably necessary to permit passage of sewage incidental to such human habitation into the sewerage system and to furnish an adequate supply of pure water for drinking and prevent creation of a health nuisance.

(3) Health Officer May Cause Connection at Expense of Owner: If the owner or his agent fails to comply with the notice of the Health Officer within 10 days of service or mailing thereof, the Health Officer may cause connection to be made and the expense thereof shall be assessed as a special tax against the property.

(4) Installment Option: The owner or his agent may, within 30 days after completion of the work, file a written option with the Village Clerk stating that he cannot pay the cost of connection in one sum and electing that such sum be levied in 5 equal installments, with interest at the rate of 6% per annum from the completion of the work.

(5) Privies, Cesspools, Etc., Prohibited After Connection With Sewer: After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.

10.03 KEEPING OF ANIMALS AND FOWL:

(1) Sanitary Requirements: All structures, pens, buildings, stables, coops, or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free from rodents, vermin and objectionable odors. Interior walls, ceilings, floors, partitions, and appurtenances of such structures, except structures or houses occupied by no more than one dog, cat, rabbit, skunk or similar animal kept as a pen, shall be whitewashed or painted annually or oftener as the Health Officer shall direct.

(2) Animals Excluded From Food Handling Establishments: No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

10.04 CONTROL OF WEEDS AND GRASSES:

(1) Mowing Required: No person owning property within the Village shall permit to grow or pollinate upon his premises any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or conceal filthy deposits. In order to prevent such growth or pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses or weeds exceeding one foot in height.

(2) Mowing by Village: It shall be the duty of the Weed Commissioner to enforce this section and if any person shall fail to comply herewith, the Commissioner shall, after 5 days written notice to the owner, cause the premises to be mowed and report the cost thereof in writing to the Village Clerk in the manner provided in s. 94.22, Wisconsin Statutes. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as other taxes unless such lands are exempt from taxation.

#### 10.85 RIGHT OF HEALTH OFFICER TO ENTER PREMISES:

The Health Officer shall have the right to enter and examine any public premises or any place where meat, fish, poultry, game, milk, bakery goods or other foodstuffs are stored, prepared or dispensed for public consumption and to inspect or examine any vehicle transporting such foodstuffs for the purpose of enforcing the provisions of this chapter. Any person who shall hinder, obstruct or prevent the Health Officer from entering or carrying out his examination of such premises or vehicle shall upon conviction thereof forfeit not less than \$10 nor more than \$100 together with the costs of prosecution and in default of payment of such forfeiture or costs shall be imprisoned in the county jail until such forfeiture and costs are paid but not exceeding 60 days.

#### 10.90 ABATEMENT OF HEALTH NUISANCES:

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

#### 10.95 GARBAGE AND REFUSE:

(1) Definitions: Terms used in this section shall have the following meanings:

(a) Collector: The persons or firm authorized by the Village to collect garbage, rubbish or recyclable materials and dispose of the same.

(b) Residential Garbage: Includes all organic kitchen waste that attends the storage, preparation, use, cooking or serving of food or any other ordinary household refuse or plant or animal matter. Residential garbage shall not contain ashes, liquids, explosive matter, cans, pottery, crockery, or mineral or metal substances or animal carcass.

(c) Commercial Garbage: All organic kitchen waste that attends the storage, preparation, use cooking or serving of food or any other ordinary refuse or plant or animal matter and waste paper that is deposited for collection by any place of business or commercial establishment other than a private residence. It shall not include animal carcass.

(d) Industrial Waste: The refuse that accumulates in or on land used for manufacturing, industrial or wholesale purposes.

(e) Newspapers: Matter printed on newsprint including daily or weekly publications and advertising circulars normally mailed or delivered to a household, but does not include books, magazines, catalogs, or similar publications.

(f) Major Appliance: Includes air conditioners, refrigerators, stoves, washers, dryers, water heaters, freezers and similar household devices.

(g) Recyclable Materials: Newspapers, magazines, office paper, cardboard, chipboard, foam polystyrene packaging material, glass containers, aluminum, bi-metal or steel containers, tires, waste oil, lead acid batteries, yard waste.

(h) Non-Recyclable Materials: Pyrex glass, window glass, light bulbs, mirrors, broken glass and china, all waxed paper, waxed cardboard and all other solid waste not specifically defined as recyclable material.

(i) Prohibited Materials: Explosives, toxic chemicals, asbestos products and waste, volatile liquids, products such as solvents, thinners, oil or lead-based paint, fuel oils or gasoline tanks or cans, and all liquid storage containers five (5) gallons or larger, animal carcasses, and infectious wastes as described in Wisconsin Administrative Code NR 55.03 (67).

(2) Required Separation of Recyclable Materials: Commencing December 13, 2005, Occupants of all single-family dwellings and multiple-family dwellings up to and including 5 unit residences shall separate recyclable materials from other garbage and refuse and group same together and dispose of in the following manner:

(a) All recyclable materials shall be separated from other solid waste in the following groups.

1. Aluminum Cans
2. Tin Cans
3. Glass Bottles and Jars
4. Newspapers
5. Magazines
6. #1 and 2 Plastic Bottles and Jugs
7. Junk Mail
8. Shredded Paper
9. Brown Paper Bags
10. Broken Down Cardboard
11. Tires
12. Major Appliances
13. Yard Waste

(b) Items designated in subsection (a) of this section, as recyclable material shall be prepared for pickup at follows: Aluminum Cans, Tin Cans, Glass Bottles and Jars, Newspapers, Magazines, #1 and 2 Plastic Bottles and Jugs, Junk Mail, Shredded Paper, Brown Paper Bags, Broken Down Cardboard, (larger boxes broken down and placed next to Blue Bag) all shall be placed in BLUE Bag as per the DNR's Single Stream Recycling Program.

