

# **VILLAGE OF NEW AUBURN**

## **ORDINANCE BOOK**

Adopted

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## CHAPTER 1

### CONSTRUCTION AND GENERAL PROVISIONS

**1.01. GENERAL REPEALING CLAUSE:** All ordinances heretofore passed and adopted by the Village Board of the Village of New Auburn are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this code:

(1) The issuance of corporate bonds and notes of the Village of New Auburn of whatever name or description, and the providing of a tax levy to pay the principal or interest of any such bond or note.

(2) The laying, bounding, extending or widening any public street, highway, alley, or other public grounds of the Village of New Auburn.

(3) The authorization or ratification of the making of any contract by or on behalf of the Village of New Auburn.

(4) The construction of sewers and plans for sewer construction in the Village of New Auburn; the construction of water mains, wells, and other water utility services and the plans for the same in the Village of New Auburn; and, the granting of a franchise to any person, firm, or corporation to operate any public utility in the Village of New Auburn.

(5) The establishment of width, grade or elevation of the streets, curb lines or curbs.

(6) The annexation of territory to the Village of New Auburn.

(7) The Village Library.

(8) The granting of a franchise to railroad companies to maintain tracks on and along the streets of the Village of New Auburn.

(9) The naming and changing of names of streets, alleys, public grounds and parks.

**1.02. EFFECT OF REPEAL:** When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall expressly be so provided.

**1.03. CONSTRUCTION OF ORDINANCES:** When construing the ordinances of the Village of New Auburn, the following rules shall be observed, unless such construction would be inconsistent with the express content or manifest intent of the ordinance:

(1) **WISCONSIN STATUTES:** The term "Wisconsin Statutes" wherever used in this code shall mean the Wisconsin Statutes for the years 1993-1994, as revised from time to time.

(2) **GENDER, SINGULAR AND PLURAL:** Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number shall extend to and be applied to several persons or things as well as to one person or thing.

(3) **PERSON:** The word "person" extends to and applies to firms, corporations, or voluntary associations, as well as to individuals, unless plainly inapplicable.

(4) **HIGHWAYS:** Where used in this code, the word "highway" refers to the alleys, streets, and highways of the Village of New Auburn.

(5) **REASONABLE TIME OR NOTICE:** In all cases where any ordinance shall require any act to be done in a reasonable time or a reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such requirement of notice.

(6) **COUNTY JAIL:** In all cases where the words "county jail" are used in any provision of this code, the words shall be construed to mean the County Jail of Chippewa and/or Barron County.

(7) **ELECTION DATES TO CONFORM TO STATE LAW.** If by reason of state law change, the election dates (ex. 1st Tuesday in April changes to 3rd Tuesday in April in 1996), are changed, these ordinances shall automatically contain such revised date.

**1.04. CONFLICT AND SEPARABILITY**

(1) **CONFLICT OF PROVISIONS:** If any provision of different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

(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.

**1.05. GENERAL PENALTY WHEN NO PENALTY IS PROVIDED**

(1) Any person who violates any provision of any ordinance of the Village of New Auburn for which no other penalty is fixed shall, upon conviction thereof, be subject to a forfeiture not to exceed \$200.00.

(2) When a forfeiture shall be imposed for the violation of any ordinance of the Village of New Auburn or any section thereof, the court may also sentence the defendant to pay the costs of the action and to be imprisoned until such forfeiture and costs are paid, in no case, however, to exceed six (6) months; and the court may also issue an execution against the property of the defendant for the amount of the forfeiture and the costs.

(3) No violation of any ordinance of the Village of New Auburn shall be construed to be a misdemeanor nor shall imprisonment be imposed as a punishment for violation of any ordinance of the Village of New Auburn except in the event of the failure of any defendant to pay the forfeiture imposed by the court in accordance with the provisions of this code.

**1.06. ADOPTION OF CITATION ENFORCEMENT PROCEDURE FOR VIOLATIONS OF ORDINANCES:**

(1) The Village of New Auburn adopts, by this ordinance, the use of the citation method of enforcement of ordinance violations.

(A) If the Village of New Auburn has a municipal court in existence, the provisions of Section 800 including the form of citation set forth in 800.02, Wisconsin Statutes, may be used.

(2) If the Village of New Auburn shall not have a municipal court in existence, a citation meeting the requirements of Section 66.119, Wisconsin Statutes, may be used where applicable.

(3) The form of the Wisconsin Uniform Municipal Citation Form, MSC-1, is adopted as the citation form to be used by enforcement officials of the Village of New Auburn. A copy of form MSC-1 shall henceforth be used by the Village of New Auburn where applicable. For violations as to which The Uniform Traffic Citation, Section 345.11, Wisconsin Statutes, applies, such citation form may be used.

(4) Cash deposits may be made to the Village Clerk or the Village Treasurer. Receipts shall be given therefore. The provisions of Section 66.12, Wisconsin Statutes shall apply.

(5) The Schedule of Cash Deposits set forth as Appendix A is adopted for the various ordinance violations and for the penalty assessment imposed by Section 165.87, Wisconsin Statutes. The Schedule is to be amended by ordinance after review by the municipal attorney.

**1.07. EFFECTIVE DATE:** This code shall take effect and be in force from and after its adoption, passage and publication and posting, filing, and recording in accordance with the provisions of Section 66.035 and/or Section 61.50, Wisconsin Statutes, a copy of said code when printed is to be kept on file and open for public inspection in the Office of the Village Clerk of the Village of New Auburn.

## CHAPTER 2

### VILLAGE GOVERNMENT

**2.01 VILLAGE OFFICERS.** The following Wisconsin Statutes are hereby incorporated and made a part of this ordinance by reference thereto: Chapter 61.19 Annual elections; appointments; 61.20 Election of trustees; terms; number; 61.23 Terms; temporary vacancy; 61.24 President; 61.25 Clerk; 61.26 Treasurer; 61.27 Assessor; 61.28 Marshal; 61.31 Peace officers; and, 61.32 Village Board; meeting; salaries, except as such statutes may have been modified by Charter ordinance adopted pursuant to Section 66.0101 (unless otherwise indicated, all statutory references are to (2007-2008) Wisconsin Statutes.)

**(1) OFFICES DISPENSED WITH.** The offices of engineer, comptroller and board of public works are dispensed with, and the duties thereof shall be performed by the Village Board.

**(A)** The Village of New Auburn shall have four (4) Trustees, whose term of office shall be two (2) years, two (2) of whom shall be elected each year.

**(2) BOARD OF REVIEW.** The President, Clerk/Treasurer, and one Trustee shall constitute the Board of Review.

**(3) BOARD OF ZONING APPEALS.** The Board of Zoning Appeals of the Village of New Auburn shall consist of five (5) members and two (2) alternative members who shall be residents of the Village appointed by the Village President and confirmed by a majority vote of the Village Board. Members first appointed shall serve one (1) year, two (2) for two (2) years, two (2) for three (3) years and the alternate members shall serve three (3) years. Thereafter, all members shall be appointed for three (3) years. The Board shall have the powers and duties prescribed by Chapter 22 of this code and Chapter 62.23(7)(e), Wisconsin Statutes.

**(4) ASSESSOR.** An Assessor, who may reside outside of the Village, shall be appointed by the Village Board during the month of December of each year.

**(5) MARSHAL**

**(A)** The Village Board shall appoint annually a Village Marshal, in lieu of a constable, at their first meeting after the first Tuesday in December.

**(B) Deputy.** Pursuant to Sections 61.34(1) and (5), Wisconsin Statutes, the Village Board hereby creates the position of Deputy Marshal. The Village Board may appoint one (1) or more Deputy Marshals from time-to-time, as it see fit, to assist the

Village Marshal in the performance of his duties. Such Deputy Marshals shall be employees at will, serving at the pleasure of the Village Board without definite term or promise of continued employment. The Deputy Marshal shall also possess the powers, enjoy the privileges and be subject to liabilities imposed by law upon constables and shall obey all lawful written orders of the Village Board.

**(6) SALARIES**

**(A) Board of Trustees and Village President.** Salaries of the Village President and Board of Trustees shall remain at the following levels until changed in accordance with law.

(1) The Village President shall be paid a base salary of Five Hundred Dollars (\$500.00) per year. In addition, the Village President shall be paid Fifty Dollars (\$50.00) per meeting.

(2) Each Trustee shall be paid Fifty Dollars (\$50.00) per meeting.

(3) Salaries of the Village President and Trustees shall not be increased or diminished during their term of office. (Ref. 61.32 and 66.0505 Wisconsin Statutes)

(4) Nothing herein shall prevent the reimbursement of expenses to the Village President or Trustees.

**(B) Salaries/Non-Governing Board**

(1) Salaries of non-governing officers shall be established by Resolution and set forth on Appendix H.

**(C) Reimbursement For Lost Wages**

(1) Each Village Officer or employee shall also be paid at the wage rate of \$10.00 per hour for work and services performed relating to Village business other than attendance at meeting as a reimbursement for lost wages or salary from private employment.

**(7) OPENING AND CLOSING OF POLLS.** The polling place for all elections held in the Village of New Auburn shall be the Village Hall of the Village of New Auburn. The polls shall remain open continuously on any election day from 7:00 in the morning until 8:00 in the evening on such election day. Compensation for election workers shall be set by the Village Board of the Village of New Auburn by resolution from time to time. Compensation set by the Village Board shall be paid by the Village of New Auburn. The election inspectors shall keep track of hours worked and shall report the same to the Village Clerk/Treasurer.

**(8) BOND OF VILLAGE CLERK/TREASURER.** Pursuant to Section 70.67,

Wisconsin Statutes, the Village of New Auburn elects not to give the bond required by Section 70.67, Wisconsin Statutes, and in compliance with subsection 2 of said section does obligate the Village to pay, in case the Village Clerk/Treasurer thereof shall fail so to do, all taxes of any kind required by law to be paid by such Clerk/Treasurer to the County Treasurer. No bond will be required by the municipality of the Clerk/Treasurer, other than the official bond required of all municipal treasurers. The obligation of the municipality shall extend to the County Treasurer of Chippewa and/or Barron County and a certified copy of this ordinance shall be filed with the County Treasurer.

## **2.02 VILLAGE BOARD MEETINGS AND RULES OF PROCEDURE**

### **(1) REGULAR MEETING OF VILLAGE BOARD:**

(A) Regular meetings of the Village Board will be held at the Village Hall located at 130 E. Elm Street, New Auburn, Wisconsin, at 7:00 p.m. on the second (2nd) Thursday of each month. Any regular meeting of the Village Board falling upon a legal holiday shall be held on the day designated by the Village Board, or shall not be held at the discretion of the Board. Any meeting of the Village Board including any special or adjourned meetings that are not held at the Village Hall but at any other substitute location, shall be designated by the Village President or his or her designee, in compliance with the open meeting law, by posting a proper written notice of the substituted location at the three (3) usual and customary posting locations likely to give notice. This notice shall occur at least twenty-four (24) hours prior to the meeting of the Village Board, unless in an emergency wherein the proper notice posting shall occur at least two (2) hours prior to the meeting of the Village Board. Statutory reference: Sections 19.84(3) and 61.32, Wisconsin Statutes.

(B) The three (3) usual and customary posting locations shall be the following unless the Village Board directs posting at other locations:

- (1) Village Hall
- (2) Security Bank of New Auburn
- (3) United States Post Office

(2) **QUORUM.** Three Trustees of the Village Board, including the Village President, shall constitute a quorum but a lesser number may adjourn from time to time or compel the attendance of absent members. See Appendix Q. A quorum can be lost by conflict of interest or abstention.

### **(3) SPECIAL MEETING OF THE VILLAGE BOARD**

(A) Any special meeting of the Village Board may be called by any two (2) members of the Village Board (including the Village President) in writing with the written

call for the special meeting of the Village Board filed with the Village Clerk/Treasurer at least twenty-four (24) hours prior to the proposed special meeting of the Village Board with the time specified in the written call for the special meeting.

**(B)** No special meeting of the Village Board shall be held unless the notice requirement of the state open meeting law, pursuant to Section 19.84 (1993-1994) Wisconsin Statutes and notice requirements of the Open Meeting Ordinance adopted as Section 4.01 has been complied with by the person or persons requesting the public meeting.

**(C)** The Village Clerk/Treasurer, upon notification of call by the Village President or receipt of the written call for the special meeting of the Village Board, shall immediately notify, in writing, each member of the Village Board by delivering the written notice or by having the written notice delivered personally to each member of the Village Board. If any member of the Village Board cannot be personally notified in writing, then the Village Clerk/Treasurer shall deliver or have delivered a copy of the written notice at the home of any such member of the Village Board in the presence of an adult member of the family of the Village Board member. If any member of the Village Board cannot be noticed in writing through an adult family member as noted above, then the Village Clerk/Treasurer shall post such special meeting written notice in the above noted three (3) usual and customary locations.

**(D)** The Village Clerk/Treasurer may use notice by telephonic means, if the Village Board member to be notified consents to telephonic notice and orally waives written notice. Such waiver shall be noticed at the commencement of the meeting.

**(E)** The Village Clerk/Treasurer shall file proof of service of such special meeting notice by filing an affidavit noting the time, place and location of authorized service of the special meeting notice upon the Village Board. If personal service upon any member of the Village Board of the Village of New Auburn was not completed, then the Village Clerk/Treasurer shall so state in the affidavit the type of service or written notice completed.

**(F)** Special meetings of the Village Board may be held without such service and notice when all members of the Village Board are present in person or consent in writing to holding of any special meeting of the Village Board. Any consent by any member of the Village Board shall be filed by the Village Clerk/Treasurer prior to the beginning of any special meeting of the Village Board or be noted orally at the beginning of the meeting.

**(G)** Special meetings of the Village Board attended by a quorum of the members shall be considered a regular meeting of the Village Board for the transaction of any Village business that may come before the Village Board if such regular Village business was so noted in the written notice to the public as required by the state open meeting law, Section 19.84, (1993-1994) Wisconsin Statutes, and as required by the Open Meeting Ordinance at Section 4.01.



**(4) ADJOURNED MEETING OF THE VILLAGE BOARD.** The Village Board may, by majority vote, adjourn any regular or special meeting of the Village Board from time to time to a specific date and hour. The adjournment to the specific time and place will be in compliance with the open meeting law.

**(5) ORDER AND CONDUCT AT VILLAGE BOARD MEETING**

**(A) Business Order**

**(1)** The regular business order agenda for the Village of New Auburn shall be:

- (a)** Call to Order
- (b)** Roll Call
- (c)** Any oral waivers of notice of special meetings
- (d)** Reading of minutes of prior meeting and approving these minutes after errors in the minutes have been rectified to the satisfaction of the Village Board.
- (e)** Procedural motions by members of the Village Board of the Village of New Auburn.
- (f)** Comments and suggestions from residents of the Village of New Auburn and other persons present. Introduction of guests.
- (g)** Communications and petitions.
- (h)** Reports of standing committees.
- (i)** Reports of special committee, special commissions, and special boards.
- (j)** Reports of Village Officers
- (k)** Unfinished business from prior meeting. (List and describe each individual subject.)
- (l)** Resolutions/Motions and Memorials. (List and describe each individual subject.)
- (m)** Ordinances. (List and describe each individual subject.)
- (n)** Audit of accounts presented
- (o)** New business
- (p)** Future meeting agenda
- (q)** Adjournment

**(2)** At the meeting of the Village Board any member of the Village Board may take up any business on the agenda in any other order unless there be objection by any other member of the Village Board.

**(3)** All written petitions, written communications, and written reports to the Village Board and all written and oral requests to address the Village Board shall be presented by the Village Clerk/Treasurer to the Village President of the Village or to the person presiding at the meeting of the Village Board.

(B) **Quorum at Roll Call of Meeting:** If no legal quorum is present at the time of the initial roll call, the meeting of the Village Board shall be thereon adjourned by the members of the Village Board present to a specific date and hour. See Appendix Q for specific Quorum requirements.

(C) **Absence of Clerk/Treasurer at Meeting:** If the Village Clerk/Treasurer is not present at the time of the initial roll call of the meeting of the Village Board, the Village President shall appoint the Deputy Clerk/Treasurer or any other person present at the meeting of the Village of New Auburn to be the Village Clerk pro tem. The Village Clerk pro tem shall prepare and maintain minutes of the meeting of the Village Board. The Village Clerk pro tem shall deliver these minutes to the Village Clerk/Treasurer after the end of the meeting of the Village Board or when the Village Clerk pro tem is replaced during the meeting of the Village Board by the Village Clerk/Treasurer.

(D) **Absence of Village President at Call to Order of Meeting:**

(1) The presiding officer at the meeting of the Village Board will be the Village President. If the Village President is not present at the time for the call to order, the senior member of the Village Board, known as "Trustee 1", based on date of original election as a member of the Village Board shall call the meeting of the Village Board to order, call the initial roll call and shall preside as Village President until the Village President is able to preside at the meeting of the Village Board.

(2) If the Village President will not be able to, at any time, preside at the meeting, the Village Board shall make this determination after the initial roll call and then by motion elect an acting Village President for the meeting of the Village Board until the Village President is able to preside at the meeting.

(E) **Vacation of Village President or Presiding Officer at Meeting:** If the Village President or any other presiding officer of the Village Board desires to speak on any question or to make any motion, the Village President or the presiding officer may speak or make a motion without vacating the chair or without designating a member of the Village Board to preside at the meeting as Village President pro tem.

(F) **Meeting in Public:** Any business of any meeting of the Village Board shall be in open session and accessible to the public, except as provided in the state open meeting law, Section 19.85(1), (1993-1994) Wisconsin Statutes, and except as provided in the Open Meeting Ordinance adopted as Section 4.01 located herein.

(G) **Receipts of Funds:** Any officer, employee or agent of the Village of New Auburn in possession of funds or receipts or earnings of the Village shall deposit any such funds, receipts or earnings with the Village Clerk/Treasurer on at least a weekly basis unless approved otherwise by the Village Board. All such funds, receipts, or earnings shall be deposited with the Village Clerk/Treasurer on or before the seventh (7th) day of the succeeding calendar month. The Village Board shall be advised by the Village Clerk/Treasurer on a monthly basis of any funds outstanding that have not been properly

deposited with the Village Clerk/Treasurer. All elected and non-elected Village of New Auburn officers and Village of New Auburn employees, within fourteen (14) days of taking office, hiring, or rehiring, shall be informed of this provision by the Village Clerk/Treasurer.

**(H) Specific Rules of Conduct at Village Board Meeting:**

**(1) Roberts Rules of Conduct:** Unless other rules of conduct are specifically adopted and codified by ordinance by the Village Board, the Village Board and the meetings of the Village Board of the Village of New Auburn shall be governed by Roberts Rules of Order, newly revised, which are incorporated herein by reference. No motion shall be amended or withdrawn without the consent of the trustee making the same and the trustee seconding it.

**(2) Control of Meetings:** The Village President shall conduct the proceedings of each meeting and shall preserve order. A member may appeal from the decision of the presiding officer, but such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding official.

**(3) Speaking Before Village Board**

**(a)** At a meeting of the Village Board no person, other than the members of this Board shall address the Village Board or any member of the Village Board. This provision shall not apply to:

- (1)** The Village Clerk/Treasurer
- (2)** The Village Deputy Clerk/Treasurer
- (3)** The Village Marshal
- (4)** Any member of the Village Board
- (5)** The Village legal counsel
- (6)** Members of the public recognized by the President at any portion of the meeting open to public comment.

**(b)** This provision shall also not apply under the specific orders of business established to recognize residents of the Village or other persons, under specific order of business to recognize members of any Village office, Village committee, Village agency, Village commission or a special board or other Village officers or except if the person has specifically requested from a member of this Board the right to address the Village Board and then only after the approval of the presiding officer of the Village Board through an affirmative vote by the Village Board.

**(4) Excused Voting**

**(a)** For voting upon orders, motions, resolutions, ordinances, action items, business items or any other question, all individual members of the Village Board present at the meeting, **shall** vote when that individual Village Board member's name is called, unless for special cause a Village Board member has been excused prior to the

vote by an affirmative roll call vote of the remaining members. However, no member of the Village Board shall be excused from voting after the actual voting has commenced, except for conflict of interest.

(b) The Village Board may establish its own rules regarding when and if members are not to be voting because of any special cause or causes or conflict of interest. See Appendix Q.

(5) **Motions Stated:** Prior to any debate on a matter, the members of the Village Board shall be entitled to a clear understanding of the motion before the Village Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. Motions made in writing by a member of the Village Board and provided to the Village Clerk/Treasurer of the Village prior to the meeting shall be provided priority in the appropriate order of business. The Village President shall restate the motion prior to any debate and discussion. Any member of the Village Board, prior to vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Village Board prior to the final vote on the matter.

(6) **Priority Matters:** When any action item, business item, motion, or question is before the Village Board, no other action item, business item, motion, or question shall be in order except a motion:

- (a) To adjourn or recess the meeting.
- (b) To lay on the table the question.
- (c) To call the question.
- (d) To postpone the question to a date certain.
- (e) To refer the question to a standing committee or other committee.
- (f) To amend or divide the questions.
- (g) To postpone the question indefinitely.
- (h) To introduce a matter related to the question.

(7) **Motions with Preference:** During any meeting of the Village Board certain motions will have preference. In order of precedence they are:

(a) **Motion to adjourn.** This motion can be made at anytime and has first precedent. This is a non-debatable motion.

(b) **Motion to lay on the table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.

(c) **Motion to call previous question.** This motion may be made at anytime after the debate or discussion commences related to action item, business item, motion or question that is properly before the Village Board. This motion is a non-

debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question. The motion, if adopted, brings the Village Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.

(d) **Motion to postpone to a date certain.** This motion may be made at anytime after the debate and discussion commences on an action item, business item, motion, or question that is properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question. This motion must establish a date and time certain when the debate and discussion before the Village Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Village Board.

(e) **Motion to a committee.** This motion may be made at anytime after the debate and discussion commences on an action item, business item, motion, or question that is properly before the Village Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion, or question to a committee for further review and discussion. The committee must be a committee of the Village Board.

(f) **Motion to amend or divide the question.** This motion may be made at anytime after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion, or main question pursuant to the method described and adopted in the motion to divide.

(g) **Motion to postpone indefinitely.** This motion may be made at anytime after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question.

(h) **Motion to introduce a matter related to the action item, business item, motion or question.** This motion may be made at anytime after the debate and discussion commences on the action item, business item, motion or question properly before the Village Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion, or main question pursuant to the method described and approved in the motion to introduce a matter related.

(8) **Advisory Vote from Public.** No member of the Village Board shall request, at a meeting of the Village Board, a vote from the general public unless the proposed vote of the general public is so noted by the Village President or the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the

general public at a meeting of the Village Board shall be considered by this Board only as an advisory vote and shall not be considered as a directory vote.

**(9) Suspension of Rules.** These rules or any part of these rules or any other rules of the Village Board may be temporarily suspended at any meeting of the Village Board, including any special meeting of the Village Board, in connection with any matter under consideration by the Village Board. Any rule may be suspended by a recorded affirmative roll call vote of two thirds (2/3rds) or more of the members of the Village Board present at the meeting of the Village Board.

**(10) Amendment of Rules.** These rules or any part of these rules or any other rules of the Village Board may be altered or amended at any meeting of the Village board, including any special meeting of the Village board. Any rules may be altered or amended by a recorded affirmative roll call vote of two-thirds (2/3rds) or more of the members of the Village Board present at the meeting of the Village Board.

**(6) ORDINANCES AND RESOLUTIONS.** Ordinances, resolutions, by-laws, communications, and other matters submitted to the Board shall be referred to the Board by the President. The Village Board may, at their discretion, refer the matter to the appropriate committee for the recommendations of the committee. Ordinances, resolutions, and by-laws should be presented in writing by a Village Trustee whenever practicable. Unless requested by a Trustee before the final vote is taken, no ordinance, resolution, or by-law need be read in full.

## **2.03 AUTHORITY, POWERS AND DUTIES**

**(1) GENERAL POWERS AND DUTIES OF VILLAGE PRESIDENT** (Reference Section 61.24, Wisconsin Statutes)

**(A) General Powers and Duties:**

**(1) Preside at Village Board Meetings:** The Village President shall preside over meetings of the Village Board.

**(B) Sign Documents:**

**(1)** The Village President shall sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the Village Board, unless the Village Board, by ordinance, authorizes another Village officer to sign specific types of documents in lieu of the Village President.

**(2)** The Village Board, by ordinance, may authorize use of a facsimile signature under this paragraph.

**(3)** The Village President shall sign all drafts, order checks and transfer

orders as provided under Section 66.0607, Wisconsin Statutes.

**(C) Assure Administration of Statutes.**

(1) The Village President shall supervise the administration of statutes relating to the Village and Village operations to see that they are faithfully executed.

(2) The Village President in his or her supervisory capacity has specifically delegated continuing responsibilities for Village of New Auburn operations as set forth on Appendix B, Village President Delegation of Responsibilities.

**(D) Act on Behalf of Village Board:**

(1) The Village President shall see that Village orders and ordinances are obeyed.

(2) The Village President shall see that peace and order are maintained in the Village.

(3) The Village President shall obtain necessary assistance, if available, in case of emergency, except as provided under Chapter 166, Wisconsin Statutes.

**(E) Act on Authorization of Village Board**

(1) The Village Board does, effective May 1, 1995, authorize the Village President to act on behalf of the Village Board to direct, as appropriate, the solicitation and quotations for the purchase of equipment, materials and services and submit bids and quotations to the Village Board for approval.

(2) The Village Board does authorize the Village President to act on behalf of this Board to represent or designate another Village of New Auburn officer to represent the Village at meetings of, and hearings before, governmental bodies on matters affecting the Village.

**(F) Administer Oaths.** The Village President may administer oaths and affidavits on all matters pertaining to the affairs of the Village of New Auburn.

**(2) MISCELLANEOUS, SPECIFIC, AND STATUTORY DUTIES PURSUANT TO SECTION 61.34, WISCONSIN STATUTES**

**(A)** The Village President shall nominate election officials when the Village Board disapproves the nominee of a party committee under Section 7.30(4)(b)2, (1993-1994) Wisconsin Statutes.

**(B)** (Blank)

(C) The Village President shall sue on official bonds, if any, under Section 19.015 (1993-1994) Wisconsin Statutes.

(D) The Village President shall execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan, if any, under Section 24.67, (1993-1994) Wisconsin Statutes.

(E) The Village President shall appoint members of the Library Board, if any, under Sections 43.54(1)(a) and 43.60(3), (1993-1994) Wisconsin Statutes.

(F) The Village President shall publish annually a notice regarding noxious weeds and appoint one or more commissioners of noxious weeds under Sections 66.0407 and 66.0517, Wisconsin Statutes.

(G) The Village President, if authorized by the Village Board, shall represent the interests of the Village of New Auburn in connection with appearances before the State Tax Appeals Commission under Section 70.64(5), (1993-1994) Wisconsin Statutes.

(H) (Blank)

(I) The Village President shall appoint members to the Airport Commission, if any, under Section 114.14(2), (1993-1994) Wisconsin Statutes.

(J) The Village President, under Section 167.10(3)(8), (1993-1994) Wisconsin Statutes, shall enforce regulation of fireworks under Section 167.10, (1993-1994) Wisconsin Statutes.

(K) The Village President shall perform the Village President's duties related to stray animals and lost goods under Chapter 170, (1993-1994) Wisconsin Statutes.

(L) The Village President shall approve bonds furnished by contractors for public works under Section 779.14(1m), (1993-1994) Wisconsin Statutes.

(M) The Village President shall execute any conveyances of real property of the Village of New Auburn.

**(3) OTHER RELEVANT STATUTORY AUTHORITY, POWERS AND DUTIES OF VILLAGE PRESIDENT:**

(List)

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**2.04 VILLAGE CLERK/TREASURER ORDINANCE**



(1) **AUTHORITY.** The Village Clerk/Treasurer has specific statutory authority, powers, and duties, pursuant to Section 61.25, (1993-1994) Wisconsin Statutes. In addition, the Village Clerk/Treasurer has certain additional general and specific statutory authority, powers, and duties beyond Chapter 61, (1993-1994) Wisconsin Statutes.

(2) **GENERAL POWERS AND DUTIES** (Reference Section 61.25, (1993-1994) Wisconsin Statutes)

(A) **Clerk of Village Board**

(1) The Village Clerk/Treasurer shall serve as clerk of the Village Board, shall attend all meetings of the Village Board, and shall keep a full record of its proceedings.

(2) The Village Clerk/Treasurer shall file all accounts approved by the Village Board or allowed at Village meetings and enter a statement of the accounts in the record books for the Village of New Auburn.

(B) **Finance Book.** The Village Clerk/Treasurer shall maintain a finance book which can be computerized, which shall contain a complete record of the finances of the Village of New Auburn, showing receipts, with the date and amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to the Village of New Auburn finances prescribed by the Village Board.

(C) **Elections, Appointments, and Notices.** The Village Clerk/Treasurer shall perform the duties required by Chapters 5, 10 and 12, (1993-1994) Wisconsin Statutes, or other laws relating to elections and notices.

(D) **Sale of Property.** The Village Clerk/Treasurer shall execute the conveyance of real property of the Village of New Auburn.

(E) **Notices.** The Village Clerk/Treasurer shall publish or post ordinances and resolutions as required by law and have proof thereof filed.

(F) **Records:**

(1) The Village Clerk/Treasurer shall comply with Subchapter II of Chapter 19, Public Records and Property, (1993-1994) Wisconsin Statutes, concerning any record of which the Village Clerk/Treasurer is legal custodian.

(G) **Licenses/Permits.** The Village Clerk/Treasurer shall issue any license or permit granted by the Village Board when presented with a receipt from the Village Treasurer indicating that any required fee has been paid, shall sign all licenses authorized by the Village Board, and shall countersign all licenses signed by the President.

(H) **Notice of Property Tax Revenue.** The Village Clerk/Treasurer shall notify the Chippewa/Barron County Treasurer by March 15th, of the proportion of property tax revenue and of the credits under Section 79.10, (1993-1994) Wisconsin Statutes, which is to be disbursed by the County Treasurer to each taxing jurisdiction located in the Village of New Auburn.

(I) **Corporate Seal.** The Village Clerk/Treasurer shall be the custodian of the corporate seal of the Village of New Auburn.

(J) **Power to Administer Oath:** The Village Clerk/Treasurer may administer oaths and affidavits on all matters pertaining to the affairs of the Village of New Auburn.

**(3) OTHER STATUTORY AUTHORITY, POWERS AND DUTIES OF VILLAGE CLERK/TREASURER**

(A) (Blank)

(B) **Draw Orders on Treasury.** To draw and countersign all orders on the Village treasury ordered by the Village Board.

(C) **Notice of Cessation of Operations.** The Village Clerk/Treasurer shall receive the appropriate notice of business closing, pursuant to Section 109.07, (1993-1994) Wisconsin Statutes, of mergers, liquidation, disposition, relocation, or cessation of operations from any employer in the Village of New Auburn. The Village Clerk/Treasurer shall then immediately inform the Village Board of receipt of such information.

(D) **Release and Publication of Assessment Roll.** The Village Clerk/Treasurer shall receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chapter 985, (1993-1994) Wisconsin Statutes. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.

(E) **Requiring Seller's Permit.** The Village Clerk/Treasurer shall require proof of a seller's permit or application for a seller's permit from any person that requests a license or permit from the Village of New Auburn to engage in a business involving the sale at retail of tangible personal property subject to taxes under Section 77.61, (1993-1994) Wisconsin Statutes.

(F) **Prepare General Statistics and Annual Statement of Taxes.** The Village Clerk/Treasurer shall make out and transmit to the County Treasurer a statement pursuant to Section 69.60, (1993-1994) Wisconsin Statutes, showing the assessed value of all property within the Village, all taxes levied, all special assessments made and purposes for special assessments. Also, a complete and detailed statement of the bonded and other indebtedness of the Village of New Auburn and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition,

on or before the third Monday of December, the Village Clerk/Treasurer shall file a statement of taxes levied to the Department of Revenue.

(G) **Make Tax Roll.** The Village Clerk/Treasurer shall make out the complete list of all taxable real property to be called the Tax Roll as required in Section 70.65, (1993-1994) Wisconsin Statutes.

(H) **Correct Tax Roll.** The Village Clerk/Treasurer shall correct the errors in the Tax Roll to the extent required in Section 70.73, (1993-1994) Wisconsin Statutes.

(I) **Receive Assessment Roll.** The Village Clerk/Treasurer shall receive from the assessor on or before the first Monday in May the completed Assessment Roll as required by Section 70.50, (1993-1994) Wisconsin Statutes, and preserve the same.

(J) **Local Transportation Report.** Submit the Local Transportation Area Annual Financial Report (Form C) required in Section 86.303(5)(c), Wisconsin Statutes, by March 31st of each year, unless extended.

**(4) OTHER AUTHORITY, POWERS AND DUTIES OF VILLAGE CLERK/TREASURER BY ORDINANCE.** The Village Clerk/Treasurer has the additional powers and duties, beyond those noted above, established by the Village Board ordinances or by order of the Village Board, namely:

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**(5) DEPUTY CLERK/TREASURER**

(A) **Appointment.** The Village Board may, pursuant to Wis. Stats. §61.197 appoint a Deputy Clerk/Treasurer. The Deputy Clerk/Treasurer shall file the oath and bond, to the extent required by Law, for the office of Village Clerk/Treasurer.

(B) **Compensation.** The compensation for the Deputy Clerk/Treasurer shall be as set by the Village Board.

**2.05 VILLAGE TREASURER ORDINANCE**

(1) **AUTHORITY.** The Village Clerk/Treasurer has specific statutory authority, powers, and duties, pursuant to Section 61.26 (1993-1994) Wis. Stats.

(2) **GENERAL POWERS AND DUTIES OF VILLAGE TREASURER** (Reference Section 61.26, (1993-1994) Wisconsin Statutes)

**(A) Receive and Disburse Village Money:**

(1) The Village Clerk/Treasurer shall receive and take charge of all money belonging to the Village, or that money which is required by law to be paid into the Village Treasury and shall disburse the money pursuant to Section 66.042, (1993-1994) Wisconsin Statutes, and Section 5.01 of these ordinances.

(2) The Village Clerk/Treasurer shall keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Village Clerk/Treasurer shall issue numbered receipts for all funds received. At the request of the Village Board, the Village Clerk/Treasurer shall present the account books, and any supporting documents requested to the Village Board.

(3) The Village Clerk/Treasurer shall submit the account book and all other supporting documents requested by the Village Board.

**(B) Deposit of Village Money:**

(1) The Village Clerk/Treasurer shall deposit, as soon as practicable, the funds of this Village in the name of the Village in a proper public depository or in the public depository or public depositories designated by the Village Board. Failure to comply with this paragraph is grounds for termination of employment.

(2) When money is deposited under paragraph (1), the Village Clerk/Treasurer and Treasurer's sureties are not liable for any loss as defined in Section 34.01(2), (1993-1994) Wisconsin Statutes. The interest arising from the money deposited shall be paid into the treasury of the Village.

**(C) Records.** The Village Clerk/Treasurer shall comply with Subchapter II of Chapter 19, Public Records and Property, (1993-1994) Wisconsin Statutes, concerning records of which the Village Clerk/Treasurer is legal custodian.

**(D) Taxes.** The Village Clerk/Treasurer shall perform all of the duties relating to taxation required of the Village Treasurer under Chapters 70 through 79 and Section 61.26(11), (1993-1994) Wisconsin Statutes.

**(E) Disbursements on Order of President Countersigned by Clerk/Treasurer.** The Village Clerk/Treasurer shall pay money only on the written order of the Village President, countersigned by the Village Clerk/Treasurer, in accordance with Section 61.26(4), (1993-1994) Wisconsin Statutes.

**(F) Accounting and Reports.** The Village Clerk/Treasurer shall render an account and settlement to the Village Board at its last meeting prior to election and make a monthly Treasurer's report at each meeting, or as otherwise directed by the Board.

**(3) OTHER AUTHORITY, POWERS AND DUTIES OF VILLAGE CLERK/TREASURER BY ORDINANCE.** The Village Clerk/Treasurer has the additional authority, powers, and duties, beyond those noted in 1.04, established by the Village Board by ordinances or by order of the Village Board, namely:

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**(4) RESERVED FOR FUTURE USE**

**2.06 VILLAGE ASSESSOR ORDINANCE**

**(1) POWERS AND DUTIES OF VILLAGE ASSESSOR.** The Village has no civil service system. The Village Board has appointed an independent contractor assessor pursuant to Section 61.197(1)(f) (1993-1994) Wisconsin Statutes. The assessor shall be appointed on the basis of merit, experience, and general qualifications. The term of the appointment for the assessor and the contract made with the assessor will be for one (1) year commencing January 1 of each year. All persons responsible for the assessment shall be certified assessors under Section 73.09, (1993-1994) Wisconsin Statutes. Their designees shall file an oath under Section 19.01 (1993-1994) Wisconsin Statutes, and shall sign the affidavit attached to the assessment roll under Section 70.49 (1993-1994) Wisconsin Statutes.

**(2) GENERAL STATUTORY AUTHORITY, POWERS AND DUTIES OF VILLAGE ASSESSOR.** The Village Assessor shall have all the statutory authority, powers, and duties for property tax assessment required of the Village Assessor pursuant to Chapter 61, (1993-1994) Wisconsin Statutes.

**(3) OTHER AUTHORITY, POWERS AND DUTIES OF VILLAGE ASSESSOR BY ORDINANCE.** The Village Assessor has the following additional powers and duties:

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**2.07 VILLAGE MARSHAL ORDINANCE**

**(1) JURISDICTION, POWERS AND DUTIES OF VILLAGE POLICE DEPARTMENT**

**(A)** The Village Marshal shall possess the powers, enjoy the privileges, and

be subject to the liability conferred upon Marshals and Constables pursuant to Section 61.31(2), (1993-1994) Wisconsin Statutes.

(B) The Village Marshal shall keep and preserve the peace within the Village, and shall have full peace powers to arrest and apprehend any person for felony or breach of peace pursuant to Sec. 59.24, (1993-1994) Wis. Stats., and for purposes of carrying out such duties shall be considered a peace officer as defined in Section 939.22(22), (1993-1994) Wisconsin Statutes.

(C) The Village Marshal shall direct and regulate traffic and make arrests for violation of traffic crimes and regulations of Chapters 194 and 341 to 349, (1993-1994) Wisconsin Statutes, any Village Ordinances in conformity with these chapters and for purposes of carrying out such duties shall be considered a traffic officer as defined in Section 340.01(70), (1993-1994) Wisconsin Statutes.

(D) The Village Marshal shall attend upon sessions of the Circuit Court in the County of Chippewa or the County of Barron when required by the Sheriff of such county.

(E) The Village Marshal shall inform the District Attorney of the County of Chippewa or the County of Barron of all trespasses on public lands on which he or she has knowledge or information.

(F) The Village Marshal shall cause to be prosecuted all violations of law of which he or she has knowledge or information.

(G) The Village Marshal shall perform all other duties required by any law.

(H) The Village Marshal shall cause to be enforced and prosecuted all violations of the Village ordinances of which he or she has knowledge or information.

(I) The Village Marshal shall act on behalf of the Village Board as directed to:

(1) See that orders of the Village Board and ordinances of the Village are obeyed.

(2) See that peace and order are maintained in the Village.

(3) Obtain necessary assistance, if available, in case of emergency, except as provided under Chapter 166, (1993-1994) Wisconsin Statutes, for emergency government.

## (2) NON-EXCLUSIVITY

(A) Other Ordinance. Adoption of this ordinance does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(B) **Other Remedies.** The jurisdiction powers and duties of the Village Marshal as stated herein shall not preclude the Village Board or any other Village officer from proceeding under any ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

(3) **NUMBER OF VILLAGE MARSHALS.** The Village Board does hereby determine that the number of Village Marshals shall be one (1) for the Village.

(4) **DEPUTY MARSHALS.** The Village Board may provide for Deputy Marshal from time-to-time who shall have powers of a Marshal, unless specifically restricted by the Village Board and be subject to the control of the Marshal and the Village Board.

## 2.08 **SPECIAL OFFICE ORDINANCE**

(1) **CREATION OF SPECIAL OFFICES.** The Village Board has, by adoption of this ordinance, established the following Special Offices and retains the power to retain or appoint these Special Offices, the power to remove the members in these Special Offices, the power to establish the powers and duties of these Special Offices, and the power to terminate these Special Offices.

### (2) **SPECIAL OFFICES**

#### (A) **Weed Commissioner**

(1) **Appointment/Termination.** The Village President may, pursuant to Section 66.0517, Wisconsin Statutes, appoint, on or before May 15th of each year, a Weed Commissioner or Weed Commissioners. The person(s) appointed will hold the office for one (1) year and until a successor has been qualified. If more than one (1) person is appointed, the Village President shall divide the Village into districts and each Weed Commissioner shall be assigned a district. The Village President may remove any Weed Commissioner of the Village without cause.

#### (2) **Compensation**

(a) The Village Board may establish the compensation for the Weed Commissioner(s). In addition, the Village Board may establish a method for reimbursement of costs and expenses.

(b) The Village Board shall establish a method for reimbursement of costs and expenses. That method for reimbursement is to be as follows:

1. Limited expenses as are actual and necessary.
2. All costs and expenses of the Weed Commissioner(s) shall

be approved by the Village Board prior to being incurred by the Weed Commissioner(s).

**(3) Duties**

(a) The Village Weed Commissioner(s) shall have the powers and duties established in 66.0517, Wisconsin Statutes, plus any other powers and duties established by the Village Board.

(b) The Village Board has established for the Village Weed Commissioner(s) the following additional powers and duties.