(c) The following items will be picked up only by prior arrangement with the Collector

1. Tires
2. Appliances containing refrigerant gas
3. Construction demolition material
4. Commercial and Industrial solid waste in excess of 2 cubic yards

(d) Yard Waste will not be picked up. Residents are expected to dispose of this on-site or to save it for the seasonal compost collections.

(e) Waste Oil, if uncontaminated by other material, will be picked up if it is in one-gallon containers or it will be accepted at the local collection station if it is likewise uncontaminated.

(f) Any recyclable material placed at the curb or other pickup point becomes the property of the collection agent authorized by the Village to perform such collection service. No person shall remove any recyclable material after it is placed for pickup.

(3) Residential Garbage Collection: Garbage shall be collected on a regular schedule. The following regulations shall apply to residential and commercial garbage collection and no garbage shall be collected which is in violation of these regulations:

(a) All garbage shall be drained of water and placed in clear, plastic disposable bags of not more than thirty (30) gallon size and shall be placed at the curb for pickup not sooner than the day of scheduled pickup. Such bags shall be of sufficient strength so as to be water and rodent proof and shall be provided with adequate and sufficient fastening devices so as to prevent spillage, odor or disturbance of the contents by animals. Any bag that shall be punctured, torn, leaking or damaged or without proper fasteners shall be deemed inadequate and not in compliance with this section.

(b) Leaves, grass, and other clippings shall not be placed with garbage for pickup.

(c) Prohibited and Recyclable materials shall be excluded from all residential garbage.

(4) Multiple Family Property Requirements: Owners or agents of multiple-family dwellings exceeding 5 units shall do all of the following to recycle the materials specified in section 2(a) of this subchapter:

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

(c) Provide for the collection of the materials separated from the solid waste by the tenants.

(5) Non-Residential Property Requirements: Owners or agents of non-residential facilities shall do all of the following to recycle the materials specified in section 2(a) of this subchapter:

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.

(c) Provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants.

(6) Disposal Prohibitions: No person may dispose of or place for disposal, any of the materials specified below.

(a) In any solid waste facility, any of the materials specified in s.2(a) of this chapter which have been separated for recycling.



(b) Waste materials brought into the Village for purpose of disposal.

(c) Materials other than yard waste in a dumpster designated for that purpose.

(d) Materials placed in a dumpster not owned or rented by the person making the disposition without the prior consent of the owner or lessee of the receptacle.

(7) Container Requirements:

All Garbage stored outside shall be deposited in metal or plastic garbage cans. All garbage cans shall be kept closed with a tight fitting cover, except when being filled or emptied; and shall be vermin and fly proof and kept in a sanitary condition, with the exception of garbage pickup day.

10.96 PENALTIES:

The penalty for violation of any provision of this chapter shall be a penalty as provided in s. 16.04 of this code. A separate offense shall be deemed committed on each day on which a violation occurs or continues, provided no forfeiture shall be imposed for a violation of s 10.03 when connection to the sewer or water main is enforced at the expense of the property owner. Compliance with provisions of s. 10.95 of this chapter shall be ascertained by the Collector or the Village Health Officer and they are authorized to inspect collection areas as necessary to insure compliance. No person may obstruct, hamper, or interfere with such inspection.

## CHAPTER XI

### LICENSES

- 11.01 Regulations and Licensing of Dogs.
- 11.02 Rabies Vaccination
- 11.03 Liquor Licenses
- 11.95 Penalties

#### 11.01 REGULATIONS AND LICENSING OF DOGS:

(1) License Required: It shall be unlawful for any person in the Village of Glenbeulah to own, harbor or keep any dog more than 6 months of age without complying with the provisions of s. 174.05 thru s. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

(2) Definitions: In this section, unless; the context or subject matter otherwise require:

(a) "Owner" shall mean any person owning, harboring or keeping a dog and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.

(b) "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be on the owner's premises.

(3) Restrictions on Keeping of Dogs: It shall be unlawful for any person within the Village of Glenbeulah to own, harbor or keep any dog which:

(a) Habitually pursues any vehicle upon any public street, alley or highway in the Village.

(b) Assaults or attacks any person.

(c) Kills, wounds, or worries any domestic animal.

(d) Habitually barks or howls to the annoyance of any person.

(e) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(4) Regulation of Dogs:

(a) No person shall permit a dog to run at large at any time within the Village limits.

(b) Any dog which is off the premises of its owner or keeper must be kept on a suitable leash and under the control of the attendant.

(c) The following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made a part of this ordinance as if fully set forth herein:

- |                   |                           |
|-------------------|---------------------------|
| 1. s. 174.01      | Dogs may be killed.       |
| 2. s. 174.02      | Owner's liability.        |
| 3. s. 174.025 (1) | Injury to animals by dogs |
| 4. s. 174.025 (2) | Allowing second offense.  |
| 5. s. 174.03      | Double damage.            |
| 6. s. 174.10 (1)  | Unlicensed dogs.          |
| 7. s. 174.10 (3)  | Running during hours      |

(5) Impounding or Killing of Dogs: In addition to any penalty hereinafter provided for a violation of this section, any person may impound any dog and any police officer of the Village may kill any dog which habitually pursues any vehicle upon any street, alley or highway of the Village, assaults or attacks any person, is at large within the Village, habitually barks or howls, kills, wounds, or worries any domestic animal or is infected with rabies. Possession of dogs impounded under this section may be obtained by paying \$10 to the Village Treasurer plus \$1 a day for each day or fraction thereof the dog has been so impounded. Dogs impounded for a period of 7 days shall be destroyed by or under the direction of the Health Officer, in accordance with s. 174.10, Wisconsin Statutes.