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**(B) Village Housing Authority Commissioners**

**(1) Appointment/Termination**

(a) The Village President, pursuant to Sections 61.73 and 66.40 (1993-1994) Wisconsin Statutes, with confirmation by the Village Board, shall appoint five (5) persons as commissioners of the Village House Authority. No Commissioners may be committed in any official capacity with a political party nor shall more than two (2) be officers of the Village. The Commissioners, who are initially appointed, shall be individually designated by the Village President to serve one (1), two (2), three (3), four (4) and five (5) years respectively from the date of appointment. Thereafter, the term shall be five (5) years. A Commissioner shall hold office until a successor has been appointed and qualified.

(b) The Village President, based on inefficiency, neglect of duty or misconduct in office, may, pursuant to Section 66.1201(8) Wisconsin Statutes, remove any Commissioner. The procedure for removal is established in Section 66.1201 Wisconsin Statutes, and to the extent applicable in Section 17.16, (1993-1994) Wisconsin Statutes.

(c) The form of organization of the Housing Authority shall be as set forth in Section 66.1201(5), Wisconsin Statutes.

**(2) Compensation**

(a) The Village Board shall, pursuant to Section 66.40(5), (1993-1994) Wisconsin Statutes, establish the compensation for the Village of New Auburn Housing Authority. The compensation may pay a per diem allowance, mileage and other necessary expenses included in the discharge of their duties at rates established by the Village Board.



(b) The Village Board has established the per diem amounts as set forth in Schedule H. Mileage reimbursement is paid at the IRS rate.

(3) **Duties.** The Village of New Auburn Housing Authority Commissioners shall have the powers and duties established in Sections 66.40 to 66.404, (1993-1994) Wisconsin Statutes, and in these ordinances.

(C) **Village Attorney**

(1) **Retention.** The Village Board may designate, retain or employ one (1) or more attorneys on a temporary or continuing basis for legal matters or to represent the Village of New Auburn in legal proceedings.

(2) **Compensation.** The Village Board shall negotiate and establish the compensation for the designation, retention, or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Village Board.

(3) **Duties.** The attorney has the duties and powers established pursuant to the retention or contract between the Village Board and the attorney.

(D) **Village Auditor/Accountant**

(1) **Retention.** The Village Board may designate, retain, or employ one (1) or more accountants, including certified public accountants, on a temporary or continuing basis for financial matters or to represent the Village of New Auburn in financial matters.

(2) **Compensation.** The Village Board shall negotiate and establish the compensation for the designation, retention, or employment of an accountant based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the accountant and the Village Board.

(E) **Fire Department Commissioners**

(1) **Retention.** The Village Board may designate/appoint New Auburn Area Fire Department, Inc. Commissioners in accordance with Section 23.01(3) of this Ordinance. Such Special Office holders shall serve at the pleasure of the Village Board.

(2) **Compensation.** Compensation shall be such as is established by the New Auburn Area Fire Department, Inc. No other compensation or expenses are paid to Commissioners by the Village.

(F) **Parks Commissioners**

(1) The Parks Commission shall consist of one Village Board

**VILLAGE OF NEW AUBURN  
BARRON & CHIPPEWA COUNTIES, WISCONSIN**

**ORDINANCE 2022-13**

**AN ORDINANCE REPEALING AND RECREATION SECTION 2.08(2)(F) OF THE NEW AUBURN CODE OF ORDINANCES**

The Board of Trustees of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Chapter 2, Section 2.08(2)(F) of the Village of New Auburn code of ordinances is hereby repealed and recreated in its entirety as follows:

**“(F) Tourism Committee**

- (1)** The Tourism Committee shall consist of three community members and one Village Board Member. At least two of the community members shall reside in the Village of New Auburn corporate boundaries. Members of the Tourism Committee shall be appointed by the Village President during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of the term. All appointments are subject to approval by the Village Board. All community members shall serve for a term of one (1) year. The member of the Tourism Committee which is a Village Board member shall serve for so long as that Village Board member remains in office or otherwise resigns or is removed from the Tourism Committee. The Tourism Committee members, who are initially appointed, shall be individually designated by the Village President to serve (1), two (2) or three (3) year terms from the date of appointment. Thereafter, the term shall be three (3) years. Each committee member shall serve until a successor has been appointed.
- (2)** After a full Tourism Committee is appointed, and at their first meeting, the members of the Tourism Committee shall elect to serve a one-year term the following officers: Chair, Vice Chair, and Secretary/Treasurer, and may elect other such officers as deemed necessary from its membership. Each officer shall have a term of one year. Officers shall serve until their successors are appointed. All meetings of the Tourism Committee shall be publicly noticed and open to the public consistent with Wisconsin’s open meetings law.
- (3)** Meetings of the Tourism Committee shall be held at least quarterly, or more frequently as needed as determined by the Chair of the Tourism Committee.
- (4) Responsibility and Duties of the Tourism Committee**
  - (a) Explore tourism opportunities and events within the Village of New Auburn.
  - (b) Assist with organizing tourism opportunities and events within the Village of New Auburn.
  - (c) Develop and maintain tourism partnerships.
  - (d) Report to the Village Board on all tourism opportunities and partnerships for Village Board consideration and approval.

**(5) Not Tourism Commission.**

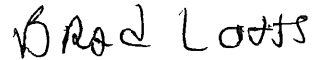
- (a) The Tourism Committee established hereby is not a statutory tourism commission created under Wis. Stat. § 66.0615(1)(a). The Tourism Committee is to serve in an advisory role only to the Village Board.”

Section Two: The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village of New Auburn would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

Section Three: This Ordinance shall take effect upon its adoption and publication as required by law.

Dated this 13<sup>th</sup> day of October, 2022

Adopted this 13<sup>th</sup> day of October, 2022.



Brad Lotts, Village President

ATTEST:



Ardith Story, Clerk-Treasurer

*Ch. 2 Sec. 1  
Parks Commission  
Repealed  
2.08(2)(F)  
+ Recreated  
to a  
Tourism  
Committee  
10-13-22*

member and four (4) community members. At least two (2) of the community members shall reside in the Village of New Auburn; two (2) community members shall reside in, or represent businesses located within the New Auburn area. After a full Parks Commission is appointed, and at their first meeting, the members of the Parks Commission shall elect to serve a one-year term the following officers: chair, treasurer, secretary, and may elect other officers as the Parks Commission deems necessary from among their membership. Each officer shall have a term of one year. Elections for officers shall be held yearly at the May Parks Committee meeting.

(2) Responsibilities and duties of the Park Commission shall be such as are established by the Village Board from time-to-time and shall include:

(a) Initiate and coordinate fund raising and special events to support and publicize improvements that affect the parks.

(b) Review and comment on matters pertaining to the development of the Village parks.

(c) Annually, in the month of October, the committee shall present to the Village Board for its consideration a work plan for the ensuing calendar year together with a detailed budget. The work plan and budget adopted by the Village Board shall serve as a directive to the committee and shall establish the limits as well as purpose for which expenditures may be made.

(d) Items costing more than \$500.00 will not be purchased until competitive bids for the item have been received by the committee; excluded from this are artistic performers such as musicians, bands, circuses, etc. Purchases of any kind not provided for in the budget must receive specific approval of the Village Board.

(e) The committee shall prepare and present to the Village Board for its consideration a long range plan for the parks.

(f) The committee shall prepare and present an annual report of its activities to the Village Board.

(g) The committee shall do all things necessary for the protection of the parks whether from fire, insects, disease, and trespass or from damage by animals or from other causes in cooperation with the Department of Natural Resources in all such related matters.

(3) The Parks Commission is empowered to establish its own treasury and make purchases and pay bills subject to the limitations of this Parks Commission Ordinance. Two signatures are required for check signing; ~~of which one check signer shall be the Village Board member on the Parks Commission.~~ *Treasury records shall be openly available + current at all park committee meetings. Ord #15-03 amendment*

(4) Community members, as set forth in 2.08(2)(F)(1), on the Parks Commission shall serve a term of three (3) years. Appointments to the Park Commission shall be made by the Village President during the month of April for terms

that expire in April or at any other time if a vacancy occurs during the middle of the term. The Commissioners, who are initially appointed, shall be individually designated by the Village President to serve one (1), two (2) or three (3) years respectively from the date of appointment. Thereafter, the term shall be three (3) years. A Commissioner shall hold office until a successor has been appointed.

**(3) RESPONSIBILITIES FOR SPECIAL OFFICES.** The Village Board or the Village President has appointed or has retained persons to the Special Offices noted in Section 2.08.

**(A)** The below noted special office holders shall not be considered regular officers, employees, or agents of the Village, namely:

- (1)** Village Attorney
- (2)** Village Auditor
- (3)** Village Engineer
- (4)** New Auburn Area Fire Department, Inc. Commissioner

**(B)** The following special office positions need not be Village residents to hold these positions:

- (1)** Village Attorney
- (2)** Village Auditor/Accountant
- (3)** Village Engineer
- (4)** Village Marshal
- (5)** Deputy Marshal
- (6)** New Auburn Area Fire Department, Inc., Commissioner

**(C)** Every person appointed to a special office must be at least eighteen (18) years of age at the time of appointment.

**(D)** The special office holders, other than the specific compensation and reimbursement for costs and expenses established, shall not be entitled to any Village financial benefits, vacation benefits, health benefits, training programs, educational programs, insurance benefits, paid leave benefits or other benefits except:

(List Exceptions, if any)

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**(E)** All special office holders shall be considered public officers under Section 895.46, (1993-1994) Wisconsin Statutes, and shall be entitled to the appropriate legal defense reimbursement or retainer or indemnification established in Sections 895.35 and 895.46, (1993-1994) Wisconsin Statutes, while acting within his or her scope of employment or official capacity. Special officers shall notify immediately the Village Clerk/Treasurer of any claim or action brought against the special officer in any way related to his or her scope of employment or official capacity.

**2.09 ELIGIBILITY FOR OFFICE ORDINANCE**

**(1) ELIGIBILITY FOR OFFICE/INCOMPATIBILITY OF OFFICE**

(A) Any person who is a qualified elector in the Village may hold any elected Village office in the Village. No member of the Village Board may, during his or her term, be eligible for any Village office or Village position which, during such term, the office or position has been created by or the selection to which is vested in the Village Board. Any member of the Village Board will be eligible for such Village office or Village position if he or she resigns from the Village Board before being appointed to the Village office or Village position and if the office or position was not created during his or her term in office. (Ref. Wisconsin Statutes 66.0501)

(B) Certain Village offices are incompatible, by common law and statutory law, with other Village offices and also with other county, state or federal offices. No Village officer, by this ordinance and the below noted cited authority, shall serve in both offices at the same time, namely:

(List Office and Cited Authority)

The office of Village Clerk/Treasurer and the offices of County Treasurer or School District Treasurer.

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(NOTE TO USERS: This list is not inclusive. The common law doctrine of incompatibility extends to both officers and an office and position. OTRADOVEC vs. CITY OF GREEN BAY, 118 Wis.2d 393, 347 N.W.2d 614 (1984). Consult the Village Attorney for additional advice.)

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(C) If any question or concern by any person is raised to the Village Board regarding incompatibility of any office in the Village, the Village Attorney of the Village shall review the matter and shall provide his or her written comments to the Village Board.

## 2.10 OFFICE OATH AND BOND ORDINANCE

### (1) OATH

(A) **General Provisions.** All elected officers and appointed officers of the Village, except elected assessors and attorneys shall take and file the below noted oath within five (5) days after notification of election or appointment by the Village Clerk/Treasurer. The written oath of office and the oral oath of office, pursuant to Section 19.01, (1993-1994) Wisconsin Statutes, shall be substantially in the following form:

#### WRITTEN OATH

STATE OF WISCONSIN  
County of Chippewa/Barron

I, the undersigned, who have been elected ( or appointed) to the office of \_\_\_\_\_, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this \_\_\_ day of \_\_\_Month  
, 20\_\_\_\_.

Signature

#### ORAL OATH

I, \_\_\_\_\_ swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of the office of \_\_\_\_\_ to the best of my ability. So help me God.

Note: For municipal judge, see Sec. 757.02 Wis. Stats. (1993-1994).

(B) **Filing Locations.** The official oath of all elected officers and appointed officers of the Village shall be filed with the Village Clerk/Treasurer except that the Village Clerk/Treasurer shall file his or her oath with the Village Deputy Clerk/Treasurer or Village President.

(C) **Failure to File Oath.** If any elected officer or appointed officer of the Village fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office.

**(2) BONDS**

**(A) General Provisions.** The following officers of the Village shall be required to execute and file an appropriate bond in the amount noted below:

<u>Office</u>	<u>Amount</u>
Village Clerk/Treasurer	\$ 23,000.00
Village Deputy Clerk/Treasurer	\$10,000.00
Village Marshal	\$ 4,000.00
Municipal Judge	\$ 4,000.00

**(B) Bond Costs - Sureties.** The bond costs shall be provided by the Village. No natural person may be a surety on a bond. The bond may be furnished by a surety company under Section 632.17(2), (1993-1994) Wisconsin Statutes. The Village Board has, by this ordinance, established the amounts of the bonds. The Village Board may at any time determine that any bond amount noted above is insufficient or in excess and may therefore require any officer noted above to file a new bond within ten (10) days, in an amount fixed by the Village Board.

**(C) Filing Location.** The official bond shall be filed with the Village Clerk/Treasurer except that the Village Clerk/Treasurer shall file his or her bond with the Village President.

**2.11 COMMITTEE (COMMISSION) ORDINANCE****(1) COMMITTEE APPOINTMENTS**

**(A)** The President shall be authorized to appoint all special committees and to designate the chairman of each. All committee appointments except the designation of the chairperson shall be subject to confirmation by a majority vote of the Village Board.

**(B)** The Planning Commission, pursuant to Sections 61.35 and 62.23, Wisconsin Statutes, shall consist of the Village President, one (1) Trustee, and five (5) citizen members.

**(C)** The duties of the Commission shall be such as are established by the Village Board from time-to-time. The Planning Commission shall have those powers conferred upon city planning commissions by Section 62.23, Wisconsin Statutes, as authorized by Section 61.35, Wisconsin Statutes. The functions of the Planning Commission are to make and adopt a master plan for the physical development of the municipality. The master plan, with accompanying maps, plats, charts, and descriptions and explanatory matter, shall show the commission's recommendations for such physical development and may include, among other things without limitations because of



enumeration, the general location, character, and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, parking areas, public places and areas, parks, playgrounds, sites for public buildings and structures, waterways, the general location and extent of sewers, water conduits and other public utilities, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utility routes or terminals, the general location, character and extent of community centers and neighborhood units and other duties as set forth in Sections 62.23(2), (3), (4), and (5), Wisconsin Statutes.

(D) Pursuant to Wis. Stats. 62.23(1)(d), the term of citizen members on the Planning Commission shall be a term of 3 years. Appointments shall be made by the Village President during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of the term.

(2) **COMMITTEE REPORTS**. Each committee shall submit a written report of all matters considered by or referred to it. Such reports shall, whenever feasible, recommend definite action on each item included in the report. Any committee shall require any Village officer to confer with it and supply information in connection with any matter pending before it.

**2.12 MUNICIPAL COURT ORDINANCE**

*Repeated  
And Abolished by Ord. 2022-03  
(next pg)*

(1) The Municipal Court for the Village of New Auburn, created by Chapter 755, Wisconsin Statutes, is hereby established and shall become operative and function upon the effective date of this ordinance in accordance with the provisions of said chapter.

(2) The Municipal Court shall have the jurisdiction granted to it by the Wisconsin Statutes and shall have exclusive jurisdiction over offenses against ordinances of the Village of New Auburn to the extent provided in Section 755.045, Wisconsin Statutes.

(3) The Municipal Court shall be presided over by a Municipal Judge who shall serve for a term of four (4) years commencing on May 1, in the year of his election.

(4) The Municipal Judge shall receive such compensation for his services as is set by the Village Board. Such compensation shall be set forth on Appendix D.

(5) The days and hours during which the Municipal Court shall be in session shall be determined by the Municipal Judge, as authorized in Section 755.06, Wisconsin Statutes.

**2.13 BOARD OF REVIEW ORDINANCE**

**VILLAGE OF NEW AUBURN**  
**Barron & Chippewa Counties, Wisconsin**

**ORDINANCE 2022-03**

**An Ordinance to Repeal Section 2.12 and in the Process, to Abolish the Village of New Auburn Municipal Court**

The Board of Trustee of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: That Section 2.12 of the Village of New Auburn code of ordinances, creating and empowering the Municipal Judge and Municipal Court, be and is hereby repealed and the New Auburn Municipal Court and office of Municipal Judge are hereby abolished effective at 12:00 PM on the last day of the term of office to which the sitting judge has been elected which, in accord with Wis. Stat. § 755.02 and the election cycle applicable to the current judge, shall be April 30, 2023.

Section Two: That in accord with Ch. 755, Wis. Stats., the Municipal Judge, the Clerk of the Municipal Court for the Village of New Auburn, and the Village Clerk-Treasurer shall take all action necessary to effectuate the abolition of the Municipal Court and arrange for the transfer of its records to the Clerks of Circuit Court for Chippewa and Barron Counties. Further, in accord with Wis. Stat. § 755.01(4), a certified copy of this Ordinance shall be provided by the Village Clerk-Treasurer to the Director of State Courts.

Section Three: Employment of the Clerk of the Municipal Court shall terminate at the same time as the Municipal Court is abolished unless extended by further action of the Board of Trustees due to reasons related to concluding business of the Court and transferring its records. When the Municipal Court ceases operation in accord with this Ordinance, in accord with Wis. Stat. § 755.12, the court records, books of account, case files, money, and bonds belonging to the court shall be delivered to the Village Clerk-Treasurer within ten (10) days after the date of abolition of the court. Further, in accord with Wis. Stat. § 744.14, upon receipt of all of the above, the Village Clerk-Treasurer shall, within ten (10) days of said receipt, dispose of them as follows:

1. They shall be delivered to the clerk of circuit court for the county where the court held office and certified copies of all court records for the past twelve (12) months to the clerk of circuit court for each other county in which the Village lies. Accordingly, the original records shall be delivered to the Clerk of Circuit Court for Chippewa/Barron County and certified copies thereof to the Clerk of Circuit Court for Chippewa/Barron County.
2. For any pending or appealable case, the bail, if any, shall be delivered along with the case file to the proper clerk of circuit court. Any other monies received shall be deposited by the Village Clerk-Treasurer in accord with Wis. Stat. § 800.10(2).

Section Four: That this Ordinance shall take effect upon its adoption and publication as required by law. That this Ordinance need not be codified, except to the effect that Section One acts as a repealer of Section 2.12 of the Village Code and any other ordinance in the Village Code not expressly mentioned herein that deals with or empowers the Municipal Court for the Village of New Auburn.

**Adopted** this 14<sup>th</sup> day of April, 2022.



Brad Lotts, Village President

**ATTEST:**

  
Ardith Story, Clerk-Treasurer

(1) **MEMBERSHIP OF BOARD OF REVIEW.** Pursuant to Section 70.46, Wisconsin Statutes, the Board of Review shall consist of the Village President, the Village Clerk/Treasurer, and one Trustee. The Village Clerk/Treasurer shall be the Clerk of the Board of Review. No assessor for the Village may serve on the Board of Review.

(2) **COMPENSATION FOR BOARD OF REVIEW.** The members of the Board of Review shall receive salary compensation as established by the Village Board. The compensation shall be set by the Village Board and set forth on Appendix H.

(3) **Time and Place.** The members of the Board of Review shall meet annually at the Village Hall of the Village of New Auburn. The time of the meeting shall be set by the Village Board (and as required by Section 70.47, Wisconsin Statutes).

(4) **Procedure.** The Board of Review shall proceed in compliance with Chapter 70, (1993-1994) Wisconsin Statutes. The Board of Review process shall be as follows:

(A) The Board of Review of the Village of New Auburn will meet annually at any time during the thirty (30) day period beginning on the second (2nd) Monday of May. The meeting shall be at the Village Hall unless otherwise designated by the Village Board. A majority of the members will be a quorum.

(B) All meetings of the Board of Review of the Village of New Auburn are to be open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon, or adopted in any closed session or closed meeting of the Board of Review.

(C) Whenever the Assessor, in the performance of the Assessors duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessors office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

(D) The hours of the first meeting of the Board of Review of the Village shall be a minimum of two (2) hours. The meeting shall be between 9:00 a.m. and 12:00 a.m. (midnight). The meeting hours will be 6:00 p.m. to 8:00 p.m. unless otherwise set by Village Board action. Reference: Section 70.47(3)(a) Wisconsin Statutes.

(E) Any change in the time of the first meeting will not be effective until notice

is posted in not less than three (3) public places in the Village of New Auburn.

(F) Pursuant to Section 70.47(6m)(c) and Section 70.46(1) of Wisconsin Statutes, the Village Board hereby provides for the appointment of alternates to serve on the Village Board of Review in the event a standing Board member of the Board of Review is removed or unable to serve for any reason. The Village Board shall have the duty to appoint alternates.

The following electors of the Village of New Auburn are hereby named as alternates in the order indicated to serve as alternate Board of Review members for the year 2000:

Alternate 1: James Sarauer

Alternate 2: Rhea Robey

Alternate 3: Gary Pitts

Alternate 4: James Lotts

Alternate 5: Marvin Passow

(The Village Board may name as many alternates as they deem necessary to meet the statutory requirement that no less than three Board of Review members are needed to make a final determination of an objection to the property assessment.)

For years after the year 2000, the alternate members of the Board of Review may be changed from time to time by simple resolution adopted by the Village Board of the Village of New Auburn. The resolution for any individual year shall be placed in the Code of Ordinance as Appendix U.

**2.14 COOPERATION IN TRANSFER OF VILLAGE OFFICE ORDINANCE**

(1) **DUTY TO COOPERATE ON TRANSFER OF OFFICE.** This section shall be interpreted liberally to accomplish its purpose which is to provide for and promote an orderly and efficient transfer of office to a successor. All officers shall use all reasonable efforts to facilitate transfer of office and to cooperate with their successor.

(2) **STATUS SUMMARY AND RESPONSIBILITIES AT END OF TERM**

(A) It shall be the duty of all Village officers to provide all documents, files and information they may have regarding Village of New Auburn business activities, property, or finances to their respective successor in office and to cooperate with successors in office and all successor Village officials and successor Village Boards. It

shall further be the duty of the following officers to provide a written, **end of term status summary** to the successor containing therein such information as the Village Board shall require:

- (1) Village President
- (2) Village Clerk/Treasurer
- (3) Village Assessor
- (4) Village Attorney

(B) Status summaries at the end of each term shall be delivered to the Village Clerk/Treasurer for filing in the Village records with a copy provided to the Village President.

(C) The Village Board may further detail the contents of a Status Summary for each office by Resolution to be set forth as Appendix C.

(3) **BRIEF OF VILLAGE BOARD AND SUCCESSOR IN OFFICE.** When requested by the Village Board, any officer shall orally brief the Village Board and/or at the Village Board's discretion his or her successor in office and answer questions pertaining to the status summary, duties of the office, procedures of the office, and/or general Village business pertaining to that office.

## **2.15 COMPENSATION OF ELECTIVE VILLAGE OFFICES**

(1) Compensation of elective Village officers shall be set forth in Appendix D.

(2) Changes in compensation during the term of office shall be subject to Section 66.0505, Wisconsin Statutes, and shall not be increased during the term of office for elective officers who are entitled to participate in setting their salary.

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**Village of New Auburn  
Barron & Chippewa Counties, Wisconsin**

**Ordinance 2022-01**

**AN ORDINANCE REPEALING SECTIONS 3.01(1) THROUGH 3.01(6) OF THE NEW AUBURN CODE OF ORDINANCES AND RECREATING SECTIONS 3.01(1) THROUGH 3.01(4) OF THE NEW AUBURN CODE OF ORDINANCES**

The Board of Trustees of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Chapter 3, Section 3.01 (1) through (6) of the Village of New Auburn code of ordinances are hereby repealed and Chapter 3, Section 3.01 (1) through (4) are recreated as follows:

Chapter 3; Section 3.01

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**Sec. 3.01, (1) Public Records and Public Property**

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

<b>Authority</b>	<b>Designated Legal Custodian</b>
General Village Records (including Board Records)	Village Clerk-Treasurer

- (c) Each legal custodian shall name a person to act as legal custodian in his or her absence or in the absence of his or her designee assigned under subpart (a), and each legal custodian shall send notice of the designated deputy to the Village Clerk-Treasurer.

**Sec. 3:01, (2) Retention and Destruction of Records**

- (a) **Legend.** The following terms shall be applicable in Section 3.01:
  - (1) **Records Description.** Provides a brief description of the records. Group specific items such as forms into logical groups that have the same function or purpose.

Record Series Title	Records Description	Period of Retention	Confidential	WHS Notification
Appointment Files	Materials documenting appointments and nominations to boards, task forces, councils, or other bodies. May include applications; cover sheets, letters of recommendation, resumes and correspondence	Event + 2 years; Event = End of Term	No	Notify
Appointment Files (not selected)	Unsuccessful appointments and nominations to boards, task forces, councils, or other bodies	Event + 1 year; Event = Position filled	No	Waived
Committee Records and Minutes  (Excluding Village Board and Zoning Board)  <i>See <b>Village Board</b> section for retention of Village Board Minutes.</i>  <i>See <b>Public Works</b> section for retention schedule for Zoning Board Records.</i>	Records of committees, boards, councils, and commissions, other than Village Board. Includes meeting minutes, agenda packets, reports, and resolutions.	Creation + 7 years	No	Notify
Complaints (External)	File related to complaints regarding issues not related to a specific program. Complaints are not otherwise regulated by state or federal requirements.	Event + 2 years; Event = Complaint resolution, dismissal or end of litigation	No	Waived
Contracts and Agreements	Any contracts or agreements to which the municipality is a party.	Event + 6 years; Event = End date or cancellation of contract	No	Waived

Oath of Office	Elected or appointed municipal officers may be required to take, and file in writing, an official oath within ten days after receiving notice of election or appointment.	Event + 5 years; Event = End of term	No	Waived
Open Records Requests and Responses	Records relating to regular and reformulated, repetitious, systematic or continuing requests by individuals, groups or organizations for access to general information under the provisions of the Wis. Stats. §§ 19.35-19.37.	Event + 3 years; Event = Response provided	No	Waived
Organizational Chart	Repository of the official organizational structure of offices.	Event; Event = Superseded	No	Waived
Organizational Planning	Includes division and unit strategic business and operational planning files such as, but not limited to, final plan and significant work papers.	Event + 7 years; Event = Completion of plan	No	Notify
Petitions	Petitions submitted to municipalities for improvements or changes to existing municipal services/structures.	Event + 7 years; Event = Petition approved or denied	No	Waived
Press/News Releases	Information about municipality programs and events.	Creation + 3 years	No	Notify
Proclamations	Proclamations issued by the mayor, commissioner, or elected executive on behalf of the municipality	Event + 1 year; Event = End of elected representative's final term	No	Notify
Reports (Annual)	Annual reports produced by all departments and programs.	Event + 7 years; Event = Date of issue	No	Notify
Reports (Monthly)	Monthly reports of committees.	Creation + 3 years	No	Waived
Subject Files (Senior Level or Elected Official)	Subject files (paper and electronic) of senior level staff such as department heads and elected officials.	Event + 6 months; Event = Separation from position / end of term	No	Notify

<sup>2</sup> Note: When Federal Grant money is involved, the retention is 3 years from the date of the final Financial Services Report.

d) **Human Resources/Personnel**

<b>Record Series Title</b>	<b>Records Description</b>	<b>Period of Retention</b>	<b>Confidential</b>	<b>WHS Notification</b>
Grievance Case Files	Records of grievances filed by employees	Event + 7 years; Event = Date grievance is closed	Yes <sup>3</sup>	Waived
Personnel Files	Documents employee personnel actions during the employment of the employee. Applies to ALL employees.	Event + 7 years; Event = End of employment / service	No <sup>4</sup>	Waived

<sup>3</sup> No specific statutes restrict this type of record. However, the balancing test per Wis. Stat. § 19.35(1)(a) should be applied prior to releasing this type of record. Personnel files may contain patient health records which may be protected by Wis. Stat. § 146.82 and/or the Health Insurance Portability and Accountability Act (HIPAA).

<sup>4</sup> No specific statutes restrict this type of record. However, the balancing test per Wis. Stat. § 19.35(1)(a) should be applied prior to releasing this type of record. Personnel files may contain patient health records which are protected by Wis. Stat. § 146.82 and/or the Health Insurance Portability and Accountability Act (HIPAA).

e) **Legal**

<b>Record Series Title</b>	<b>Records Description</b>	<b>Period of Retention</b>	<b>Confidential</b>	<b>WHS Notification</b>
Attorney Opinions	Municipal attorney opinions given to answer specific questions regarding the interpretation and application of statutes and ordinances, or other legal matters.	Permanent	No <sup>5</sup>	N/A
Case Files	Files include, but are not limited to, pleadings and legal arguments, evidence, research, orders, legal summons and subpoenas issued. <sup>6</sup>	Event + 7 years; Event = Close of case	No <sup>7</sup>	Notify on historically significant cases only <sup>8</sup>

<sup>5</sup> Records may contain material protected by Attorney-Client Privilege Wis. Stat § 905.03.

g) **Municipal Land Ownership**

<b>Record Series Title</b>	<b>Records Description</b>	<b>Period of Retention</b>	<b>Confidential</b>	<b>WHS Notification</b>
Land Titles, Conveyances and Easements	Documentation for municipal owned land. Also includes any legal rights granted to others that relate to municipal owned land.	Permanent	No	N/A
Sales of Facilities and/or Land (Case Files)	Includes appraisals and related valuations. Projects where a municipality plans or actually sells either facilities and/or land assets.	Event + 6 years; Event = date of the completion of the transaction	No	Waived

h) **Municipal Vehicles**

<b>Record Series Title</b>	<b>Records Description</b>	<b>Period of Retention</b>	<b>Confidential</b>	<b>WHS Notification</b>
Motor Vehicle Control and Assignment Records	Documentation of agency motor vehicle assignments to employees. Includes completed documentation on reservations for pool cars, individual trips, driver profiles, check-in and checkout logs.	Event + 1 year; Event = Date the vehicle is disposed	No	Waived
Motor Vehicle and Heavy Equipment Maintenance Records	Records documenting service and repair orders to motor vehicles. These records normally include maintenance orders, logs, fiscal documents, such as requisitions or purchase orders for parts or services, vehicle warranties, operation and repair manuals and parts lists.	Event + 1 year; Event = Date the vehicle is disposed	No	Waived
Vehicle Use Agreements	Agreements between individuals and municipalities required before driving a municipal owned vehicle.	Event + 1 year; Event = Termination of agreement or employment	No	Waived
Vehicle Inspection Reports	Inspections of Municipal vehicles.	Event + 1 year; Event = date the vehicle is disposed	No	Waived

Reservation Requests, Rental Agreements, Use Permits, and Contracts	Permits, agreements, and contracts for the use of parks, shelters, and facilities	Event + 3 years; Event = Date of reservation	No	Waived
Supervisors Daily Report of Work Completed	Summarizes progress made on a particular job, noting the time required, employees assigned, and vehicles used.	Creation + 2 years	No	Waived
<b>Sanitation</b>				
Composting Regulations	Documents pertaining to the disposal of yard waste.	Event + 7 years; Event = Superseded	No	Waived
Curbside Recycling Program	Documentation of the curbside recycling program including policies, procedures, and administration of the program.	Event + 7 years; Event = Superseded	No	Waived
Drop Off Site/Recycling Yard Waste	Site operation files and records.	Creation + 7 years	No	Waived
Household Hazardous Waste Collection Center	Records related to the collection and disposal of paints, corrosives, flammables, toxics, used motor oil, and car/truck batteries	Creation + 30 years	No	Waived
Landfill/Garbage Dump Sites	Location of any fill, records of materials deposited, cover materials used, reports of leachate and methane leakage and treatment, source of fill materials, (household, commercial) source of cover materials, and inspection reports.	Permanent	No	N/A

k.) **Election Records**

<b>Record Series Title</b>	<b>Records Description</b>	<b>Period of Retention</b>	<b>Confidential</b>	<b>WHS Notification</b>
<b>Ballots and Equipment</b>				
Applications for Absentee Ballots (Federal Elections)	Includes copies of proof of identification when submitted with application. Authority provided by Wis. Stat. § 7.23(1)(f).	Event + 22 months; Event = Election <sup>10</sup>	No	Waived

Election Notices (Federal Elections)	Includes proof of publication and correspondence filed in connection with such notices. Authority provided by Wis. Stat. § 7.23(1)(j).	Event = 22 months; Event = Election	No	Waived
Election Voting and Registration Statistics Reports	Reports filed by municipal Clerk-Treasurer's on registration, voting, and absentee voting. Authority provided by Wis. Stat. §§ 6.275-6.276.	Event + 22 months; Event = Election	No	Waived
Ineligible Elector Registrations	Elector registrations deemed ineligible for voting. Status and reasons for ineligibility should be noted. Authority provided by Wis. Stat. § 7.23(1)(c).	Event + 4 years; Event = When deemed ineligible	No	Waived
Poll (Voter) Lists	List compiled by election officials on election day showing the names and addresses of electors who actually cast votes in an election defined in Wis. Stat. § 5.02(14). Authority provided by Wis. Stat. § 7.23(1)(e).	Event + 22 months; Event = Election	No	Waived

<sup>10</sup> All materials and documentation associated with a federal election must be retained at least 22 months after the election. Federal elections include those for the office of President of the U.S., U.S. Senator and U.S. House of Representatives (Wis. Stat. § 7.23(1)(f)).

<sup>11</sup> Materials must be retained in event a petition for recount has been filed.

<sup>12</sup> Before clearing or erasing the units or compartments, a municipal Clerk-Treasurer, shall transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed 22 months after the election to which the data relates. The requirement to transfer data does not apply to units or compartments for use with tabulating equipment for an electronic voting system that was approved for use prior to January 1, 2009, and that is not used in a federal election.

<sup>13</sup> Before clearing or erasing the units or compartments, a municipal Clerk-Treasurer shall transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed 22 months after the election to which the data relates. The requirement to transfer data does not apply to units or compartments for use with tabulating equipment for an electronic voting system that was approved for use prior to January 1, 2009, and that is not used in a federal election.

Credit Card Receipts or Information Received from Sales	Credit card receipts and related documentation associated with credit card transactions.	Event + 3 years; Event = Transaction date	No	Waived
Financial support records	Records used in reconciling bank statements and verifying expenditures. Includes, but not limited to, credit/debit notices, cash reconciliations, and deposit stubs.	Event + 1 year; Event = Audit	No	Waived
Issued Checks	Checks issued by the municipality that are outstanding or have been cleared by the bank.	Creation + 7 years	No	Waived
<b>Purchasing</b>				
Contract and Request for Bid/Proposal File	Records pertaining to the procurement of all commodities and services which may require a contract. This includes both successful and unsuccessful bids.	Event + 6 years; Event = End date of resulting contract or cancellation date of contract or bid / proposal	Yes <sup>14</sup> Some information may qualify for Trade Secret protection per Wis. Stat. § 19.36(5).	Waived
Vendor Performance Files	Documentation of vendors and contractors who fail to meet the terms and specifications of purchasing contracts.	Event + 6 years; Event = End of contract	No	Waived

<sup>14</sup>Some information may qualify for other legal protection such as copyright, patent, trademark or licensing. It is possible some vendors may identify information as confidential that is not actually protected by law.



Code Compliance Inspection Reports	Reports completed during field investigations to determine if buildings and system installations comply with the specifications of appropriate codes.	Permanent	No	N/A
<b>Engineering</b>				
Airport Improvement Petition File	Material submitted to the Department of Transportation when a municipality wants to make an improvement to the airport. Records may include public hearing records, briefs, reports and recommendations, and correspondence.	Event + 7; Event = Petition submitted to DOT	No	Waived
Airport Master Plan	The Airport Master Plan provides information about the condition of the airport and projects development for the next 20 years.	Event + 20 years; Event = New plan issued	No	Notify
Construction Plans: Final As-Built Projects	Final as-built plans and original drawings for public buildings, streets, sewers, sidewalks, etc.	Event; Event = Life of structure	No	Waived
Construction Plans: Final As-Built Projects (Historically Significant)	Use for historically significant projects.	Event; Event = Life of structure	No	Notify
Environmental Assessment & Impact Statements	Official copies of environmental assessments, impact statements and documentation related to municipal construction projects. <sup>16</sup>	Event + 6 years; Event = Termination of municipal ownership of the land	No	Notify
Maps: Construction and Topographical	May include maps covering environmental impact/changes, development of specific areas, and the impact on public infrastructure (utilities, roads, and sidewalks).	Permanent	No	N/A

Physical Plant Monitoring and Inspection Reports	Record documenting the operation of all facets of facilities: VAC; plumbing, mechanical, electrical, structural as well as special monitoring of building components.	Creation + 6 years	No	Waived
Profile and Grade Books	Documentation of landscape and features.	Permanent	No	N/A
State Highway Aid Program Records	Records of state aid pertaining to road maintenance.	Creation + 7 years	No	Waived
Street and Sidewalk Operations File	Documentation of the performance of tasks related to street and sidewalk maintenance. This may include solid waste management, street cleaning, repairs, snow removal, and garbage collection.	Creation + 7 years	No	Waived
Surveillance Recordings	Monitoring and surveillance recordings for public buildings, street cameras, and public transportation. <sup>20</sup>	Event + 120 days <sup>21</sup> Event = Date of recording Note: Recordings may be subject to longer retention. See footnote for more information. <sup>22</sup>	No	Waived
<b>Planning and Zoning</b>				
Aerial Photographs	Aerial photographs used for planning and map creation.	Event; Event = Superseded	No	Notify
Annexation Records	Incorporation records such as petitions, hearing testimony and exhibits, court orders, notices, resolutions, and related correspondence. <sup>23</sup>	Permanent	No	N/A
Comprehensive Growth and Development Plan	Provides general goals, objectives, policies and implementation recommendations to guide the future growth and development of the Village.	Event + 14 years; Event = Superseded by new plan	No	Notify

Zoning Board and Zoning Board of Appeals Meeting Material	Agendas, minutes, reports, plans, and other material submitted to the Zoning Board, and/or Zoning Board of Appeals.	Permanent	No	N/A
Zoning Ordinance	The text of the zoning ordinance spells out uniform rules that apply to each zoning district including: uses of the land (permitted, conditional and prohibited uses), dimensional standards (lot size, frontage, setbacks, building height, bulk floor area), and the density of development. Authority provided by Wis. Stat. § 60.61.	Permanent	No	N/A
Zoning, Rezoning Files	May include, but is not limited to, maps, rezoning application, written local description of the proposed zoning boundaries, and drawings of the boundaries. Also includes public hearing records.	Permanent	No	N/A
Zoning Variance Files	Records related to area and use variances. Documentation submitted by landowners to secure a variance to the zoning ordinance.	Permanent	No	N/A
<b>Utilities<sup>24</sup></b>				
Abandoned Mains and Services As-Built	Records may include final designs and location maps. Includes plans of private sewer and water systems.	Permanent	No	N/A
Excavation Plans of Private Utilities	Plans submitted by utilities needing to excavate to develop, expand, or repair utility lines.	Permanent	No	N/A
Inspections	Records documenting the inspection of water and sewer lines.	Permanent	No	N/A

<sup>24</sup> Wis. Stat. § 19.21(4)(b) defines the minimum retention cities, villages, and towns may set for water stubs, receipts of current billing, and customer’s ledgers of any municipal utility is 2 years. Local governments should also consult the schedule set by the PSC for Municipal Utilities. A complete list of records and schedules is located in “Investigation to Consider Proposed Changes to Records Retention Requirements for Electric, Gas and Water Utilities.”

n) **Revenue Records**

<b>Record Series Title</b>	<b>Records Description</b>	<b>Period of Retention</b>	<b>Confidential</b>	<b>WHS Notification</b>
<b>Assessment</b>				
Assessor’s Final Reports	Documents yearly changes to master property record and personal property returns. Final report is filed with DOR.	Event + 5 years; Event = Final report filed with DOR	No	Waived
Cadastral Maps	Includes any plats, assessor’s plats, certified surveys, or aerial photographs used in determining taxable boundaries.	Permanent	No	N/A
Final Assessment Rolls	Both real and personal property rolls.	Creation + 15 years (Provided no Forest Crop Acreage is recorded) <sup>25</sup>	No	Notify
Master Property Records	Details the appraisal of real property, based on the field inspections of the assessor.	Event + 5 years; Event = Life of structure	No	Notify
Notice of Increased Assessment	Notices sent to property owners informing them of increases on assessment.	Creation + 7 years	No	Waived
Taxation Exemption Reports	Reports filed by individuals who own property exempt from personal property tax under Wis. Stat. § 70.11. The reports are submitted to the Clerk-Treasurer of the taxation district. Authority provided by Wis. Stat. § 70.339.	Creation + 10 years	No	Waived

	estimates, and property affected. See Wis. Stat. § 66.0703(5).	with public works project record)		
<b>Tax Calculation and Collection</b>				
Escrow Account List	List of real estate taxes paid directly from an escrow account.	Event; Event = Superseded	No	Waived
Final Tax Roll	Real and personal property rolls. Calculated from assessment rolls to include total taxes and charges to be collected.	Creation + 15 years	No	Notify
Statement of Taxes	Combined record of calculations used to set final taxes.	Permanent	No	N/A
Tax Calculation Support Records	Any record used to calculate municipal taxes. These include any certificates, evaluations, levies, estimates, payments, and credits used to determine real and personal property tax rolls.	Event + 7 years; Event = Audit	No	Waived
Tax Receipts	Receipts issued by treasurer upon payment of taxes. Includes any supporting documents associated with issuing and recording receipts of payments.	Event + 7 years; Event = Audit of records by outside accounting firm	No	Waived
Tax Settlements	Used to verify tax collections compared to the taxes levied in the municipal records.	Event + 7 years; Event = Audit	No	Waived
Unpaid Tax Settlements	List of postponed real property, delinquent real property, and delinquent personal property taxes.	Creation + 15 years (Retain with tax roll)	No	Waived

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Dated: 1/13/2022

BRAD LOTTS

Brad Lotts, Village President

**ATTEST:**

Ardith Story

Ardith Story, Clerk-Treasurer

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**3.02 PUBLIC BUILDINGS AND PUBLIC LANDS****(1) HANDICAPPED ACCESS:**

**(A) New Building:** The Village Board shall design and construct any new Village public building to allow physically disabled persons reasonable means of access including access from parking lots, if any, ancillary to the public building.