#### 11.02 RABIES VACCINATION:

(1) Proof of Vaccination: The owners of a dog shall furnish proof that the dog has been vaccinated against rabies by a veterinarian as follows:

(a) Within 30 days after the dog reaches 4 months of age and revaccinated within one year after the initial vaccination.

(b) If the owner obtains the dog or brings the dog into this municipality after the dog has reached 4 month of age, within 30 days after the dog is obtained or brought into the municipality.

(c) In all other cases, that the dog has been vaccinated against rabies by veterinarian before the date the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination.

(2) Proof Required: The proof required shall be a vaccination tag of durable material bearing the same serial number as the certificate of rabies vaccination, issued pursuant to s. 95.21 (2)(b), Wisconsin Statutes, and stating the year the vaccination was given and the name, address and telephone number of the veterinarian.

#### 11.03 INTOXICATING LIQUORS AND FERMENTED MALT BEVERAGES

(1) License Conditions: All retail class A and B licenses granted under this chapter shall be granted subject to the following conditions of this section, and subject to all other ordinances and regulations of the village applicable thereto:

(a) Right to inspect and Search: Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the village at all reasonable hours for the purpose of inspection and search; consents to the removal from said premises of all things and articles there held in violation of village ordinances or state laws; and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

(b) Conduct on Premises: Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any

time on any licensed premises.

(c) Sanitation of Premises: Each premise shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(d) Suspension or Revocation of License: The board of trustees may at any time suspend or revoke any license granted under the provisions of this section, provided the licensee has been convicted of a violation of any of the rules and regulations governing the sale of intoxicating liquor, beer or wine as covered by this section and the Wisconsin State Statutes. Whenever any license is revoked, no refund of any unearned portion of the fee shall be made.

(2) Operator's License Issuance:

(a) Operator's licenses may be granted to individuals by the village board for the purposes of complying with Sections 125.32(2) and 125.68(2), Wisconsin Statutes. Licenses will be issued by the village clerk/treasurer.

(b) Qualifications: Any individual applying for an operator's license must meet the following qualifications:

1. The individual must be eighteen (18) by the time of issuance.
2. The individual must have completed a responsible beverage server-training course. Individuals are exempted from the training course requirements if they are renewing an existing operator's license, have completed the responsible beverage server training course within the last two years, or have held a retail license, manager's or operator's license anywhere in Wisconsin within the last two years. (Section 125.17(6), Wisconsin Statutes.)
3. Complete an application provided by the village clerk/treasurer and payment of proper fee.

(c) An operator's license may be issued by the village clerk/treasurer after village board approval.

(d) The Village Board or Village designee shall conduct a records search of all applicants.

(e) The Village designee shall furnish to the Village Board and to the applicant a written report of the information derived from the records search including a statement as to the following:

1. Conviction of a felony within the last five years which substantially relates to the alcohol beverage licensing activity.
2. Conviction of any combination of two or more ordinance violations and/or misdemeanors of the following, within the last forty-eight (48) months:
  - a. Any violation related to alcohol;
  - b. Controlled substances;
  - c. Resisting arrest/battery to a police officer/obstructing justice;

d. Disorderly conduct if in conjunction with activity at a licensed alcohol establishment.

3. Any incomplete, misleading or falsified statement in an application if the incomplete, misleading or falsified statement pertains to either the identification of the applicant or to any matter occurring within five years prior to the date of application.

4. If the investigation report includes any matters listed in the preceding section, the applicant shall be notified in writing that he/she has the right to appear in person before the Board or respond in writing to the Board when the Board considers the application. The Board shall, after interviewing the applicant or reviewing the written response, make a written recommendation to the applicant if the operator's licenses is either granted or denied.

(3) Fees:

(a) The fee for a standard operator's license shall be ten dollars (\$10.00) for a one year term, expiring on June 30<sup>th</sup>.

(4) License Restrictions:

(a) Generally:

1. No license shall be granted to any person not of good moral character and at least eighteen (18) years of age and a full citizen of the United States and the state of Wisconsin; nor shall any license be issued to any person who has habitually been a petty law violator or has been convicted of an offense against the laws of the state punishable by imprisonment in the state prison, unless the person so committed has been duly pardoned.

(2) The provisions of this section shall not apply to a Wisconsin corporation, but such provisions shall apply to all officers and directors of such corporation.

(3) No license shall be issued to any corporation when more than fifty (50) percent of the stock interest, legal or beneficial, is held by any person or persons not eligible for a license under this chapter.

(b) Class B Licenses: No class B license shall be issued unless the premise to be licensed conforms to the rules and regulations of the State Board of Health governing sanitation in restaurants.

(5) License Posting:

(a) Every license and permit issued for the sale of intoxicating liquor and fermented malt beverages pursuant to this chapter, except operator's licenses, shall be posted while in force in a conspicuous place in the room or place where the intoxicating liquor, beer, or wine are kept for sale.

(b) It is unlawful for any person to post such license or permit, or to be permitted to post such license or permit, upon premises other than those mentioned in the application, or knowingly to deface such license or permit, or to remove such license or permit without the consent of the licensee or permit holder.

(c) Whenever a license or permit is lost or destroyed without fault on the part of the holder or his or her employees, a duplicate in lieu thereof under the original application

shall be issued by the village clerk/treasurer.

(6) License Transfer:

(a) No licenses shall be transferable as to licensee.

(b) Any class A or B license issued pursuant to the provisions of this chapter may be transferred from one premise to another, for a fee of publication. But, no licensee shall be entitled to more than one transfer in any one-license year. Application for transfer shall be made on a form furnished by the clerk/treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application.

(c) Since the Village is limited in the number of class “B” licenses it may issue, it is the intention of the Village Board that the available licenses be used for operation a business by those individuals holding the license.

(d) The failure of any license holder to used a Class “B” liquor license and malt beverage license by not operating a business there under for a period of not less than 90 consecutive days during a license period shall be grounds for forfeiture of the license during the license period or for non-renewal of the license pursuant to s. 125.12, Wisconsin Statutes.

**Intoxicating Liquors:**

(7) State provisions adopted.

The provisions of Chapter 125 of the Wisconsin Statutes relating to the selling or dispersing of intoxicating liquors are adopted insofar as applicable, except as otherwise provided in this chapter. Violations will be subject to the penalties provided in this chapter.

(8) State Provisions To Govern.

The village elects to be governed by the provisions of Section 125.51(3)(b) of the Wisconsin Statutes relating to the sale of intoxicating liquors by holders of class B license.

(9) License Required:

No person, firm or corporation or association shall sell, offer for sale or keep for sale any intoxicating liquor within the village without having procured a license as provided by this chapter and the laws of Wisconsin.

(10) License Application:

(a) A written application for a license shall be filed with the village clerk/treasurer on the forms provided by the clerk/treasurer at least fifteen (15) days prior to the granting of the license. In the case of annual licenses, the application shall be filed pursuant to Section 125.51(1)(c) of the Wisconsin Statutes.

(b) Each application shall be made under oath and accompanied by the costs of publication as provided by law.

(11) License Retail Class A:

(a) The retail class A liquor license, when issued by the village clerk/treasurer under the authority of the board of trustees, shall permit its holder to sell, deliver and traffic in intoxicating liquors when in the original package or containers, to be consumed off the

premises so licensed.

(b) The fee for such license shall be one hundred fifty dollars (\$150.00) per year.

(12) License Retail Class B:

(a) The retail class B liquor license, when issued by the village clerk/treasurer under authority of the board of trustees, shall permit its holder to sell, deal, and traffic in intoxicating liquors, by the glass, to be consumed on the premises so licensed, and in the original package or containers, in multiples not to exceed four liters at any one time, to be consumed off the premises so licensed, except that wine may be sold in the original package or otherwise in any quantity to be consumed off the premises so licensed.

(b) The fee for such license shall be seventy-five hundred dollars (\$75.00) per year.

(13) License Prorated or Six Month:

(a) New class A intoxicating liquor and class B intoxicating liquor licenses may be issued at any time by the village clerk/treasurer under authority of the village board for a part of a year, which license shall expire on June 30th of each year. When anew license is issued proration of the annual license fee is required on the basis of the number of months or fractions thereof remaining in the licensing year.

(b) Class A intoxicating liquor and class B intoxicating liquor licenses may also be issued at any time for a period of six months in any calendar year for which one-half of the annual license fee is paid. A six-month license shall not be renewable during the calendar year in which issued.

**Fermented Malt Beverages:**

(14) State provisions adopted.

No person, firm, partnership, corporation or association shall, within the village, distribute, sell, offer for sale or keep for sale at wholesale or retail any fermented malt beverage or cause the same to be done without having procured a license as provided in this chapter.

(15) License Application:

A written application for a license shall be filed with the village clerk/treasurer on the forms provided by the village clerk/treasurer at least fifteen (15) days prior to the granting of the license. In the case of annual licenses, the application shall be filed pursuant to Section 125.51(1)(c) of the Wisconsin Statutes.

(16) License Retail Class A:

(a) A class A retailer's license, when issued by the village clerk/treasurer under authority of the village board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold, and in the original packages, containers or bottles.

(b) The fee for such class A license shall be ten hundred dollars (\$10.00) per year.

17) License Retail Class B:

(a) A class B retailer's license, when issued by the village clerk/treasurer under authority of the village board, shall entitle the holder thereof to possess, sell, or offer for sale,

fermented malt beverages either to be consumed upon the premises where sold or away from such premises. They may also sell beverages containing less than one-half of one percent of alcohol by volume without obtaining a special license to sell such beverages.

(b) The fee for a class B license shall be seventy-five (\$75.00) per year.

(18) License Prorated or Six Month:

(a) New class A fermented malt beverage and class B fermented malt beverage licenses may be issued at any time by the village clerk/treasurer under authority of the village board for a part of a year, which license shall expire on June 30th of each year. When a new license is issued, proration of the annual license fee is required on the basis of the number of months or fractions thereof remaining in the licensing year.

(b) Class B fermented malt beverage licenses may also be issued at any time for a period of six months in any calendar year for which one-half of the annual license fee is paid. A six-month license shall not be renewable during the calendar year in which issued.

(19) Temporary Class B:

(a) A temporary class B fermented malt beverage license and/or class B wine license may be issued to bona fide clubs that have been in existence for at least six months prior to the date of application; state, county or local fair associations, or agricultural societies; church, societies, or lodges that have been in existence for at least six months prior to the date of application; posts now or hereafter established of ex-servicemen's organizations, at the discretion of the village board, authorizing them to sell fermented malt beverages and/or wine at a picnic or similar gathering, or at a meeting of such organization, at a fee of two dollars (\$2.00).

(b) A written application shall be filed with the village clerk/treasurer. Prior to granting of the license the following waiting periods shall apply:

1. No waiting period for a temporary class B fermented malt beverage license for an event lasting less than four days.

11.95 PENALTIES:

Penalty: The penalty for violation of any provision of this section shall be a penalty as provided in s. 16.04 of this code.