**(B) Minimum Requirements for Use of Public Buildings:** The Village Board shall comply with minimum requirements established by the State of Wisconsin Department of Industry, Labor and Human Resources to facilitate the use of Village public buildings by physically disabled persons where traffic might reasonably be expected by such physically disabled person. The Village Board shall comply with the minimum requirements established by the State of Wisconsin Department of Industry, Labor and Human Resources to ensure access to and use of Village public buildings.

**(C) Parking Space Compliance:** The Village Board should not issue any authorizations to occupy any public building or private or public place of employment unless the owner thereof files with the Village Clerk a true certificate of compliance with the State law, State regulations and rules related to ensuring the access to and use of public buildings or places of employment relating specifically to the reservations and marking of parking spaces for use by a motor vehicle used by a physically disabled person.

**(D) Remodeling:** The Village Board shall meet the minimum regulations of the State of Wisconsin Department of Industry, Labor and Human Resources and Section 101.13, (1993-1994) Wisconsin Statutes, for remodeling of Village public buildings to ensure the access to and use of public buildings by physically disabled persons. Any Village public buildings that are remodeled, unless

excepted by rules of the State of Wisconsin Department of Industry, Labor and Human Resources or by Section 101.13, (1993-1994) Wisconsin Statutes, shall be designed and constructed so as to provide reasonable means of access for physically disabled persons.

(E) **Handicapped Access Grievance**: The Village Clerk shall receive any and all grievances related to handicapped access to Village buildings. Whenever possible, the grieving party shall place the grievance in writing. The Village Clerk shall refer such grievance to the Village Board at the next regularly scheduled meeting of the Village Board. The Village President, upon receipt of the grievance, shall appoint a member of the Village Board to investigate the grievance and to file a report with the Village Board. The Village Board will comply with Federal and statutory regulations, including the Federal requirements under 31 CFR 51.55(A)1-6, in investigating and acting upon such grievances.

(2) **PUBLIC BUILDINGS AND PUBLIC LANDS ACCESS**

(A) **Authority for Public Access**: The Village Board has the authority to establish dates and times for public access to the public buildings and public lands owned or leased by the Village. In addition, the Village Board has the authority to place additional restrictions on the use of the public buildings and public lands owned or leased by the Village.

(B) **Village Hall**

(1) The Village Hall shall be open to the public at the times and dates listed in Section (D)(3)a. herein unless written notice to the contrary is posted at the usual and customary locations in the Village.

(2) The Village Hall shall be open to the public at other times with the approval of the Village Board. The use of the Village Hall may be provided for non-governmental functions and events. These functions and events shall be private non-profit group meetings or social meetings upon which the meeting and the responsible party for the meeting are approved by the Village Board. The Village Board shall charge a daily rental fee for such use to the responsible party. The daily rental fee shall be as set forth in Appendix E which can be waived by the Village Board.

(3) The Village Board shall be responsible for maintenance and control of the Village Hall. The Village Board may delegate authority for the daily maintenance and control of the Village Hall to the Director of Public Works. Village



officers shall have keys to the Village Hall and shall have the right to access of the Village Hall at all reasonable times.

**(C) Other Village Buildings, Parks/Lands**

**(1)** The Village of New Auburn has the following other buildings, parks/lands:

**a.** All Village Parks

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**(2)** The Village Board establishes the following times and dates for public access to these parks:

**a. Hours.** All parks except recognized camping areas shall be closed to public use between the hours of 10:30 P.M. and 6:00 A.M. each day of the year.

**b. Official Time Used.** The time referred to in this section shall be the official time used in the State of Wisconsin at the time of the alleged violation.

**c. Penalties.** Any person violating this chapter shall forfeit not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and the costs of prosecution, and in the case of default costs are paid, not to exceed 30 days in the County jail.

**d. Permits For Night Use.** The Village Board of Trustees may if it finds that no vandalism or loud or disorderly conduct is likely to occur, grant to any group permission to use a specified park or beach for a specified night or nights. As a condition to granting such permission, the Village Board may require the posting of a reasonable bond, or the presence of a police officer or deputy sheriff, to be paid by the group seeking the permit. The permit may be revoked at any time by the Village Board authorized to oversee or inspect the permitted use.

**(D) General Regulations for access to and from Public Buildings and Public Lands**

**(1) Litter and Discharge**

(a) The Village Board does not permit the disposal or discharge of any litter, solid waste, hazardous waste, garbage or any other refuse in any Village public building and on the premises of any Village of New Auburn public land except in disposal containers or waste collection areas authorized by the Village Board or except with a permit issued by the Village Board.

(b) No person shall dispose or discharge the above-noted waste in violation of this provision. Any person violating this provision shall immediately and totally reclaim and remove the disposed or discharged waste from the Village public buildings and Village public lands. No formal request to reclaim and remove the above-noted waste by any Village Marshal or law enforcement officer shall be required to violate this provision. Any person who fails to reclaim and remove the above-noted waste immediately from any Village public building and Village public land after formal request to reclaim and remove the same by a **Village Marshal** or other law enforcement officer shall be immediately arrested and removed from the Village public building and Village public land.

(2) **Disorderly Conduct**

(a) The Village Board does not permit disorderly conduct in any public building and on any public land or contemptuous behavior or insolent behavior to any Village official, employee, or agent in any Village public building and on any Village public land when the officer, employee or agent is on duty or working for the Village.

(b) No person shall commit or cause disorderly conduct to the public or commit or cause contemptuous behavior or insolent behavior to a Village official, employee or agent in a Village public building and on any Village public land when the officer, employee, or agent is on duty or working for the Village. Loitering in a Village public building and on any Village public land, including Village roads, after being formally requested to leave the Village public building and Village public land by the chief presiding officer of any public meeting or by the Village Marshal or other law enforcement officer shall be considered disorderly conduct under this provision. Any person who continues to violate this provision after formal request to cease the disorderly conduct or to cease the contemptuous or insolent behavior by the Village Marshal or other law enforcement officer shall be arrested and removed from the Village public building and Village public land.



**CHAPTER 4****OPEN MEETINGS/VILLAGE NEWSPAPER ORDINANCE****4.01 OPEN MEETINGS/VILLAGE NEWSPAPER ORDINANCE**

(1) **OPEN PUBLIC MEETINGS**. All meetings of the Village Board shall be held in open session and shall be open to the public, except as noted in paragraph (6). In addition, all meetings of any committees, any commissions, any agencies, and boards and any other special government units of the Village shall be held in open session and open to the public, except as noted in paragraph (6).

(2) **PUBLIC NOTICE OF MEETINGS**

(A) **General Public Notice**. All meetings of the Village Board and all meetings of any committees, any commissions, any agencies, any boards or any other special government units of the Village shall provide public notice of these meetings pursuant to Section 19.84, (1993-1994) Wisconsin Statutes, and pursuant to this ordinance.

(B) **Responsible Person**. The Village President, or his or her designee and the chair or presiding officer of any committee, commission, agency, board or any other special government unit of the Village, or his or her designee, shall be the responsible person to communicate orally or in writing notice of any meeting to any concerned media who have filed a written request for such public notice of meetings and to any official newspaper for the Village of New Auburn.

(C) **Time for Notice**. The public notice of any meeting of the Village Board and the public notice of any meeting of any special office, committee, commission, agency, board or any other special government unit of the Village shall be given at least twenty-four (24) hours prior to the commencement of the meeting, unless for good cause such public notice is impossible or impractical in which case, shorter notice may be given, but in no case may public notice of any meeting be provided less than two (2) hours in advance of the meeting.

(D) **Elements of Notice**. Any written public notice of any meeting shall set forth the time, date, place and subject matter of the meeting, including any possible closed meeting and any subject matter intended for consideration of any possible closed session. The actual form of the written public notice shall be used that is reasonably likely to apprise members of the general public, any concerned

media and the official newspaper of the meeting.

**(3) SPECIAL GOVERNMENT UNITS**

**(A) Special Government Units Notice.** Any committee, commission, agency, board or other special government unit of the Village shall comply with Chapter 19, (1993-1994) Wisconsin Statutes, and the sections of this ordinance. Any committee, commission, agency, board or other special government unit shall, in addition, provide a written copy of a public notice of any meeting to the Village Clerk or to the Deputy Clerk of the Village of New Auburn prior to any meeting.

**(B) Exceptions.** The special government unit need not provide such public notice pursuant to Section 19.84(6), (1993-1994) Wisconsin Statutes:

(1) If the special government unit is a formally constituted committee or subcommittee of the Village Board;

(2) If the committee or subcommittee of the Village Board is meeting during a lawful meeting of the Village Board, during a recess of a lawful meeting of the Village Board, or immediately after adjournment of a lawful meeting of the Village Board;

(3) If the committee or subcommittee of the Village Board is meeting for the purpose of discussing or acting upon a matter which was the subject of the meeting of the Village Board; and,

(4) If the Village President publicly announces the time, place and subject matter of the meeting of the committee or subcommittee in advance at the meeting of the Village Board.

**(4) POSTING AND PUBLISHING OF PUBLIC NOTICE**

**(A) Posting.** At minimum, the responsible person to provide any public notice or his or her designee shall post written public notice of any meeting of the Village Board and any meeting of any committee, commission, agency, board or any other special government unit of the Village at the following location:

- (1) Village Hall
- (2) Security Bank of New Auburn
- (3) United States Post Office

**(B) Publishing.** In lieu of or in addition to the above noted written posting of the public notice for the meeting of the Village Board and any other special government units noted herein, proper written public notice may be achieved under Chapter 19, (1993-1994) Wisconsin Statutes, and this ordinance by the Village President or his or her designee publishing a Class 1 notice pursuant to Chapter 985, (1993-1994) Wisconsin Statutes, for any meeting of the Village Board or any other government units noted herein, in the Village of New Auburn official newspaper and by publishing public notice of any meeting at the discretion of the Village President of the Village Board, in any other publication likely to apprise the general public of the meeting. Publication of the public notice of a meeting in the official newspaper or in any other publication is not required by this ordinance except as noted below.

**(5) RECORDING, BROADCASTING AND PHOTOGRAPHING OF MEETINGS**

**(A) General Media Coverage Rule.** Pursuant to Section 19.90, (1993-1994) Wisconsin Statutes, any concerned media, the official newspaper of the Village or any other person may broadcast, photograph or record any part or all of any open session of a meeting of the Village Board, or any meeting of any special office, committee, commission, agency, board or any other special government unit of the Village covered by this ordinance.

**(B) Exceptions.** The Village President or the chair or presiding officer of any Village meeting or any other Village government meeting of the Village, its officers or its employees may, prior to or at the meeting establish reasonable standards for the location and placement of any broadcasting, photography or recording devices. No person shall broadcast, photograph or record any matter or persons at any government meeting in the Village of New Auburn in such a manner to unreasonably interrupt the deliberations and discussions nor unreasonably block the view or the opportunity to hear any person at any Village of New Auburn government meeting.

**(6) EXCEPTIONS TO OPEN MEETING**

**(A) Procedure for Closed Session**

**(1)** Any meeting of the Village Board and any public meeting of any committee, commission, agency, board or any other special government unit may be held in the closed session upon a motion for a closed session duly made and carried by a roll call vote of the members. The vote shall be conducted in a manner to allow the public to ascertain how each member of the Village Board or each member of the committee, commission, board or any other special government unit

of the Village voted on the motion. The actual vote for a closed session shall be recorded in the minutes by the recording officer of the meeting with a clear identification of the names of the members voting for the motion and the names of the members opposing the motion. Prior to the adoption of the motion, the Village President or the presiding officer of the meeting formally shall, at the open meeting portion, announce to all persons at the meeting the nature of the business or matter to be considered at such closed session and shall also formally announce the specific closed meeting exemption and subsection under Chapter 19, (1993-1994) Wisconsin Statutes.

(2) No person in the closed session shall bring before any closed session meeting any business or matter except that business or matter which relates to the business or matter contained in the formal announcement of the closed session by the Village President or by the presiding officer of the public meeting.

**(B) Purposes for Closed Session.** A closed session of the Village Board or a closed session of any special office, committee, commission, agency, board or any other special government unit of the Village may be held for the following purposes:

(1) Deliberation concerning a case which was the subject of any judicial or quasi judicial trial or hearing before the Village Board or before any special office, committee, commission, agency, board or any other special government unit of the Village.

(2) Dismissal, demotion, licensing, or discipline as follows:

(a) Considering dismissal, demotion, licensing or discipline of:

1. Any public employee for the Village.
2. Any person licensed by the Village.
3. Any special office, committee, commission, agency, board or any other special government unit of the Village.

(b) The investigation of charges against any person by the Village may be done provided that the public employee or person licensed is given actual notice of any evidentiary hearing by the Village Board or by any committee, commission, agency, board, or any other special government unit of the Village prior to the final action being taken by said Village Board or the committee, commission, agency, board or any other special government unit of the Village and the open

meeting notice of the public meeting at which final action may be taken. The actual notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session.

**(c)** The above paragraphs do not apply to any evidentiary hearing or meeting of the Village Board or any committee, commission, agency, board or any other special government unit of the Village where the public employee or person licensed requests in writing prior to the meeting or hearing to the Village Clerk that an open session be held.

**(3)** Considering employment, promotion, compensation or performance evaluation data of a public employee of the Village where the Village Board of the Village or any committee, commission, agency, board or any other special government unit of the Village has jurisdiction over the public employee or exercises responsibility for the public employee.

**(4)** Considering specific strategy for crime detection or prevention in the Village.

**(5)** Deliberating or negotiating the purchasing of public property for the Village or for any committee, commission, agency, board or other special government unit of the Village or conducting other specified public business for the Village or for any special office, committee, commission, agency, board or any other special government unit of the Village whenever competitive or bargaining reasons require a closed session.

**(6)** Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or investigation of charges against specific persons except where paragraph (b) applies, which, if discussed in public, would be likely to have substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

**(7)** Conferring with legal counsel for the Village Board of the Village or for any committee, commission, agency, board or any other special government unit of the Village about litigation which exists or is likely to arise.

**(8)** Consideration of requests for confidential written advice from any ethics board established by and for the Village Board; i.e., an Economic Adjustment Program (business).



(9) Considering any and all matters related to any business under Section 560.15, (1993-1994) Wisconsin Statutes, which, if discussed in public, could adversely affect the business, its employees or former employees.

(C) **Exceptions**

(1) The Village Board and any committee, commission, agency, board or any other special government unit may not commence a meeting, subsequently convened in closed session and thereafter reconvened in open session within twelve (12) hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session. For this purpose, the officer or designee effecting notice may use the phrase "The board may reconvene in open session to consider other topics".

(2) Neither the Village Board, any committee, commission, agency, board or any special government unit of the Village nor any member of the above-noted, nor any person shall construe this ordinance to authorize the Village Board or any special office, committee, commission, agency, board or any other special government unit of the Village to consider at a closed session meeting the final ratification or approval of any collective bargaining agreement under Subchapter IV or V of Chapter 111, (1993-1994), Wisconsin Statutes, where this agreement has been negotiated by the Village Board or by any special office, committee, commission, agency, board or any other special government units of the Village or on their behalf.

(7) **EXCLUSION OF MEMBERS**

(A) The Village Board may, pursuant to Section 19.89, (1993-1994), Wisconsin Statutes, adopt written rules to exclude members of the Village Board from closed meetings of any committees, commissions, agency boards or any other special government units of the Village if those committees, commissions, boards or other special government units of the Village are subunits of the Village Board.

(B) No member of the Village Board may be excluded from an open or closed meeting of the Village Board.

(C) No member of the Village Board that has or believes he or she has any direct or indirect conflict or conflicts as noted shall knowingly attend or continue to remain at any closed or open meeting of any committee, commission, agency, board or any other special government units of the Village where at these meeting

items related to the conflict will be discussed and/or will be voted upon.

**(D)** The Village Clerk shall have the right to attend all closed sessions of the Village Board unless the Village Board by a majority vote excludes the Village Clerk from any particular closed session.

**(8) STATE LAW.** The Village Board and any member of any committee, commission, agency, board or any other special government units of the Village shall comply with all applicable provisions of the State open meeting law (Chapter 19, (1993-1994) Wisconsin Statutes). Any meeting established, notices provided and any employee and by any agents of the Village of New Auburn shall comply with all applicable provisions of the State open meeting law (Chapter 19, (1993-1994) Wisconsin Statutes).

#### **4.02 OFFICIAL VILLAGE NEWSPAPER ORDINANCE**

##### **(1) OFFICIAL VILLAGE NEWSPAPER**

**(A)** The Village Board, pursuant to Section 985.05 (1993-1994) Wisconsin Statutes, may designate an official Village of New Auburn newspaper. This official Village newspaper, if designated, shall publish all legal notices published in a newspaper by the Village unless otherwise specifically required by State law. This official newspaper must be published or have general circulation in the Village and must be eligible under Section 985.03, (1993-1994) Wisconsin Statutes, as its official Village newspaper or utilized the same for specific notice.

**(B)** If at any time the Village has no official newspaper and under State law, publication in an official newspaper is required, then the Village Board may provide for publication in a newspaper published or generally circulated in the Village of New Auburn after the newspaper is so designated under Sections 66.01 to Section 66.08, (1993-1994) Wisconsin Statutes. If no newspaper is published in the Village, the Village may provide proper publication by publishing in a newspaper published in the Counties of Chippewa or Barron having general circulation in the Village of New Auburn if the newspaper is designated by the proper Village officers and special government units conducting any proceeding or meetings noted in Sections 66.01 to 66.08, (1993-1994) Wisconsin Statutes; and by the posting by the Village officers, their designee or by the special government unit conducting the proceeding or meeting in at least three (3) public places in the Village. If no newspaper qualifies and cannot be designated by the proper Village officers and special government units conducting the proceedings or meetings under Section 66.01 to 66.08, (1993-1994) Wisconsin Statutes, then the above-noted posting shall be sufficient publication.

(2) **ADOPTION OF RESOLUTION FOR OFFICIAL VILLAGE NEWSPAPER.** The Village Board authorizes by adoption of this ordinance that the official Village newspaper shall be the "Bloomer Advance".

**CHAPTER 5**

**FISCAL MANAGEMENT**

**5.01 FISCAL MANAGEMENT ORDINANCE**

(1) **FISCAL YEAR.** The fiscal year for the Village of New Auburn is the calendar year.

(2) **BUDGET ADOPTION**

(A) The Village Board shall adopt an annual budget. (Reference Section 65.90, Wisconsin Statutes.)

(B) The Village Board shall establish the duties of the Village Clerk in preparing and presenting to the Village Board the Village annual budget. The duties, at a minimum, are the following:

(1) The Village Clerk will prepare a budget timetable for the Village Board.

(2) The Village Clerk will prepare a budget worksheet for the Village Board and Finance Committee.

(3) The Village Clerk will prepare estimates for the Village Board and Finance Committee on the revenues and the cash balance for the year end.

(List Other Duties)

The Village Clerk shall prepare a Quarterly Budget Report, when requested by the Village Board.

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(3) **BUDGET HEARING.** The Village Board shall conduct a budget hearing prior to the adoption of the budget, pursuant to Section 65.90, (1993-1994) Wisconsin Statutes. At least fifteen (15) days prior to the budget hearing, the Village Clerk shall publish a Class 1 notice containing the time and place of the budget hearing, a summary of the budget and notice of the place where the budget, in detail,

is available. The Village Clerk shall publish notice of the budget hearing in at least three (3) public places at least fifteen (15) days prior to the budget hearing. The budget hearing shall be held at the Village Hall unless otherwise noted by the published or posted notice.

**(4) ESTIMATES OF BUDGET.** Each elected officer and each appointed officer responsible for a department, office, committee, commission, agency, board or other special government unit of the Village shall cooperate with the Village Clerk (by a date established by the Village Clerk) in assembling the following data for their department, office, special office, committee, commission, agency, board or other special government unit of the Village. The Clerk shall assemble and prepare for the Finance Committee:

- (A)** Prior year's receipts, revenues, disbursements, and expenditures.
- (B)** Current year's receipts, revenues, disbursements, and expenditures.
- (C)** Estimated receipts, revenues, disbursements and expenditures for next year.

**(5) ELEMENTS OF BUDGET.** Each budget prepared by and approved by the Village Board shall include the following:

- (A)** All existing indebtedness.
- (B)** All anticipated revenue from all sources for the ensuing year.
- (C)** All proposed appropriations for departments, committees, commissions, and boards, active or reserve accounts for next year.
- (D)** All actual revenues and expenditures for preceding year.
- (E)** All actual revenue and expenditures for not less than six (6) months of current year.
- (F)** All estimated revenues and expenditures for the balance of the year.
- (G)** All anticipated unexpended or unappropriated balances and surpluses.

**(6) ELEMENTS IN BUDGET SUMMARY.** Each budget summary prepared by and approved by the Village Board shall include the following:

**(A)** All expenditures by major expenditure category for the proposed budget, the budget in effect and the budget of the preceding year.

**(B)** All revenues by major revenue service for the proposed budget, the budget in effect and the budget of the preceding year.

**(C)** Any financial source and use not identified in subsection (A) and (B).

**(D)** All beginning and year end balances for the proposed budget, the budget in effect and the budget of the preceding year.

**(E)** Additional budget summary information can be included by order of the Village Board but shall be reported separately under the heading "additional information".

**(7) INITIAL PREPARATION OF BUDGET**

**(A)** The annual budget shall be initially prepared by the Finance Committee and approved by the Village Board based on the data and estimates provided by the Finance Committee. The following Village employees, officers, and agents along with the Village Clerk shall assist the Village Board in preparing the annual budget:

(List)

Village Treasurer

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**(8) APPROVAL OF BUDGET.** The Village Board, after the public hearing, shall act upon the annual budget. The Village Board may amend the annual budget prior to final adoption. The annual budget shall be finally adopted by the Village Board on or before December 15 of each year in accordance with Sec. 65.90 Wis. Stats. The annual budget, as finalized shall be adopted by a majority roll call vote of the members of the Village Board.

**(9) CHANGES IN FINAL BUDGET.** The amount of the tax to be levied or certified, the amounts of the various appropriations and the purposes of the appropriations stated in the approved annual final budget may not be changed unless authorized by a roll call vote of two-thirds (2/3rds) of the members of the Village Board. (Reference Section 65.90(5)(A), Wisconsin Statutes.)

**(10) EXPENDITURE OF FUNDS.** The Village Board shall not authorize money to be drawn from the treasury of the Village nor shall the Village Board incur any obligation for the Village for the expenditure of money except as these expenditures or obligations that are made pursuant to the annual final budget appropriations or that are made pursuant to any revised annual budget appropriations. Any unencumbered budget balance of the authorized appropriations shall revert to the general fund and shall be subject to reappropriation by the Village Board. No order for payment may be issued in excess of funds available or appropriated for the purpose for which the order is drawn unless authorized by a two-thirds (2/3rds) roll call vote of the Village Board.

**(11) CLAIMS AND PAYMENTS**

**(A) Claims Procedure- for Claims Subject to Section 893.80 (Claims for damages).** The Village Board shall develop and maintain a policy to manage and control any legal claims against the Village of New Auburn, its officers, its employees and its agents. All claims filed pursuant to Section 893.80, (1993-1994) Wisconsin Statutes, shall be filed with the Village Clerk. The Village Clerk shall immediately contact the Village President regarding the claims. The Village President shall arrange any appropriate and necessary meeting of the Village Board for actions pursuant to Section 893.80, (1993-1994) Wisconsin Statutes, to allow or disallow any claim. The Village President shall, at his or her discretion, contact the Village of New Auburn Attorney regarding the claim prior to the meeting of the Village Board. The Village Board and any other Village employee or Village officer involved with the claim or incident related to the claim shall respond as follows:

Notify the Village President or Village Clerk for consultation with the insurance carrier for Village insurance and the Village Attorney.

**(B) General Policy for Claims**

(1) No claim, account or demand for payment against the Village shall be paid until a voucher has been filed with or prepared by the Village Clerk. All claims, accounts and demands for money shall be filed with the Village Clerk.

(2) The Village Board shall approve or disallow any claim made under Section 893.80, (1993-1994) Wisconsin Statutes.

(3) All vouchers shall be approved or rejected by the Village Board prior to payment. All claims, accounts and demands for payment shall be verified by the claimant or the claimant's agent. The Village Treasurer shall make disbursements from the Village Treasury upon receipt of the approved voucher and upon the written order of the Village Clerk for payment. Any disbursement of Village funds from demand deposits of the Village shall be by draft or order check. Any disbursement of Village funds from savings or time deposits of the Village shall be by written transfer order. All drafts or order checks and transfer orders shall be signed by the Village Treasurer and the Village Clerk. The Village President shall countersign all drafts, order checks, and transfer orders. (Reference 61.51 and 61.25(6), 66.285, Wisconsin Statutes.)

**(C) Exceptions to Village Board Approval of Claims**

(1) Any bills and vouchers not in excess of Two Thousand Five Hundred Dollars (\$2,500.00) may be paid by the Village Clerk without approval of the Village Board, after review and approval as a proper charge against the Village Treasury and after the Village Clerk determines:

(a) Funds are available under the Village budget to pay the bill or voucher.

(b) The item or service covered by the bill or voucher has been duly authorized.

(c) The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.

(d) The claim appears to be a valid claim against the Village.



(2) The Village Clerk shall file, at the next regular meeting, with the Village Board a written list of claims approved, the date paid, name of claimant, purpose and amount of claim. The Village Clerk can demand proof of compliance with the above-noted sub-paragraphs (a)-(d) prior to approval.

(3) Pursuant to Section 61.51(2), (1993-1994) Wisconsin Statutes, regular wages or salaries by payroll, verified by the Village Clerk, are validated for payment on regular pay day without specific allocation by the Village Board.

(4) Tax settlements to the various taxing jurisdictions may be made by the Village Clerk, countersigned by the Treasurer and Village President without prior authorization by the Village Board.

(5) Utility bills/normal Gas bills

**(12) FINANCE BOOK**

(A) The Village Clerk shall maintain a finance book which shall contain a complete record of the finances of the Village. This book shall show the receipts with the date, amount, and source of each receipt to disbursement, with the date, amount and object of the disbursement. (Reference: Section 61.25(3), (1993-1994) Wisconsin Statutes)

(B) The following information shall also be included in the Finance Book:

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**(13) PUBLIC CONTRACTS**

(A) Items Required for Bids (Reference Wis. Stats. §61.55, §61.56, §62.15, and §66.29.)

(1) The Village Board shall advertise for bids for any public contract as defined in subparagraph 5.01(13)(E) hereof. A public contract means a contract for the construction, execution, repair, remodeling or improvement of any public work or building or for the furnishing of materials or supplies, with an estimated cost to the Village greater than Fifteen Thousand Dollars (\$15,000.00). The Village Board shall, prior to execution of any public contract, require proof of notice of publication, if publication is required.

(2) The Village of New Auburn shall not enter a public contract with an estimated project cost of more than Five Thousand Dollars (\$5,000.00) but

not more than Fifteen Thousand Dollars (\$15,000.00) unless the Village Board or a Village official or employee designated by the Village Board gives a Class 1 notice under Wis. Stats. Ch. 985, before the execution of the contract.

(3) This ordinance shall be interpreted to comply with the public bidding requirements of Wis. Stats. §61.55, as it may be amended from time to time. To the extent permitted in Wis. Stats. §61.55, this ordinance shall not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers. To the extent permitted by Wis. Stats. §61.55, this ordinance is not mandatory for the repair and reconstruction of public facilities when damage or threatened damage thereto creates an emergency as determined by Resolution of the Village Board, in which the public health or welfare of the Village is endangered.

(4) The Village Board may, in addition, require that the estimated amounts less than Fifteen Thousand Dollars (\$15,000.00) be placed for bid and that certain additional items such as equipment to be sold and services to be rendered to the Village be contracted for by bid. The Village Board shall require that the following additional items be bid:

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(B) **Procedure/Advertising Required for Bids.** In accordance with the authority granted by Section 61.56, (1993-1994) Wisconsin Statutes, the Village Board of the Village of New Auburn directs that as a complete alternative to the requirements established by Sections 61.54 and 61.55, (1993-1994) Wisconsin Statutes, the provisions of Section 61.15, (1993-1994) Wisconsin Statutes, shall be applicable to Village contracts for public construction. The authority vested in the board of public works under Section 62.15, (1993-1994) Wisconsin Statutes, shall be exercised by the Village Board.

(C) **Lowest Bidder**

(1) The Village of New Auburn shall let a public contract for which advertising for proposals is required to the lowest responsive and responsible bidder.

(2) The Village Board shall comply with the requirements in Section 66.29, (1993-1994) Wisconsin Statutes, relating to bidder's proof of financial responsibility, correction of errors, separation of contracts, bidder's certificate, settlement of disputes and payment of public contracts.

**(D) Exceptions to Bid Process**

(1) This ordinance does not apply to any public contract entered into by the Village with another municipality. Municipality, for this ordinance is defined as: the State or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, water utility district, mosquito control district, municipal electric company, county or city transit commission or regional planning commission.

(2) In addition, the public bid requirements are optional with respect to public contract for the repair and construction of public facilities in the Village when damage or threatened damage creates an emergency. The emergency must be declared by the Village Board prior to entering into a contract and the emergency must endanger the public health or welfare of the Village. This exception does not apply when the Village Board declares that the emergency no longer exists.

(3) Finally, the public bid requirements do not apply to any public work performed directly by the Village of New Auburn. Non-bid contracts are to be reported to the Village Board (Ref. 62.15(14), 61.56 Wis. Stats.)

(E) The following definition of "public contract" as defined in Section 66.29(1)(c), (1993-1994) Wisconsin Statutes, is adopted by the Village Board:

The term "**Public Contract**" shall mean and include any contract for the construction, execution, repair, remodeling, improvement of any public work, building, furnishing of supplies, material of any kind whatsoever, proposals for which are required to be advertised for by law.

**(14) PRIVATE INTEREST IN PUBLIC CONTRACT PROHIBITED**

(A) All Village officers and employees shall comply fully with Section 8.01 relating to ethics and shall not violate Section 946.13, (1993-1994) Wisconsin Statutes.

(B) In addition, pursuant to Section 946.13, (1993-1994) Wisconsin Statutes, no Village officers and employees shall negotiate a public contract, bid a public contract or enter into any contract or participate in the making of a public contract in which he or she has a private pecuniary interest, direct or indirect, which involve receipts and disbursements by the Village of New Auburn aggregating more than Fifteen Thousand Dollars (\$15,000.00) in any year.

**(15) LATE PAYMENT INTEREST**

**(A)** The Village shall comply with the provisions of Section 66.285 and 66.286 Wis. Stats. (1993-1994) with respect to payment of Interest on Late Payments for Public Works Contracts, contracts for materials or services.

**(16) BONDING**

**(A) General Authority.** The Village Board is authorized to bond pursuant to Chapter 67, (1993-1994) Wisconsin Statutes, and this ordinance. This ordinance is not applicable to the following types of bonds and borrowing:

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**(B) Amount of Bond and General Obligations.** The Village Board is authorized to bond, except as provided in Section 67.01(9), Wisconsin Statutes, to the amount of five percent (5%) of the value of the taxable property in the Village as equalized for State purposes with the percentage amount not to exceed five percent (5%) of the value of the taxable property located in the Village as equalized for such purposes. Maximum amount of bonds noted herein and other obligations do not apply to revenue bonds issued by the Village. The following projects, as projects are defined in Chapter 67, (1993-1994) Wisconsin Statutes, and for this ordinance can be undertaken for public purposes as public purpose is defined in Chapter 67, (1993-1994) Wisconsin Statutes, by the Village by issuance of bonds:

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**(C) Procedure.** The Village Board, if the Village of New Auburn seeks to issue a bond, must, pursuant to Chapter 67, (1993-1994) Wisconsin Statutes, adopt a resolution prior to issuance of the bond, except as noted below. This initial resolution adopted by the Village Board must state the purpose and maximum amount of the borrowing. After the adoption of the initial resolution by the Village Board, the Village Clerk shall initially record the resolution and call a special referendum election for the purpose of submitting the resolution to the electors of the Village for their approval. The Village shall follow the referendum procedure

established in Section 67.05, (1993-1994) Wisconsin Statutes. Referendums are not required for:

(1) Refunding obligations.

(2) Acquiring, developing, remodeling, constructing and equipping lands, buildings and facilities for regional properties either alone or acting jointly under Section 66.30, (1993-1994) Wisconsin Statutes.

(D) **Term of Bond**. All Village of New Auburn bonds by this ordinance shall be made payable not later than twenty (20) years after the original date. The Village Board may require that the bonds be made payable prior to the twenty (20) years.

(E) **Debt Service Fund**. The Village Board shall, pursuant to Section 67.11, (1993-1994) Wisconsin Statutes, establish a Debt Service Fund to service the municipal obligations under the bond.

(F) **Temporary Borrowing**. The Village Board may, pursuant to Section 67.12, (1993-1994) Wisconsin Statutes, and this ordinance, issue municipal obligations in anticipation of receiving Federal or State aids, taxes levied or other deferred payments. The municipal obligations issued under the section shall not exceed, by this ordinance, forty percent (40%) but, pursuant to Section 67.12, (1993-1994) Wisconsin Statutes, never more than sixty percent (60%) of the municipality's total actual and anticipated receipts in the borrowing fiscal year and shall be repaid no later than twelve (12) months but, pursuant to Section 67.12, (1993-1994) Wisconsin Statutes, never more than eighteen (18) months after the first day of the fiscal year. This amount does not constitute an indebtedness for purpose of determining the municipal constitution debt limitation. In addition, the Village Board may issue for the Village of New Auburn promissory notes as evidence of indebtedness for any public purpose. Each note, plus interest, shall be paid within ten (10) years but, pursuant to Section 67.12, (1993-1994) Wisconsin Statutes, never to exceed ten (10) years. Promissory notes issued for treatment plants under Section 144.241, (1993-1994) Wisconsin Statutes shall be repaid within twenty (20) years after completion of the treatment work project.

(G) **Protest Action**. The Village Board may not issue, pursuant to Section 67.22, (1993-1994) Wisconsin Statutes, for the Village any bonds, except refunding bonds, if within thirty (30) days after the adoption of the initial resolution a petition is filed with the Village Clerk contesting the issuance of bonds which is signed by a majority of the electors as defined in Section 6.02(1), (1993-1994)

Wisconsin Statutes, in the Village of New Auburn and which requests that the contested bond issue not be made.

(H) **Diversion of Funds.** Every Village officer and employee, the surety on these bonds of these officers and employees, and any other person participating directly or indirectly in any impairment of the borrowed money fund of the Village of New Auburn or a debt service fund of the Village shall be liable to the Village to restore such fund in total. The Village Board, upon knowledge of such diversion, shall immediately inform the Village Attorney of the diversion and request the appropriate legal advice regarding the diversion.

(17) **PROPERTY TAX COLLECTION**

(A) **Multiple Payments of Property Taxes.** The Village Board requires that all taxes on real property shall be paid pursuant to Sec. 74.11 Wis. Stats. (1993-1994).

(B) All taxes are to be paid in full on or before January 31 or in two (2) equal installments unless the total real property tax is less than One Hundred Dollars (\$100.00). If less than One Hundred Dollars (100.00), the taxes are due by January 31. If paid in two (2) installments, the first installment is due on or before January 31 and the second payment is due on or before July 31. All special assessments, special charges, and taxes are due on or before January 31. The first payment is to be paid to the Village Treasurer of the Village of New Auburn and the second payment is to be paid to the County Treasurer.

(18) **SPECIAL ASSESSMENT PROCEDURE**

(A) **Scope of Special Assessment/Policy.** The Village Board of the Village of New Auburn may levy and collect special assessments and charges, pursuant to Section 66.60, (1993-1994) Wisconsin Statutes, to pay for all or part of the cost of any public work or improvement. Special assessments in the Village may serve as a method of payment for public improvements or as a method to pay the bonds wherein the bond is only issued to pay the costs for public improvements. Special assessment policies, including deferment policies and interest rates will be set forth in a resolution adopting guidelines with respect to the manner of assessment, deferment of charges and interest rate on deferred charges as set forth in Appendix F.

Amended  
8-19-2021

**Village of New Auburn  
Barron & Chippewa Counties, Wisconsin**

**Ordinance 5.18-2021**

**AN ORDINANCE REPEALING AND RECREATING SECTION 5.18 OF THE NEW AUBURN  
CODE OF ORDINANCES**

The Board of Trustees of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Section 5.18 of the Village of New Auburn code of ordinances is hereby repealed and recreated in its entirety to read as follows:

**“(18) SPECIAL ASSESSMENT PROCEDURE**

(A) Authority. This section is adopted pursuant to Wis. Stat. § 66.0701(1), to establish rules and regulations regarding the making of special assessments against property benefitted by the installation of public works or improvements. As provided in Wis. Stat. § 66.0701, in addition to other methods provided by law, special assessments for any public work and improvement may be levied by alternate methods. The Village Board elects to levy such special assessments as provided in this section and, to the extent not in conflict with this section, the provisions of Wis. Stat. § 66.0703 are incorporated herein by this reference.

(B) Use of Special Assessments. Special assessments may be used to pay for public improvements or as a method of payment on the bonds wherein the bond is issued to pay the cost of the public improvement. Special assessments may provide for all or partial payments on the cost of the public improvements.

(C) Special Assessment Projects. The following projects may be subject to special assessment as authorized by the Village Board:

1. Sanitary sewers
2. Water mains
3. Storm sewers
4. Curb and gutters
5. Sidewalks
6. Roads
7. Any and all other public improvements

(D) Procedure.

1. Preliminary resolution. Any time a public work or improvement is to be paid for by special assessment, a preliminary resolution must be drafted and set forth the following information:
  - a. The intent to exercise the Village’s police powers for the purpose of levying special assessments for a stated municipal purpose;
  - b. Description of the contemplated purpose for which the assessment is to be levied;
  - c. The limits of the proposed area to be assessed;

- d. The proportion of the cost of the project (not exceeding 100%) which will be assess against the benefitted properties;
  - e. The number of installments in which special assessments will be paid or the number of installments shall be determined at a public hearing;
  - f. The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined or levied;
  - g. The interest rate on unpaid installments or that the interest rate shall be determined at the public hearing required by section 5.18(D)3;
  - h. The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property or that such terms will be determined after the public hearing required by section 5.18(D)3 and will be included in the final resolution; and
  - i. The appropriate municipal officer or employee to prepare a report for the Village Board as required by section 5.18(D)2.
2. Written Report of municipal officer or employee. The Village Board shall receive a written report from an appropriate municipal officer or employee containing the following information and pursuant to the procedure set forth below:
- a. Preliminary or final plans and specifications for the public work;
  - b. An estimate of the entire cost of the proposed work or improvements, except that when the Village Board determines by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvements, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs;
  - c. A schedule of the proposed assessments;
  - d. A statement that each property against which the assessments are proposed has been inspected and is benefitted, setting forth the basis of such benefit;
  - e. Upon completion of the report, the appropriate municipal officer or employee shall file a copy of the report with the Village Clerk.
3. Notice and Hearing. The following provisions will pertain to the notice and hearing requirements for special assessments:
- a. The written report shall be available from the Village Clerk for public inspection.
  - b. When the report has been completed and filed with the Village Clerk, the Village Clerk is to set a hearing date unless the preliminary resolution otherwise provides
  - c. The Village Clerk shall provide notice for a public hearing pursuant to Wis. Stat. § 66.0703(7)(a). The notice shall include:
    - i. a statement concerning the nature of the proposed work or improvement;
    - ii. description of the general boundary lines of the proposed area to be assessed and, if desired, a map of the proposed assessment district;
    - iii. the time and place where the report can be inspected; and
    - iv. the time and place at which interested parties, their agents or attorneys, may appear to be heard concerning the proposed project contained in the preliminary resolution and report.
  - d. A copy of the notice is to be mailed to every interested person whose post-office address is known, or can be ascertained with reasonable diligence, at least 10 days prior to the hearing date.



- e. The Village Clerk is to execute an affidavit of mailing to be recorded as part of the special assessment procedure.
  - f. The hearing must commence not less than 10 days nor more than 40 days after publication of the notice in the newspaper.
4. Final Resolution. At the hearing, the Village Board may approve, disapprove or modify the report. Alternatively, the Village Board may re-refer the report to the officer or employee who prepared the report with directions to add or alter the plans and specifications and to accomplish a fair and equitable assessment.

To approve the report and proceed with the special assessment, the Village Board must adopt a final resolution containing:

- a. a direction that the public work or improvement be performed and the special assessments levied as indicated in the report or as modified after the public hearing and set forth in the resolution;
- b. the number and terms of any installment payments allowed;
- c. a provision for collection of the assessment and any penalties to be imposed for failure to timely pay the assessment or any installment thereof;
- d. a statement that all assessments or installments, if permitted, which are not paid by the date specified shall be extended on the tax roll as a delinquent tax and collected in the same manner as delinquent real estate taxes; and
- e. terms and conditions of any allowed deferral of an assessment while no use is made of the improvement being financed thereby.

The final resolution is to be published as a class 1 notice in the assessment district and mailed to each interested person whose address is known or can be ascertained with reasonable diligence according to Wis. Stat. §66.0703(8)(d).