## CHAPTER XII

### ORDERLY CONDUCT

- 12.01 Offenses Endangering Public Safety
- 12.02 Offenses Endangering Public Peace and Good Order
- 12.03 Offenses Endangering Public Morals and Decency
- 12.95 Penalties

#### 12.01 OFFENSES ENDANGERING PUBLIC SAFETY:

(1) Discharging and Carrying Firearms and Guns Restricted: No person, except a police officer or his deputy shall fire or discharge any firearm within the Village limits except that the Chief of Police may issue written permits to owners or occupants of private premises to shoot on such premises if he finds such privileges necessary and subject to such safeguards as he may impose. No person shall carry a firearm upon the streets and public areas of the Village unless it is unloaded and enclosed within a carrying case or other suitable container.

This ordinance does not prohibit hunting or the discharge of firearms on any private premises within the Village in the following circumstances.

(a) On private premises not closer than 300 feet from any building used for human habitation and by the owner or occupant of said premises or with the written permission of said owner or occupant.

(b) Upon any shooting range existing on the effective date of Wisconsin Statutes sec. 895.52

(2) Throwing or Shooting of Arrows, Stones, and Other Missiles Prohibited: No person shall throw or shoot any object, by hand or by any other means at any other person or at, in, or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village of Glenbeulah.

(3) Burning of Grass and Trash Restricted:

(a) No person shall kindle any grass or brush fire within the Village of Glenbeulah without first securing a written permit from the Fire Chief.

(b) No person shall burn or set fire for the purpose of burning, any trash, rubbish, garbage, or other refuse and no person shall maintain an incinerator or burning barrel that shows evidence of use for said burning.

(4) Sale and Discharge of Fireworks Restricted: No person shall sell, expose or offer for sale, use, keep, discharge, or explode any fireworks except toy pistol caps, sparklers and toy snakes within the limits of the Village. The term "fireworks" as used in this section shall be deemed to include all rockets or similar missiles containing explosive fuel.

(5) Snow Removal:

(a) The owner of any lot or piece of land on which is located a public sidewalk, shall clean the public sidewalk of snow or ice by 10:00 P.M. of each day and cause the same to be kept clear from snow and ice. When ice has formed on the sidewalk so that it cannot be removed, the owner shall keep it sprinkled with ashes or sand.

(b) The Street Department shall keep the sidewalks of the Village clear of snow and ice in all cases where the owner fails to do so. The expense of removal shall be determined by the street foreman and a report thereof forwarded to the Village Clerk. The street foreman shall cause the removal of the snow and ice and shall determine the expenses of so doing. The street foreman shall annually prepare a statement of the expenses so incurred for each lot or parcel of land and transmit it to the clerk who shall enter the amount charged to each lot or parcel of land and the snow removal expense shall be collected like other taxes upon real estate pursuant to s. 66.60 (16), Wisconsin Statutes. Such special charges shall not be payable in installments, and if not paid within the period fixed by the governing body, shall become a lien upon real estate as provided in s. 66.60 (15), Wisconsin Statutes, as of the date of such delinquency.

(c) No person, in clearing snow from driveways, parking lots, filling stations, garage entrances, used car lots or other large area used for business purposes, shall pile or distribute snow in the streets or alleys of the Village in such a way as to narrow the traveled portion of the street, block or obscure the vision of motorists at intersections, prevent parking at the curb, or cover or interfere with the use of fire hydrants.

(d) No person, in clearing away any accumulation of snow, shall deposit such snow in or on any public street or alley, including the sidewalks. These provisions shall not prohibit or restrict the removal of snow from any sidewalk or sidewalk area within the Village.

12.02 OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER:

(1) Disorderly Conduct Prohibited: No person shall within the Village of Glenbeulah:

(a) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.

(b) Intentionally cause, provoke, or engage in any fight, brawl, riot, or noisy altercation other than a bona fide athletic contest.

(2) Drunkenness: No person shall within the Village be habitually drunk or intoxicated so as to disturb the good order and quiet of the Village or be found in any place within the Village in such a state of intoxication that he is unable to care for his own safety or for the safety of others.

(3) Loud and Unnecessary Noise Prohibited: No person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or any private residence.

(4) False Fire Alarms Prohibited: No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false.

(5) Obedience to Officers: No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the Village while such officer is doing any act in his official capacity and with lawful authority.

(6) Assisting Escape of Prisoner: No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the Village.

(7) Personating Police Officer: No person shall personate a policeman or peace officer within the Village of Glenbeulah.

#### 12.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY:

(1) Vagrancy and Loitering Prohibited: No person shall within the Village loiter or loaf about any public building, place or the streets, alleys, parks or other public places, either by day or by night, whose actions give rise to a suspicion of wrongdoing and who is unable to give a satisfactory account of himself, or who, having the physical ability to work, is without any visible means of support from and does not seek employment or who derives part of his support from begging, prostitution, pandering, fortune telling or as a similar imposter.

(2) Indecent Conduct and Language Prohibited: No person shall use any indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the Village.

(3) Curfew Established: It shall be unlawful for any person under eighteen years of age to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, place of amusement or entertainment, cemetery, playground or any other public place in the Village of Glenbeulah between the hours of 11:00 P.M. and 5:00 A.M. unless accompanied by parent, guardian, or other person having lawful custody and control of said person. The fact that said child, unaccompanied by parent, guardian or other person having legal custody is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully.

It shall be unlawful for any parent, guardian or other person having care, custody and control of any person under eighteen years of age to allow or permit such person to violate the provisions of this ordinance and any law enforcement officer issuing a citation to a child under this section shall also issue notice to said parent or guardian of the violation. If, within a 30-day period, a repetition of the violation occurs, it shall be prima facie evidence that such parent or guardian allowed or permitted the violation. A parent or guardian who shall have made a missing person notification to the police department shall not be considered to have allowed a child to violate this section.

(4) Use of Alcoholic Beverages:

(a) No person shall drink or carry for the purpose of immediate consumption, any alcoholic or fermented beverage upon the streets, sidewalks, or alleys of the Village of Glenbeulah.

(b) Any person carrying any opened cup, can, glass, bottle, or similar drinking vessel containing alcoholic or fermented malt beverages upon the streets, sidewalks, or alleys of the Village shall be in violation of this section.

(c) No person under 21 years of age unless accompanied by a parent or legal guardian

shall have in his possession or consume any intoxicating liquor or fermented malt beverage. Any minor between the ages of 12 and 21 years of age who violates this section shall forfeit not less than \$25 for each violation.

(5) Statutes Adopted: The following enumerated sections of the Wisconsin Statutes relating to the sale and disposition of alcoholic beverages are hereby adopted by reference and made part of this chapter as if fully set forth herein:

- |                    |   |
|--------------------|---|
| (a) 125.02         | Definitions                                 |
| (b) 125.06         | License and Permit Exceptions.              |
| (c) 125.07 (1) (a) | Restrictions to Sale to an Underage Person. |
| (d) 125.07 (2) (a) | Restriction on Sale to Intoxicated Persons. |
| (e) 125.07 (3) (a) | Presence in Place of Sale.                  |
| (f) 125.07 (4) (a) | Underage Persons.                           |
| (g) 125.07 (4) (b) | Underage Person Unaccompanied by Parent.    |

(6) Purchase or Possession of Tobacco Products Prohibited:

(a) No person under 18 years of age may possess, buy or attempt to buy, or falsely represent age for the purpose of receiving any cigarette or tobacco product.

(b) s. 48.983 of the Wisconsin Statutes relating to the Purchase or possession of Tobacco Products is hereby adopted by reference and made part of this chapter as if fully set forth herein.

#### 12.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY:

(1) Destruction of Property Prohibited: No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Village or its departments or to any private person without the consent of the owner or proper authority.

(2) Littering Prohibited: No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the Village or upon any private property not owned by him or upon the surface of any body of water within the Village of Glenbeulah.

(3) Shoplifting: No person shall intentionally take and carry away from any retail store or other establishment any merchandise and not to pay for the same at the price established for such merchandise or property by the merchant, store owner, or store manager.

(4) Operation of Vehicles in Unauthorized Area: No person may operate any motor vehicle including but not limited to, trail bikes, motorcycles, mini-bikes, and all-terrain vehicles on Village property which is known as Dr. Hansen and Meyer park. Exceptions to this ordinance shall be limited to properly authorize emergency vehicles, maintenance vehicles, or any vehicles with the permission of the Village Board. Motor vehicles may be parked in the designated parking area.

## 12.95 PENALTIES:

Any person who shall violate any provision of this ordinance shall upon conviction thereof be punished as follows:

(1) For a violation of s. 12.03 (3) of this ordinance he shall forfeit not more than \$25.00 and the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until the forfeiture and cost of prosecution are paid, but not exceeding 5 days, provided that for a first offense any person 18 years of age or under who shall be found violating the provisions of said section shall be warned of the penalty for such violation by any police officer of the Village and shall be taken and delivered to the custody of the person having legal custody over him and for a second or subsequent offense he shall be dealt with according to the provisions of Ch. 48 of the Wisconsin Statutes.

(2) For a violation of any other provision of this chapter, he shall be subject to a penalty as provided in s. 16.04 of this code.

(3) In addition to any penalty imposed for violation of s. 12.04 (1) of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates s. 12.04 (1) of this chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with s. 331.035 of the Wisconsin Statutes.

## CHAPTER XIII

### PUBLIC NUISANCES

- 13.01 Public Nuisances Prohibited
- 13.02 Definitions
- 13.85 Abatement
- 13.95 Penalties

#### 13.01 PUBLIC NUISANCES PROHIBITED:

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Village of Glenbeulah.

#### 13.02 DEFINITIONS:

(1) Public Nuisance: 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.
- (e) By virtue of its presence or action, tend to depress the value or salability of neighboring properties.

(2) Aesthetic Public Nuisances: The following acts, omissions, places, conditions, and things are hereby declared to be aesthetic public nuisances, but such enumeration shall not be construed to exclude other nuisances affecting repose or good order coming within the provisions of subsection (1) of this section.

- (a) The accumulation or storage of inoperable or unlicensed vehicles or parts thereof unless garaged and/or screened from public view is prohibited. The term “vehicles” includes automobiles, trucks, farm implements, snowmobiles, trailers, and other transportation devices.
- (b) The accumulation of one or more used tires, refrigerators, furnaces, washing machines, stoves, and other appliances shall constitute a health and safety hazard and is prohibited.
- (c) The storage of lumber, brick, cement block, or other building materials, unless part of a building project for which a building permit has been issued is prohibited.
- (d) The outdoor storage or accumulation of items defined in (2) (a), (b), or (c) on commercial property that is primarily used as an indoor storage facility with units rented to the public. Exception (3)(a), below shall not apply to this subsection.

(3) Exceptions:

(a) Nothing in this section shall be construed as limiting commercial activity in an area zoned for that activity unless it is carried out in a manner that is dangerous to the public.

(b) The prohibitions specified in subsection (2) of this section shall not apply to situations that are more than 100 feet from any street line or property line and are not visible from any street, alley, or adjacent property.

13.85 ABATEMENT OF PUBLIC NUISANCES:

(1) Inspection of Premises: Whenever complaint is made to the Village President that a public nuisance exists within the Village, he shall promptly notify the Chief of Police, Health Officer, or Building Inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Village President. Whenever practicable, the inspection officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk.