(E) Lien. Every special assessment levied under this section shall be a lien against the property assessment from the date of the final resolution of the Village Board determining the amount of such levy.

(F) Appeals. Wis. Stat. §§ 66.0703(12) and 66.0701(2) relating to appeals of special assessments shall apply to this section.”

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Dated: August 19, 2021

BRAD L OTTS  
Brad Lotts, Village President

**ATTEST:**

Peggy Stanford  
Peggy Stanford, Clerk-Treasurer

Ardith Story  
Ardith Story, Deputy Clerk-Treasurer

**(B) Special Assessment Projects.** The Village Board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred by a Village project on the property and may provide for payments of all or part of the cost of the Village project out of the proceeds of such special assessments. The following projects are subject to special assessment:

- (1) Sanitary Sewers
- (2) Water Mains
- (3) Storm Sewers
- (4) Curb and Gutters
- (5) Other public improvements including road work when approved by the Village Board.
- (6) Sidewalks

**(C) Procedure.** The Village of New Auburn shall follow the following special assessment procedure established in Section 66.60, (1993-1994), Wisconsin Statutes and this ordinance; namely:

(1) The Village Board shall adopt a preliminary resolution declaring its intention to exercise special assessment powers for a stated Village purpose. The resolution shall describe the contemplated purpose, the limits of the project assessment district, the number of installments in which special assessments will be paid or that the number of installments will be determined by the Village Board at a hearing. The resolution will also direct the proper municipal officer or employee to make a report to the Village Board. Finally, the resolution may limit the proportion of the cost to be assessed.

(2) The Village Board shall receive a written report pursuant to Section 66.60, (1993-1994) Wisconsin Statutes. This report shall be completed and filed with the Village Clerk sixty (60) days after adoption of the preliminary resolution by the Village Board unless waived to a later date by the Village Board. The Village Clerk shall provide the report for public inspection. If the State of Wisconsin may be subject to special assessment, then the Village Clerk shall file the report with the appropriate state agency or with the State Building Commission if the assessment is established at Fifty Thousand Dollars (\$50,000.00) or more.

(3) The Village Clerk shall provide the proper notice for a public hearing pursuant to Section 66.60, (1993-1994) Wisconsin Statutes. This notice shall contain the nature of the project, the general boundary lines, the time and place the report may be inspected and the time and place for the hearing.

*Amended  
8-19-21*

**(19) INVESTMENT PROCEDURE/PUBLIC DEPOSITORY**

**(A) Long Term Investment Depository.** The Village Board may order the Village Treasurer to invest long term funds and temporary funds not needed by the Village of New Auburn and to order specific dollar investments in specific financial institutions and in specific types of investments. These funds, however, must be invested in one of the approved financial institutions and approved investments noted in Section 66.04, (1993-1994) Wisconsin Statutes.

**(B) Temporary and Long Term Fund Depository.** The Village Board shall name the public depository or public depositories for any temporary fund investments and long term fund investments. The Village Treasurer shall deposit funds promptly on a weekly basis or when he or she receives over One Hundred Dollars (\$100.00) at any one time, whichever is earlier. These public depositories shall be approved financial institutions as noted in Section 66.04, (1993-1994) Wisconsin Statutes. The public depositories approved are:

- (1) Security Bank of New Auburn
- (2)

**(20) APPROPRIATIONS**

**(A) Non-Appropriation Items.** The Village Board may appropriate Village of New Auburn funds as established by law. The Village of New Auburn specifically cannot appropriate funds for the following:

(1) No appropriation of any kind shall be made by the Village nor any municipal liability created or tax levied as a consideration or inducement to the State of Wisconsin to locate any public education, charitable, reformatory or penal institution.

(2) No appropriation of any kind to authorize funds or pay to a physician, surgeon or a hospital, clinic or other medical facility for which the performance of an abortion except those permitted under and which are performed in accordance with Section 20.927, (1993-1994) Wisconsin Statutes.

**(B) Items to Review in Appropriations.** The Village Board, prior to approving any appropriations, shall review, at minimum, the following:

(1) The current availability of funds under the approved Village budget.

(2) That the proper Village authority approved the purchase of the item or service.

(3) That the item or items to be received by the Village are of the same type, amount and designation as the item originally approved by the Village authority.

(4) That the item or items to be received by the Village are in satisfactory quality and quantity.

(5) That the item or items have been and will continue to be received in a timely manner by the Village.

(6) That the Village has had no past legal or financial problems with or concerns regarding the vendor or the service provider.

(7) That the Village has complied with the proper bidding law and ordinances regarding the item or items.

(8) That the proper Village authority that approved the item or service and the Village Board has no direct or indirect conflict or interest regarding the item or service.

(9) That the Village has not been charged any sales tax.

(10) That the Village has not already paid previously for the item or service.

(11) That the vendor or service provider has the financial, the commercial and the legal ability to fully comply with any contract.

(12) That no real or alleged conflict of interest or ethical concerns have been raised regarding the appropriation.

**(21) FIRE COST REIMBURSEMENT**

(A) The Village Board of the Village of New Auburn may develop and maintain the proper funding for fire protection. The Village Board may charge property owners a fee for the cost of fire protection provided to their property according to a written schedule established by the Village Board. This will include fire protection provided by a fire department created by municipal intergovernmental cooperation

agreement pursuant to Section 66.30, Wisconsin Statutes, and specifically to the "New Auburn Area Fire Department".

(B) If the Village Board establishes a schedule for the cost of fire protection, it will be as set forth as Appendix G, which Schedule may be changed by Resolution from time-to-time. Copies of future Resolutions shall be included in Appendix G.

(1) In the event charges for a fire call remain unpaid following a billing notice to the landowner, the cost shall be put on the property tax bill as a special charge, pursuant to Section 66.60(16)(a), (1993-1994) Wisconsin Statutes.

**(22) FINANCIAL AUDIT**

(A) **Scope of Audit.** The Village Board shall provide for financial audits of the Village. The following accounts of the Village will be audited:

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**(B) Audit Regularity**

(1) The Village Board shall receive interim financial statements from the Village Treasurer. These statements shall be prepared on a monthly basis. The Village Clerk shall cooperate and aid the Village Treasurer in the preparation of these financial statements. These statements shall be received by the Village Board at the meeting after the report is submitted.

(2) The Village Board may, at their discretion, arrange for a financial audit of the Village. The audit will be completed by a certified public accountant or by the Department of Revenue if the Department of Revenue provides this service. The Village Treasurer and the Village Clerk will cooperate with these audits.

*2007. Charter Ordinance Clerk/President*

**CHAPTER 6****HOUSING****6.01 VILLAGE HOUSING DEVELOPMENT ORDINANCE**

(1) **TITLE/PURPOSE.** This ordinance is entitled the "Village of New Auburn Housing Development Ordinance". The purpose of this ordinance is to provide for housing authorities and to regulate housing practices in the Village.

(2) **AUTHORITY.** The Village has the specific statutory authority, powers, and duties, pursuant to Sections 66.23, 66.30, 66.395, 66.40, 66.425, 66.432 and 101.22 (1993-1994) Wisconsin Statutes, to establish and enforce a "Fair Housing Ordinance" for the Village of New Auburn to cooperate with the county, cities, villages and towns in housing development and to establish a Village of New Auburn Housing Authority.

(3) **DISCRIMINATORY HOUSING PRACTICE.** The following practices shall be considered discrimination in housing practices in the Village of New Auburn:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry.

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provisions of services or facilities in connection therewith because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry.

(C) To make, print, publish or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, handicap, religion, sexual preference, national origin, sex, or marital status of a person maintaining a household, lawful source of income, age or ancestry, or an intention to make such preference, limitation or discrimination.

(D) To represent to any person because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person

maintaining a household, lawful source of income, age or ancestry that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.

**(E)** For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry.

**(F)** For any bank, savings and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance because of the race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry of such person, or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the dwelling or dwellings in relation to which such loan or other assistance is given, or for a person in the business of insuring against hazards by refusing to enter into, or by exacting different terms, conditions, or privileges with respect to a contract of insurance against hazards to a dwelling because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of the person maintaining the household, lawful source of income, age or ancestry. Provided, however, that nothing contained in this section shall impair the scope of the effectiveness of the exception contained in Section 6.01(4) of this ordinance.

**(G)** To deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service, organization, or facility relating to the business of selling or renting dwellings or to discriminate against him or her in the terms or conditions of such access, membership or participation on account of race, color, handicap, religion, sexual preference, national origin, sex or marital status of the person maintaining the household, lawful source of income, age or ancestry.

**(H)** By refusing to renew a lease without cause resulting in the eviction of a tenant from rental housing or engaging in the harassing of a tenant.

(4) **EXCEPTIONS.** Nothing in this ordinance shall:

(A) Prohibit discrimination on the basis of age in relation to housing in the Village of New Auburn designed to meet the needs of elderly individuals.

(B) Prohibit from exacting different or more stringent terms or conditions for financing housing in the Village of New Auburn based upon the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(C) Prohibit the development of housing designed specifically for a person with a handicap and discrimination on the basis of handicap in relation to such housing.

(5) **FAIR AND OPEN HOUSING.**

(A) The Village of New Auburn hereby adopts Section 106.50, Wisconsin Statutes, as amended and all subsequent amendments thereto.

(B) The officials and employees of the Village of New Auburn shall assist in the orderly prevention and removal of all discrimination in housing within the Village limits by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

(C) The Municipal Clerk/Treasurer shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the Village of New Auburn to file a complaint there under with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

(6) **REQUIRING REFERENCES.** Nothing in this ordinance shall be deemed to prohibit an owner or agent from acquiring from any person who seeks to buy, rent or lease housing in the Village of New Auburn, information concerning family, marital, financial and business status, but not concerning race, color, physical condition, developmental disability, as defined in Section 51.05(5), (1993-1994) Wisconsin Statutes, or creed.

(7) **JOINT PARTICIPATION.** The Village of New Auburn, under Section 61.73(1), (1993-1994) Wisconsin Statutes, by its Village Board may cooperate with the state, county or other units of government under Section 66.30, (1993-1994)



Wisconsin Statutes, including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operations and maintenance of land, buildings and facilities for regional projects whether or not located in the Village of New Auburn.

**(8) VILLAGE HOUSING AUTHORITY/VILLAGE BUILDINGS**

**(A)** The Village Board may pursuant to Sections 61.73, 66.40 and 66.425 (1993-1994) Wisconsin Statutes, establish and maintain a Village of New Auburn Housing Authority.

**(B)** The Village of New Auburn real property, pursuant to Section 66.40(10)(h), (1993-1994) Wisconsin Statutes, may not be acquired by the Village of New Auburn Housing Authority or any other housing authority without the consent of the Village Board.

**(C)** The Village Board, pursuant to Section 66.40(21), (1993-1994) Wisconsin Statutes, may do any and all things legal and necessary to secure the financial aid and the cooperation of the Federal government in the undertaking, construction, maintenance and operations of any housing project which the Village of New Auburn Housing Authority is empowered to undertake.

**(D)** The Village of New Auburn, by its Village Board, pursuant to Section 66.40(22), (1993-1994) Wisconsin Statutes, may fix the sum to be paid annually in lieu of taxes on a Village housing project. The sum may not exceed the amount that would be levied as the annual tax by the Village upon such project or projects. The Village Board has fixed the sum for the below noted project until changed by Resolution to be:

(List Projects and Taxes)

New Auburn Housing Authority: 10% Shelter Rent or \$1200.00
whichever is more

**CHAPTER 7**

**WASTE MANAGEMENT/RECYCLING ORDINANCE**

**7.01 WASTE MANAGEMENT ORDINANCE**

(1) **TITLE/PURPOSE.** This ordinance is entitled the "Village of New Auburn Waste Management Ordinance". The purpose of this ordinance is to document and provide to the public; Village Board; persons engaged in waste collection, recycling, and solid waste enterprises; and members of the public the provisions of the waste management system for the Village of New Auburn.

(2) **ADOPTION OF ORDINANCE.** The Village Board hereby establishes by these sections and this ordinance license, registration and permit ordinances to regulate and control, by ordinance:

(A) Persons engaged in certain uses, activities, businesses and operations in the Village of New Auburn.

(B) To regulate, by these licenses, registrations and permits, the persons engaged in these uses, activities, businesses and operations at certain locations within the Village of New Auburn.

(C) To assess these persons with appropriate fees for the licenses, registrations or permits.

(D) To enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the license, registration and permit.

(3) **GENERAL PROVISIONS**

(A) The Village of New Auburn prohibits, unless specifically exempted by this ordinance or by order of the Village Board, any person from collecting solid waste or hazardous waste in the Village of New Auburn where the waste is intended to be ultimately disposed, stored, treated or recycled at a waste facility or recycling operation in the Village or where the waste is intended to be ultimately disposed, stored, treated or recycled at a waste facility or recycling operation outside the Village unless that person has a Village of New Auburn Waste Collection Permit.

**(B)** The Village of New Auburn prohibits, unless specifically exempted by this ordinance or by order of the Village Board, any person from disposing, storing, treating or recycling solid waste or hazardous waste in the Village of New Auburn unless that person has the appropriate waste permit issued by the Village.

**(C)** The Village of New Auburn requires, unless specifically exempted by this ordinance or by order of the Village Board, any person with a Village of New Auburn Waste Management Permit, of any type, knowing of any of the below noted occurrences shall report these occurrences to the Village Clerk within forty-eight (48) hours of the occurrence:

**(1)** Any hazardous waste entering or exiting any waste facility or recycling operation in the Village of New Auburn.

**(2)** Any fire, explosion or other emergency hazardous condition at or near any waste facility or recycling operation in the Village of New Auburn.

**(3)** Any groundwater, surface water or air pollution occurring at or near any waste facility or recycling operation in the Village of New Auburn.

**(4)** Any permanent, emergency or temporary closing of any waste facility or recycling operation in the Village of New Auburn.

**(D)** The Village of New Auburn requires, unless specifically exempted by this ordinance or by order of the Village Board, any person authorized by the appropriate permit issued by and the conditions in the permit established by the Village to collect or transport solid waste or hazardous waste in the Village to deposit with the Village Clerk an insurance policy or certificate of liability insurance covering all waste transport vehicles of the person with said policy to be issued by an insurance company licensed to do business in the State of Wisconsin and with the minimum amount of insurance coverage to be One Million Dollars (\$1,000,000.00) per occurrence.

**(E)** The Village of New Auburn prohibits any solid waste or hazardous waste discharge in any public or private land in the Village by any person, except in containers authorized by this ordinance or authorized by order of the Village Board or except in permitted or exempted waste facilities or recycling operations authorized by this ordinance or authorized by order of the Village Board. The Village of New Auburn prohibits the littering of solid waste or hazardous waste by any person on any public or private land in the Village without written approval of the Village Board.

**(F)** The Village of New Auburn prohibits any person not authorized by the Village from collecting, scavenging and/or removing any solid waste or hazardous waste from the property owned or leased by a third party or from lands owned or leased by the Village or from other public lands where the solid waste or hazardous waste has been deposited temporarily near or at the curbside, street, highway or road in the Village for the intent and purpose of collection and removal of the waste by permitted waste transporters or other persons authorized by the Village.

**(G)** The Village of New Auburn prohibits, unless specifically exempted by this ordinance or by order of the Village Board, any person to place or permit another to place any waste in the waste containers or receptacles at any waste collection location in the Village unless the waste placed in the waste container or receptacle was from the premises served by the waste container or receptacle. Moreover, the Village prohibits any person from placing any recyclable materials in the recycling containers or receptacles at any recycling collection location in the Village unless the recyclable material placed in the recycling containers or receptacles was from the premises in the Village serviced by the recycling container or receptacle.

**(H)** The Village of New Auburn prohibits, unless specifically exempted by this ordinance or by order of the Village Board, any yard waste, trees, shrub, brush, weeds, and other vegetation from being intentionally discharged or intentionally deposited by any person upon any sidewalks, roadways, streets, alleys, highways or other public lands in the Village of New Auburn.

**(I)** The Village of New Auburn requires, unless specifically exempted by this ordinance or by order of the Village Board, that any persons owning or leasing real property in the Village shall be responsible, in a timely manner to collect and remove litter and/or recyclable materials, to properly remove in a timely manner any discharges of solid waste, hazardous waste or recyclable material from their residential, commercial, or industrial establishments in the Village. These persons shall be responsible in a timely manner to reasonably keep the property in a clean and orderly condition and to avoid causing any private or public nuisance in the Village.

**(J)** The Village of New Auburn prohibits, unless specifically exempted by this ordinance or by order of the Village Board, any person from intentionally discharging or depositing any solid waste, hazardous waste, recyclable materials or any other waste material on or along any sidewalk, roadway, street, alley or highway in the Village, in any water in the Village, on the ice of any water in the Village, or on

any public property in the Village of New Auburn unless the premises is permitted for deposit or discharge of the particular waste by the Village Board. The Village of New Auburn prohibits any person from failing to remove, within thirty (30) days or otherwise abandon any automobile, boat or other vehicle in any waters in the Village of New Auburn.

**(K)** The above two (2) prohibitions against discharging waste do not apply to any person who places solid waste or recyclable materials in a waste container or receptacle as authorized by order of the Village Board and by this ordinance for solid waste collection and removal along any sidewalk, roadway, street, alley, highway, or other public or private property in the Village nor does it apply to any person who stores, disposes, treats, deposits or discharges solid waste or recyclable material in conformity with Chapters 30, 31, 144, or 147, (1993-1994) Wisconsin Statutes, or in conformity with any permit, license or other approval by the Wisconsin Department of Natural Resources or the Waste Facility Siting Board, in conformity with this ordinance or in conformity with a permit issued by the Village of New Auburn.

**(L)** The Village of New Auburn requires, unless specifically exempted by this ordinance or by order of the Village Board, that any person storing, treating, disposing, discharging or depositing any type of waste in the Village of New Auburn shall dispose, store, treat, discharge, or deposit such waste in a proper manner to not lead to or constitute a private or public nuisance in the Village. This provision shall apply regardless if the person disposing, storing, treating, discharging or depositing the waste has a permit to discharge issued by the Wisconsin Department of Natural Resources or the Village of New Auburn or otherwise is authorized to dispose, store or treat waste by the Waste Facility Siting Board, the State Department of Natural Resources or by the Village Board.

**(M)** The Village of New Auburn shall negotiate and attempt to enter into an annual or multi-year contract with a licensed waste hauler for the purposes of providing the collection and removal of solid waste and recyclable material from residential establishments on a regular basis in the Village. A residential establishment shall include an agricultural establishment for purposes of collection and removal of residential solid waste and recyclable materials. The final negotiated contract with the licensed waste hauler shall be drafted and approved by the Village Board. The collection and removal services to be provided shall be placed for bid by the Village Board. However, no person shall be excluded by the Village of New Auburn from collecting and removing solid waste, hazardous waste or recyclable materials from residential, commercial or industrial establishments in the Village provided the person has obtained a waste collection permit from the Village Board.

**(N)** The Village of New Auburn shall receive written notice from every commercial or industrial establishment in the Village by March 1st as to the arrangements or contracts that these establishments have made for services for collection and removal of solid waste, hazardous waste, or recyclable materials. No person, by oral or written contract, shall collect and remove solid waste, hazardous waste or recyclable materials from any commercial or industrial establishment in the Village without receiving a Village of New Auburn Waste Collection Permit. All written or oral waste collection contracts shall be directly between the permitted waste hauler and the commercial or industrial establishment. The Village of New Auburn has no obligation to arrange nor obligation to pay for any costs associated with collection and removal of commercial waste or industrial waste in the Village of New Auburn.

**(O)** The Village of New Auburn requires that all waste haulers collecting and removing solid waste, recyclable material or hazardous waste in the Village, regardless of whether the waste hauler has any contract with the Village or with any other person in the Village shall apply for and obtain a permit from the Village of New Auburn in order to provide waste collection services in the Village.

**(4) SPECIAL PERMIT**

**(A) Waste Permit**

**(1) Coverage.** Every person, pursuant to Chapters 61, 144, 146, 159, 160 and 823, (1993-1994) Wisconsin Statutes and this ordinance, who, with exceptions and exemptions herein noted, collects, disposes, stores, treats, or recycles solid waste or hazardous waste in the Village of New Auburn, shall seek and obtain an appropriate waste management permit from the Village of New Auburn prior to collecting, transporting, disposing, storing, treating, or recycling any solid waste or hazardous waste in the Village of New Auburn. The permits under this ordinance shall be issued by the Village Board of the Village of New Auburn unless specifically noted to the contrary.

**(a)** The Village Board has established separate permits as follows:

1. Waste Collection Permit - \$25.00
2. Charitable Organization Permit - \$2.00

3. (List Others)

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(b) The Village Board has approved all of the above noted required permits and the fees for each permit. The application for a permit shall be processed by the Village within forty-five (45) days of the receipt of a complete and proper application form.

(c) Waste management permits shall be issued on an annual basis, commencing on January 1st of each year unless a special monthly or weekly permit is authorized by the Village Board. The appropriate waste management permit or permits shall be issued by the Village Clerk prior to any person collecting, transporting, disposing, storing, or treating solid waste or hazardous waste or recyclables in the Village of New Auburn. No permit shall be issued by the Village Clerk of the Village of New Auburn without Village Board approval, except:

(List)

Charitable Organization Permit

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(d) The Village Board shall not approve any permit unless the Village Board is fully satisfied the applicant has been and will remain in reasonable compliance with the conditions of this ordinance, with the permit and with any conditions established by the Village Board in the permit.

(2) **Application/Permit.** The application and the permit shall designate the premises and areas in the Village wherein the person requests the permitted use, activity or operation. The application and the permit shall describe the permitted waste use, waste activity or waste operation. The permit or conditions to

the permit may not be amended if the person desires to change the designated premises or area, nor may it be transferred from one person to another. The application shall, at a minimum, include:

- (a) The name of the applicant.
- (b) The address of the applicant.
- (c) The business and residential telephone numbers of applicant, if any.
- (d) The type of permit requested, the application fee required, if any, and the bond required, if any.
- (e) The application date.
- (f) The general dates requested for hearing and for the issuance of any permit.
- (g) The age of the applicant, if applicable.
- (h) The agent of the applicant, if any.
- (i) The designated premises or area in the Village of New Auburn for waste use, waste activity or waste operation, including legal description and current zoning, if any.
- (j) The proposed Plans of Operation for the activity or operation, including plans for construction, operation, maintenance, closure and long-term care.
- (k) The type and amount of equipment to be used in the operation or activity.
- (l) The proposed plans for public nuisance control and environmental protection.
- (m) The likely routes of travel and hours of travel in the Village of New Auburn for waste use, waste activity, or waste operation.
- (n) The past experience of the applicant in the use,



activity or operation for which the permit is requested.

(3) **Condition of Permit.** As a condition of any permit issued, the permittee agrees to make quarterly reports to the Village of New Auburn or its designee showing the amount of recyclables and solid waste collected by the permittee, the source of the recyclables and solid waste, the ultimate disposal site, and/or the ultimate recycling center. Permittee shall furnish such additional statistics as may be reasonably required to enable the Village of New Auburn to apply for recycling grants and to make other reports as may be required by the State of Wisconsin, Department of Natural Resources.

(4) **Report Forms.** All reports shall be made on report forms provided by the Village of New Auburn and shall be reported on a quarterly basis unless waived or otherwise required by the Village of New Auburn.

(5) **Exemptions**

(a) This ordinance shall not apply to or govern animal waste transportation, animal waste disposal, animal waste storage, animal waste treatment or animal waste landspreading by any persons wherein the animal waste is a by-product from an agricultural operation in the Village of New Auburn and wherein the animal waste is transported to or disposed, stored, treated or landspread by the persons on land that the person or members of his or her family owns, occupies, or leases within the Village of New Auburn.

(b) This ordinance shall not apply to or govern the waste facilities operated and maintained as sanitary privies, seepage beds or septic tanks which conform to any applicable ordinances in the Village of New Auburn, shall not apply to or govern the disposal, storage or treatment of human waste products into any public domestic sewage system located in the Village nor the landspreading of human waste in the Village.

(c) This ordinance shall not apply to or govern facilities used for the landspreading of non-hazardous solid waste from a residential facility or agricultural operations where the owner, occupant or lessee of the land also owns, occupies or leases the land used for solid waste disposal.

(d) This ordinance shall not apply to or govern waste facilities receiving only sludge from a publicly owned treatment works or a privately owned domestic sewage treatment works having a permit under Chapter 147, (1993-1994) Wisconsin Statutes, provided the sludge disposal is accomplished in accordance

with the requirements of the permit.

(e) This ordinance shall not apply to or govern waste facilities used exclusively for the disposal of waste regulated under Section 146.20 (1993-1994) Wisconsin Statutes.

(f) This ordinance shall not apply to or govern waste facilities used for disposal of treated liquid municipal or industrial waste water approved under Section 144.04, (1993-1994) Wisconsin Statutes, or permitted under Chapter 147, (1993-1994) Wisconsin Statutes.

(g) This ordinance shall not apply to or govern waste facilities used for the land spreading of whey.

(h) This ordinance shall not apply to or govern waste facilities used for the landspreading of vegetable waste from canned, frozen or preserved fruit and vegetable processing operations. Waste facilities operated and maintained as pit silos that are used for storage of by-products from fruit, vegetable or grain processing operations where such by-products are to be used for animal feed are exempt from this ordinance.

(i) This ordinance shall not apply to or govern waste facilities used for the landspreading of composting leaves, grass, brush and other similar vegetable matter. Waste facilities for high volume industrial waste or wood residue where the waste is stored at the point of generation for less than seventy-two (72) hours prior to being transported for disposal or beneficial re-use and the waste facility is operated and maintained in an environmentally sound manner and in a manner so as not to make a public nuisance are exempt from this ordinance.

(j) This ordinance shall not apply to or govern waste facilities operated and maintained as demolition waste disposal facilities having a design capacity of less than fifty thousand (50,000) cubic yards. Waste facilities operated and maintained as auto junk yards or as scrap metal salvage yards are exempt from this ordinance if the only product recycled at these facilities is scrap iron, steel or non-ferrous metal.

(k) This ordinance shall not apply to or govern abandoned and closed waste facilities.

(I)

(List other exemptions)

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**(6) Ordinance/Permit**

**(a)** The persons subject to this ordinance shall comply with Chapters 61, 66, 144, 146, 159, 160, and 823, (1993-1994) Wisconsin Statutes and this ordinance.

**(b)** The Village Clerk shall provide copies of this ordinance at no cost to any applicant requesting a copy under this ordinance.

**(c)** The applicant and the persons subject to this ordinance shall comply as follows:

**1.** No person shall be issued or reissued a waste management permit until the appropriate application fee has been paid to the Village Clerk and the appropriate bond, if any, has been received by the Village Clerk. The Village Board shall establish the application permit fees and bonds by November 15th.

**2.** No person shall be issued or reissued a waste management permit who has failed to properly and fully complete and submit to the Village Clerk of the Village of New Auburn the application form developed and provided by the Village, including the appropriate application permit fee and bond.

**3.** No person shall be issued or reissued a waste management permit if the applicant or permittee:

**a.** Fails to specifically agree in writing to the conditions established by the Village Board in the permit or fails to comply with any written agreement or conditions in the permit.

**b.** Fails to specifically agree in writing to specific conditions established by the Village Board in the permit to require applicant to correct malfunctions or public nuisances at the waste facility or in the waste use, waste activity or waste operation in a timely manner upon notice by the Village Board or fails to comply with any written agreement or conditions in the permit.

c. Fails to specifically agree in writing to specific conditions established by the Village Board in the permit to have the applicant provide reasonable physical access to the waste facility in the Village for inspection purposes to the Village Board and its designees or fails to comply with any written agreement or conditions in the permit.

d. Fails to specifically agree in writing to specific conditions established by the Village Board in the permit to have the applicant provide in a timely manner reasonable financial records regarding the waste facility operations or the transportation operations in the Village of New Auburn or fails to comply with any written agreement or conditions in the permit.

e. Fails to specifically agree in writing to specific conditions established by the Village Board in the permit to have the applicant provide in a timely manner reasonable records regarding source, amount and type of waste involved with the waste facility operations or transportation operations in the Village of New Auburn or fails to comply with any written agreement or conditions in the permit.

## 7.02 RECYCLING ORDINANCE

(1) **TITLE.** Recycling Ordinance for the Village of New Auburn.

(2) **PURPOSE.** The purpose of this Ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program as provided in § 287, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

(3) **STATUTORY AUTHORITY.** This Ordinance is adopted as authorized under § 287.09, Wis. Stats.

(4) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, Ordinances or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

(5) **INTERPRETATION.** In their interpretation and application, the sections of this Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by statute. Where any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a section of this Ordinance is required by statute or by a standard in Wis. Admin. Code ch. NR 544 and where the provision is unclear, the provision shall be interpreted in light of the statute and the Wis. Admin. Code ch. NR 544 standards in effect on the date of the adoption of the Ordinance from which this Ordinance is derived or in effect on the date of the most recent text amendment to this Ordinance.

(6) **SEVERABILITY.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

(7) **APPLICABILITY.** The requirements of this Ordinance apply to all persons within the Village of New Auburn.

(8) **ADMINISTRATION.** The provisions of this Ordinance shall be administered by the Village of New Auburn and other authorized employees and representatives given administrative duties by the Village Board.

(9) **EFFECTIVE DATE.** The provisions of this Ordinance shall take place effect on the 24th day of August, 2007.

**(10) DEFINITIONS.** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**(A) "Bimetal container"** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

**(B) "Container board"** means corrugated paperboard used in the manufacture of shipping containers and related products.

**(C) "Drop-off site"** means the site designated by the Village Board from time to time for drop-off of recyclables.

**(D) "Foam polystyrene packaging"** means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

**(1)** Is designed for serving food or beverages.

**(2)** Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

**(3)** Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

**(E) "HDPE"** means high density polyethylene, labeled by the SPI Code #2.

**(F) "LDPE"** means low density polyethylene, labeled by the SPI Code #4.

**(G) "Magazines"** means magazines and other materials printed on similar paper.

**(H) "Major appliance"** means a residential or commercial air conditioner, clothes dryer, clothes washer, computer and computer components, dishwasher, freezer, oven, refrigerator or stove; residential and commercial furnaces, boilers, dehumidifiers and water heaters; and allowing the disposal of microwaves if the capacitor has been removed.

**(I) "Multiple-family dwelling"** means a property containing five or more residential units, including those which are occupied seasonally.

**(J) "Newspaper"** means a newspaper and other materials printed on newsprint.

**(K) "Nonresidential facilities and properties"** means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple-family dwellings.

(L) **"Office paper"** means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(M) **"Other resins or multiple resins"** means plastic resins labeled by the SPI Code #7.

(N) **"Person"** includes any individual, corporation, partnership, association, local governmental unit as defined in Wis. Stats. § 66.0131(1) (a), state agency or authority or federal agency.

(O) **"PETE"** means polyethylene terephthalate, labeled by the SPI Code #1.

(P) **"Plastic container"** means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

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

(R) **"PP"** means polypropylene, labeled by the SPI Code #5.

(S) **"PS"** means polystyrene, labeled by the SPI Code #6.

(T) **"PVC"** means polyvinyl chloride, labeled by the SPI Code #3.

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

(V) **"Solid waste"** has the meaning specified in Wis. Stats. § 289.01(33).

(W) **"Solid waste facility"** has the meaning specified in Wis. Stats. § 289.01(35).

(X) **"Solid waste treatment"** means any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of solid waste. Treatment includes incineration.

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

(Z) **“Yard waste”** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

**(11) SEPARATION OF RECYCLABLE MATERIALS.** Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- (A) Lead acid batteries.
- (B) Major appliances.
- (C) Waste oil.
- (D) Yard waste.
- (E) Aluminum containers.
- (F) Bimetal containers.
- (G) Corrugated paper or other container board.
- (H) Foam polystyrene packaging.
- (I) Glass containers.
- (J) Magazines.
- (K) Newspapers.
- (L) Office paper.
- (M) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- (N) Steel containers.
- (O) Waste tires.

**(12) SEPARATION REQUIREMENTS EXEMPTED.** The separation requirements of Section 7.02(11) do not apply to the following:

(A) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the state department



of natural resources that recovers the materials specified in Section 7.02(11) from solid waste in as pure a form as is technically feasible.

(B) Solid waste which is burned as a supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(C) A recyclable material specified in Section 7.02(11) (A) through (O) for which a variance has been granted by the Department of Natural Resources under Wis. Stats. § 287.11(2m) or Wis. Admin. Code § NR 544.14.

**(13) CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 7.02(11) shall be clean and kept free of contaminants such as food or product residue, oil, grease or other nonrecyclable materials, including but not limited to household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

**(14) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE.** Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

(A) Lead acid batteries shall be taken to the Village's authorized collection site or taken to a waste processing and recycling facility.

(B) Major appliances shall be taken to a waste processing and recycling facility.

(C) Waste oil shall be taken to the Village's authorized collection site or taken to a waste processing and recycling facility.

(D) Yard waste shall be placed curbside for pickup by the Village.

**(15) PREPARATION AND DELIVERY OF RECYCLABLE MATERIALS.** Except as otherwise directed by the Village of New Auburn, occupants of single-family and two- to four-unit residences shall do the following for the preparation and delivery of the separated materials specified in Section 7.02(11)(E) through (O):

(A) Aluminum containers, steel, and bi-metal containers shall be clean and labels removed, and delivered to the Village's drop-off site or taken to a recycling facility.

(B) Corrugated paper or other container board shall be flattened, and delivered to the Village's drop-off site or taken to a recycling facility.

(C) Foam polystyrene packaging shall not be recycled now but will be when markets become available.

(D) Glass containers shall be clean and unbroken and delivered to the Village's drop-off site or taken to a recycling facility.

(E) Magazines, newspapers, office paper and junk mail shall be tied or bundled, kept dry, and delivered to the Village's drop-off site or taken to a recycling facility.

(F) Rigid plastic containers shall be prepared and collected as follows:

(1). Plastic containers made of PETE, only pop and liquor bottles, shall be clean, and delivered to the Village's drop-off site or taken to a recycling facility.

(2). Plastic containers made from HDPE, including milk bottles, shall be clean and delivered to the Village's drop-off site or taken to a recycling facility.

(3). The following shall be collected when markets become available: plastic containers made of PVC, plastic containers made of LDPE, plastic containers made with PP, plastic containers made of PS, and plastic containers made of other resins or multiple resins.

(G) Waste tires shall be disposed of by delivering them to a recycling service under contract with the Village or delivering them to a county-wide tire recycling program and are subject to the charges currently approved by the Village under any recycling services contract or as may be charged by the County.

**(16) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.**

(A) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 7.02(11) (E) through (O):

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

(2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.

(3) Provide for the collection of the materials separated from the solid waste by the tenants and delivery of the materials to a recycling facility.

(4) Notify tenants of reasons to reduce and recycle solid waste; which materials are collected; how to prepare the materials in order to meet the processing requirements; collection methods or sites, locations and hours of operation; and a contact person or company, including a name, address and telephone number.

(B) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the state department of natural resources that recovers for recycling the materials specified in Section 11 (E) through (O) from solid waste in as pure a form as is technically feasible.

**(17) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.**

(A) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in Section 7.02(11) (E) through (O):

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

(2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.

(3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and delivery of the materials to a recycling facility.

(4) Notify users, tenants and occupants of reasons to reduce and recycle; which materials are collected; how to prepare the materials in order to meet the processing requirements; collection methods or sites, locations and hours of operation; and a contact person or company, including a name, address and telephone number.

(B) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of nonresidential facilities if the

postconsumer waste generated within the dwelling is treated at a processing facility licensed by the state department of natural resources that recovers for recycling the materials specified in Section 11 (E) through (O) from solid waste in as pure a form as is technically feasible.

**(18) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPERATED FOR RECYCLING.** No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 11 (E) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**(19) EDUCATIONAL PROGRAMS.** The Village Board shall coordinate and develop the educational programs necessary to implement this Village recycling Ordinance.

**(20) COMPLIANCE ASSURANCE PLAN.** The Village has adopted the Compliance Assurance Plan set forth at Appendix R.

**(21) LARGE OUTDOOR EVENTS.**

**(A)** Organizers and sponsors of outdoor events and owners of the real estate where outdoor events are held, with 20 or more persons attending, including but not limited to fairs, concerns, contests, sports events, shows, performances, reunions, social or business gatherings, with or without charge, on private or public property, where food or beverage is served shall, to the extent reasonably possible, provide an adequate number of clearly identified containers for recycling the materials set forth in 7.02 (11) (E) through (O).

**(B)** As soon as practicable after the event is completed, all recyclable materials shall be delivered by the organizer, sponsor, or real estate owner of his designee, to the local recycling center designated to receive same.

**(C)** To the extent reasonably possible, attendees of all such events shall deposit said materials to the provided containers; no such materials shall be placed or disposed of in a garbage or refuse container. All deposited material shall be clean and free of food particles.

**(22) PARKS, WAYSIDES, BALLFIELDS, AND RECREATION AREAS**

**(A)** All municipally owned or operated parks, waysides, ballfields, and recreational areas shall, to the extent reasonably possible have clearly identified containers for recycling the materials set forth in 7.02. (11) (E) through (O). These material products shall be regularly removed and delivered to the local recycling center designated to receive same.

(B) No person shall deposit to such containers any other materials and shall deposit to said containers only materials that are reasonably clean and free of food particles and other debris.

**(23) ADDITIONS/EXEMPTIONS.** The Village Board reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the municipality or its contractors. The municipality shall provide written notice to its service recipients of this declaration.

**(24) COLLECTION SCHEDULE.** The Village shall establish the yard waste collection schedule and the Clerk/Treasurer shall provide written notice of the collection schedule at least once each year or at any time when the collection schedule is changed.

**(25) SPECIAL MATERIALS.** Materials such as couches and bulky items shall be specially arranged with a licensed garbage hauler.

**(26) CONSTRUCTION MATERIALS.** For construction materials from remodeling or construction, arrangements are to be made by the individual with a licensed hauler.

**(27) RIGHT TO REJECT MATERIALS.** The drop-off site attendant or hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this Ordinance or in educational materials or instructions provided by the contractor or Village to the service recipients. Materials may also be refused if not separated from solid waste and placed in the proper container. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the Village within a month of the occurrence.

**(28) HAULER LICENSING.** Haulers who collect solid waste or recyclables in the Village of New Auburn for disposal, storage, treatment, processing, or marketing shall obtain and maintain all necessary municipal and state permits, license and approvals prior to collecting any materials in the Village of New Auburn.

**(29)** Reserved for Future Use

**(30)** Reserved for Future Use

**(31)** Reserved for Future Use

**(32) ENFORCEMENT.**

(A) For the purpose of ascertaining compliance with this Ordinance, any authorized officer, employee or representative of the Village of New Auburn may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee, or authorized representative of the Village of New Auburn who requests access for purpose of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(B) Any person who violates this Ordinance may be issued a citation by the Village of New Auburn. The issuance of a citation shall not preclude proceeding under any other Ordinance or law relating to the same or any other matter. Proceeding under any other Ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

(C) Any person who violates Section 7.02 (18) may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and no more than \$2,000.00 for a third or subsequent violation.

(D) Any person who violates a provision of this Ordinance, except Section 7.02 (18), may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

**(33) SEVERABILITY.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

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**CHAPTER 8****ETHICS****8.01      ETHICS ORDINANCE**

(1) **APPLICABILITY.** This ordinance shall be applicable for the below noted Village of New Auburn officers and the below noted Village employees along with the immediate family members of those officers and employees who hold the offices and positions. Also, it is applicable for those candidates for any elected office noted below in the Village of New Auburn along with their immediate family members.

- (A) Village President
- (B) Village Board Members
- (C) Village Clerk
- (D) Village Treasurer
- (E) Village Marshal
- (F) All street or road employees
- (G) For purposes of this section, immediate family shall be:

(1) An individual's spouse; and,

(2) An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half (1/2) of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half (1/2) of his or her support.

(2) **STANDARD OF ETHICAL CONDUCT.** The below noted relate to standards of ethical conduct for the above noted Village officers and Village employees.

(A) **Use of Office for Private Gain.** No persons in the Village of New Auburn offices noted in section 8.01(1) nor any persons holding public positions in the



Village noted in section 8.01(1) may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family or for an organization with which he or she is associated with. For purposes of this section, an "organization he or she is associated with" means, at minimum, an organization that the person has the following type of relationship: A corporation or limited liability company partnership or business enterprise owned by (greater than 40%) an office or position holder or his or her immediate family.

**(B) Disclosure of Information.** No persons in the Village of New Auburn offices noted in section 8.01(1) may intentionally use or disclose information gained in the course of or by reason of his or her office or public position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person, if the information has not been circulated to the public or is not public information.

**(C) Use of Office for Private Gain.** No persons in the Village of New Auburn offices noted in section 8.01(1) nor any persons holding public positions in the Village of New Auburn as noted in section 8.01(1) may use or attempt to use his or her Village office or his or her public position in the Village to influence or gain unlawful benefits, advantages or privileges for himself or herself or other persons.

**(D) Use of Office to Obtain Public Items.** No Village of New Auburn official nor employee shall request, demand, use, or permit the use of any Village-owned or supported property, vehicle, equipment, material, labor or service for the personal convenience of the official or employee or any other person for the private advantage of the official or employee or for any other person. This prohibition on the official and employee shall not be deemed to prohibit an official or employee from requesting, demanding, using, or permitting the use of such Village-owned or Village-supported property, vehicle, equipment, material, labor or service when it is the general practice to make the same available to the general public at large in the Village or when these items are provided to the official or employee as a matter of Village employment policy for the use of officials and employees in the conduct of official Village operations and business.

**(3) CONFLICT OF INTEREST ACTIONS.** A Village of New Auburn official or Village of New Auburn employee is deemed to have a material conflict of interest in regards to a matter in which he or she is involved or is about to be involved in the discharge of his or her official duties for the Village of New Auburn whenever:

**(A)** The matter in question is one in which the Village of New Auburn

official or Village of New Auburn employee in his or her capacity or a member of his or her immediate family or an organization with which he or she is associated with has a substantial interest.

**(B)** With such conflict of interest or possible conflict of interest, the Village of New Auburn officer or Village of New Auburn employee shall:

**(1)** Prepare a written statement describing the matter in detail and the nature of the conflict of interest or possible conflict of interest.

**(2)** Deliver copies of the written statement to the Village Clerk. If the Village Clerk is the Village officer with the conflict of interest or possible conflict of interest, he or she shall file the written statement with the Village Treasurer.

**(3)** If the Village officer is a member of the Village Board and has filed the written statement with the Village Clerk, this statement shall excuse the member from votes, deliberations, attendance at meetings and other actions in regard to such matter.

**(4)** If the Village officer or Village employee who is not a member of the Village Board has filed the written statement, the officer or employee's supervisor, if any, shall assign the matter to another employee.

**(4) HONORARIUM, FEES, AND EXPENSES**

**(A)** No persons in Village of New Auburn offices noted in Section 8.01(1) nor any persons holding a public position noted in Section 8.01(1) shall fail to report to the Village Clerk by a statement of economic interest any amount that he or she receives for any participation in a meeting, for any lodging, transportation money or for anything of value provided that the amount exceeds Fifty Dollars (\$50.00) in value excluding the value of food or beverage offered with any talk or meeting. The above-noted persons shall include in their report the identities of the person or persons that provided the amount exceeding Fifty Dollars (\$50.00) for the work, for the meeting, for the lodging, for the transportation and for anything of value along circumstances under which the amount was received and the appropriate amount received.

**(B)** Notwithstanding the above-noted requirements, persons required to report need not report reimbursement or payment received when:

**(1)** The above-noted persons returned the amount to the

providing party within thirty (30) days of receipt.

**(2)** The above-noted persons required to report can show by clear and convincing proof that while they received compensation, reimbursement or payment from a source that normally would require reporting and they received amounts that normally would require reporting, that the amounts received were made to the above noted person for a purpose unrelated to their duties and their responsibilities as a Village of New Auburn officer or as a Village of New Auburn employee and were not received by the above-noted person for their meeting with clubs, conventions, special interest groups, political groups, school groups and other groups established or organized to discuss and to interpret legislative, administrative, executive or judicial processes, proposals, and issues initiated by or affecting the Village of New Auburn.

**CHAPTER 9****TRAFFIC****9.01 TRAFFIC ORDINANCE**

(1) **STATE TRAFFIC LAWS ADOPTED.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 340 to 348 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment but including any penalties to be imposed and procedure for prosecution are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions, or modifications of the statutory regulations in Chapters 340 to 348 incorporated herein are intended to be made part of this Code in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin.

(2) **OFFICIAL TRAFFIC MAP AND CONTROL DEVICES: PROHIBITED SIGNS, SIGNALS, AND MARKERS**

(A) **Duty of Village Marshal to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Code, including a State of Wisconsin traffic regulation adopted by reference in Section 9.01(1), require the erection of traffic control devices for enforcement, the Village Marshal, under direction of the Village Board, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as in the judgment of the Village Marshal will carry out the purposes of this Code and give adequate warning to users of the streets and highways of the Village of New Auburn. The Village Marshal may delegate Village crew members to assist him in carrying out the duties imposed upon him by this Section.

**(B) Code Numbers to be Affixed to Official Traffic Control Devices.**

To the extent required by law, the Village of New Auburn shall cause to be placed on each official traffic control sign, guide board, mile post, signal or marker erected under subsection 9.01(5)(A) a code number assigned by the Wisconsin Department of Transportation and shall also, to the extent required by law, place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

**(C) Official Traffic Map**

**(1) Official Traffic Map Established.** There is hereby established an Official Traffic Map for the Village of New Auburn upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossings, and all other restrictions or limitations contained in this Code, as from time to time amended or modified by the Village of New Auburn when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.

**(2) Violations Prohibited.** When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this section, a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this Code.

**(3) Map to be Maintained.** A copy of the Official Traffic Map shall be maintained and displayed in the office of the Village Board and Chippewa and/or Barron County Circuit Court.

**(4) Additions to Map.** The Village Board from time to time may make additions to or deletions from the Official Traffic Map and the Village Marshal shall keep such Official Traffic Map current.

**(D) Prohibited Signs and Markers in Highways.** No person, other than an officer authorized by this Code to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by the Village of New Auburn any sign, signal, marker, mark or monument unless permission is first obtained from the Village Marshal or State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in subsection 9.01(2)(E).

**(E) Removal of Unofficial Signs, Markers, Signals, and Traffic Control Devices.** The Village Marshal may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Code or State law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Village Marshal to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15th shall be placed upon the tax roll for collection as other special municipal taxes.

**(3) SPEED LIMITS.** The Village Board hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe and imprudent and modifies such speed limits as follows:

**(A) Speed Limit Increased.** Speed limits are increased as follows upon the following designated streets or portions thereof.

**(1)** Tarr Road from the intersection of County Trunk "Q" on the East to County Trunk "M" on the West shall have a speed limit of 45 mph.

**(2)** County Line Road from the intersection with County Trunk "M" on the South, northerly and westerly to the Village limits shall have a speed limit of 55 mph.

**(3)** County Trunk "M" from a point 265 feet West of the intersection of Columbia Street West to the Village limits shall have a speed limit of 55 mph.

**(4)** County Trunk "M" from State Highway 53 exits onto "M" to Columbia Street shall have a speed limit of 45 mph, and 30 mph from Columbia Street to County Trunk "SS".

**(5)** County Trunk "AA" from the point 940 feet East of County Trunk "SS" easterly to the Village limits shall have a speed limit of 55 mph.

**(6)** County Trunk "Q" from the intersection of County Trunk "SS" West and South to the Village limits shall have a speed limit of 55 mph.

**(7)** County Trunk "SS" from the Village limits on the south, northerly to a point 405 feet southerly to the intersection of the south line of County Trunk "AA" and "Q" shall have a speed limit of 55 mph.

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(8) County Trunk "SS" from the point of 405 feet southerly to the intersection of the south line of County Trunk "AA" and "Q" to the point 615 feet northerly of the north line of County Trunk "AA" and "Q: shall have a speed limit of 45 mph.

(9) County Trunk "SS" from 615 feet northerly of the north line of County Trunk "AA" and "Q" to North Street shall have a speed limit of 35 mph.

(10) County Trunk "AA" from the intersection of County Trunk "SS" East to a point 940 feet easterly shall have a speed limit of 25 mph.

(B) **Speed Limits Decreased.** The following speed limits are decreased in accordance with Section 366.57(4)(i), Wisconsin Statutes:

(1) Park Street from the intersection of County Highway "SS" to East Street shall have a speed limit of 15 mph ~~when children are going to or from or are playing within such area.~~ *e per Ord # 19-01 Amendment*

(2) With the approval of the Wisconsin Department of Transportation, the speed limits are decreased as hereinafter set forth on the following streets or portions thereof:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(4) THROUGH HIGHWAYS AND CONTROLLED INTERSECTIONS**

(A) **Through Highways Designated.** In the interest of public safety and pursuant to authority granted by Wisconsin law, the following highways or portions thereof are declared to be through highways:

(1) All portions of County Trunk "SS" within the Village limits of the Village of New Auburn.

(B) **Controlled Intersections Designated.** In the interest of public safety, the following intersections are declared controlled intersections and traffic control signals shall be installed thereon in conformity with the Wisconsin Official Traffic Control Device Manual and the provisions of this code:

None designated.

\_\_\_\_\_  
\_\_\_\_\_

9,01 (4) (c)

**(C) Designation of Location of Stop Signs.** In the interests of public safety, stop signs shall be installed at the following locations to control traffic on the highways over which the Village of New Auburn has exclusive jurisdiction:

- (1) At the Northeast corner of the intersection of North Street with County Trunk "SS" for traffic on North Street entering County Trunk "SS".
- (2) At the Northeast corner of the intersection of Pine Street with County Trunk "SS" for traffic on Pine Street entering County Trunk "SS".
- (3) At the Northeast corner of the intersection of Elm Street with County Trunk "SS" for traffic on Elm Street entering County Trunk "SS".
- (4) At the Northeast corner of the intersection of Main Street with County Trunk "SS" for traffic on Main Street entering County Trunk "SS".
- (5) At the Northeast corner of the intersection of Dell Street with County Trunk "SS" for traffic on Dell Street entering County Trunk "SS".
- (6) At the Northeast corner of the intersection of Park Street with County Trunk "SS" for traffic on Park Street entering County Trunk "SS".
- (7) At the Northeast corner of the intersection of County "AA" with County Trunk "SS" for traffic on County Trunk "AA" entering County Trunk "SS".
- (8) At the Southeast corner of the intersection of East Street with Barron County Trunk "MM" for traffic on East Street entering Barron County Trunk "MM".
- (9) At the Northwest corner of the intersection of East Street with County Trunk "AA" for traffic on East Street entering County Trunk "AA".
- (10) At the Northwest corner of the intersection of Spruce Street with Pine Street for traffic on Spruce Street entering Pine Street.
- (11) At the Northwest corner of the intersection of Spruce Street with Elm Street for traffic on Spruce Street entering Elm Street.
- (12) At the Northwest corner of the intersection of Spruce Street with Main Street for traffic on Spruce Street entering Main Street.



(13) At the Northwest corner of the intersection of Spruce Street with Dell Street for traffic on Spruce Street entering Dell Street.

(14) At the Northwest corner of the intersection of Central Street with Pine Street for traffic on Central Street entering Pine Street.

(15) At the Northwest corner of the intersection of Central Street with Elm Street for traffic on Central Street entering Elm Street.

(16) At the Northwest corner of the intersection of Central Street with Main Street for traffic on Central Street entering Main Street.

(17) At the Northwest corner of the intersection of Central Street with Dell Street for traffic on Central Street entering Dell Street.

(18) At the Northwest corner of the intersection of Front Street with Main Street for traffic on Front Street entering Main Street.

(19) At the Northwest corner of the intersection of Columbia Street with Main Street for traffic on Columbia Street entering Main Street.

(20) At the Northwest corner of the intersection of Columbia Street with Dell Street for traffic on Columbia Street entering Dell Street.

(21) At the Southeast corner of the intersection of Columbia Street with Dell Street for traffic on Columbia Street entering Dell Street.

(22) At the Southeast corner of the intersection of Columbia Street with Main Street for traffic on Columbia Street entering Main Street.

(23) At the Southeast corner of the intersection of Front Street with Main Street for traffic on Front Street entering Main Street (Front Street a/k/a Alley Street).

(24) At the Southeast corner of the intersection of Front Street with Pine Street for traffic on Front Street entering Pine Street.

(25) At the Southeast corner of the intersection of Central Street with Main Street for traffic on Central Street entering Main Street.

(26) At the Southeast corner of the intersection of Central Street with Elm Street for traffic on Central Street entering Elm Street.

- (27) At the Southeast corner of the intersection of Central Street with Pine Street for traffic on Central Street entering Pine Street.
- (28) At the Southeast corner of the intersection of Central Street with North Street for traffic on Central Street entering North Street.
- (29) At the Southeast corner of the intersection of Spruce Street with Dell Street for traffic on Spruce Street entering Dell Street.
- (30) At the Southeast corner of the intersection of Spruce Street with Main Street for traffic on Spruce Street entering Main Street.
- (31) At the Southeast corner of the intersection of Spruce Street with Elm Street for traffic on Spruce Street entering Elm Street.
- (32) At the Southeast corner of the intersection of Spruce Street with Pine Street for traffic on Spruce Street entering Pine Street.
- (33) At the Southeast corner of the intersection of Spruce Street with North Street for traffic on Spruce Street entering North Street.
- (34) At the Southwest corner of the intersection of North Street with East Street for traffic on North Street entering East Street.
- (35) At the Southwest corner of the intersection of Pine Street with County Trunk "SS" for traffic on Pine Street entering County Trunk "SS".
- (36) At the Southwest corner of the intersection of Pine Street with East Street for traffic on Pine Street entering East Street.
- (37) At the Southwest corner of the intersection of Elm Street with Columbia Street for traffic on Elm Street entering Columbia Street.
- (38) At the Southwest corner of the intersection of Elm Street with Front Street for traffic on Elm Street entering Front Street.
- (39) At the Southwest corner of the intersection of Elm Street with East Street for traffic on Elm Street entering East Street.
- (40) At the Southwest corner of the intersection of Main Street with County Trunk "SS" for traffic on Main Street entering County Trunk "SS".
- (41) At the Southwest corner of the intersection of Main Street with East Street for traffic on Main Street entering East Street.

(42) At the Southwest corner of the intersection of Dell Street with East Street for traffic on Dell Street entering East Street.

(43) At the Southwest corner of the intersection of Park Street with East Street for traffic on Park Street entering East Street.

(44) At the Southwest corner of the intersection of County Trunk "Q" with County Trunk "SS" for traffic on County Trunk "Q" entering County Trunk "SS".

(45) At the Southwest corner of the intersection of Tarr Road with County Trunk "Q" for traffic on Tarr Road entering County Trunk "Q".

(46) At the Northeast corner of the intersection of Tarr Road with County Trunk "M" for traffic on Tarr Road entering County Trunk "M".

(47) At the Southwest corner of the intersection of Dell Street with County Trunk "M" for traffic on Dell Street entering County Trunk "M".

(48) At the Northeast corner of the intersection of Elm Street with Columbia Street for traffic on Elm Street entering Columbia Street.

(49) At the Northwest corner of the intersection of County Line Road with County Trunk "M" for traffic on County Line Road entering County Trunk "M".

(50) At the Southwest corner of the intersection of Pine Street with Columbia Street for traffic on Pine Street going easterly.

(51) At the Northwest corner of the intersection of Front Street with Pine Street for traffic on Front Street entering Pine Street.

(52) At the Southwest corner of the intersection of East Street with Park Street for traffic on East Street going northerly.

(53) At the Northwest corner of the intersection of East Street with Park Street for traffic on East Street going southerly.

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*(55) At the corner of the intersection of May St w/ N. East St for all traffic on May St.*

(D) Yield Signs to be Erected. The Village Marshal is authorized to erect yield right-of-way signs conforming to the Wisconsin Official traffic Control Device Manual at the following intersections on highways in the exclusive jurisdiction

of the Village of New Auburn provided that if the intersected highway is part of a through highway designated under subparagraph 9.01(4)(A). The provisions of Section 349.07(7)(a), Wisconsin Statutes, apply:

(1) At the Northeast corner of the intersection of West Dell Street and 50<sup>th</sup> Street, for traffic on West Dell Street entering 50<sup>th</sup> Street.

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(E) **Railroad Grade Crossings.** In the interest of public safety, stop signs and/or electronic signalling devices shall be installed at railroad crossings on the following Village streets:

**None**

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(F) **Operators to Obey Traffic Control Devices.** Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Section and Section 9.01(2) of this Code shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 9.01(1) of this Code. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Section 346.46, Wisconsin Statutes. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Section 346.18(6), Wisconsin Statutes.

(5) **ONE-WAY HIGHWAYS, SAFETY ZONES, SAFETY ISLANDS, TURNS, AND LANES**

(A) **One-Way Highways.** The following highways or portions thereof maintained by the Village of New Auburn are hereby designated one-way highways and no person shall drive or operate a vehicle on any such highway or portion thereof except in the one direction designated below:

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**(B) Safety Zones and Islands.** The Village Marshal is directed to designate and mark safety zones and safety islands and cause to be constructed in accordance with the Wisconsin Uniform Traffic Control Device Manual:

**(1) Safety Zones.** Safety Zones shall be provided in the following locations:

**a.** On East Street, South of its intersection with County Trunk "MM" to a point 75 feet North of the intersection with North Street.

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**(2) Safety Islands.** Safety islands shall be provided in the following locations:

None designated.

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**(3) Driving over Safety Zones or Islands Prohibited.**

Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over the safety zone or safety island.

**(C) Turns Prohibited**

**(1) Right Turns Prohibited.** No operator of any vehicle shall make a right turn at any of the following locations:

No special restrictions

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(2) **Left Turns Prohibited**. No operator of any vehicle shall make a left turn at any of the following locations:

No special restrictions

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(3) **Right Turn on Red Signal Prohibited**. No operator of any vehicle shall make a right turn on a red signal at the following locations:

No special restrictions

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(4) **Left Turn on Red Signal Prohibited**. No operator of any vehicle shall make a left turn on a red signal at the following locations:

No special restrictions

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(5) **U-Turns Prohibited**. U-turns are prohibited at the following locations:

(a) On Main Street between its intersection with County Trunk "SS" on the West to its intersection with East Street on the East.

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(D) **Miscellaneous Lane and Turn Controls.** The Village Marshal is authorized, when in his or her judgment the safety of the situation requires, to place Official Traffic Control Devices within or adjacent to intersections directing that a different course from that specified in Section 346.31, Wisconsin Statutes, be travelled by vehicles turning at the intersection and to mark lanes for traffic designating separate lanes for slow moving traffic or for traffic moving in a particular direction.

(6) **PEDESTRIANS, BICYCLES, MOPEDS, ETC. PROHIBITED ON FREEWAYS AND EXPRESSWAYS.** Pedestrians, bicycles, unmotorized traffic and persons operating power driven cycles, mopeds, or motor bicycles are prohibited on freeways and expressways. When signs conforming to the Uniform Traffic Control Device Manual are erected at all points of access to such highways, no pedestrian shall walk and no person shall ride a bicycle or operate a power driven cycle, moped motor bicycle, bicycle or other non-motorized vehicle upon the following freeways and expressways:

(A) U.S. Highway #53

(7) **NO PASSING ZONES**

(A) **Designated.** No passing zones shall be marked with unbroken yellow lines and/or signs indicating the beginning and end of such zones on the following highways within the jurisdiction of the Village of New Auburn in accordance with standards and procedures adopted by the Wisconsin Department of Transportation:

(1) **State Trunk Highways and County Highways - Local Streets**

On all roadways in the Village of New Auburn which have been designated as "No Passing Zones", either by signs or by a yellow unbroken line on the pavement on the right-hand side of and adjacent to the center line of the roadway. Wis. Stats. 346.09.

(B) **Passing Prohibited.** When no passing zone markers or signs giving notice thereof are erected or placed on the pavement as provided in this Section, including applicable State and County designated areas, no person shall operate a vehicle so as to overtake or pass another vehicle or drive to the left of the center of

the roadway in designated no-passing zones.

**(8) WEIGHT LIMITS AND HEAVY TRAFFIC ROUTES**

**(A) Streets Designated Class "B" Highways.** All highways within the Village of New Auburn, Wisconsin, are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes adopted by reference in Section 9.01 of this Code except the following enumerated highways or parts of highways:

- (1) U.S. Highway #53.
- (2) All County Highways, unless otherwise designated by the County Board.
- (3) Main Street.

**(B) Special and Seasonal Weight Limitations.** The Village Marshal shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the Village of New Auburn to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with the provisions of Section 9.01(2) of this Code. Further, the powers granted under Sec. 349.16(1)(a)(b) and (c), Wis. Stats., may be exercised by the Village Marshal, namely:

(1) Impose special weight limitations on any such highway or portion thereof which, because of weakness of the roadbed due to deterioration of climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations;

(2) Impose special weight limitations on bridges or culverts when in its judgment such bridge or culvert cannot safely sustain the maximum weight permitted by statute;

(3) Order the owner or operator of any vehicle being operated on a highway to suspend operation if in its judgment such vehicle is causing or likely to cause injury to such highway or is visibly injuring the permanence thereof or the public investment therein, except when Sec. 84.20 is applicable or when the vehicle is being operated pursuant to a contract which provides that the governmental unit will be reimbursed for any damage done to the highway. Traffic officers also may order suspension of operation under the circumstances and subject to the limitations stated in this paragraph.



(C) Imposition of the special weight limitations shall be done in the manner set forth in Wisconsin Statutes Sec. 349.16(2), namely;

(1) Shall be done by erecting signs on or along the highway on which it is desired to impose the limitation sufficient to give reasonable notice that a special weight limitation is in effect and the nature of that limitation. Imposition of the special weight limitations authorized by sub. (B)(1) shall be done by erecting signs before each end of the bridge or culvert to which the weight limitation applies sufficient to give reasonable notice that a special weight limitation is in effect and the nature of that limitation. All weight limitation signs and their erection shall comply with the rules of the highway commission.

(D) The provisions of Wis. Stats. Sec. 348.17(1) and (2) and penalty provisions of Wis. Stat. 348.21 pertaining thereto are hereby adopted by reference.

(E) The Village Board reserves the power to supervise and change any imposition of weight restrictions made by the Village Marshal and to adopt guidelines or specific limitations, if they see fit.

**(F) Heavy Traffic Routes**

(1) **Heavy Traffic Routes Designated.** The following highways or parts thereof within the jurisdiction of the Village are hereby designated heavy traffic routes:

- a. Main Street
- b. County and State Trunk Highways (Q, M, MM, SS, AA and #53) are not within the jurisdiction of the Village for establishing weight limitations, 349.15 Wis. Stats. These roads are therefore subject to applicable County and State restrictions.
- c. E Elm Street from County Trunk Highway SS to East Street.
- d. W Pine Street from Central Street to Front Street.
- e. N Central Street from Main Street to North Street.
- f. W North Street from Central Street to County Trunk Highway SS.
- g. N East Street from Main Street to Elm Street.

(2) **Restrictions on Use of Other Streets by Heavy Traffic.** When heavy traffic routes are designated in subparagraph (F) above, no person shall operate or move a vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 22,000 pounds on any highway not part of the heavy traffic route designated in subparagraph (F) above of this Section

except for the purpose of obtaining orders for, or moving, or delivering supplies or commodities to or from a place of business or residence which has an entrance thereon; provide, in no event shall the weight of the vehicle and load on any street not defined or designated as a heavy traffic route under subparagraph (F) above exceed the limitations pertaining to Class "A" highways or deliveries on Class "B" highways established by the Wisconsin Statutes.

**(9) SPECIAL PARKING REGULATIONS**

**(A) Parking Prohibited at All Times.** Except temporarily for the purposes of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle, upon any of the following highways or parts of highways:

(1) The East side of East Street from North Street to the south side of the New Auburn School driveway.

(2) The East side of County Trunk "SS" from a point 125 feet South of the South boundary of Main Street (102 S Old 53 Street) going North to 114 N Old 53 Street (the former Village Café).

(3) The East side of East Street from a point 50 feet South of the stop sign located at the corner of Park Street and East Street going North to the stop sign; and the West side of East Street from a point 50 feet North of the stop sign located at the corner of Park Street and East Street going South to the stop sign.

**(B) Parking Prohibited During Certain Periods.** No person shall park or leave standing any vehicle upon any of the following highways or parts of highways at the time indicated, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:

(1) Restrictions of (F)(5) of this ordinance.

**(C) Parking, Stopping, or Standing Prohibited.** No person shall park, stop or leave standing any vehicle, for any purpose, upon the following highways or

parts of highways at any time between:

None except (F)(5)

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**(D) No Parking Except for Authorized Vehicles.** Except as herein permitted, no person shall park, stop or leave standing any vehicle in the following places unless authorized by permit issued by the Village Board or by an Official Traffic Control Sign:

**(1)** Outside of the Police and Fire Stations in areas designated by sign for Police Department, Street Department and Fire Department Parking.

**(2)** Upon any portion of a street, highway or parking facility reserved by official traffic signs for vehicles displaying special registration plates, identification cards, or emblems for vehicles of physically disabled persons unless the vehicle displays a special registration plate, identification card or emblem issued by the State of Wisconsin or the jurisdiction in which the vehicle is registered.

**(E) Limited Time Parking.** When official traffic control devices or parking meters are erected in any block giving notice thereof, no person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than the following time periods between the hours of 7:00 a.m. and 6:00 p.m. on any day except Sundays and holidays on any of the following highways or parts thereof:

**(1)** Thirty (30) minute parking limit:

On the West side of East Street, from a point 273 feet South from the center line of Highway MM for a distance of 392 feet, during the periods of 6:00 a.m. – 4:00 p.m. when school is in session.

On the East Side of East Street from the North side of the New Auburn School driveway to County Trunk "MM", during the periods of 6:00 a.m. – 4:00 p.m. when school is in session.

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(2) One (1) hour parking limit:

None designated.

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(2) Two (2) hour parking limit:

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(F) **Miscellaneous Parking Restrictions**

(1) **Street Maintenance**. Whenever it is necessary to clear or repair a Village of New Auburn roadway or any part thereof, the Village shall post such highways or parts thereof with signs indicating "No Parking--Road Maintenance Work". Such signs shall be erected at least two (2) hours prior to the time that road maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

(2) **Parking in Driveways**. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

(3) **Parking Heavy Vehicles in Residential Districts**. No operator of a motor truck, truck-tractor, trailer, or semi-trailer or any other vehicle or combination of vehicles other than motorbuses weighing more than sixteen thousand (16,000) pounds shall park such vehicle on any highway other than a routed State Trunk Highway in any residential district except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle.

(4) **Snow Emergency Parking Restrictions**. Whenever the Village Marshal and/or Village Board shall, by reason of heavy snow storm or blizzard, proclaim a snow emergency pursuant to Section 66.325, Wisconsin Statutes, no

person shall park, stop, or leave standing any vehicle upon the streets or any portions of the streets during the hours set forth in said proclamation.

(5) **Night Parking Restrictions.** When signs have been erected at or reasonably near the corporate limits as provided in Section 349.13, Wisconsin Statutes, no person shall park any vehicle for a period of time longer than thirty (30) minutes between the hours of 2:30 a.m. and 7:00 a.m. from November 1 to April 1 of each year.

(6) **Parking Reserved for Vehicles of Disabled.** When official traffic signs, indicating such restrictions have been erected in accordance with Section 9.01 of this ordinance, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special Wisconsin Department of Transportation, or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

(G) **Unlawful Removal of Parking Citations.** No person other than the owner or operator thereof shall remove a Village of New Auburn parking violation notice from a motor vehicle.

(H) **Removal of Illegally Parked Vehicles**

(1) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this section or section 9.01(1) of this Code is declared to be a hazard to traffic and public safety.

(2) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.

(3) **Removal by Traffic Officer.** Any traffic officer after issuing a citation for illegal parking, stopping, or standing of an unattended vehicle in violation of this Code, is authorized to remove such vehicle to a position where parking is permitted.

(4) **Removal by Private Service.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer, or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.

(5) **Towing and Storage Charges.** In addition to other penalties provided by Section 9.01(10) of this Code, the owner or operator of a vehicle so removed shall pay reasonable cost of moving, towing and storage. If the vehicle is moved or towed by the Police Department or their designee, a charge of \$50.00 plus \$2.00 per mile shall be paid for moving or towing. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer, or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charges.

(6) **Refund of Towing or Storage Charges.** Any person charged with a parking violation whose vehicle has been towed or stored in connection with such charge and who is subsequently adjudged not guilty of such violation shall be allowed a refund of any towing and storage charges paid upon filing with the Village Clerk a certified copy of the judgment and a receipt showing payment of such charges.

(I) **Registration Record of Vehicle as Evidence.** When any vehicle is found upon a street or highway in violation of any provision of this Code regulating the stopping, standing, or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other State, shall be deemed to have committed the violation for purposes of enforcement of this Section and Section 9.01(1) of this Code and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Section 346.485(5)(b), Wisconsin Statutes, shall be a defense for an owner charged with such violation.

(10) **ABANDONED VEHICLES**

(A) **Abandonment of Vehicles Prohibited.** No person shall abandon any vehicle unattended within the Village of New Auburn for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

(B) **Definition.** As used in this Section, "vehicle" means a motor vehicle, trailer, semi-trailer, or mobile home as defined in Section 9.01(1) of this Code, whether or not vehicle is registered under Chapter 341, Wisconsin Statutes.

(C) **Presumption of Abandonment.** Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where

parking is prohibited, limited, or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this Section if left unattended on private property out of public view, by permission of the owner or lessee.

(D) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building, a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village of New Auburn, or a vehicle parked in a metered or paid lot or parking space where the required fee has been paid and meter activated.

(E) **Removal and Impoundment or Sale.** Any vehicle found abandoned in violation of this ordinance shall be impounded by the Village Marshal until lawfully claimed or disposed of as provided in this Section. If the Village Marshal or his duly authorized representative determines that towing costs and storage charges for the minimum impoundment period, see subsection (6), would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Village Marshal that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction, sale or sealed bid in accordance with subsection (8) of this Section.

(F) **Minimum Impoundment Period.** The minimum period of impoundment or storage of a vehicle found in violation of this Section shall be ten (10) days.

(G) **Notice to Owner.** The Village Marshal removing or causing the removal of any vehicle found in violation of this Section shall immediately notify the Village Board of the abandonment and location of the impounded vehicle, and shall within ten (10) days thereafter, notify the owner and lienholders of record by certified mail of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in Section 342.40(3), Wisconsin Statutes, and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to sale of the vehicle.

(H) **Sale.** Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in Section 342.40(3), Wisconsin Statutes.

(I) **Sale to Bar Claims Against Vehicle.** The sale of a motor vehicle, under the provisions of this Section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.

(J) **Purchaser to Remove Vehicle.** The purchaser of any vehicle on sealed bid or auction sale under Section 9.01(10)(G) shall have ten (10) days to remove the vehicle from the storage area upon payment of a storage of Ten Dollars (\$10.00) for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

(K) **Request for List.** Any listing of vehicles to be sold pursuant to this Section shall be made available by the Village Clerk to any interested person or organization who makes a written request therefore for a fee of One Dollar (\$1.00).

(L) **Notice to Department.** Within five (5) days after sale or disposition of a vehicle under this Section, the Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by that Department.

(M) **Owner May File.** At any time within two (2) years after the sale of a motor vehicle as provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Village Board setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or fault of claimant. If the Village Board is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Municipal Treasury as the result of the sale of such motor vehicle, nor the amount of interest of the claimant therein.

(N) **Exemption**

(1) Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause removal of such vehicle from any alley, street, highway, or public place, not otherwise regulated as a restricted parking, stopping, or standing zone, shall, within twelve (12) hours of such occurrence, notify the Village Marshal of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the Village together with a fee of Ten Dollars (\$10.00) to offset the cost of towing and junking charges and shall be exempt from the provisions of this ordinance.



(2) When so requested by the owner or person in charge of a vehicle, the Village Marshal shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the Village crew or contractor engaged by the Village for towing of disabled vehicles.

**(11) PENALTIES**

(A) **Forfeiture Penalty.** The penalty for violation of any provision of this Code shall be a forfeiture as hereinafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1) (if in a Municipal Court), Wisconsin Statutes, any applicable penalty assessment for moving traffic violations, driver improvement surcharge imposed by Sections 165.87 and/or 346.655, Wisconsin Statutes, said assessment or other applicable penalty assessment imposed by statute, where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Code may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture costs and assessments are paid, but not exceeding ninety (90) days.

**(B) Other Sanctions**

(1) **By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authority granted by the Wisconsin Statutes including authority to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs, or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

(2) **By Municipality.** No person who has been convicted of a violation of any provision of this Code shall be issued a license or permit by the Village of New Auburn Clerk except a marriage, hunting, fishing, or dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

(C) **Forfeitures for Violation of Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 9.01(1) of this shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statutes, including

any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this Code for any offense described in Chapters 341 to 348, Wisconsin Statutes, for which an imprisonment penalty or fine may be imposed upon the defendant.

**(D) Forfeitures for Parking Violations**

**(1) Forfeitures for Uniform Statewide Parking, Stopping, and Standing Offenses.** Minimum and maximum forfeitures for violation of non-moving traffic violations adopted by reference in Section 9.01(4) of this Code as described in Chapters 341 to 348, Wisconsin Statutes, shall be as provided for in the comparable State non-moving traffic violation. The Revised Uniform State Traffic Deposit Schedule shall apply to all offenses as to which a statutory contingent exists to define deposits for forfeitures.

**(2) Penalty for Other Parking Violations.** <sup>9.01(11)(D)(1)</sup> The penalty for all other parking violations not included under subparagraph 9.01(13)(D)(1) shall be a forfeiture of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). As to such parking violations, the Deposit Schedule adopted by the Village Board shall apply.

**(E) Other Violations.** Any person who shall violate any provision of this Traffic Code for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00).

**(12) ENFORCEMENT.** This ordinance shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.

**(A) Applicable Court Procedures.** Except as otherwise specifically provided by the laws of the State of Wisconsin or the provisions of this Code, the traffic regulations in this Code shall be enforced in the Circuit Court for Chippewa and/or Barron County in accordance with the applicable provisions of Chapters 345 and 799, Wisconsin Statutes.

**(B) Citations**

**(1) Uniform Citation and Complaint.** The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this code except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71

through 346.73, Wisconsin Statutes. Violations of Sections 346.71 through 346.73, Wisconsin Statutes, shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

(2) **Parking Citations.** The Village Marshal shall recommend a citation for use in enforcing the non-moving traffic offenses in this Code. When approved by the Village Board, such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Code, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 9.01(1) and all provisions of Sections 9.01(9) and 9.01(10) of this Code. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulations and penalty thereof by complying with subsection 9.01(11)(C)(2) of this section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Village.

(C) **Deposits and Stipulations**

(1) **Moving Traffic Offenses**

(a) **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Code shall be permitted to make deposits and stipulations of no contest or be released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes.

(b) **Delivery or Mailing of Deposit and Stipulation.** The deposit and stipulation shall be delivered personally by the person cited or mailed to the office of the Police Department.

(c) **Receipt Required.** The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation and a copy of the receipt within five (5) days to the Municipal Treasurer.

(2) **Non-moving Traffic Offenses**

(a) **Direct Payment of Penalty permitted.** Persons cited for violation of non-moving traffic offenses described and defined in this Code may discharge the penalty thereof and avoid court prosecution by forwarding within ten (10) days of the issuance of the citation to the Village Marshal the minimum penalty

(15) **EFFECTIVE DATE.** This Code shall take effect and be in force upon passage and publication as provided by law.

(16) **STATE ADMINISTRATIVE CODE PROVISIONS ADOPTED**

(A) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Code as if fully set forth herein.

Wisconsin Administrative Code - MVD 3	Reciprocity-Nonresident Motor Carriers (Penalties of Wis. Stat. Section 341.04 apply)
Wisconsin Administrative Code - MVD 4	Lettering on Vehicles, Display of Evidence of Registration and Dual Permit
Wisconsin Administrative Code - MVD 5	Standards for Motor Vehicle Equipment
Wisconsin Administrative Code - MVD 6	Transportation of Explosives by Motor Vehicle
Wisconsin Administrative Code - MVD17	Transportation of School Children
Wisconsin Administrative Code - MVD 18	Protective Headgear Standards and Specifications
Wisconsin Administrative Code - MVD 22	Standards and Specifications - Design and Mounting SMV Emblems

(B) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village of New Auburn, a vehicle that is not in conformity with the requirements of subparagraph 9.01(16)(A) or the provisions of Wisconsin Statutes Section 110.075 and Chapter 347, incorporated by reference in Section 9.01(1) of this Code.

(C) **Owner's Liability.** Any owner of a vehicle not equipped as required by this section who knowingly causes or permits such vehicle to be operated on a highway in violation of this section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Section 347.04, Wisconsin Statutes, relating to non-applicability of demerit points shall apply to owners convicted of violation of this Section.

(D) **Safety Checks**

(1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section, or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.

(2) **Authority of Officer.** Any law enforcement officer of the Village of New Auburn is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires, and other items of equipment.

(3) **Vehicle to be Removed from Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated; except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under Section 110.075(5), Wisconsin Statutes, and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.

(E) **Penalty.** Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code (incorporated herein by reference) shall be as provided in Section 9.01(11)(C) of this Code, together with the costs of prosecution and any applicable penalty assessments and surcharges.

**(17) DISPLAY OF POWER PROHIBITED**

(A) No person shall cause, by excessive and unnecessary acceleration, the tires of any vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor cause to be made by excessive and unnecessary acceleration any loud noises as would disturb the public peace.

(B) The forfeiture for violation of this offense shall be not less than \$20 nor greater than \$150.00. Enforcement shall be as provided at subsection (12) of this code.

**(18) SCHOOL BUS WARNING LIGHTS.** Notwithstanding the provisions of Section 346.48(2)(b)2., Wisconsin Statutes, adopted by reference in Section 9.01(1) of this Code to the contrary, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalks or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

(A) For that portion of East Street from its intersection with County Highway MM on the North to its intersection with North Street on the South, school bus operators are prohibited from using flashing red lights when pupils or other authorized passengers are loaded or unloaded directly from or onto the School grounds or that portion of the right-of-way between the roadway and the school grounds in the zone designated "School" warning signs as provided in Wis. Stats. §118.08(1). Ref. Wis. Stats. §349.21(1).

**(19) OBSTRUCTION OF RAILROAD CROSSINGS.** No person shall leave standing or stop or permit or allow to stand or stop any railroad train, engine or car upon any street, alley or highway crossing within the Village so as to obstruct public travel for a greater period of time than ten (10) minutes without opening said street, alley, or crossing for at least five (5) minutes. Any conductor, engineer, fireman or brakeman on any train or locomotive so obstructing any street, alley or railroad crossing or any yard mater, flagman, switchman or section hand who shall allow and be responsible for such obstruction shall be subject to a penalty as provided in Section 9.01(11) of this code. The corporation running or operating such train, engine or cars so obstructing any street or railroad crossing shall be subject to a forfeiture of not more than Two Hundred Dollars (\$200.00).

**(20) CROSSING WARNING BY TRAINS.** No person shall operate or permit to be operated a locomotive, railway train, engine or railway car over any graded street or highway crossing within the limits of the Village unless a whistle or horn shall be blown eighty (80) rods from said crossing and a bell rung continuously until the crossing shall be reached. The blowing of a whistle or horn and the ringing of a bell shall not be necessary where gates are operated automatically or a flagman is stationed at such travelled grade crossing. Any person violating this Section shall be subject to a penalty as provided in Section 9.01(11) of this Code.

**(21) OTHER VIOLATIONS.** Any person who shall violate any provision of this Code for which a penalty is not established by other subdivisions of this section or other provisions, shall be subject to a forfeiture of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00).

**(22) PROCEDURE.** The Village of New Auburn establishes, by this ordinance, that the enforcement of traffic ordinances in the Village of New Auburn will be in accordance with Sections 66.12 and 345.20 through 345.53 (1993-1994) Wisconsin Statutes. Stipulations shall conform to the form contained in the Uniform Traffic Citation. Stipulations and deposits may be accepted by the Village Clerk or the Village Marshal of the Village of New Auburn. Deposits shall be made in conformance with Section 345.26, (1993-1994) Wisconsin Statutes. If a particular deposit is not established by this statute, then the person shall deposit a forfeiture penalty as provided by the Village of New Auburn and approved by the Village Board.

**VILLAGE OF NEW AUBURN**  
**Barron & Chippewa Counties, Wisconsin**

**ORDINANCE 2022-02**

**AN ORDINANCE REPEALING AND RECREATION SECTION 9.02(1) OF THE NEW AUBURN CODE OF ORDINANCES**

The Board of Trustees of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Chapter 9, Section 9.02 of the Village of New Auburn code of ordinances is hereby repealed and recreated in its entirety as follows:

**9.02 AUTHORITY TO ALLOW LOW SPEED VEHICLES, ALL TERRAIN VEHICLES, AND UTILITY TERRAIN VEHICLES**

- 1) **PURPOSE** The purpose of this Chapter shall be to allow, subject to regulation, the use of all-terrain vehicles and utility terrain vehicles on the streets of the Village of New Auburn.
- 2) **AUTHORITY** This Ordinance and the routes are created pursuant to Village authority, as authorized by Wis. Stats. §§ 23.33(8)(b) and 23.33(11)(a). The applicable provisions of Wis. Stat. § 23.33, regulating ATV and UTV operation on ATV Routes are adopted herein by this Ordinance.
- 3) **DEFINITIONS**
  - (A) "LSV" or "Low-speed vehicle" means a motor vehicle that conforms to the definition and requirements of for low-speed vehicles as adopted in the federal motor vehicle safety standards under 49 CFR § 571.3(b) and 49 CFR § 571.500.
  - (B) "ATV" or "All-Terrain Vehicle" shall have the meaning as specified under Wis. Stat. § 340.01(2g).
  - (C) "UTV" or "Utility Terrain Vehicle" shall have the meaning as specified under Wis. Stat. § 23.33(1)(ng).
  - (D) "All-Terrain Vehicle Routes" or "ATV Routes" means a highway or portion of a highway in the Village's corporate boundaries designed for use by All-Terrain Vehicle and Utility Terrain Vehicle Operators by the Village of New Auburn as authorized under this Ordinance, listed in Section 9.02(5) below.
  - (E) "Operator" has the same meaning as is set forth in Wis. Stat. § 23.33(1)(iw) and shall be further defined as meaning a person who "operates" an ATV, UTV, or LSV as the term "operate" is defined under Wis. Stat. § 23.33(1)(ir).



- (F) "Village" shall mean the Village of New Auburn, Barron and Chippewa Counties, Wisconsin.

**4) OPERATION OF ALL-TERRAIN AND UTILITY-TERRAIN VEHICLES**

Pursuant to Wis. Stat. § 23.33(4)(d)4, and except as otherwise provided in Wis. Stat. § 23.33(4), no person may operate an All-Terrain Vehicle or Utility Terrain Vehicle on the roadway portion of any highway in the Village except on roadways or highways that are designated as All-Terrain Vehicle Routes by this Ordinance.

The statutory provisions describing and defining regulations with respect to All-Terrain Vehicles and Utility Terrain Vehicles in Wis. Stat. § 23.33, 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. Any future amendments, revisions, or modifications of Wis. Stat. § 23.33, incorporated herein by reference, are intended to be made part of this Ordinance.