(2) Summary Abatement: If the inspecting officer shall determine that a public nuisance exists within the Village and that there is a great and immediate danger to the public health, safety, peace, morals, or decency, the Village President may direct the Chief of Police to serve notice on the person causing, permitting, or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted, or maintained and to post a copy of said notice on the premises to abate or remove such nuisance with 24 hours and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Chief of Police shall cause the abatement or removal of such public nuisance.

(3) 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, he shall cause an action to abate such nuisance to be commenced in the name of the Village.

(4) Other Methods Not Excluded: Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

13.90 COST OF ABATEMENT:

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

13.95 PENALTY:

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in s. 16.04 of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.

## CHAPTER XIV

### CEMETERY

- 14.01 Purpose
- 14.02 Authority
- 14.03 Organization and Management
- 14.04 Regulations
- 14.05 Penalties

14.01 PURPOSE: To establish a system for management and operation of the Walnut Grove Cemetery and to protect cemetery areas within the Village from injury, damage or desecration, these regulations are enacted.

14.02 AUTHORITY: The Village shall have the authority to establish rules and regulations to govern the operation in accordance with state law and this code. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of shrubs, trees, plants, pots, urns, monuments, or other objects on cemetery property.

14.03 ORGANIZATION AND MANAGEMENT: The Walnut Grove Cemetery is hereby organized according to s. 157.07 Wis. Stats. The trustees of said organization are the trustees of the Glenbeulah Village Board. The Cemetery plat is the replat of the original E. Rummele plat as executed by Donohue and Sinz dated July 11, 1911. The Cemetery is managed according to ss. 157.08 and 157.11 (7) Wis. Stats.

(1) Lot Sales: Burial lots in the Walnut Grove Cemetery are intended for past and current Village residents and family members thereof. The price of lots will be determined by board resolution. The board may by resolution impose a maintenance assessment for cemetery care according to s. 157.11 (7) Wis. Stats.

#### 14.04 REGULATIONS:

(1) Disturbing Cemetery Property: No person, except a cemetery lot owner or his agent, shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property nor shall any person remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot. No person shall remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences, or structures.

(2) Protection of Cemetery Property: No person shall discharge any firearm upon or into any cemetery property. No person shall break, cut down, trample upon, remove, injure, deface, write upon, or in any manner damage any tree, shrub, flower, flowerbed, turf, grassy area, soil, structure, equipment, or other property within any cemetery. No picnics, parties, or similar gatherings are permitted.

(3) Motor Vehicles: Motor vehicles are restricted to roads, drives, and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed motor vehicle in any cemetery.

(4) Parking: No person shall park any motor vehicle on cemetery property except while engaging in legitimate cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.



(5) Littering Prohibited: No person shall litter, dump, or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.

(6) Pets: Pets, including animals of any species, and horses are prohibited in any cemetery.

(7) Authorized Notices: No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree, or monument. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.

(8) Alcoholic Beverages Prohibited: No person shall consume or have in his possession any open container containing an alcohol beverage upon any cemetery property.

(9) Presence After Hours Prohibited: No person shall be present upon any cemetery property during those hours when the cemetery is not open to the public. The open hours are between 7:00AM and 5:00 PM

(10) Access: No person shall enter any cemetery except thru the gated entrance. No person shall use any cemetery to gain access to any public or private lands adjoining said cemetery.

(11) Burials: No person shall make a grave opening before obtaining written authorization from a Village Trustee.

14.05 PENALTIES: This ordinance shall be enforced by any peace officer or warden. The penalty for violation of any provision of this chapter shall be as provided in s. 16.04 of this code. In addition, any person who shall cause physical damage to property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who causes damage to any property may also be held liable for any costs of replacing or repairing such damaged or destroyed property.

## CHAPTER XV

### PARKS

15.01 Hours

15.02 Tampering with Dam

#### 15.01 PARK HOURS

(1) Presence After Hours Prohibited: No person shall be present in Dr. John Hanson Park or Meyer Park property during those hours when the park is not open to the public. The open hours are 7:00AM – 10:00 PM with the exception of prior approval of the Village Board.

(2) Presence After Hours Prohibited (Mill Pond): No person shall be present in the Mill Pond area property during those hours when the park is not open to the public. The open hours are 6:00 AM -10:00 PM with the exception of prior approval of the Village Board.

#### 15.02 TAMPERING WITH DAM

(1) No person shall interfere, alter or tamper with the Village Dam or water level for any reason at or on the Village Dam Site, except the Village Employees designated as caregivers of the Village.

Persons found in violation of this ordinance shall be subject to forfeiture as follows: \$5,000.00 plus Court costs, for the first offense: \$10,000.00 plus Court cost for the second offense within a five (5) year period: and \$20,000.00 plus Court costs for the third offense and thereafter within a five (5) year period.

In addition to the above forfeiture violators will also be responsible for the cost of any repairs or restoration of the Village Dam or its water level to its prior condition.