**5) ALL-TERRAIN VEHICLE ROUTES** The following highways are designated as All-Terrain Vehicle Routes:

- (A) Unless otherwise posted, all highways that are not part of the national system of interstate and defense highways, located within the territorial boundaries of the Village. A map of the ATV Routes is attached and incorporated by reference and maintained on file with the Village.
- (B) The Village shall place signs in compliance with Wis. Stat. § 23.33(8)(e), alerting motorists that all roads under the Village's jurisdiction are designed ATV Routes unless otherwise posted. The Board will work with local ATV clubs to place, maintain, and repair appropriate signs marking and regulating use of the designated routes. A resolution will record the agreement with the local Clubs in this matter.
- (C) The Village Board reserves the right to modify the designation of routes under this Section 9.02(5) from time to time, by amending this Ordinance.

**6) CONDITIONS AND REQUIREMENTS** As a condition for and requirement of the use of the All-Terrain Vehicle Routes, the following restrictions are placed on the use of the Village's All-Terrain Vehicle Routes designated by this Ordinance and shall apply to all Operators (and passengers where applicable):

- (A) Operation of ATV's and UTV's shall be subject to Wis. Stat. § 23.33, and any other applicable regulations, which is adopted as a part of this Ordinance by reference, pursuant to Wis. Stat. § 23.33(11).
- (B) Anyone under the age of twelve (12) shall not operate an All-Terrain Vehicle and/or Utility Terrain Vehicle on a designated route. Anyone between the age of

twelve (12) and sixteen (16) years shall not operate an All-Terrain Vehicle on a designated route without a valid Wisconsin Department of Natural Resources-issued safety certification and must be accompanied by an adult parent or designated guardian that provides the Operator with continuous verbal direction or control. Utility Terrain Vehicle Operators shall be licensed drivers over the age of sixteen (16).

- (C) All All-Terrain Vehicle Routes in the Village shall be posted with a maximum speed limit of thirty-five (35) miles per hour unless posted at a lower speed for vehicular traffic. All All-Terrain Vehicle and Utility Terrain Vehicle Operators shall observe the posted roadway vehicle speed limit, unless All-Terrain Vehicle and Utility Terrain Vehicle speed limits are posted. If All-Terrain Vehicle and Utility Terrain Vehicle speed limits are posted, then All-Terrain Vehicle and Utility Terrain Vehicle Operators shall observe posted All-Terrain Vehicle and Utility Terrain Vehicle speed limits. Notwithstanding the above and regardless of the signage posted, no ATV or UTV shall be operated at a speed greater than 35 miles per hour.
- (D) All All-Terrain Vehicle and Utility Terrain Vehicle Operators under the age of eighteen (18) shall wear a helmet.
- (E) No Operator shall leave or allow an ATV or UTV owned or operated by them to remain unattended on any public highway, roadway, or public property while the motor is running or with the starting key left in the ignition.
- (F) No Operator shall operate an ATV or UTV on any sidewalk, pedestrian way, parks, or mall within the Village.
- (G) No Operator shall operate an ATV or UTV on any private property not owned or controlled by them within the Village without the express consent or permission of the owner, unless signed as an ATV Route.
- (H) Routes shall be marked with uniform All-Terrain Vehicle and Utility Terrain Vehicle route signs in accordance with Wis. Stat. 23.33(8)(e), and Wis. Admin. Code NR 64.12(7). No person shall do any of the following in regard to signs marking Village All-Terrain Vehicle Routes:
  - i. Intentionally remove, damage, deface, move, or obstruct any uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standards if the sign or standard is legally placed by the state or Village.
  - ii. Possess any uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standard of the type established by the Wisconsin

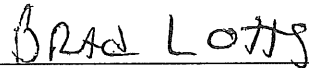
Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtained the uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standard in a lawful manner. Possession of a uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

- (I) All ATV and UTV Operators shall ride single file.
- (J) All All-Terrain Vehicle and Utility Terrain Vehicle Operators shall operate only on the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- (K) On paved roadways, All-Terrain Vehicles and Utility Terrain Vehicles shall be operated on the paved portion of the roadway and not on the gravel shoulder or ditch.
- (L) All ATV and UTV Operators shall slow the vehicle to ten (10) miles per hour or less when operating within 100 feet of a person not on a vehicle or machine.
- (M) All All-Terrain Vehicle and Utility Terrain Vehicle Operators shall stop at each roadway or highways to be crossed and yield the right of way to all motor vehicles approaching on each such roadway or highway.
- (N) All All-Terrain Vehicles and Utility Terrain Vehicles operated on the ATV Routes shall be equipped with a working white-lighted headlamp and a red-lighted tail lamp. The headlamp and tail lamp shall be lighted at all times while operating on the ATV Routes.
- (O) All All-Terrain Vehicles and Utility Terrain Vehicles are required to be equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the U.S. Forest Service.
- (P) No person may operate an All-Terrain Vehicle or Utility Terrain Vehicle in such a manner that noise emitted from the machine is louder than 96 decibels when measured on the "A" scale; measured in the manner prescribed in the reaffirmed 1998-07, Society of Automotive Engineers Standard J1287, entitled Measurement of Exhaust Sound Levels of Stationary Motorcycles.
- (Q) Operators may only operate an All-Terrain Vehicle or Utility Terrain Vehicle on any ATV Route between the hours of one hour after sunrise and one hour before sunset on any given day. The purpose of this provision is to ensure adequate light and safety for Operators and all users of the roads.

- 7) **ENFORCEMENT** This Ordinance shall be enforced by any law enforcement officer authorized to enforce laws in the State of Wisconsin. In addition, the violation of the standards set forth in this Ordinance shall be subject to a forfeiture of not less than \$20.00 nor more than \$200.00 for each violation plus court costs as outlined in the approved Municipal Court Bond Schedule.
- 8) **PENALTIES** Wisconsin state All-Terrain Vehicle and Utility Terrain Vehicle penalties as found under Wis. Stat. § 23.33(13)(a), are adopted by reference. The uniform traffic citation promulgated under Wis. Stat. § 345.11, shall be used for violation of this Ordinance relating to roadway use except as herein provided.
- 9) **SEVERABILITY** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village of New Auburn would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.
- 10) **OTHER PROVISIONS** If any provision of this Ordinance is in conflict with or is addressed by another Village ordinance, Wisconsin state statute or regulation, the most restrictive ordinance, statute, or regulation shall apply.

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Adopted this 10<sup>th</sup> Day of February, 2022



Brad Lotts, Village President

ATTEST:

  
Ardith Story, Clerk-Treasurer

#20-05

**ORDINANCE OF THE VILLAGE OF NEW AUBURN  
TO AMEND CHAPTER 9.02, VILLAGE OF NEW AUBURN ORDINANCES;  
AUTHORITY TO ALLOW LOW SPEED VEHICLES, ALL TERRAIN VEHICLES, AND  
UTILITY TERRAIN VEHICLES**

The Village Board of the Village of New Auburn, do hereby ordain as follows:

**Section 1:** Chapter 9.02(5)(D)(1) of the Village of New Auburn Ordinances is hereby amended to read as follows:

**9.02 AUTHORITY TO ALLOW LOW SPEED VEHICLES, ALL TERRAIN VEHICLES,  
AND UTILITY TERRAIN VEHICLES**

**(5) OPERATION OF AN ATV or UTV.**

**(D) Designation of All-Terrain Vehicle and Utility Terrain Vehicle Routes**

**(1) Designated Routes:**

- (a) Entire Street of W. Dell Street and E. Dell St.
- (b) Entire Street of N. Columbia Street and S. Columbia St.
- (c) Entire Street of W. Pine Street and E. Pine Street.
- (d) Entire Street of N. Front Street and S. Front Street.
- (e) Entire Street of N. Central Street and S. Central Street.
- (f) Entire Street at N. Spruce Street and S. Spruce Street.
- (g) Entire Street of W. Elm Street and E. Elm Street.
- (h) Main Street from Central to East Street.
- (i) Main Street west of Bridge Stop driveway.
- (j) East Street at North Street south to Cty Hwy AA.
- (k) Entire Street of North Street.
- (l) Entire Street of Park Street.
- (m) The alley between N. Central St. and Old 53 St.

**(2)** A map of the routes designated is attached and incorporated by reference and maintained on file at the Village offices.

**Section 2:** This ordinance shall be effective upon passage and publication as provided by Law.

Passed by the Village Board, New Auburn, Wisconsin this 10<sup>th</sup> day of October, 2020.

Village of New Auburn by:

BRAD Lotts

Brad Lotts, Village President

Attest:

Peggy Stanford

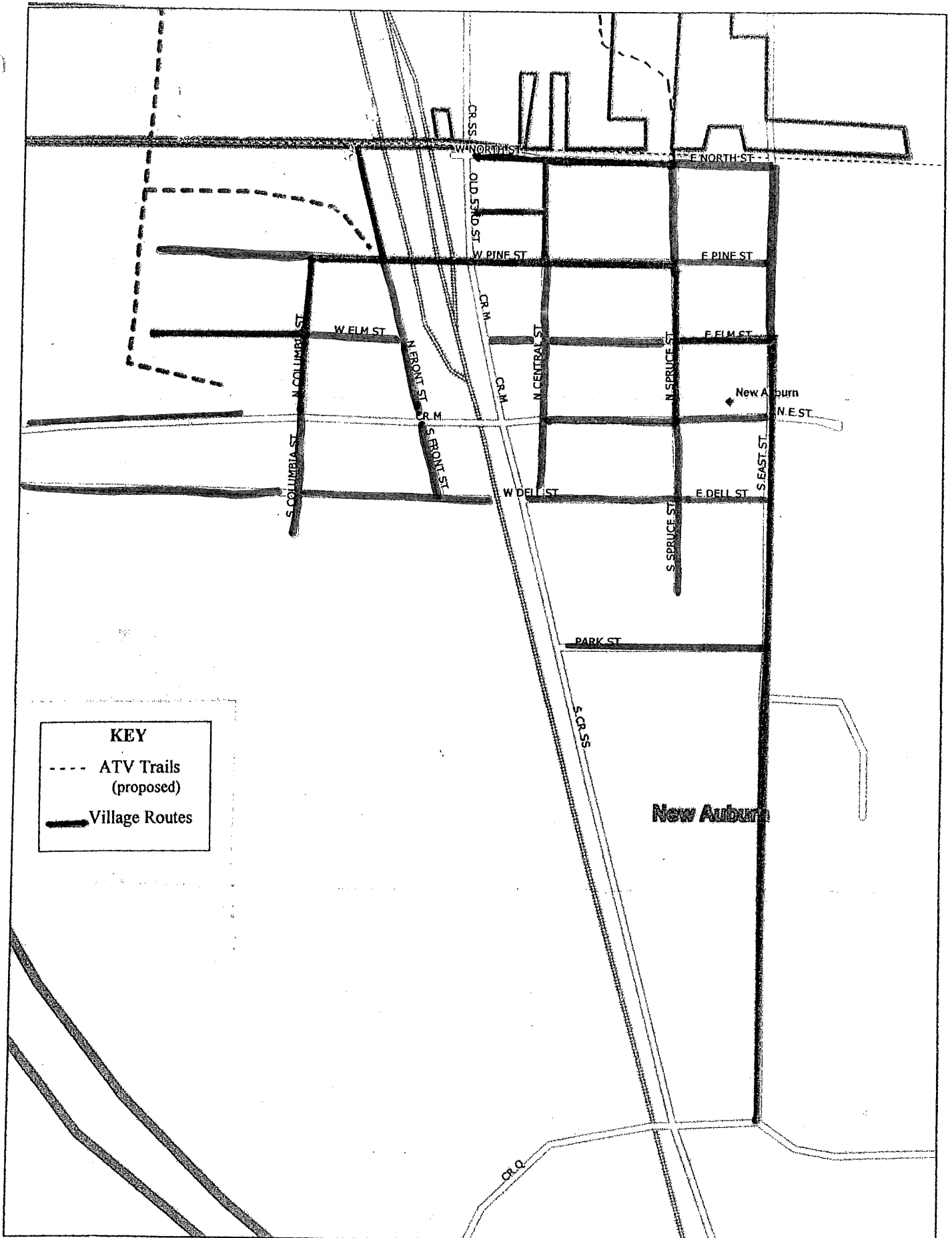
Peggy Stanford, Clerk/Treasurer

Adoption 10-08-2020

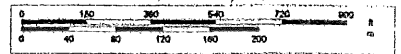
Publication 10-15-2020

*Repealed  
& Reverted  
2022-02*

# DESIGNATED ATV AND UTV ROUTES



Scale 1 : 6,400



1" = 533.3 ft

Data Zoom 15-0

**CHAPTER 10****LICENSE AND PERMIT ORDINANCE****10.01 GENERAL LICENSE AND PERMIT ORDINANCE**

(1) **TITLE/PURPOSE.** This ordinance is entitled the "Village of New Auburn General License and Permit Ordinance". The purpose of this ordinance is to regulate activities in the Village of New Auburn which, in the public interest, should be conducted on a permit basis.

(2) **GENERAL PROVISIONS.**

(A) **Fees/Penalties.** The Village Board has, by this ordinance, required and confirmed the following licenses or permits and the Village Board has established the fees to be paid by any person to the Village for the noted licenses, or noted permits, as set forth in Appendix E Schedule of Fees, and the penalties to be paid by any person to the Village for violations of these ordinances and the violations of the license and permit conditions for penalties of these ordinances and/or the specific ordinance as set forth in Appendix A, Penalty and Deposit Schedule.

(B) **General License and Permit Ordinance Provisions**

(1) The terms "license" and "permit" may be used in these Village ordinances and by the Village of New Auburn, its officers, its employees and its agents interchangeably.

(2) No person shall engage or allow on land owned, used or leased by that person in the Village of New Auburn any particular use, activity, business or operation until that person has obtained the required license or permit as established by the Village in this ordinance.

(3) The application for the license or permit shall be in writing to the Village of New Auburn. The application shall be filed with the Village Clerk. The Village Clerk shall prepare and shall then forward, when available and when approved by the Village Board, the appropriate written application form to the applicant. The application form for licenses or permits from the Village shall contain the appropriate requests for relevant information as may be required by State or Federal statute, as required by any Village of New Auburn ordinance or as otherwise required by order of the Village Board. The Village Clerk shall cooperate fully with the Village Board in the preparation of the application forms. The Village Board shall

approve the form and content of the application form. All application fees are to be paid to the Village Clerk upon submittal of the completed application form by the applicant or the agent of the applicant.

**(4)** The applications shall, at minimum, contain:

**(a)** The name, address and business telephone number of the applicant, if available. In addition, if a partnership, the name, address and business telephone number of every partner. If a corporation, the name, address and business telephone number of at least one officer of a corporation.

**(b)** The age and state or national residence of the applicant. In addition, if a partnership, the age and state or national residence of every partner. If a corporation, the age and state or national residence of every officer of the corporation.

**(c)** If a corporation, the state of incorporation. If not the State of Wisconsin, proof of authorization from the State of Wisconsin to do business in the State of Wisconsin.

**(d)** If a corporation, the name, address and business telephone number of registered corporate agent. The application shall be subscribed and sworn to by the applicant, if a natural person; by a general partner if a partnership; by a principal officer, if a corporation.

**(5)** All application fees are to be made payable to the Village Treasurer. The application for license or permit, when submitted to the Village Clerk by the applicant, shall contain the appropriate fee amount attached. If the license or permit is issued, a receipt for payment of the license or permit fee shall be issued by the Village Clerk. If the license or permit is not issued, then the fee amount shall be returned with the written denial letter by the Village Clerk. No refunds, unless expressly noted in any Village of New Auburn ordinance or by order of the Village Board shall be refunded by the Village Treasurer unless the license, registration or permit is denied by the Village Board.

**(6)** Unless expressly provided herein by this ordinance, by other Village of New Auburn ordinance provisions or as specifically noted below, all licenses and permits shall be issued by the Village Clerk upon approval by the Village Board.

**(7)** The following specific licenses and permits may be issued by the Village Clerk without formal Village Board approval if the application is



completed and submitted to the Village Clerk, the Village Board does not desire to formally approve or deny the license or permit, and if the proper application fee amount is attached.

(a) Cigarette License under Section 10.02.

(b) Provisional Operators Licenses under Section 10.07(8).

(c) List Others: (Add driving permit)

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(8) Unless expressly provided herein or by other Village ordinance provisions, all licenses and permits shall be issued to commence on July 1 and expire on the next June 30 in the fiscal year of issuance or upon the date specifically noted in the license, registration or permit and in either case the license or permit expires after midnight on the last effective date.

(9) The license or permit shall be issued to the applicant by the Village Clerk. If the license, registration or permit is for a particular premises, a particular use, a particular activity, a particular business or a particular operation, the particular use, activity, business or operation shall be clearly described in the license or permit. No license or permit is transferrable, unless specifically provided herein or by other Village ordinance provisions, to another person without consent of the Village Board. If specific conditions are established in the license or permit by the Village Board, those conditions shall be expressly noted in writing on the license or permit and shall be accepted by the applicant by signature prior to issue by the Village Clerk of the license or permit and prior to approval by the Village Board.

(10) The Village Clerk shall keep a record of the licenses and permits issued by him or her and the amount of the fees collected for each license or permit.

(11) The license or permit must be dated and signed by the Village Clerk if required by the Village Board and by such other person, if any, as the Village Board shall direct for the particular license. The license or permit shall contain the date of issuance and the date of expiration. The license or permit must be exhibited for public view in a conspicuous location by the applicant on the premises

or in the vehicle, wherever the licensed or permitted use, activity, business or operation will occur.

**(12)** Prior to the issuance by the Village Clerk of any license or permit, the applicant must agree that he, she, or it will fully comply with any and all conditions established with the issuance of the license or permit and he, she, or it will comply with all applicable Village ordinances. Moreover, the applicant further agrees to obey all reasonable orders and reasonable directives of any Village Marshal or Law Enforcement Officer related to the compliance with applicable ordinances and compliance with conditions in the licenses or permits. Failure to fully comply with the conditions of the license or permit or failure to fully comply with these Village of New Auburn ordinances will allow the Village Board to suspend or revoke the license or permit and to take whatever other necessary legal action may be provided by these ordinances and State and Federal law. Any suspension or revocation of any license or permit will be after hearing, unless emergency conditions require immediate and temporary suspension by the Village Board. Following any temporary suspension, written notice of same shall be served on or mailed to the last known address of the licensee or permittee. Such notice shall include a statement that the party may make a written request for a hearing before the Village Board within thirty (30) days, by mailing or delivering to the Village Clerk a request for hearing.

*May*  
**(13)** Unless expressly provided herein or by other Village of New Auburn ordinance provisions, all applications for reissuance and renewal of any Village license or Village permit will be filed by the licensee or permittee with the Village Clerk within sixty (60) days before the expiration date of the previous license or permit. The Village Board may waive this sixty (60)-day provision at its sole discretion.

**(14)** Unless expressly provided herein or by other Village ordinance provisions, the person, once issued the license or permit by the Village Clerk and upon acceptance of the license or permit by that person and the acceptance by that person of the conditions attached thereto, consents to the entry of the Village Board or any designee of the Village Board upon the licensed or permitted premises at reasonable hours, upon hours noted within this ordinance, or upon hours noted by the license or permit, for regulatory inspection. Further, the person consents to allow the Village Board or any designee to remove from the premises and to introduce into evidence in court for violations of this chapter, all relevant items and relevant products found therein by the Village Board or its designee. The person issued a license or permit shall comply with all applicable Federal and State laws, applicable Federal and State regulations, and applicable Village of New Auburn ordinances.

**(15)** Unless expressly provided herein or by other Village ordinance provisions, any license or permit may be suspended or revoked for cause after the proper Village of New Auburn hearing noted below, unless in an emergency condition determined by the Village Board wherein the license or permit can be suspended temporarily for a set time period. Prior to any action for suspension or revocation, the Village Board must, by the Village Clerk, receive a certified complaint concerning the licensee or permittee. The following persons may file a certified complaint with the Village Board:

- (a)** The Village President
- (b)** The Village Clerk
- (c)** The Village Trustees
- (d)** The Village Treasurer
- (e)** The Village Marshal
- (f)** Any Village of New Auburn resident
- (g)** Other Law Enforcement Officials

**(16)** The person subject to charges for violation of any Village ordinance or any violation of a condition of any license or permit shall be provided a copy of the verified complaint and notice of hearing before the Village Board. The hearing shall be required to be not less than fifteen (15) days nor more than forty-five (45) days after receipt of notice unless stipulated in writing by the Village Board and the person subject to charges. All alcohol license hearings, pursuant to Section 125.12, (1993-1994) Wisconsin Statutes, must be held not less than three (3) days and not more than ten (10) days from the date of issuance of a summons.

**(17)** The person subject to charges for violation of any Village of New Auburn ordinance or any violation of a condition of any license or permit shall be entitled to the following:

- (a)** Representation by legal counsel.
- (b)** Right to present and cross examine witnesses.
- (c)** Right to subpoena witnesses by the Village President.

issuing subpoenas to compel attendance of witnesses.

**(18)** The Village Board may, after the hearing for any person previously issued a license, registration or permit by the Village Board act as follows:

- (a)** Revoke the license or permit as a final decision.
- (b)** Suspend the license or permit for a date certain as a final decision.
- (c)** Request additional information as an interim decision prior to taking future action.
- (d)** Take no action on the license or permit as a final decision.

**(19)** The final decision of the Village Board to revoke or suspend a license or permit shall be subject to appeal as provided by State law.

**(20)** The Village President of the Village of New Auburn or the Clerk of the Village of New Auburn, by order of the Village Board, shall repossess any license or permit that has been revoked or suspended by the Village Board.

**(21)** If no hearing is requested by the person subject to charge within the time herein noted, the license or permit shall be revoked at the discretion of the Village Board at its next or subsequent meeting.

**(22)** Specific reasons that may be considered, at minimum, by the Village Board in determining whether to initially issue or not issue a license or permit are as follows:

- (a)** A false statement was made by the applicant in the application filed with the Village of New Auburn and/or a false statement was included in the material attached to the application by the applicant.
- (b)** The applicant was not of a good moral character.
- (c)** The applicant was not a citizen of the United States of America or was not a legal alien.

(d) The use, activity, business or operation as proposed by the applicant in the application filed with the Village of New Auburn in the material attached to the application will be detrimental to the peace, health, safety and general welfare of the public in the Village of New Auburn.

(e) The use, activity, business or operation as proposed by the applicant in the application filed with the Village and in the material attached to the application will likely cause a public nuisance in the Village.

(f) The use, activity, business or operation as proposed by the applicant in the application and the material attached to the application will not likely conform or meet the conditions of this ordinance or any specific State or Federal law or regulations.

(g) The applicant, if a corporation, was not authorized to do business in the State of Wisconsin.

(h) The applicant was not of age.

(i) The applicant was not legally competent.

(j) The applicant did not meet the specific conditions for issuance of a specific license or permit.

(k) (List Others) \_\_\_\_\_

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(23) Specific reasons that may be considered, at minimum, by the Village Board in determining whether to revoke or suspend a previously issued license or permit are as follows:

(a) A false statement was made by the applicant in the application filed with the Village and/or a false statement was included in the material attached to the application by the applicant.

(b) The applicant was not of a good moral character.

(c) The applicant was not a citizen of the United States of America or was not a legal alien.

(d) The current or former uses, activities, businesses or operations as operated or maintained by the operator is detrimental to the peace, health, safety and general welfare of the public in the Village.

(e) The current or former uses, activities, business or operations as operated or maintained by the applicant have or do cause a public nuisance in the Village.

(f) The current or former uses, activities, businesses or operations as operated or maintained by the applicant have or do not conform to or meet the conditions of this ordinance or any specific State or Federal law or regulations.

(g) The applicant, if a corporation, has not been or is not authorized to do business in the State of Wisconsin.

(h) The applicant has not been or is not of age.

(i) The applicant is not legally competent.

(j) The applicant has not or does not meet the specific conditions included in the previously issued license or permit.

(k) The applicant failed to operate or maintain the uses, activities, businesses or operations as set forth in the application or in the material attached to the application by the applicant.

(l) For alcohol beverages, revocations, suspensions, refusals to issue or renew, refer to Section 125.12, Wisconsin Statutes, for specific listing of procedures and reasons relating to alcohol beverage licenses.

(24) Any licenses or permits issued by the Village of New Auburn are to be deemed non-exclusive unless otherwise so stated. No special privileges, franchises, or agreements are intended or to be inferred by the issuance of any license or permit by the Village other than those specifically prescribed privileges noted in the license or permit. Any license, registration or permit issued by the Village shall not be issued for the purpose of any restraint of trade or commerce nor issued for the purpose of establishing any type or form of monopoly. No Village official, employee

or agent shall refuse to issue or reissue a license or permit because of the belief of the Village official, employee or agent that there are sufficient licenses or permits in the Village unless the State law or Village Board has established a quota or fixed amount of licenses or permits. However, with alcohol licenses, the Village Board has specific authority to determine a quota level or to refuse to issue a license in the best interest of the Village's health and welfare. In each case where a license or permit is refused, the Village Board shall do so based upon rational reasons which shall be conveyed by the Village Clerk to the applicant. The Village Board may, for the following licenses or permits, require an annual performance review to determine if the Village will, upon application, reissue the license or permit. This review will be held at least thirty (30) days prior to the expiration date for the license or permit. The review will be completed under the supervision of the Village President. The results of the review will be forwarded in writing to the applicant within ten (10) days of expiration. The following licenses and permits will require a performance review:

(a) Cable TV Permit. Cable TV permits will require performance review as required by State and Federal law and these ordinances.

(b) (List Others)  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(25) The applicant, upon acceptance of the written license or permit, acknowledges that he or she has not been induced by any promise or statement, whether verbal or written, made by any Village official, employee, or agent concerning the license or permit of any written conditions attached to and made part of the license or permit. If any applicant, upon receipt of the license or permit, has any questions or concerns regarding the license or permit, the applicant is urged, in a timely manner, to contact the Village Clerk.

(26) The Village Clerk, upon receipt of any application for any license, registration or permit, shall, if he or she has reason to believe the person is not eligible for the license or permit, is not fit for a license or permit, or the premises are not suitable for the uses, activities, businesses, or operations contemplated by the applicant, refer the matter to the Village of New Auburn, Village Marshal, or other Law Enforcement Officer for investigation or inspection. If, as a result of the investigation, the Village Clerk believes the license or permit should be denied or delayed, he or she shall forward these recommendations to the Village Board. The investigation report

shall be in writing and shall be filed with the Village Clerk.

**(27)** Any license or permit issued or reissued by this ordinance may be revoked for cause by the Village Board. Any licensee or permittee whose license or permit is revoked may apply for a public hearing within ten (10) days of revocation. The licensee or permittee shall be entitled to be represented by legal counsel. After hearing, the Village Board may confirm the previous revocation, reverse the revocation action, modify the revocation action or suspend for a date certain the license or permit. The determination by the Village Board after the hearing shall be final.

**(28)** All applications for licenses or permits shall be in writing unless otherwise noted in the specific license or permit section. The Village Clerk shall prepare application forms as soon as practicable after any new license or permit ordinance has been enacted by the Village of New Auburn. The applicant, unless otherwise noted by the specific license or permit section, shall submit the application form as developed and provided by the Village to the Village Clerk. Upon application, unless otherwise noted in the specific license or permit section, all licenses and permits shall be issued, reissued or referred for issuance by the Village Board within thirty (30) days of the Village Clerk receiving a copy of a fully completed application form. All licenses and permits when issued or reissued by the Village Clerk shall have the signature of the Village Clerk.

**(29)** No license or permit shall be issued or reissued for any use, activity, business or operation if the use, activity, business or operation would be a nuisance in fact or if the use, activity, business or operation would violate any Federal laws or regulations or any State laws or regulations.

**(30)** The Village Board may, subject to the limitations of Section 111.335, (1993-1994) Wisconsin Statutes, consider any criminal convictions for violation of Federal and State laws, Federal and State regulations or County of Chippewa and/or Barron or Village of New Auburn ordinances in its determination to issue, reissue, suspend or revoke any license or permit. Specifically, criminal convictions, pursuant to Section 111.335, (1993-1994) Wisconsin Statutes, shall be sufficient grounds for failure to issue or reissue a license or permit or sufficient grounds for revocation or suspension of a license or permit.

**(31)** The Village Board shall, prior to revoking or suspending any license or permit or prior to refusing to issue or reissue a license or permit, make on the record specific written findings as to the reason or reasons the Village Board took such action. Any applicant, licensee, or permittee shall be provided the opportunity



for a public hearing (or a private hearing if circumstances under the open meeting law so allow and are advisable), an opportunity to cross examine witnesses, present evidence and to require that witnesses testify under oath. The Village Board, in lieu of revoking a license or permit, may suspend the license or permit to a date certain not to exceed sixty (60) days. The Village Board, in lieu of refusing to issue or reissue a license or permit, may delay determination action pending further investigation upon its own motion for sixty (60) days beyond the original required determination date.

(32) The following license and permit applications for issuance or reissuance of a license or permit be published with a Class 1 notice:

(List and Describe)

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(33) Class A and B alcohol license applications, pursuant to Section 125.04, (1993-1994) Wisconsin Statutes, shall be published in the general circulation newspaper weekly. If published daily, a Class 3 notice is required.

(34) Any applicant for a license or permit can request a hearing by the Village Board prior to the decision of the Village Board regarding the issuance, reissuance or denial of a license or permit application. The request for hearing shall be filed with the Village Clerk. The Village Board shall be required to provide a hearing if requested by the applicant in writing.

**(35) Unpaid Forfeitures, Claims and Taxes: Right to Refuse License Or Permit.**

(a) Pursuant to Sec. 66.117, Wis. Stats., Village officials may refuse to issue any license or permit to applicants who have not paid overdue forfeitures resulting from a violation of a municipal ordinance of the Village of New Auburn or of an ordinance of another municipality subject to an agreement between the municipalities as set forth in Sec. 66.117, Wis. Stats. If a permit is refused, the applicant may appeal such refusal to the Village Board.

(b) All applicants for license or permits for doing business in the Village whether such licenses are required by Village Ordinance or State Statute including liquor licenses required by Chapter 125 Wis. Stats., must have all personal

property taxes, assessments, claims and forfeitures owing to the Village paid in full, before the Village Clerk may issue such license.

(c) **Procedural Requirements.** The procedural provisions of the Wisconsin Statutes 125.12(3) (as amended from time-to-time) relating to refusals to issue or renew licenses are hereby adopted as the procedure for refusal to issue or renew licenses under this section.

1. When an applicant applies for a license and such applicant has unpaid personal property taxes, claims, assessments, or forfeiture, the Village Clerk shall so inform the Village Board and may send a written notice to the applicant of the unpaid amount and of the requirements of this ordinance;

2. When notified by the Village Clerk of such unpaid amounts, the Village Board shall notify the licensee or prospective licensees of the Village's intention not to renew or issue the license and provide the licensee with an opportunity for such hearing;

3. The hearing shall be conducted as required for refusals to renew as provided in Sec. 125.12(2)(b), Wis. Stats. and judicial review shall be as provided in Section 125.12(2)(2), Wis. Stats. The issue to be determined shall be whether or not the applicant has unpaid personal property taxes, special assessments, claims or forfeitures.

**(C) Administration and Enforcement of License/Permit Violations**

(1) Unless otherwise noted by order of the Village Board, the Village Clerk shall be the officer of the Village responsible for administration of the Village of New Auburn licenses and permits.

(2) Unless otherwise noted by order of the Village Board, the Village Marshal shall be the official of the Village of New Auburn responsible to investigate matters related to licenses and permits and to file any complaints with the Village Board regarding licenses and permits.

(3) Unless otherwise noted by order of the Village Board, the Village Marshal shall be the official of the Village of New Auburn responsible to enforce the conditions established in the licenses and permits issued by the Village and to enforce the ordinances of the Village against any licensee, permittee, and other person violating these ordinances.

(4) Unless otherwise noted by order of the Village Board, the Village Clerk shall, in a timely fashion, inform the Village Board of any alleged or real violation of the conditions established in the licenses or permits issued by the Village and any alleged or real violations of Village ordinances.

(5) Unless otherwise noted by order of the Village Board, the Village Clerk shall be responsible to inform the Village Board of the refusal of any person to obtain a required license or permit.

## 10.02

### **CIGARETTE LICENSE ORDINANCE**

(1) **COVERAGE**. Every person, pursuant to Section 134.65, (1993-1994) Wisconsin Statutes and this ordinance who sells in the Village of New Auburn cigarettes to a person who does not hold a Village Cigarette License or who does not hold a permit under Sections 139.30 to 139.41 or 139.79, (1993-1994) Wisconsin Statutes, shall seek and obtain a cigarette sales license from the Village of New Auburn. The fee for such license shall be, by statute, Five Dollars (\$5.00) per premises. The fees are as noted in Appendix E. The license shall be issued from July 1 of one year to June 30 of the next year. The license shall be issued by the Village Clerk prior to any person selling any cigarettes without the proper license or permit in the Village.

(2) **APPLICATION/LICENSE**. The applications and license shall designate the premises. Such licenses are not transferrable from one person to another or are not to be amended from one premises to another. The application shall include:

- (A) The name of the applicant.
- (B) The address of the applicant.
- (C) The address of the premises.
- (D) The business and residential telephone number of the applicant, if any.
- (E) The age of the applicant.

**(3) ORDINANCE/LICENSE**

**(A)** Persons subject to this ordinance shall comply with Section 134.65, (1993-1994) Wisconsin Statutes, and this ordinance.

**(B)** The Village Clerk shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.

**(C)** The applicant and any other person subject to this ordinance shall comply as follows:

**(1)** No person shall be issued or reissued a cigarette retail sales license in the Village until the appropriate fee has been paid to the Village Clerk.

**(2)** No person shall be issued or reissued a cigarette retail sales license in the Village who has failed to properly and fully complete and submit to the Village Clerk the application form as developed and provided by the Village of New Auburn.

**(3)** No person shall be issued or reissued a cigarette retail sales license in the Village until the person owns or has leased a premises in the Village of New Auburn.

**(4)** No person shall cause, allow or permit any person to sell or provide in the Village of New Auburn cigarettes or tobacco products to a person under the age of eighteen (18) years. This provision shall be subject to any defenses for persons established under Section 134.66, (1993-1994) Wisconsin Statutes. No person shall cause, allow or permit any cigarette vending machines in the Village of New Auburn within five hundred (500) feet of a school. "School", for the purpose of this section, has the meaning given in Section 118.257(1)(c), (1993-1994) Wisconsin Statutes.

**10.03 DOG AND ANIMAL LICENSE ORDINANCE**

**(1) COVERAGE.** Every person, pursuant to Chapter 174, (1993-1994) Wisconsin Statutes, and this ordinance, residing in the Village of New Auburn who owns a dog that on January 1 is at least five (5) months old, shall annually at the time and in the manner prescribed by State law seek and obtain a dog license for his or her dog from the Village of New Auburn. The fee for the license is established by State law and the governing body of the Village of New Auburn may by resolution raise the minimum dog license fee on dogs within its jurisdiction. The fee is as noted in Appendix E. The license shall be from January 1 through December 31.

**(A)** If the dog became 5 months of age after July 1 of the license year, one-half of the license fees will be charged.

**(B) Late Fees.** The collecting official shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age.

*Replaced  
2022 &  
Recreated*

**VILLAGE OF NEW AUBURN**  
**Barron & Chippewa Counties, Wisconsin**

**Ordinance 2022-06**

**An Ordinance Repealing and Recreating Section 10.03 of the New Auburn Code of Ordinances**

The Village Board of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Chapter 10, Section 10.03 of the Village of New Auburn code of ordinances is hereby repealed and recreated in its entirety as follows:

**10.03 DOGS AND OTHER DOMESTIC ANIMALS**

- (1) **Scope.** The scope of this section shall include all domestic animals in the Village of New Auburn unless otherwise specifically addressed elsewhere in village code of ordinances, State of Wisconsin or Federal law. The purpose is to promote the public health, safety and general welfare of the citizens of and visitors to the Village of New Auburn, to ensure the humane and harmonious keeping of domestic animals, and ethical treatment of non-domestic animals.
- (2) **State law adopted.** The provisions of Wisconsin Statutes Chapter 174 "Dogs" and Chapter 951 "Crimes Against Animals" are adopted and made part of this chapter by reference.
- (3) **Dog license required.**
  - a. Every person residing in the Village who owns a dog which is more than five (5) months old on January 1st of any year shall annually, at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license therefor. Dogs becoming five months of age during the year shall be licensed within thirty (30) days thereof.
- (4) **Fees.**
  - (A) Each owner of a dog shall pay to the Village Clerk-Treasurer a fee that will be set from time to time by resolution of the Village Board, for each neutered male dog or spayed female dog upon presentation of evidence that the dog has been neutered or spayed, and each unneutered male dog or unspayed female dog. Owners of dogs becoming five months of age or entering the Village after July 1st shall pay one half the applicable license fee.
  - (B) Each owner of a dog five months old or over shall pay to the Village Clerk-Treasurer a late fee if a license is not obtained:
    - (1) Prior to April 1st of each year;
    - (2) Within thirty (30) days of acquiring ownership of a licensable dog;
    - (3) On or before the dog reaches licensable age.
  - (C) Delinquent dog license fees shall be collected in the manner specified in Section 74.11, Wis. Stats., for collecting of personal property taxes. The Village Clerk-Treasurer or any law enforcement officer of the state may issue a citation and bring an action in court for failure to license as required by this section.
- (5) **Issuance of license.** Upon receipt of the required fee and exhibition of the certificate of vaccination required by this section, the Village Clerk-Treasurer shall issue to such person a license

to keep such dog for one year. Such person shall, upon procuring the license, place upon the dog a collar with a tag furnished to him or her by the Village Clerk-Treasurer.

(6) **Lost license tag.** If a license tag issued for a dog shall be lost, the owner may obtain a new tag upon the payment of current replacement fee.

(7) **Kennel license required.**

- a. No more than three (3) dogs subject to be licensed as set forth hereinbefore shall be kept on any premises within the Village without obtaining a kennel license from the Village Board as required under the terms of the Village ordinances, including any applicable zoning regulations, and as set forth in this Section. The fee for such license shall be determined by separate resolution of the Village Board.
- b. As used in this Section 10.03(7), the following definitions are used:
  - i. "Commercial Kennel Licenses". An establishment, structure or premise where dogs are raised and sold, bred, boarded, trained, or groomed for other than private purposes. The raising and selling of three (3) or more litters of dogs from any number of adult dogs per year shall constitute a commercial kennel.
  - ii. Hobby Kennel Licenses". A non-commercial establishment, structure, premises or pursuit accessory to the principal use of the property where more than three (3) dogs of six (6) or more months of age are kept for such private purposes as pets, field trails, shows or hobby. The occasional raising of not more than two (2) litters of dogs per year on a premises and the sale or disposal of said dogs within six (6) months of their birth shall also be considered a hobby kennel
- c. No person, group of people, firm or corporation shall be granted a kennel license from the Village Board or keep more than three (3) dogs which are six (6) months old or older without first obtaining approval for such keeping by the Village Board.
- d. The Village Board, in reviewing the application or request for permission to keep more than three (3) dogs which are six (6) months old or older, shall take into account at least the following information.
  - i. Size of premises on which the kennel or confinement area is proposed to be located.
  - ii. Maximum total number of dogs to be kept on the premises at any time.
  - iii. The expected male/female mix of dogs at any time.
  - iv. The type of kennel enclosure, if any, including:
    1. Size of enclosure(s).
    2. Fencing type and height.
    3. Type and size of year-round shelters
    4. Source and location of water supply.
    5. Sanitary maintenance, including provision for collection and disposal of excrement and other waste solution or material.
    6. Lighting.
    7. Landscaping and other visual and noise barriers (screening).
    8. Surface drainage.
  - v. Expected weekly traffic related to the keeping of dogs.
  - vi. Hours of operation.
  - vii. Any other information related to the keeping of the dogs as requested by the Village Board.
- e. In addition to the requirements or provisions of Chapter 174 of the Wisconsin Statutes, persons keeping dogs in the Village and successfully obtaining a permit for such keeping,

shall be required to keep the dogs in a healthful and sanitary condition and minimum requirements of the Village for such keeping shall be as follows:

- i. An enclosed, insulated shelter shall be constructed and made accessible to every dog on the premises with the shelter having no less than 8 square feet in floor area for each dog required to have a license. Such shelter shall be kept clean and free of vermin and shall be ventilated so that in times of hot weather the building can be fully ventilated to allow for through movement of air and limited ventilation can be maintained during the winter months. In addition, such enclosure shall be provided with transparent or translucent windows or skylights so that there is outside light entering the shelter during the day.
- ii. Fence runs or enclosures for the dogs shall be provided at the direction of the owner/operator of the kennel. When so provided, the runs shall be closed so that the dogs cannot run at-large and shall be visually screened from the general public and from the direction of the neighboring residences. Such screening may include a permanent wood or fabric screening in combination with the fence material or may be composed of evergreen planting, adjacent to the fence enclosure. The fenced enclosure shall be kept clean and in a sanitary condition, free of excrement, and when provided, shall be large enough to accommodate the number of dogs licensed for the premises without crowding.
- iii. Any dog waste shall be removed each day from the kennel area and shelter and shall be stored on the premises in a sealed container which is located a minimum of 50 feet from any residence and/or water supply until such time as it can be properly disposed of in accordance with health and sanitation regulations.
- iv. A site plan for the kennel and building shall be required including:
  - 1. Location to scale of all of the existing and proposed buildings on the premises.
  - 2. Location to scale of any fenced-in enclosures
  - 3. Dimensions showing the distance of existing and proposed buildings from existing property boundaries.
  - 4. Location of the underground containers or facilities, including any water wells within the vicinity of the kennel on the premises.
- f. The number of dogs allowed to be kept or kenneled in the City shall be related to the size (area) of the premises on which the dogs are kept; and requests for permission to keep or kennel dogs shall be approved by the Plan Commission based upon the following size restrictions:

NUMBER OF DOGS*	MINIMUM TOTAL ACRES OF PREMISES
4—5	4.0
6— 15	0.5 acre/dog + 1.5 additional acres
16 or more	0.4 acre/dog +3.0 additional acres

\*Maximum total dogs six (6) months old or older at any time.

In addition, any outdoor visually open dog “run” or enclosure shall be located not closer than ten (10) feet from the nearest private property boundary for each dog allowed to be kept on the premises (i.e. five dogs = 50 feet; 12 dogs = 120 feet). Any totally enclosed shelter shall be located not closer than eight (8) feet from the nearest private property boundary for each dog allowed to be kept on the premises (i.e. 5 dogs = 40 feet or 12 dogs 96 feet).

- (8) **Running at large.**
- (A) No dogs, cats or other domestic animal shall, negligently or otherwise, be permitted to run at large within Village limits. A dog, cat or other domestic animal shall be considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.
  - (B) All dogs shall be kept on a leash at all times when off the premises of their owner.
  - (C) No dog shall be permitted in a public cemetery except when confined within a vehicle. Pets shall be permitted in a playground, schoolyard or other public area, unless so posted by the authority in charge.
- (9) **Care of dogs and domesticated animals.**
- (A) **Cruelty.** No person may confine nor treat any animal, whether belonging to such person or another person, in a cruel manner or in a manner which causes or is likely to cause pain, suffering, or death. This section does not prohibit actions considered normal and accepted veterinary practices conducted by a licensed veterinary professional.
  - (B) **Use of poisonous or controlled substances.** No person may expose any animal to known poisonous substance listed in Wis. Stat. § 961.14, whether mixed with food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. Incidental application of controlled or poisonous substance, such as but not limited to application of the substance on ones property, thus harming animals is also prohibited. This section shall not apply to poison used on one’s own premises for the specific and targeted purpose of rodent or pest extermination applied according to the product label, nor to the use of controlled substance in normal and accepted veterinary practices conducted by a licensed veterinary professional.
  - (C) **Feed, shelter, treatment.** Consistent with Wis. Stat. § 951.14, each owner, firm or person in charge of an animal shall provide his or her animals with sufficient good and wholesome food and water, proper shelter, and protection from the weather, including but not limited to extreme heat or cold, veterinary care when needed to prevent suffering, and shall provide humane care and treatment.
  - (D) **Sanitary conditions.** All structures, pens, buildings, or yards wherein animals permitted by this ordinance are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin, and objectionable odors.
  - (E) **Instigating Fights Between Animals.** No person may instigate, promote, aid, or abet as a principal, agent, employee, or spectator, or participate in the earning from, intentionally maintain, or allow any place to be used for any fight between animals, between animal and person, or animal and any other device. No person may own, possess, keep, or train any animal with the intent that the animal be engaged in an exhibition of fighting.
  - (F) No person or firm shall intentionally abandon any animal.
  - (G) No person may take the animal belonging to another person or firm from one place to another without the owner’s consent or cause such an animal to be confined or transported for any purpose without the owner’s consent. This section does not apply to law enforcement officers engaged in the exercise of their official duties.
- (10) **Barking.** No person, upon repeated complaints thereof, shall keep or harbor within the Village any dog or domestic animal which, by loud, frequent or habitual barking, yelping, or howling, shall cause serious and persistent annoyance to the neighborhood.
- (11) **Mad or vicious – Destruction.**
- (A) Any unwanted or stray dog or cat, wild animal, or rabies vaccinated dog or cat who in the opinion of the physician requires immediate diagnosis that bites a human shall be euthanized



immediately and the head submitted to a qualified laboratory for fluorescent examination for rabies. If the brain is negative, the saliva can be assumed to contain no rabies and the human need not be treated.

- (B) Any licensed dog, which shall be known to be, or there is good reason to believe, is mad, rabid, vicious, or dangerous to the public, shall be impounded and disposed of according to law. Any licensed dog which has bitten any person and which shows evidence of rabies inoculation shall not be impounded, but shall be confined at such place as designated by the county health department for a period of ten (10) days under the observation of a licensed veterinarian, unless, in the opinion of the health department, the animal exhibits symptoms of illness, in which case the dog shall be impounded under the observation of a licensed veterinarian. In either case, such veterinarian shall, at the end of such period, or when he or she has made his or her determination, report his or her findings to the health department. Any licensed dog which has bitten any person and does not display evidence of rabies inoculation shall be immediately impounded and placed under the observation of a licensed veterinarian for ten (10) days. After such period of time, such veterinarian shall report in writing thereon to the health department. Under this chapter, display of a license tag, as required by this chapter, shall be deemed to be suitable evidence of rabies inoculation in determining whether or not impoundment is required. In all cases hereunder, if any dog is found to be diseased, it shall be destroyed and no person shall interfere with the Village authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or person having custody of such dog.
  - (C) This chapter shall apply in all cases where persons are bitten and any person other than a licensed veterinarian is prohibited from destroying such dog without complying herewith.
  - (D) If the owner of any dog shall deny that his or her dog is mad, vicious, or dangerous to the public, or shall deny that his or her dog has bitten any person, the police officer may summon the dog owner into court. If the court decides that the dog is vicious or dangerous to the public or has bitten any person, the dog may be confined as provided in this chapter and the costs of the investigation shall be taxed against the owner.
  - (E) No person shall keep or harbor any dog or other domesticated animal, whether licensed or not, which is known to be or when there is good reason to believe the same to be mad, rabid, vicious, or dangerous to the public.
  - (F) No dog or other domesticated animal, without provocation, shall injure or cause injury to a person, domestic animal, or property.
- (12) **Animal excreta.** The owner of an animal shall promptly remove and dispose of in a sanitary manner any excreta deposited by such animal upon any public or private property.
- (13) **Confinement of certain dogs and other animals.**
- (A) The owner shall confine, within a building or secure enclosure, every fierce, dangerous or vicious dog and not take such dog from confinement unless securely muzzled.
  - (B) Every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that the animal cannot come in contact with another animal except for controlled breeding purposes.
  - (C) No wild or exotic animal shall be kept within Village limits except under such conditions as shall be fixed by the Village Board.
  - (D) Any dog, cat or other animal impounded for being a public nuisance shall not be redeemed unless such redemption is authorized by the Village Board.
  - (E) When, in the judgment of the Village Board or its authorized agent, an animal should be destroyed for humane reasons, such animal shall not be redeemed.

(14) **Harboring certain animals prohibited.** No person shall own, harbor, or keep any dog or other domesticated animal which:

- (A) Habitually pursues any vehicle upon any public street, alley or highway;
- (B) Assaults or attacks any person;
- (C) Habitually barks or howls to the annoyance of any two or more persons;
- (D) Is required to be licensed but is not.

(15) **Certificate of inoculation required.**

- (A) **Dogs.** No license shall be issued hereunder for any dog unless the applicant exhibits a current certificate of a qualified veterinarian showing that the dog has been inoculated for rabies and distemper.
- (B) **Cats.** All cats shall be vaccinated for rabies at least every twelve (12) months and any owner who cannot show proof of such vaccination shall be in violation of this chapter and subject to a penalty as provided in Section 16 of this Ordinance.

(16) **Supply of food and drink to confined animals.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in the following:

(A) **Indoor standards.** Minimum indoor standards of shelter shall include:

- i. Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
- ii. Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide fresh air and prevent moisture condensation necessary to provide for the health of the animals at all times.
- iii. Heat and light. Natural or artificial lighting and heat shall be supplied to provide for the health of the animal at all times.

(B) **Outdoor standards.** Minimum outdoor standards of shelter shall include:

- i. Shelter From Sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside and specifically during the months of June to September, inclusive, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
- ii. Shelter From Inclement Weather.
  - A. Generally. Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
  - B. Doghouses. Every person in charge or control of any dog which is kept outdoors or in an unheated enclosure shall provide such dog, as a minimum, with shelter and bedding as prescribed in the following:
    - 1. Such shelter shall include a moisture-proof and wind-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material, with a solid floor raised at least two inches from the ground and with the entrance facing away from the prevailing winds during the appropriate season. Such structure shall be provided with a sufficient quantity of suitable bedding material, consisting of hay, straw, cedar shavings, blankets or the equivalent to provide insulation and protection against cold and dampness and promote retention of body heat.
    - 2. If doghouses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they

cannot become entangled with the chains of other dogs or any other objects which will prevent the animals from entering the shelter.

(C) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:

- i. Structural Strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury.
- ii. Space Requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(D) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include cleaning to remove excreta and other waste materials, dirt and trash as often as necessary to prevent contamination of the animals and to reduce disease hazards and odors.

(17)**Penalties.** Except as otherwise provided, any person who violates any of the provisions of this section shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(A) **First Offense.** Any person who violates any provision of this section shall, upon conviction thereof, forfeit not less than five dollars (\$5) nor more than five hundred dollars (\$500), together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding thirty (30) days.

(B) **Second and Subsequent Offenses.** Any person found guilty of violating any provision of this section who has previously been convicted of a violation of the same provision within three years of the date of a subsequent citation shall, upon conviction thereof, forfeit not less than ten dollars (\$10) nor more than one thousand dollars (\$1000) for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

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

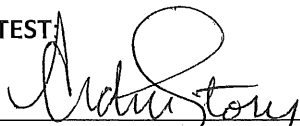
Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Adopted this 14<sup>th</sup> day of April, 2022.



Brad Lotts, Village President

ATTEST



Ardith Story, Clerk-Treasurer

#### 10.04 Reserved for future use

#### 10.05 CABLE TELEVISION (TV) ORDINANCE

(1) **GRANT OF FRANCHISE**. Pursuant to this ordinance, the Village may create in a franchise grantee, its successors and assigns, a nonexclusive franchise to install, maintain, and operate a cable television system for the distribution of television signals, frequency modulated radio signals and closed circuit television programs for a term of fifteen (15) years, provided that the franchise grantee conforms to the conditions, limitations, and requirements of this ordinance. This ordinance may be amended from time to time by the Village through the enactment of amendments hereto and will be subject to State and Federal laws.

(2) **FRANCHISE RIGHTS SUBJECT TO POLICE POWER**. In accepting this franchise, the grantee acknowledges that its rights hereunder are subject to the police power of the Village of New Auburn to adopt and enforce general and specific ordinances necessary to the health, safety and welfare of the public; and it agrees to comply with all applicable general and specific laws enacted by the Village of New Auburn pursuant to such power.

(3) **DEFINITIONS**. The following words and phrases, whenever used in this chapter, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such word or phrase:

(A) **"Cable System"**. A system of antennas and other receiving equipment, cables, wires, lines, towers, waveguides, laser beams or any other conductors, converters, equipment or facilities, designed or constructed for the purpose of producing, receiving, amplifying and distributing by audio, video and other forms of electronic or electrical signals to and/or from locations in and outside of the Village of New Auburn.

(B) **"Grantee"**. A recipient of a grant of franchise which shall be considered a public utility for purposes of this ordinance.

(C) **"Subscriber"**. A purchaser of any service delivered by grantee pursuant to this franchise, and "subscriber" shall also include all persons who are not required to pay any fee, but receive any service delivered by grantee pursuant to this franchise.

(D) **"User"**. Any person using such service whether such person pays

grantee or is allowed to utilize such service by subscriber.

(E) **"Village Board"**. The duly elected Village Board of the Village of New Auburn.

(F) **"Basic Subscriber Cable Revenues"** and **"Basic Subscriber Service"**. Revenues from all services provided the subscriber, including pay cable, but excluding installation costs.

(4) **REVIEW AND RENEGOTIATION**. In order to provide for a maximum degree of flexibility in this franchise, which covers a field that is relatively new and rapidly changing and which probably will see regulatory, technical, financial, marketing, and legal changes during the term of this franchise, and to help achieve a continued advanced and modern system for the Village of New Auburn, the following terms and conditions are part of any franchise hereby granted pursuant to this ordinance.

(A) At the option of the Village, approximately five (5) and three (3) years prior to the expiration of this franchise, at a regular or special Village Board meeting, the Village and the grantee shall, at the Village's option, meet to discuss application of new technologies, system performance, service provided, programming offered, customer complaints, whether the franchisee is providing reasonable service to the community, privacy in human rights, amendments to this ordinance, undergrounding progress and judicial and FCC rulings. The parties may renegotiate any of the above provisions at that time.

(B) Board members, administrative personnel, the public, or the grantee may add further topics to the list recited in subparagraph 10.04(4)(A).

(C) It is the presumed intent of the Village that the Village will extend a franchise granted under this ordinance if, upon the review set forth in subparagraph (A) above the performance of the grantee as required by this chapter has been satisfactory. In considering renewal, the Village and franchisee will be subject to the standards set forth and made applicable by Federal law as amended from time to time. These standards currently are whether:

(1) The cable operator has substantially complied with the material terms of the existing franchise and with applicable law;

(2) The quality of the operator's service has been reasonable in light of the community needs;

(3) The operator has the financial, legal, and technical ability to provide the service facilities and equipment as set forth in the operator's proposal;

(4) The operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests;

(5) Whether the operator has provided a reasonable level of service; and,

(6) Whether the operator has fully complied with all requirements of law including the Cable Television and Consumer Protection Act of 1992.

(D) The meeting described in paragraph 10.04(4)(A) shall be open to the public and notice shall be given of the time and place of such meeting, through newspaper, radio, and grantee's medium, of at least five (5) days prior to such meeting.

**(5) FRANCHISE EXPIRATION AND CANCELLATION, CONTINUITY OF SERVICE, AND BUYBACK PROVISIONS**

(A) The Village Board may cancel a franchise granted pursuant to this chapter prior to its expiration. Such cancellation shall not be made until the Village has given the grantee thirty (30) days notice of a proposed cancellation and has made a determination based on public hearing, that the grantee has failed to cure one or more of the following defects during a sixty (60)-day period following such written notice of proposed cancellation. Such cancellation shall be based on one or more of the following defects:

(1) Material breach, whether by act or omission, of any term or condition of this ordinance, including whether the franchisee is providing reasonable service; or,

(2) Insolvency of the grantee, or inability or unwillingness of the grantee to pay its just debts when they accrue, or application by grantee for adjudication as a bankrupt, or the filing of a voluntary assignment for the benefit of the creditor, or if a judgment, tax warrant, or tax lien remains unsatisfied for a period of six (6) months.

(B) In the event any of the above-mentioned defects are caused by equipment failure or the grantee's inability to obtain certain equipment for reasons beyond grantee's control, then grantee shall be allowed an additional sixty (60) days before there is deemed grounds for termination.

(C) Termination or forfeiture of this franchise shall in no way affect the right of the Village under the franchise or of any provision of law.

(D) In the period between expiration or cancellation of the franchise and the transfer of the cable system as provided in this ordinance, the grantee shall continue to provide service to the public as if its franchise were still in effect, but in the capacity of a trustee for its successor in interest.

(6) **TRANSFER OF CONTROL.** No transfer of effective ownership or control of the cable system may take place, whether by forced or voluntary sale, lease, mortgage, assignment, encumbrances, or any other form of disposition, without prior ninety (90)-day notice to the Village Board under Section 66.82(5)(a), Wisconsin Statutes. The Village Board's refusal to approve must be related to the service and the obligations of this agreement or the requirements of Federal law and not be unreasonably withheld. The grantee's notice to the Village Board shall include the full identifying particulars of the proposed transaction. The acquisition within a consecutive period of thirty-six (36) months or more than thirty percent (30%) interest in the grantee's voting stock, franchise, plant, equipment, or other property used in the conduct of the business, including the requirement that the franchisor has provided a reasonable level of service, or more than a thirty percent (30%) representation on the grantee's Board of Directors, by any person or group of persons acting in concert who before that time did not enjoy such interest or representation shall conclusively be presumed to be a transfer of effective ownership or control. The term "transfer of effective ownership or control" shall not include the disposition of facilities or equipment no longer required in the conduct of the grantee's business, nor shall it include a pledge or mortgage or similar instrument which transfer conditional ownership of all or part of the system's assets to a lender or creditor in the ordinary course of business so long as the lender or creditor does not thereby acquire the right to control and direct the system's operations. If more than ten percent (10%) of the ownership interest in the cable television system is transferred, the cable operator shall inform the Village within thirty (30) days of the date of transfer.

(7) **FRANCHISE TERRITORY.** The franchise is for the present territorial limits of the Village of New Auburn and for any henceforth added thereto during the term of this franchise.

**(8) SUBSCRIBER PRIVACY**

(A) No monitoring of any terminal connected to the system shall take place without specific written authorization by the user of the terminal in question on each occasion and without written notice to the Village.

(B) Grantee shall not, except as required by governmental action, provide any data concerning specific subscribers or users or their use of its services without first securing written authorization for the provision of such data.

(C) The subscriber or user shall retain the right to deactivate his or her terminal but shall continue to be responsible for charges until the grantee is notified to terminate service.

**(9) TECHNICAL STANDARDS AND COMPLAINTS**

(A) The grantee's operations shall conform to the technical standards set by the Federal government. The grantee shall maintain on file consistent with the rules of the Federal government, all testing results which shall be open to inspection by the Village Board. The grantee shall, upon request, inform the Village of any audit by an employee of the Federal government together with the name(s) of the employee(s) who conducted such audit. The grantee shall perform all tests required by the Federal government which are now in effect or which may be required in the future.

(B) Grantee shall keep a record of complaints received and shall make available to the Village, upon request, compilation of such complaints showing when received and the general nature of the complaint. Individual names will not be used, but it shall be possible to ascertain the action taken to satisfy the complaint.

(C) The grantee shall maintain a locally listed telephone, a toll-free number, or enterprise number to allow customers to contact the franchisee without cost to the customer. The grantee shall maintain a repair and maintenance crew capable of responding to subscriber complaints or requests for service within forty-eight (48) hours after receipt of the complaint or request. No charge shall be made to the subscriber for this service.

**(10) DESCRIPTION OF SERVICE.** Grantee shall, as part of the acceptance of this franchise, provide a complete description of the cable system in the Village of New Auburn. Such description shall be updated as additions or changes are made.



**(11) GRANTEE'S USE OF VILLAGE'S RIGHTS.** Grantee, upon written acceptance of this franchise, is hereby granted the right to erect, maintain, and operate in the streets, alleys and utility easements of the Village of New Auburn and other public places, a cable system. The poles used for such distribution shall be those erected or used by the local utilities. The grantee may erect its own poles if the Village's permission is first obtained.

**(12) METHOD OF INSTALLATION**

**(A) INSTALLATION**

**(1)** All installations made by the grantee shall be made in good, substantial, safe condition and maintained in such condition at all times. The grantee shall make no excavations in the streets, alleys, and any other public places without first procuring a written permit from the Village Board or other authorized representative of the Village and all work of such kind shall be done under the supervision of the Village authorities.

**(2)** The grantee's transmission and distribution system poles, wires, and appurtenances shall be located, erected, and maintained so as not to interfere with the lives or safety of persons, or to interfere with new improvements the Village may deem proper to make, or to unnecessarily undermine or obstruct the free use of the streets, alleys, bridges, or other public property. Removal of poles to avoid such interference will be at the grantee's expense.

**(3)** All land shall be substantially restored to the condition which existed prior to the beginning of construction and/or excavation.

**(4)** The company shall utilize the easement of other public utilities when possible and shall obtain the written permission of the utility for said use and the landowner's consent if required by said utility easement.

**(B) COMMENCEMENT AND COMPLETION OF CONSTRUCTION**

**(1)** Within thirty (30) days of the date of the award of this franchise, the grantee must advise the Village, in writing, of its acceptance of the franchise and must undertake the necessary steps to secure authorization to operate from appropriate governmental agencies, regulating cable service, and from satellite systems and/or operators to use satellite systems. If authorization to operate is not received within twelve (12) months of the date of franchise, the franchise may be canceled at the option of the Village.

(2) Service shall be afforded to the degree of at least seventy-five percent (75%) of the proposed system no later than eighteen (18) months following the appropriate governmental agency's grant to authorization. If this state of completion is not met, the Village Board may cancel the franchise.

(13) **AUTHORITY TO TRIM TREES.** The grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and other public places of the Village, so as to prevent the branches of such trees from coming in contact with the wires and cables of the company. The grantee may contract for such services.

(14) **INDEMNITY**

(A) **INDEMNIFICATION.** The grantee shall defend and save the Village and its agents and employees harmless from all claims, damages, losses, and expenses including attorney's fees sustained by the Village on account of any suit, judgment, execution, claim or demand whatsoever arising out of:

(1) The enactment of this ordinance and granting of a franchise thereunder, except such claims as may arise from the Village's selection of a grantee to be awarded a franchise pursuant to this ordinance.

(2) The installation, operation, or maintenance of the Cable TV Network except for acts of the Village, its agents or employees unless said acts are the request of and under the direction or supervision of grantee.

(B) **LIABILITY INSURANCE.** All grantees shall maintain throughout the term of the permit a general comprehensive liability insurance policy naming as the additional insured the Village, its officers, boards, commissions, agents and employees, in a company approved by the Village Board and in a form satisfactory to the Village Attorney, protecting the Village and its agencies and employees against liability for loss or damage for personal injury, death, or property damage, occasioned by the operations of grantee under any franchise granted hereunder, in the amounts of: (1) \$500,000.00 for bodily injury or death to any one person with the limit, however, of \$1,000,000.00; and, (2) \$100,000.00 for property damage resulting from any one accident.

(15) **JOINT USE.** The grantee shall grant to the Village, free of expense, joint use of any and all poles owned by it for any proper municipal purposes, insofar as it may be done without interfering with the free use and enjoyment of the company's own wires and fixtures, and the Village shall hold the company harmless from any and all actions, causes of actions, or damage caused by the placing of the Village's wires

or appurtenances upon the poles of the company. Proper regard shall be given to all existing safety rules governing construction and maintenance in effect at the time of construction.

**(16) UNAUTHORIZED CONNECTIONS OR MODIFICATIONS**

**(A) UNAUTHORIZED CONNECTIONS PROHIBITED.** It shall be unlawful for any firm, person, group, company, corporation, or governmental body or agency, without the expressed consent of the grantee, to make or possess any connection, extension or division, whether physically, acoustically, inductively, electronically, or otherwise, with or to any segment of a CATV system for any purpose whatsoever. However, this section shall not be construed to apply to any signal receptions by unmodified television sets.

**(B) REMOVAL OR DESTRUCTION PROHIBITED.** It shall be unlawful for any firm, person, group, company, corporation, or governmental body or agency to willfully interfere, tamper, remove, obstruct or damage any part, segment or content of a CATV System for any purpose whatsoever.

**(C) FORFEITURE.** Any person violating this section shall forfeit an amount not greater than \$25.00 per occurrence. Each continuing day of the occurrence shall be considered a separate violation.

**(17) SEVERABILITY.** Should any word, phrase, clause, sentence, paragraph or portion of this ordinance and franchise be declared to be invalid by a Court of competent jurisdiction, such adjudication shall not affect the validity of this ordinance and franchise as a whole, but shall only affect the portion thereof declared to be invalid; and the Village Board hereby expressly states and declares that it would nonetheless have passed this ordinance and granted this franchise had it known that any such word, phrase, clause, sentence, paragraph or portion of said franchise were invalid. This ordinance is subject to the Cable Communication Policy Act of 1984 and all provisions of this ordinance shall be interpreted with respect to such Act as amended from time-to-time.

**(18) REMOVAL OF EQUIPMENT.** In the event this franchise terminates and neither the Village nor anyone else purchases grantee's cable system, grantee shall remove its cables, wires, and appliances from the streets, alleys, public ways and places within the Village, except any underground cables, appliances or other appurtenances and restore the streets, alleys, public ways and places to original condition.

**(19) ACCEPTANCE BY GRANTEE.** The franchise granted under this ordinance shall be effective upon written acceptance of the franchise being filed with the Village Clerk, and the franchise shall continue in force for a period of ten (10) years.

**(20) ARBITRATION**

**(A)** Controversies arising from the grantee's performance under the terms of this ordinance shall be submitted to arbitration. Arbitration shall not be demanded by any party until such time as that party has served written notice upon the opposing party, setting forth its proposed determinations or actions which are to be the subject matter of the arbitration. Such notice shall be in writing and mailed to the other party by certified mail, return receipt requested.

**(B)** In the event of arbitration, the parties shall select the arbitrator or if they fail to do so, a Circuit Judge for Chippewa and/or Barron County shall select the arbitrator. The expenses of the arbitration and compensation of the arbitrator shall be borne by the Village and the grantee as the award shall provide, but in no event shall the Village be obligated to pay more than one-half of such expenses and compensation. The arbitration award shall be binding upon the parties.

**(21) INCORPORATION OF AMENDMENTS.** This franchise shall be amended to incorporate all amendments to the statutes, rules and regulations of the Federal government as they are promulgated by the Federal government. Any provisions herein, in conflict with or preempted by said rules and regulations or statutes shall be superseded.

**(22) PENALTIES.** In addition to the procedures specified in Section 10.05(5), the following shall be in effect:

**(A)** After notice and hearing, the Village may reduce any or all of the subscriber rates if the grantee fails to provide the services specified in this chapter or fails to comply with any applicable government regulation. Additionally, the Village may require the grantee to forfeit a sum not to exceed 10% of gross revenues per day for such failure. It being intended hereby to enforce construction requirements and customer service requirements including requirements related to interruption of service; disconnection rebates and credits to consumers; deadlines to respond to consumer requests for complaints; and the location of the cable operator's consumer service offices; and such other requirements as are permissible under the Cable Communication Policy Act of 1984 as amended from time-to-time. Grantee is not responsible for failure to provide adequate service which is caused by acts of God, strikes, governmental or military action, or other conditions beyond its control

including the lack of material or parts.

**(B)** Upon interruption of service except for acts of God or with express prior permission of the Village, the following shall apply:

**(1)** Over 72 hours and up to seven (7) days, a 50% rebate of one month's fees for all affected subscribers.

**(2)** A full month's rebate for any month in which one (1) week or more of the service is interrupted.

**(23) PROTECTION OF NONSUBSCRIBERS.** Grantee shall at all times keep its cables and other appurtenances used for transmitting signals shielded in such a manner that there will be no interference with signals received by private receiver's sets owned by persons not subscribing to grantee's service.

**(24) CONDITIONS OF REQUIRED EXTENSIONS.** Grantee shall within sixty (60) days of the acceptance of this franchise, file a plan with the Village for the initial installation of cable. Following such initial installation, the grantee shall not be obligated to extend its cable network to additional subscribers unless the proposed subscribers shall be located within five hundred (500) feet of the existing network, or unless at least ten (10) additional subscribers will be serviced per mile of cable extension required. In instances wherein the grantee is not required to provide service pursuant to this paragraph, the grantee and subscriber may nevertheless contract to have service provided on terms and conditions agreeable to both the subscriber and grantee.

**(25) SUBSCRIBER SERVICE.** The Company will maintain a toll-free telephone number so that subscriber services can be handled conveniently.

**(26) FEDERAL COMMUNICATIONS COMMISSION (FCC) RULES TO APPLY.** The Company shall comply fully with all Federal Communications Commission rules and regulations as may be presently in effect or may become effective in the future, and all other Federal and State rules and regulations applicable to the television distribution system. Any and all modifications of Section 76.31 of the Federal Communications Commission rules resulting from amendment of said rules by the Commission shall be incorporated into this ordinance within one (1) year of the adoption of the modification by the Federal Communications Commission or at the time of franchise renewal, whichever event shall first occur. Compliance with all Federal Communications Commission rules or modifications thereof shall be a condition for continuation of any franchise.

**(27) FRANCHISE.** Pursuant to the foregoing ordinance and subject to its provisions, the Village Board does hereby grant to K. W. Cable, Inc. the following franchise:

**(A)** That the Village of New Auburn, Chippewa County, Wisconsin, hereinafter called the Village, does hereby grant to K. W. Cable, Inc., owned by Scott T. Krenz and James A. Waldorf, 18154 Country Court, Chippewa Falls, Wisconsin, hereinafter called the Company, the right, privilege and franchise to construct, operate and maintain lines of coaxial television cable, including poles, wires and fixtures where necessary, upon, along, over, and under the public streets and alleys of the Village, subject to the terms and conditions herein. K. W. Cable, Inc. may assign this franchise to a financial institution that loans money for the construction of the cable system, subject to Section 10.05(6). The Village will also allow assignment of this franchise to any future purchaser, provided that the purchaser is a reputable business with good credit plus good business background. Assignments of the Franchise after approval by the Village Board shall be set forth in Appendix M.

**(B)** The Company shall build its aerial portion of the television distribution plant using existing poles such as those directed and maintained by the Power Company and Telephone Company. Any new poles that may have to be installed by the Company shall first be approved by the Village.

**(C)** The Company will build its underground portion of the television distribution plant only after it has received permission from the Village. All streets and sidewalks disturbed or damaged in the construction or maintenance of said cable lines shall be promptly repaired by the Company at its expense, to the satisfaction of the Village.

**(D)** All coaxial cable erected in the Village by the Company shall at all times meet with the applicable minimum standards of the Village, as provided by ordinance or code.

**(E)** The Company shall be subject to all ordinances now in effect or that may be hereinafter enacted relative to the use by it of the streets and alleys of the Village.

**(F)** The Company shall hold the Village harmless from all claims for damages arising out of the construction, maintenance, or operation for said cable.

**(G)** The franchise is hereby granted for the term of fifteen (15) years

from the date of this ordinance. This franchise is conditional upon the Company to start construction within twelve (12) months and to complete construction within eighteen (18) months of the adoption and publication of this ordinance as provided by law. If the Company fails to comply with the aforementioned conditions, then the Village may terminate this franchise.

(H) Proposed programming services to be carried are as follows:

**Channel Lineup (Tentative)**

Cable Channel	2	KTCA	PBS	CH. 2 (Minneapolis)
	3	WTBS	Ind	CH. 17 (Atlanta)
	4	WCCO	CBS	CH. 4 (Minneapolis)
	5	KSTP	ABC	CH. 5 (Minneapolis)
	6	TNN		Country Music (Nash.)
	7	HBO		Movies (New York)
	8	WKBT	CBS	CH. 8 (La Crosse)
	9	KMSP	Ind	CH. 9 (Minneapolis)
	10	WHWC	PBS	CH. 28 (Menomonie)
	11	KARE	NBC	CH. 11 (Minneapolis)
	12	CNN		News (Atlanta)
	13	WEAU	NBC	CH. 13 (Eau Claire)
	17	ESPN		Sports (New York)
	18	WQOW	ABC	CH. 18 (Eau Claire)
	19	CBN		Family/Movies (N.Y.)
	20	Discovery		Family/Educational
	21	USA Network		Family/Movies
	22	WGN	Ind	CH. 9 (Chicago)

**NOTE:** Channel 7 (HBO) will be a premium service separate from the basic service.

**NOTE:** The Company has the right to change these services as they see necessary.

(I) The initial service and maintenance charged by the Company shall be as follows:

**Monthly Service Charge**

Main television set	\$14.95
HBO	10.95
Extension television sets	2.25

**NOTE:** For those customers that do not have cable-ready television sets or cable-ready VCR's, they will need a converter to receive Channels 17 through 22. The converter will be supplied by the company for a one-time refundable deposit of \$10.00.

**Installation Charges**

Main television set	\$30.00
Extension television sets	20.00
Reconnection charge	25.00
Hookup charge (first 90 days)	N/C

**NOTE:** Wisconsin sales tax will be added to the above rates. All accounts thirty (30) days past due will be subject to disconnection after disconnect is sent.

**10.06****FIREWORKS PERMIT ORDINANCE**

(1) **COVERAGE.** Every person, pursuant to Sections 66.052 and 167.10, (1993-1994) Wisconsin Statutes, and this ordinance in the Village of New Auburn who sells, possesses or uses fireworks in the Village shall seek and obtain a Fireworks Permit from the Village, except if exempt under this ordinance. The permit fee shall be established by the Village Board at not less than Five dollars (\$5.00) nor more than Twenty Dollars (\$20.00) and shall be set forth on Appendix E. The permit shall be issued for the date established for the permitted use. The permit shall be issued by the Village President and a copy of the issued permit shall be given to the Village Marshal pursuant to Section 167.10(3)(g), (1993-1994) Wisconsin Statutes, at least two (2) days before the date of authorized use in the Village of New Auburn.

(2) **APPLICATION/PERMIT.** The application shall be made to the Village President and the Village President, in the exercise of his/her reasonable discretion shall issue or not issue the fireworks permit. The application shall include:

- (A) The name of the applicant.
- (B) The address of the applicant.



(C) The residential and business telephone number of the applicant, if any.

(D) The age of the applicant.

(E) The date requested for purchase of fireworks and the date requested for the fireworks use.

(F) The time and location for the required use.

(G) The classification of the applicant as noted in Section 167.10(3)(c), (1993-1994) Wisconsin Statutes.

(H) The proposed location for the storage of the fireworks in the Village.

(3) **EXEMPTIONS.** Certain persons are exempt from this permit requirement in the Village. The permit requirement does not apply to:

(A) The Village of New Auburn, but Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.

(B) The possession of or use of explosives in accordance with rules or general orders of the State Department of Industry, Labor and Human Relations.

(C) The disposal of hazardous substances in accordance with rules adopted by the State Department of Natural Resources.

(D) The possession of or use of explosives or combustible materials in any manufacturing process.

(E) The possession of or use of explosives or combustible materials in connection with classes conducted by educational institutions.

(F) The possession of or use of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.

**(4) ORDINANCE/PERMIT**

**(A)** The person subject to this ordinance shall comply with Section 167.10, (1993-1994) Wisconsin Statutes, and this ordinance.

**(B)** The Village Clerk shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.

**(C)** The applicant and any other person subject to this ordinance shall comply as follows:

**(1)** No person shall be issued or reissued a fireworks permit in the Village until the appropriate fee has been paid to the Village Clerk.

**(2)** No person shall be issued or reissued a fireworks permit in the Village who has failed to properly and fully complete and submit to the Village Clerk the application form as developed and provided by the Village.

**10.07**

**ALCOHOL BEVERAGES ORDINANCE**

**(1) STATE STATUTES ADOPTED.** The provisions of Chapter 125, Wisconsin Statutes, defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, but exclusive of any statutory penalty of imprisonment (no penalty of imprisonment may be imposed for ordinance violations; forfeitures only may be imposed) are adopted and made a part of this ordinance by reference. A violation of any of such provisions shall constitute a violation of this section.

**(2) LICENSES, PERMITS, AUTHORIZATION REQUIRED**

**(A) When Required.** No person except as provided by Section 125.06, Wisconsin Statutes, shall within the Village of New Auburn, serve, sell, manufacture, rectify, brew, or engage in any other activity for which this ordinance or Chapter 125, Wisconsin Statutes, requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this ordinance. (Reference: Section 125.04(1), Wis. Stats.)

**(B) Separate license Required for Each Place of Sale.** Except for licensed public warehouse, a license shall be required for each location or premises

which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. (Reference: Section 125.04(9), Wis. Stats.)

**(C) Classes of Licenses and Fees.** The following classes and denominations of licenses may be issued by the Village Clerk under authority of the Village Board after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal, or traffic in alcoholic beverages as provided in Sections 125.17, 125.25, 125.26, 125.28, 125.51, and ~~125.57~~, Wisconsin Statutes. Except as otherwise provided in this ordinance, the full license fee shall be charged for the whole or fraction of any year. Fees shall be noted in Appendix E.

**(1) Class "A" Fermented Malt Beverage Retailer's License.** \$50.00 per year. (Reference: Sec. 125.25, Wis. Stats.)

**(2) Class "B" Fermented Malt Beverage Retailer's License.** \$100.00 per year. (Reference: Sec. 125.26, Wis. Stats.)

**(a) Six Month.** A license may be issued at any time for six (6) months in any calendar year for which three-fourths (3/4ths) of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which issued.

**(b) Picnic (Temporary).** \$10.00. (Reference: Sec. 125.25(1) and (6), Wis. Stats.)

**(c)** The Village authorizes the Village Clerk to issue temporary Class "B" licenses under Section 125.26(6), Wisconsin Statutes.

**(3) Wholesaler's Fermented Malt Beverage License.** \$15.00 per year or fraction thereof. (Reference: Sec. 125.28, Wis. Stats.)

**(4) Retail "Class A" Liquor License.** \$250.00 per year. (Reference: Sec. 125.15(2), Wis. Stats.)

**(a)** A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof until the following June 30.

**(5) Retail "Class B" Liquor License.** \$500.00 per year. (A retail Class "B" liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the licensed premises.) Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises. (Reference: Sec. 125.51(3), Wis. Stats.)

(a) A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

(b) Licenses valid for six (6) months may be issued at any time. The fee for the license shall be fifty percent (50%) of the annual license fee. The license may not be renewed during the calendar year in which issued.

(c) Clubs as defined in Section 125.02(4), Wisconsin Statutes, shall be subject to a \$50.00 per year fee for a restricted license and a fee of \$250.00 if nonrestricted (sales to the general public).

(6) Retail "Class C" Wine Licenses. \$100.00 per year. (Reference: Sec. 125.51(3m), Wis. Stats.)

(7) Pharmacists. \$10.00 per year. (Reference: Sec. 125.57, Wis. Stats.)

(8) Operators. \$15.00 per year. (Reference: Sec. 125.17, Wis. Stats.) Provisional operators: \$10.00. The provisional fee may be applied against the regular operator's license of \$15.00 per year upon completion of the training course.

(a) Operators' 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.

(b) Operators' licenses may be issued only on written application on forms provided by the Village Clerk.

(c) Operators' licenses shall be valid for one (1) year but all such licenses shall expire on June 30 of each year regardless of whether or not issued on July 1 of the preceding year.

(d) The provisions of Section 125.17(6) of the Wisconsin Statutes are hereby adopted. Operators' licenses will not be issued to nonexempt applicants who have not successfully completed the Responsible Beverage Server training course offered by a vocational, technical, and adult education district which conforms to curriculum guidelines specified by the Board of Vocational, Technical, and Adult Education or a comparable training course that is approved under Section 125.17, Wisconsin Statutes. Such applicant must provide a certificate of completion of said course unless the applicant meets one of the following exemptions set forth in the statute:

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1. The applicant is renewing an operator's license.
2. Within the past two (2) years, the person held a Class "A", Class "B", or "Class A" or "Class B", or "Class C" license or permit or a manager's or operator's license.
3. Within the past two (2) years, the person has completed such a training course.

(e) If the individual applying for the operator's license has not completed the course by the time of application, the Village Board, or its designee, may issue a provisional operators license to such person who is enrolled in a training course. The Board shall revoke that license if the applicant fails to successfully complete the course in which he or she enrolls.

(f) **Provisional Operator's License:** \$10.00 provisional operator's licenses under 125.17(5) may be issued by the Village Clerk who is designated as the municipal officer with authority to issue provisional operator's license. Said licenses may be issued upon payment of a fee of \$10.00 upon the following conditions:

1. A provisional operator's license may be issued only to a person who has applied for an operator's license and may not be issued to any person who has been denied a license by the Village of New Auburn.
2. A provisional operator's license expires 60 days after its issuance or when an operator's license is issued or denied to the holder, whichever is sooner.
3. The Village Clerk may revoke the provisional operator's license if the holder of the license is discovered to have made a false statement on the application. If the provisional operator's license is revoked, the Village Clerk shall mail or have a written notice delivered to the license holder notifying the person of the action taken, the reasons for such action and the right to have a license review hearing before the Village Board upon the applicant's written request. The request for hearings and procedures shall be as set forth in section 125.12.

(g) This ordinance shall not be interpreted as requiring additional regulations not permitted pursuant to Section 125.17(6)(c), Wisconsin Statutes.

(h) The Village Clerk may issue temporary operator's licenses upon written application pursuant to Section 125.17(4) of the Wisconsin Statutes, without a fee, provided that;

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1. A temporary license may be issued only to operators employed by or donating their services to non-profit corporations;
2. No person may hold more than one license of this kind per year; and,
3. The license is valid for any period from one day to fourteen (14) days and the period for which it is valid shall be stated on the license.

**(9) Provisional Retail Licenses.** Provisional retail licenses under Section 125.185 may be issued by the Village Clerk who is designated as the municipal officer with authority to issue provisional retail licenses. Said licenses may be issued upon payment of a fee of \$15.00 upon the following conditions:

**(a)** A provisional retail license may be issued only to a person who has applied for a Class "A", Class "B", "Class A", "Class B" or "Class C" license and authorizes only the activities that the type of retail license applied for authorizes.

**(b)** A provisional retail license expires 60 days after its issuance or when the Class "A", Class "B", "Class A", "Class B" or "Class C" license is issued to the holder whichever is sooner. The Village Clerk may revoke the provisional retail license if he or she discovers that the holder of the license made a false statement on the application. If the provisional retail license is revoked, the Village Clerk shall mail or have a written notice delivered to the license holder notifying the person of the action taken, the reasons for such action, and the right to have a license review hearing before the Village Board upon the applicants written request. The request for hearings and procedures shall be as set forth in Section 125.12.

**(c)** Notwithstanding the foregoing provisions, the Village Clerk may not issue a provisional "Class B" license if the municipality's quota under Section 125.51(4), prohibits the municipality from issuing a "Class B" license.

**(d)** No person may hold more than 1 provisional retail license for each type of license applied for by the holder per year.

**(e)** All standards under which retail licenses are issued under these ordinances and the State Statutes for the regular ordinance shall apply to provisional retail licenses.