## CHAPTER XVI

### GENERAL PROVISIONS

- 16.01 Rules of Construction
- 16.02 Conflict and Separability
- 16.03 Clerk to File Documents Incorporated by Reference
- 16.04 Penalty Provisions
- 16.05 Repeal Provisions
- 16.06 Effect of Repeal
- 16.07 Title, Effective Date, Citation
- 16.08 Style of Ordinances; Additions, Amendments, Repeals
- 16.09 Clerk to File Ordinances, Supplemental Sheets

#### 16.01 RULES OF CONSTRUCTION:

In the construction of this code of general ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ordinance:

- (1) Wisconsin Statutes: The term Wisconsin Statutes wherever used in this code shall mean the Wisconsin Statutes for the year 1961 and as amended thereafter.
- (2) Gender-Singular and Plural: Every word in this code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to the person or thing; provided that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter of context of such provisions may be repugnant thereto.
- (3) Person: The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships, or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.
- (4) Acts by Agents: When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

#### 16.02 CONFLICT AND SEPARABILITY:

- (1) Conflict of Provisions: If the provisions of the different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters of such chapter.
- (2) Separability of Code Provisions: If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, or phrase or portion thereof. The Village President and Village Board of the Village of Glenbeulah hereby declare that they would have passed this code and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

16.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE:

Whenever in this code any standard, code, rule, regulation, or other written or printed matter, other than the Wisconsin Statutes or other sections of this code, are adopted by reference, they shall be deemed incorporated in this code as if fully set forth herein and the Village Clerk is hereby directed and required to file, deposit, and keep in his office a copy of the code, standard, rule, regulation, or other written or printed mater as adopted. Materials so filed, deposited, and kept shall be public records open for examination with proper care by any person during the Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

16.04 PENALTY PROVISIONS:

- (1) General Penalty: Whenever so provided in this code, any person who shall violate any of the provisions of this code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:

<b>Village of Glenbeulah Ordinance Bond Schedule</b>		<b>Revised 11/12/08</b>	
<b>Ordinance Number Violation</b>			<b>Fine State Bond</b>
4.01	(State laws adapted)	\$	25
4.03	Failure to stop behind crosswalk at specified intersections	\$	25
4.04 (1)	Parking direction	\$	25
4.04 (2),(3)	Parking time prohibitions	\$	25
4.04 (4)	Unregistered vehicle parking	\$	25
4.05	Exceeding vehicle weight limitations	\$	25
4.07	Failure to stop for school bus		State Bond
4.08	Snowmobile Operation (state laws adopted)		State Bond
Chapter 6	Public Works – all offenses	\$	50
Chapter 7	Utilities – all offenses	\$	50
Chapter 8	Building Regulations – all offenses	\$	50
Chapter 9	Planning & Zoning – all offenses	\$	50
Chapter 10	Health & Sanitation - all offenses	\$	50
Chapter 11	Licenses – all offenses	\$	50
12.01 (1)	Discharging and carrying firearms and guns restricted	\$	100
12.01 (2)	Throwing or shooting of arrows	\$	50
12.01 (3)	Burning of grass and trash	\$	50
12.01 (4)	Sale and discharge of fireworks	\$	50
12.01 (5)	Snow removal	\$	25
12.02 (1)	Disorderly conduct	\$	100
12.02 (3)	Loud noise	\$	70
12.02 (4)	False fire alarm	\$	100
12.02 (5)	Obedience to officer	\$	100
12.02 (6)	Assisting escape of prisoner	\$	100
12.02 (7)	Impersonation police officer	\$	100
12.03 (1)	Vagrancy and loitering	\$	30
12.03 (2)	Indecent conduct and language	\$	30
12.03 (3)	Curfew (as per 12.95 (1))	\$	25
12.03 (4)	Use of alcoholic beverages	\$	50
12.03 (5)	Statutes adopted	\$	50
12.03 (6)	Tobacco products	\$	30
12.04 (1)	Destruction of property	\$	100
12.04 (2)	Littering	\$	50
12.04 (3)	Shoplifting	\$	100
12.04 (4)	Vehicles in authorized area	\$	30
Chapter 13	Public Nuisance	\$	50

Chapter 14	Cemetery – all offenses	\$ 250
Chapter 15	Parks	\$ 100

16.05 REPEAL OF GENERAL ORDINANCES:

All ordinances heretofore adopted by the Village Board of the Village of Glenbeulah are hereby repealed, except all ordinances or parts of ordinances not relating to the provisions of this code.

16.06 EFFECT OF REPEALS:

The repeal or amendment of any section or provision of this code or of any other ordinance or resolution of the Village Board shall not:

- (1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- (2) Affect any vested right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Village.
- (3) Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
- (4) Affect the prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this code shall take effect, shall be conducted according to the provisions of this code, and shall be, in all respects, subject to the provisions of this code.

16.07 TITLE, EFFECTIVE DATE, CITATION:

These ordinances shall be known as the Municipal Code of the Village of Glenbeulah and shall take effect from and after passage and publication or posting. All references thereto shall be cited by section number (example: s. 13.06, Municipal Code of the Village of Glenbeulah).

16.08 STYLE OF ORDINANCES, ADDITIONS, AMENDMENTS, AND APPEALS:

All general ordinances hereafter enacted by the Village Board of the Village of Glenbeulah shall be numbered in chronological order, prefixed by the letter "B", and shall indicate by appropriate decimal number the section, subsection, or paragraph of this code created, amended, repealed, or revised.

#### 16.09 CLERK TO FILE ORDINANCES, SUPPLEMENTAL SHEETS:

The Village Clerk shall certify one copy of this code as the original Municipal Code of the Village of Glenbeulah and shall file the same as part of the Village ordinance book. Such copy shall be retained in its original form. In addition, the Clerk shall retain in his office at least one copy of the Municipal Code of the Village of Glenbeulah in current form in which shall be inserted all supplements as hereinafter provided. Whenever any ordinance amending, repealing, revising, or creating any section of this code is adopted by the Village Board, the Clerk, after recording such ordinance in the ordinance book, shall cause copies of such ordinance to be reproduced on supplemental sheets in proper form for insertion in the Municipal Code and shall insert the aforementioned original copy. The Clerk shall make such supplemental sheets available at a fee specified by the Village Board to all persons requesting the same.