**(D) License Application**

**(1) Form.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue, or governing body for operators' licenses and filed with

the Village Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(2) **Application to be Notarized.** Applications shall be signed and sworn to by the applicant as provided in Section 887.01 Wisconsin Statutes. The Village Clerk is authorized to take statements under oath.

(3) **Board Appearance.** All applicants for alcoholic beverage to include "Class A" liquor licenses, Class "A" fermented malt beverage licenses, "Class B" liquor licenses and Class "B" fermented malt beverage licenses, issued pursuant to Section 125 of the Wisconsin Statutes and of these ordinances shall (except as set forth in this subsection below) appear in person before the Village Board at the time of license application to present the application and answer questions from the Village Board members as to the application and conduct of the permitted activities. Personal appearance shall be required for all original applications. Personal appearance shall not be required for all renewal applications unless the Board has cause to deny renewal pursuant to Wis. Stat. 125.12.

Effective July 1, 2009, applicants for a license to serve fermented malt beverages and intoxicating liquors (bartender's license) are not required to appear in person before the Village Board unless the applicant has a serving violation (Wis. Stat. 125.07), other criminal record, or other issues which, in the Board's discretion, requires personal appearance before the Board to determine compliance with the requirements of this Ordinance and Wis. Stat. 125.04(5).

(E) **License Restrictions**

(1) **Statutory Requirements.** Licenses shall be issued only to persons eligible therefore under Sections 125.04 and 125.33(3)(b), Wisconsin Statutes.

(2) **Location**

(a) No retail "Class A" or "Class B" license shall be issued for premises the main entrance of which is less than three hundred feet (300') from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to the premises covered by the license.

(b) This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred feet (300') thereof by any school building, hospital building, or church building.

(3) **Violators of Liquor or Beer Laws or Ordinances.** No retail Class A or B license shall be issued to any person who has been convicted of a violation of any Federal or state liquor or fermented malt beverage law or the provisions of this ordinance or any other criminal violation substantially related to the performance of the applicant's duties, during one (1) year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one (1) year.

(4) **Health and Sanitation Requirements.** No retail Class "B" or "Class B" or "Class C" license shall be issued for any premise which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Village.

(5) **License Quota.** The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in Section 125.51(4), Wisconsin Statutes.

(6) **Corporations.** No license shall be granted to any corporation in which more than fifty percent (50%) of the voting stock interest, legal interest or beneficial interest is held by any person or persons not eligible for a license under this section.

(7) **Age Requirement.** No license hereunder shall be granted to any underage person. For purposes of this section, "underage person" shall be defined as an individual who has not attained the age of 21 years. For purposes of this section, "underage person" as it relates to issuance of **Operator's** licenses shall be defined as individuals who have not attained the age of 18 years as per Wisconsin Statute 125.04(5)(d)2.

(8) **Effect of Revocation of License.** Whenever any license has been revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises and twelve (12) months shall elapse before another license shall be granted to the person whose license was revoked.

(9) **Issuance for Sales in Dwellings Prohibited.** No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcoholic beverages in any dwelling, house, flat or residential apartment.

(10) **Inspection of Application and Premises.** The Village Clerk shall notify the Village Marshal, and Village Board of all license and permit applications, and these officials may inspect or cause to be inspected such applications and premises to determine whether the applicant and the premises sought to be



licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. If an inspection is conducted, these officials shall furnish to the Village Board in writing the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of the Village Board, and no license shall be renewed without a reinspection of the premises and report as herein required.

(11) **Health and Sanitation.** No license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the Department of Industry, Labor and Human Relations and the State Department of Health and Social Services and to all such ordinances and regulations adopted by the Village.

(F) **Form and Expiration of Licenses.** All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee, and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The Village Clerk shall affix his or her affidavit as required by Section 125.04(4), Wisconsin Statutes.

(G) **Transfer of Licenses**

(1) **As to Person.** No license shall be transferable as to licensee except as provided by Section 125.04(12), Wisconsin Statutes.

(2) **As to Place.** Licenses issued pursuant to this section may be transferred as provided in Section 125.04(12), Wisconsin Statutes. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(H) **Posting and Care of Licenses.** Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Section 125.04(10), Wisconsin Statutes. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(I) **Regulation of Licensed Premises and Licenses**

(1) **Gambling and Disorderly Conduct Prohibited.** Each licensed and permitted premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or illegal gambling shall be allowed at any time on any such premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept upon the premises.

(2) **Employment of Underage Persons.** No retail "Class B" or Class "B" licensee shall employ any underage person to serve, sell, dispense or give away any alcoholic beverage, except hotels, restaurants, combination grocery stores-- taverns, where not to exceed twenty percent (20%) of the gross revenues are derived from the sale of alcoholic beverages, except as provided in Section 125.32(2) and 125.68(2) (Operator's License).

(3) **Sales by Clubs.** No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(4) **Safety and Sanitation Requirements.** Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(5) **Dancing and Entertainment Allowed.** Dancing and entertainment including music, singing, and related forms of musical entertainment shall be permitted upon premises licensed under this ordinance, during such hours and under such conditions as the Village Board may determine.

(6) **No Sale on Credit or Trade In.** No retail Class "A", "Class A", Class 'B', "Class B", or "Class C" licensee shall sell or offer to sell fermented malt beverages or intoxicating liquor to any person on credit excepting credit extended by a hotel to a resident guest or a club to a bona fide member, and by grocers and druggists who maintain a credit system in connection with other purchases as well. No licensee shall sell fermented malt beverages or intoxicating liquor to any person on a pass book or store order or receive from any person any goods, wares, merchandise, or other articles in exchange for fermented malt beverages or intoxicating liquor.

(7) **Search of Licensed Premises.** It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer or the Village Marshal without any warrant, and the application for a license hereunder shall be deemed a consent to this provision.

(J) **Closing Hours.** No premises for which an alcoholic beverage license has been issued shall remain open for the sale of alcoholic beverage:

(1) If a wholesale license, between 5 p.m. and 8 a.m. except on Saturday when the closing hour shall be 9 p.m.

(2) If a retail Class "A" (fermented malt beverage) license, between 12 midnight and 6 a.m. as provided by Section 125.32(3)(b), Wisconsin Statutes (updated 2009-2010).

(3) If a retail "Class A" (intoxicating liquor) license, between 9 p.m. and 8 a.m. as provided by Section 126.68(4)(b), Wisconsin Statutes.

(4) If a retail Class "B" (fermented malt beverage) or "Class B" (intoxicating liquor) or "Class C" (retail wine license) license, between 2 a.m. and 6 a.m. On Saturday and Sunday the closing hours shall be between 2:30 a.m. and 6 a.m. On January 1, premises operating under a Class "B" or "Class B" license or permit are not required to close. No package, container, or bottle sales may be made between 12 midnight and 6 a.m. (Reference: Secs. 125.68(4)(c), 125.32(3)(am), Wis. Stats.)

(5) Hotels and restaurants whose principal business is in the furnishing of food and lodging to patrons, and bowling alleys and golf courses may remain open for the conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

**(K) Revocation and Suspension of Licenses**

(1) **Procedure.** Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Section 125.12, Wisconsin Statutes, and the provisions therein relating to granting a new license shall likewise be applicable.

(2) **Automatic Revocation.** Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or for a violation of Chapters 125 or 139, Wisconsin Statutes, or any other State or Federal liquor or fermented malt beverage laws.

(3) **Revocation for Non-Use.** Any license or permit issued hereunder may be revoked if not used within thirty (30) days after issuance or if its use is discontinued for thirty (30) days or more.

(4) **Effect of Revocation.** See Section 10.07(2)(E)(8) of this ordinance.

(L) **Non-renewal of Licenses.** Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for non-renewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before the Village Board.

(M) **Violations by Agents or Employees.** A violation of this ordinance by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(N) **Penalties.** The penalty provisions of Chapter 125, Wisconsin Statutes, are hereby adopted, exclusive of any term of imprisonment. If a specific fine or range of fines is set forth in the Wisconsin Statutes for a violation, that specific amount or range shall be the amount or range of the forfeiture for violation of the municipal ordinance counterpart of the Statutes. If a specific penalty is not provided, a forfeiture of not more than Five Hundred Dollars (\$500.00) may be imposed and the Court may suspend or revoke any license or permit issued to the person.

(O) The Uniform State Deposit Schedule (as amended from time to time and adopted by the Wisconsin Judicial Council) is hereby adopted as the deposit schedule for the Village of New Auburn with respect to Section 10.07.

## 10.08

### **JUNKYARD PERMIT ORDINANCE**

(1) **COVERAGE.** Every person, pursuant to Sections 66.049, 84.31, and 175.25, (1993-1994) Wisconsin Statutes, and this ordinance, in the Village of New Auburn who shall accumulate or store junked automobiles or parts thereof within five hundred (500) feet of the center line of any Village road in the Village of New Auburn shall seek and obtain a Junkyard Permit from the Village of New Auburn. The fee for such permit shall be established by the Village Board at not less than Twenty-five Dollars (\$25.00) per permit. The fees shall be established annually by the Village Board prior to July 1. Fees are as noted in Appendix E. The permit shall be issued for July 1 of the first year to June 30 of the next year. The permit shall be issued by the Village Clerk prior to any person accumulating or storing such auto materials in the Village.

(2) **APPLICATION/PERMIT.** The application and permit shall designate the premises to be permitted. The permit may be amended without charge if the permittee changes premises in the Village of New Auburn. However, the permit is not transferrable from one person to another. The application and permit shall contain the following:

- (A) The name of the applicant.
- (B) The address of the commercial premises.

(C) The commercial premises telephone number, if any, and the residential telephone number of the applicant, if any.

(D) The age of the applicant.

(E) A description of the commercial premises.

(F) The quantity and manner of storing such junk.

(G) The projected number of years for accumulation, storage and removal of these vehicles.

(3) **EXEMPTIONS.** Certain persons will be exempt from this permit requirement if they meet the requirements of Section 175.25(4), (1993-1994) Wisconsin Statutes. Moreover, any person with less than two (2) unlicensed/unshedded automobiles stored on premises shall be exempt from this ordinance.

(4) **ORDINANCE/PERMIT**

(A) The persons subject to this ordinance shall comply with Sections 84.31 and 175.25, (1993-1994) Wisconsin Statutes, and this ordinance.

(B) The Village Clerk shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.

(C) The applicant and any other person subject to this ordinance shall comply as follows:

(1) No person shall be issued or reissued a Junkyard Permit in the Village of New Auburn until the appropriate fee has been paid to the Village Clerk.

(2) No person shall be issued or reissued a Junkyard Permit in the Village who has failed to properly and fully complete and submit to the Village Clerk the application form as developed and provided by the Village.

(3) No person shall be issued or reissued a Junkyard Permit in the Village of New Auburn if the applicant for the junkyard permit:

(a) Fails to install and maintain fences as determined by the Village Board.

(b) Fails to install and maintain adequate fire safety equipment as determined by the Fire Inspector.

(c) Fails to install, provide, and maintain adequate and necessary physical structures and equipment as determined by the Village Board and fails to comply with conditions, rules and safeguards as determined by the Village Board to prevent public nuisances and to protect the public health and safety to persons residing near the junkyard premises or persons entering the junkyard premises including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.

(d) Fails to comply with the Village of New Auburn Zoning Ordinance as determined by the Village Board.

(e) Fails to prevent open fires or the burning of solid waste or hazardous waste at the junkyard premises. This includes the burning of automobiles and parts thereof.

(f) Fails to install, provide and maintain adequate landscaping surrounding the junkyard premises as determined by the Village Board.

(g) Fails to provide and maintain adequate security and operational personnel to prevent trespassing onto the junkyard premises.

(h) Fails to install and maintain adequate physical structures and operational controls to prevent trespassing, littering and to prevent private nuisances on private and public lands adjacent to the junkyard location.

(i) Fails to allow physical access to the junkyard location by the Village Board or designee for inspection purposes upon twenty-four (24) hours notice to the applicant or permittee.

**(5) OTHER PROVISIONS**

(List and Describe)

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**10.09      LICENSING AND REGULATING AMUSEMENTS**

(1)    **LICENSES REQUIRED.** It shall be unlawful for any person to operate for public use within the limits of the Village of New Auburn any billiard or pool table, or coin-operated amusement device without first having obtained a license therefore as prescribed by this ordinance.

(2)    **LICENSE FEES.** The amount to be paid for any such license shall be as follows:

(A)    For each billiard or pool table, or coin-operated amusement device, \$10.00 per year.

(3)    **APPLICATION AND ISSUANCE OF LICENSES.** Every person desiring to obtain a license for the operation of a coin-operated device, billiard or pool table, shall file with the Village Clerk an application in writing for such license, which application shall be made by the person or persons desiring the same, or his or their authorized agent. Such application shall state the name or names of the parties desiring such license, and such other information as may be required by the Village Clerk. The application shall specify the premises for which such license is desired. Upon filing a receipt for payment of the license fee with the Village Clerk, the latter shall issue a license stating the type of the amusement and the length of time for which the license is issued.

(4)    **NO LICENSES TO BE ISSUED TO MINORS OR IRRESPONSIBLE PERSONS.** No license shall be issued hereunder to any minor, or to any irresponsible person or to any person not of good character.

(5)    **PERSONAL LICENSE.** Licenses which shall be issued under the provisions of this section are personal and shall not be assigned or transferred, or used to license any other device other than that specifically named on the application.

(6)    **LICENSE TO BE EXHIBITED.** It shall be the duty of any person licensed as herein provided and upon the demand of the Marshal to exhibit his license and make an affidavit that he is the person named therein.

(7)    **LOTTERY AND GAMBLING DEVICES PROHIBITED.** No person shall conduct or operate in connection with any circus or similar show any lottery, game of chance, or gambling device of any kind or description, and the Village President, Marshal, or any official of this Village may seize or direct to be seized any such

instrument, device or thing used for the purpose of gambling.

(8) **SUSPENSION AND REVOCATION OF LICENSES.** Any license issued hereunder may be suspended at any time by the Village President on proof furnished him of the violation of any of the ordinances, of the Village of New Auburn or the laws of the State of Wisconsin. Any such suspension shall, however be reported by the Village President to the Village Board at its first session thereafter. Any person aggrieved by such action of the Village President may appeal therefrom to the Village Board, and the Village Board shall grant to such person a hearing, and the Board shall then determine whether such license shall be revoked.

(9) **PENALTY.** Any person who shall violate any provision of this section shall be subject to a penalty as provided in Section 1.05 of this code.



**CHAPTER 11****SNOWMOBILES AND SNOWMOBILE TRAFFIC****11.01 SNOWMOBILE REGULATIONS**

(1) **SNOWMOBILE LAW ADOPTED.** Except as specifically noted otherwise in this ordinance, Chapter 350, (1993-1994) Wisconsin Statutes, describing and defining regulations with respect to snowmobiles and snowmobile traffic for which the penalty is a forfeiture, including penalties to be imposed and procedure for prosecution, are hereby adopted and incorporated by reference by the Village of New Auburn and made a part of this ordinance as if fully set forth herein. Any future amendments, modifications, revisions, additions, or deletions of the above-noted statutory chapter shall be incorporated herein and made a part of this ordinance in order to secure uniform State regulation of snowmobile use and traffic on the public highways, roads, streets, and alleys of the State of Wisconsin.

(2) **APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES.** The operator of a snowmobile upon a roadway shall in addition to the provisions of Chapter 350, Wisconsin Statutes, be subject to Sections 346.04, 346.05, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1), (6), (6m), and (9), Wisconsin Statutes.

(3) **SNOWMOBILE ROUTES DESIGNATED** The following streets in the Village of New Auburn are open to snowmobile routes when signed in accordance with Section 350.02(2)(a)5.

(A) Pine Street from the corner of Old 53 Street (County Hwy SS) and Pine Street, west to Columbia Street.

(B) Columbia Street from the corner of Pine Street and Columbia Street, south to Elm Street.

(C) Pine Street from the corner of Old 53 Street (County Hwy SS) and Pine Street, east to Spruce Street.

(D) Spruce Street from the corner of Pine Street and Spruce Street, south to Main Street.

**(4) ADDITIONAL REQUIREMENTS**

**(A) Speed.** No person shall operate a snowmobile upon any public right-of-way or highway within the Village of New Auburn at a speed in excess of that permitted or posted for other motor vehicles.

**(B) Reserved for future use**

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**(C) Restrictions on Operators.**

**(1)** No person under the age of 16 years shall operate nor shall any snowmobile owner knowingly authorize such person to operate a snowmobile within the Village of New Auburn, except as permitted in 350.05 Wis. Stats. (snowmobile safety permit; ages 12-16).

**(D) Unattended Vehicles.** No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

**(E) Operation on Sidewalks or Malls Prohibited.** No person shall operate a snowmobile on any sidewalk, pedestrian way or mall within the Village.

**(F) Operation on Private Premises Restricted.** No person shall operate a snowmobile on any private property not owned or controlled by him within the Village without the express consent or permission of the owner.

**(G)** Snowmobiles may be operated on roadways or shoulders of a highway not designated as a snowmobile route for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence and lodging establishments.

**(H)** This designation of snowmobile routes shall be effective on a seasonal basis only. Snowmobiles may be operated on such Village Streets only between December 1<sup>st</sup> and the next April 1<sup>st</sup>, unless otherwise directed by specific Resolution of the Village Board of the Village of New Auburn.

(5) **ENFORCEMENT**. The Village of New Auburn establishes, by this ordinance, that the enforcement of snowmobiles and snowmobile traffic ordinances in the Village of New Auburn will be in accordance with Section 66.12 and 345.20 through 345.53, (1993-1994) Wisconsin Statutes. Stipulations shall conform to the form contained in the Uniform Traffic Citations. Stipulations and deposits may be accepted by the Village Clerk or the Village Marshal of the Village of New Auburn. Deposits shall be made in conformance with Section 345.26, (1993-1994) Wisconsin Statutes, and the revised Uniform State Traffic Deposit Schedule. If a particular deposit is not established by the statutes or the State Deposit Schedule, then the person shall deposit a forfeiture penalty as provided by the Village of New Auburn and approved by the Village Board.

**11.02 FILING**. This ordinance and revisions thereof shall be filed with the Department of Natural Resources in the office of the law enforcement agency of this municipality having jurisdiction over the streets and highways in accordance with Section 350.047, (1993-1994) Wisconsin Statutes.

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VILLAGE OF NEW AUBURN

COUNTY SS

COUNTY MM

NORTH ST.

PINE ST.

ELM ST.

MAIN ST.

DELL ST.

EAST ST.

COUNTY M

COLUMBA ST.

FRONT ST.

CENTRAL ST.

SPRUCE ST.

Al-Lite only

PARK ST.

US 53

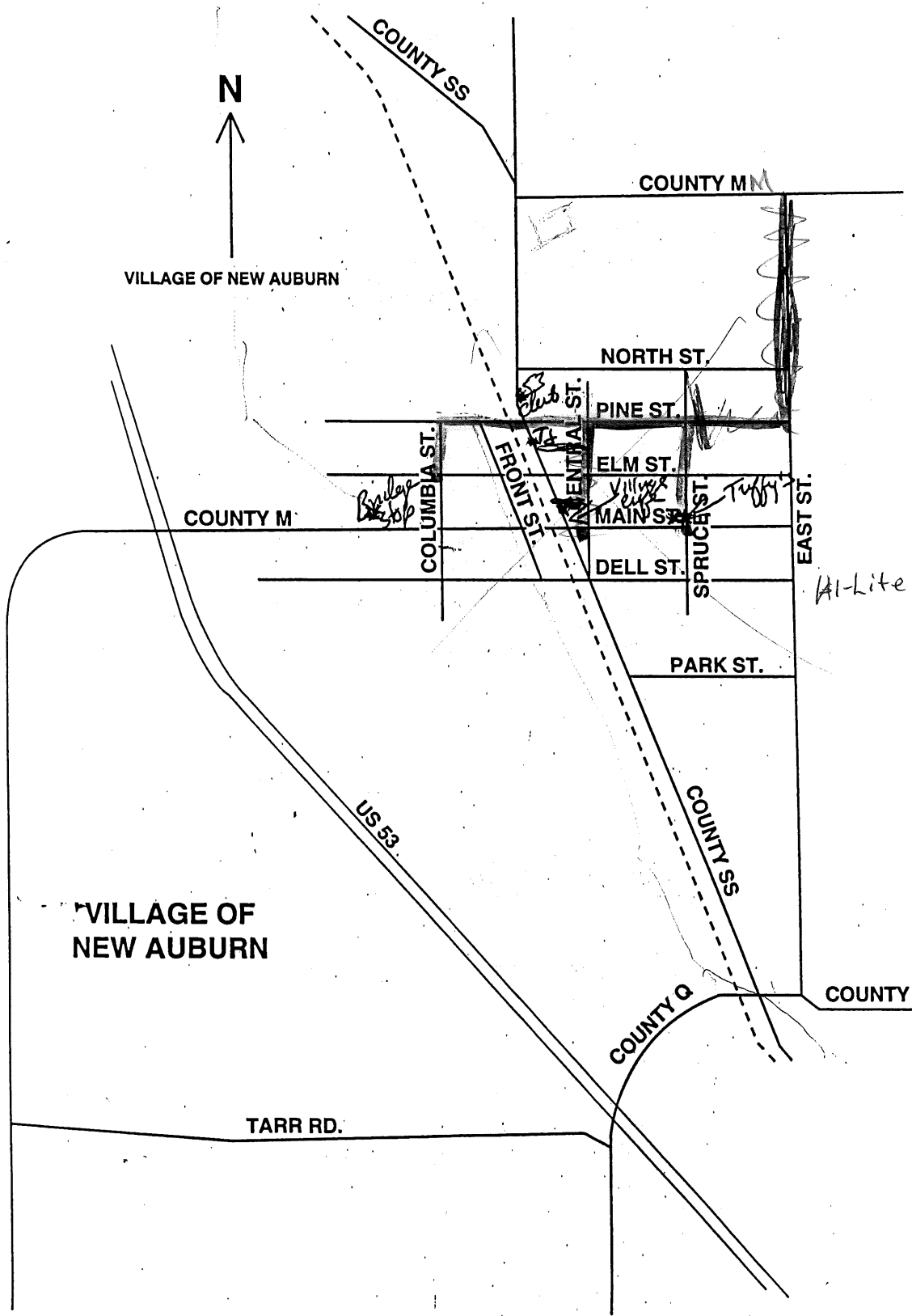
COUNTY SS

VILLAGE OF NEW AUBURN

COUNTY AA

COUNTY Q

TARR RD.



**CHAPTER 12**

**PUBLIC NUISANCE**

**12.01 PUBLIC NUISANCE ORDINANCE**

(1) **GENERAL PROVISIONS.** No person shall cause, allow, continue, maintain, or permit any person to create or permit to exist any public nuisance or public nuisance area within the Village of New Auburn. This shall apply also to any premises owned, leased, or controlled by that person in the Village of New Auburn.

(2) **DEFINITIONS**

(A) **Public Nuisance.** A public nuisance is any thing, act, occupation, condition, or use of property that shall continue for such length of time as to:

(1) Substantially annoy, injure, or endanger the public comfort, health or safety;

(2) Render the soil, water, air or any article of food or drink impure, noxious, unwholesome, or unhealthy;

(3) Greatly offend the public morals or decency;

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage, any street, alley, highway, navigable body of water or other public way or the use of public property;

(5) In any way render the public insecure in life or in the use of the property.

(3) **PUBLIC NUISANCES AFFECTING HEALTH.** The following are hereby specifically declared to be public health nuisances but such enumeration shall not be construed to exclude other health nuisances coming within the definition of subsection 12.01(2) of this ordinance.

(A) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

**(B)** A noxious weed area where these noxious weeds are allowed to exceed eight (8) inches in height.

**(C)** All abandoned wells not securely covered or secured from public use.

**(D)** A rat harborage area where rats or other vermin can live and breed.

**(E)** A waste accumulation area where waste amounts in excess of two (2) cubic yards of waste are allowed to accumulate without a proper waste management permit issued by the Village Board.

**(F)** An unburied animal carcass area where a dead animal or dead animals are not buried in a sanitary manner within forty-eight (48) hours of death.

**(G)** A stagnant water area where mosquitos, flies and other insects are allowed to harborage.

**(H)** A noxious odor area where emissions of any noxious odors, foul odors, offensive odors, nauseous odors, gases or any stench repulsive to the sense of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Village of New Auburn.

**(I)** A surface water pollution area where pollution from the premises entering the surface water has caused a private or public drinking water well on another property or any river, stream, lake, ditch, canal or other body of water to become contaminated.

**(J)** An air pollution area where emission of smoke, soot, fumes, gases, ash, dust or other pollutants into the atmosphere repulsive to the senses of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Village of New Auburn.

**(K)** An unwholesome food area where unwholesome, contaminated, or polluted food or drink is sold or served on the premises to persons in the Village of New Auburn.

**(L)** A dangerous building area where the building, structure, place or the electrical, heat or water supply is in a condition and location to cause a menace

or danger to the public health of persons in the Village of New Auburn.

**(M)** An improper sewage area where the effluent from the sewer, septic tank, holding tank, or cesspool on the premises is in a condition and location to cause a menace or danger to public health of persons in the Village of New Auburn.

**(N)** A hazardous waste area where the discharge, disposal, storage or treatment of hazardous, nuclear or toxic waste are allowed to accumulate to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Village of New Auburn.

**(O)** A noxious material discharge area where the discharge, disposal, storage or treatment of noxious, filthy, decaying or nauseous materials repulsive to the senses of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Village of New Auburn.

**(4) PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.** The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection 12.01(2) of this ordinance.

**(A)** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

**(B)** All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village of New Auburn.

**(C)** Repeated or continuous violations of the ordinances of the Village of New Auburn.

**(D)** An abandoned or wrecked motor vehicle area where motor vehicles, tractors, house trailers, railroad cars and other motorized vehicles are allowed to accumulate without a proper junkyard permit issued by the Village Board.

**(E)** A loud noise area where loud, discordant and unnecessary sounds of motor vehicles, animals or music repulsive to the senses of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or injury to persons or property in the Village of New Auburn.

(F) An obstruction area where structures, hedges, trees, weeds, signs, billboards, buildings or equipment are installed or maintained near a public highway, road, street, alley or railroad crossing and due to the condition and location block a clean view of traffic that causes a menace or danger to public safety of persons in the Village of New Auburn.

(G) Allowing trash, debris, old lumber, furniture, freezers, stoves, refrigerators, junk motor vehicles, or waste to accumulate in unsheltered areas on the premises for more than thirty (30) consecutive days in any calendar year.

(H) Allowing unauthorized disposal, storage, treatment or recycling of waste on the premises without the appropriate approvals from the State of Wisconsin, the Village of New Auburn, or the County of Chippewa and/or Barron.

(I) Allowing domestic animals (dangerous or otherwise) to run at large on the premises wherein they can access property of another to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Village of New Auburn.

**(J) Compression Brakes Prohibited**

(1) **Prohibition.** It shall be unlawful for any vehicle equipped with compression brakes (Jake brakes) to utilize the vehicle's engine to slow in order to meet proper speed restrictions within the Village.

(2) **Exception.** It shall be an affirmative defense to prosecution under this subsection that said compression brakes were necessary for the protection of persons and/or property. Emergency vehicles shall be exempt from this ordinance.

**(5) CONTROL OF WEEDS AND GRASSES**

(A) No person owning property in the Village of New Auburn shall permit to grow or pollinate upon his premises weeds or grasses which cause or produce hay fever in human beings, emit unpleasant or obnoxious odors or conceal filthy deposits. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses or weeds exceeding eight inches in height.

(B) It shall be the duty of the Weed Commissioner of the Village of New Auburn to enforce this section and if any person shall have failed to comply herewith, the Weed Commissioner shall, after five days written notice to the owner, cause the premises to be mowed and report the cost thereof in writing to the Village Clerk. Such charge shall be spread out 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.



**(6) ACCUMULATION OF JUNK FORBIDDEN**

**(A)** The following is hereby declared to be a public nuisance wherever it may be found within the Village:

**(1)** Any junk stored contrary to sub (C) below.

**(B) Definition:** The following words, phrases, and terms used in this section shall be interpreted as follows:

**(1) Junk:** Worn out or discarded materials of little or no value including but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools, discarded building materials, or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Village property values, health, safety, or general welfare.

**(C) Storage of Junk Prohibited.** No person, except a junk dealer, licensed by the Village Board, shall accumulate, store, or allow any junk outside of any building on any public or private real estate located within the Village of New Auburn corporate limits.

**(D) Issuance of Citation/Action To Abate.** Whenever the Police Department shall find any such junk as defined in sub (1) above, accumulated, stored, or remaining in the open upon any property within the Village limits contrary to the provision of sub (5) above, the Department shall notify the owner of said property on which such junk is located of the violation of this section. If such junk is not removed within ten (10) days, the Police Department shall cause a citation to be issued to the property owner or occupant of the property upon which such junk is located. In addition, action to abate such nuisance may be commenced, as provided by the above said standards.

**(7) ABATEMENT OF PUBLIC NUISANCES**

**(A) Enforcement.** It shall be the duty of the Village President, Village Board, and Village Marshal to enforce the provisions of this ordinance, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer(s) shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has or have satisfied himself that a nuisance does in fact exist.

**(B) Enforcement-Agricultural Uses and Practices.** In actions against agricultural uses and agricultural practices, as defined in Section 823.08 and 91.01(C) Wis. Stats., the Village shall observe the limitations set forth in Section 823.08.

(C) **Summary Abatement**

(1) **Notice to Owner.** If the inspecting officer shall determine that a public nuisance exists within the Village of New Auburn and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the Village Marshal 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. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within a reasonable time as determined by the Village Board, 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 maintain the nuisance, as the case may be.

(2) **Abatement by Village.** If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

(D) **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 file a written report of his findings with the Village President who, upon direction of the Village Board, shall cause an action to abate such nuisance to be commenced in the name of the Village in Circuit Court of Chippewa and/or Barron County in accordance with the provisions of Chapter 823, (1993-1994) Wisconsin Statutes. In addition or as an alternative, the Village can proceed with citation procedures and impose forfeitures for violation of this ordinance.

(E) **Other Methods Not Excluded.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village of New Auburn or its officials in accordance with the laws of the State of Wisconsin.

(8) **COST OF ABATEMENT.** In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village of New Auburn 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.

(9) **PENALTIES.** Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 1.05 of this Code, except that the forfeiture imposed shall be not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) per day plus penalty assessment in addition to any specific penalties provided in this Chapter. A separate offense shall be deemed committed on each day on which a violation of this Chapter occurs or continues. This section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this Chapter.

## CHAPTER 13

## PUBLIC SAFETY/PUBLIC ORDER

**13.01 PUBLIC SAFETY/PUBLIC ORDER ORDINANCE**

(1) **GENERAL PROVISIONS.** No person shall commit the following offenses in the Village of New Auburn (herein noted as Village of New Auburn violations) that are hereby adopted by reference in this chapter. The prosecution of such offenses under this ordinance shall be as provided in Section 66.051, (1993-1994) Wisconsin Statutes, and the below-noted sections, but the penalties for violation of these sections shall be limited to forfeitures as provided in Sections 13.01(21).

**(A) Chapter 167, (1993-1994), Wisconsin Statutes:**

- (1) 167.31: Safe use and transportation of firearms and bows
- ~~(2) 167.35: Refrigerators and iceboxes~~
- (3) 167.27: Capping and filling wells or similar structures

**(B) Chapter 941, (1993-1994), Wisconsin Statutes:**

- (1) 941.20: Endangering safety by use of dangerous weapon
- (2) 941.23: Carrying concealed weapon
- (3) 941.235: Carrying firearm in public building
- (4) 941.237: Carrying handgun where alcohol beverages may be sold or consumed
- (5) 941.29: Possession of a firearm
- (6) 941.295: Possession of an electric weapon

**(C) Chapter 942, (1993-1994), Wisconsin Statutes:**

- (1) 942.03: Giving false information for publication
- (2) 942.05: Opening Letters

**(D) Chapter 943, (1993-1994), Wisconsin Statutes:**

- (1) 943.01: Damage to property
- (2) 943.017: Graffiti
- (3) 943.11: Entry into locked vehicles
- (4) 943.14: Criminal trespass to dwellings
- (5) 943.15: Entry onto a construction site or into a locked building, dwelling, or room
- (6) 943.21: Fraud on hotel or restaurant keeper
- (7) 943.23: Operating a vehicle without owner's consent
- (8) 943.24: Issue of worthless check

- (9) 943.30: Threats to injure or accuse of crime
- (10) 943.31: Threats to communicate derogatory information
- (11) ~~blank~~ moved to H (8)
- (12) 943.37: Alteration of property identification marks
- (13) 943.59: Retail theft
- (14) 943.61: Theft of library material
- (15) 943.13: Trespass to land

**(E) Chapter 945, (1993-1994), Wisconsin Statutes**

- (1) 945.02: Gambling
- (2) 945.05: Dealing in gambling devices
- (3) 945.07: Gambling by participants in contest
- (4) 945.08: Bribery of participant in contest
- (5) 945.09: Commercial printing
- (6) 945.12: Endless sales chains
- (7) 945.03 Commercial gambling

**(F) Chapter 946, (1993-1994), Wisconsin Statutes**

- (1) *blank*
- (2) 946.06: Improper use of the Flag
- (3) 946.10: Bribery of public officers and employees
- (4) 946.11: Special privileges from public utilities
- (5) 946.12: Misconduct in public office
- (6) 946.13: Private interest in public contract prohibited
- (7) 946.15: Public construction contracts at less than full rate
- (8) 946.17: Corrupt means to influence legislation, disclosure of interest
- (9) 946.31: Perjury
- (10) 946.32: False swearing
- (11) 946.40: Refusing to aid an officer
- (12) 946.41: Resisting or obstructing an officer
- (13) 946.65: Obstructing justice
- (14) 946.68: Simulating legal process
- (15) 946.69: Falsely assuming to act as public officer or employee or utility
- (16) 946.70: Impersonating Peace Officers
- (17) 946.72: Tampering with public records and notices
- (18) 946.71: Unlawful use of license for carrying concealed weapons

employee

**(G) Chapter 947, (1993-1994), Wisconsin Statutes**

- (1) 947.01: Disorderly conduct
- (2) 947.012: Unlawful use of telephone
- (3) 947.013: Harassment
- (4) 947.015: Bomb scares

**VILLAGE OF NEW AUBURN**  
**Barron & Chippewa Counties, Wisconsin**

**Ordinance 2022-09**

**An Ordinance Creating Sections 13.01(1)(J)(1) of the New Auburn Code of Ordinances**

The Village Board of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Section 13.01(1)(J)(1) of the Village of New Auburn Code of Ordinances is hereby created as follows:

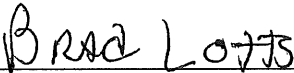
**“(J) Chapter 961, Wisconsin Statutes.**

**(1) 961.573 Wis. Stats. Possession of Drug Paraphernalia**

Section 2. This Ordinance shall take effect upon its adoption and publication as required by law.

Adopted this 12<sup>th</sup> day of May, 2022.

Published this 18<sup>th</sup>  
25 day of May, 2022.



\_\_\_\_\_  
Brad Lotts, Village President

**ATTEST:**



\_\_\_\_\_  
Ardith Story, Clerk-Treasurer

- (5) 947.02: Vagrancy
- (6) 947.04: Drinking in common carriers
- (7) *blank*
- (8) 947.06: Unlawful assemblies and their suppression
- (9) *blank - moved to H(9)*

**(H) Chapter 948, (1993-1994), Wisconsin Statutes**

- (1) 948.11: Exposing a child to harmful material or harmful descriptions or narrations
- (2) 948.21: Neglecting a child
- (3) 948.31: Interference with custody by parent or other
- (4) 948.60: Possession of a dangerous weapon by a person under 18
- (5) 948.63: Receiving property from a child
- (6) 948.61: Possessing dangerous weapons other than firearms on school premises
- (7) 948.605: Gun free school zones
- (8) 948.63: Receiving property from children
- (9) 948.45 Contributing to truancy
- (10) 948.70 Tattooing of children
- (11) *948.40 Contributing to the Delinquency of a child*

**(I) Chapter 961, Wisconsin Statutes**

- (1) 961.41 Wis. Stats. Possession of Controlled Substances
- (2) *(5) (1) 961.573 WI Stat Possession of Drug Paraphernalia*  
**DISORDERLY CONDUCT PROHIBITED.** No person shall within the Village of New Auburn:

(A) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonable, loud, or other 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.

(C) No person shall disturb a public meeting or loiter about a place of public assemblage.

**(3) INTOXICATION DRUNKENNESS.**

(A) It shall be unlawful for any person to be so intoxicated that he is a nuisance to others, or is unable to care for his own safety in a public place in the Village of New Auburn. Any person who violates this ordinance shall upon conviction thereof, be subject to a penalty of \$25.00.



(B) In accordance with Section 51.45, Wis. Stats., a person who appears to be incapacitated by alcohol shall be placed in protective custody pursuant to Sec. 51.45(11) and (12).

(4) **ASSAULT AND BATTERY.**

(A) No person shall commit an assault and battery upon another.

(5) **MOLESTING BIRDS AND SQUIRRELS.**

(A) No person shall injure or attempt to injure any harmless birds, their nests or their eggs or any squirrels within the Village.

(6) **REGULATION OF WEAPONS OTHER THAN FIREARMS, INCLUDING BOWS AND ARROWS, BB GUNS, AIR GUNS AND WEAPONS OTHER THAN FIREARMS.**

(A) **Discharging and Carrying Weapons Prohibited.** No person except a Marshall or other duly authorized peace officer in the course of his or her duty shall discharge or use any sling shot, air gun, BB gun, bow and arrow, or any other weapon, within the residential or business district of the Village of New Auburn, or have any sling shot, air gun, BB gun, bow and arrow, or any other weapon in his or her possession or under his or her control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container except when written or oral permission to discharge such weapons is obtained from the Village Board or Village Marshall for varmint control. Any person who violates a provision of this section shall upon conviction thereof forfeit not less than \$10.00 nor more than \$100.00 together with the costs of prosecution, and when in default thereof shall be imprisoned in the County Jail not to exceed 30 days. For purposes of this Ordinance, the term weapon shall not include firearms as defined in Section 167.31(1)(c), Wisconsin Statutes.

(B) This section shall not be construed to prohibit the sale, purchase, trade or repair of such weapons by retail business establishment doing so in the course of its regular business in accord with state and federal laws, nor to hinder a prospective customer from attempting to buy, sell, trade or have repaired weapons to, from or by a retailer.

(C) This section shall not apply to a law enforcement investigator, watchman, guard, security, or military personnel who are permitted by law to carry or bear weapons when acting in the line of duty.

(D) This section shall not apply to the carrying or bearing of a weapon in a bona fide safety or training course or practice firing held at a location approved by the Village of other governmental agency.

(E) This section shall not apply to the School District of New Auburn and its physical education archery curriculum or to any School District of New Auburn – sponsored function that involves discharging bows and arrows on the School District's property within the Village



Village of New Auburn  
Barron & Chippewa Counties, Wisconsin

Ordinance 2021-03

AN ORDINANCE CREATING SECTION 13.01(6)(G) and SECTION 13.01(7)(D) OF  
THE NEW AUBURN CODE OF ORDINANCES

The Board of Trustees of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Section 13.01(6)(G) of the Village of New Auburn code of ordinances is hereby created to read as follows:

“(H) **Notwithstanding** anything in this section to the contrary, firearms, bows, and crossbows may be discharged during a lawful hunting season for hunting purposes on land designated for hunting in Section 13.01(11) of these Ordinances only if discharged using best safety practices and in compliance with all applicable laws, rules, and regulations then in effect.”

Section Two: Section 13.01(7)(D) of the Village of New Auburn code of ordinances is hereby created to read as follows:

“(D) **Notwithstanding** anything in this section to the contrary, firearms, bows, and crossbows may be discharged during a lawful hunting season for hunting purposes on land designated for hunting in Section 13.01(11) of these Ordinances only if discharged in compliance with all applicable laws, rules, and regulations then in effect.”

Section Three: This Ordinance shall take effect upon its adoption and publication as required by law.

Passage Date: August 19, 2021

BRAD LOTT  
Brad Lotts, Village President

ATTEST:

Peggy Stanford  
Peggy Stanford, Village Clerk-Treasurer

Ardith Story  
Ardith Story, Deputy Village Clerk-Treasurer

Add  
all

Add to  
all

Add

Add

Add

Village of New Auburn  
Barron & Chippewa Counties, Wisconsin

Ordinance 2021-02

AN ORDINANCE CREATING SECTION 13.01(1)(H)(11) OF THE  
NEW AUBURN CODE OF ORDINANCES

The Board of Trustees of the Village of New Auburn, Barron and Chippewa Counties,  
Wisconsin, do ordain as follows:

Section One: Section 13.01(1)(H)(11) of the Village of New Auburn code of ordinances is  
hereby created to read as follows:

“(11) 948.40: Contributing to the delinquency of a child”

Section Two: This Ordinance shall take effect upon its adoption and publication as required by  
law.

Dated: August 12, 2021

*Brad Lotts*

Brad Lotts, Village President

ATTEST:

*Peggy Stanford*

Peggy Stanford, Clerk-Treasurer

*Ardith Story*

Ardith Story, Deputy Clerk-Treasurer

of New Auburn limits.

(F) This section shall not apply to individuals holding a valid license to carry a concealed weapon issued under Wis. Stat. § 175.60. This section also does not apply to weapons as defined under Wis. Stat. § 175.60(1)(j) when carried by a licensed individual.

— 13.01(6)(6) Adopted 8-19-21 Add 13.01(1)(H)(1)  
**(7) REGULATION OF FIREARMS.**

**(A) Discharging and carrying firearms restricted.** No person except a Marshall or other duly authorized peace officer in the course of his or her duty shall discharge any firearm within the residential or business district of the Village of New Auburn, except when written or oral permission to discharge such firearm is obtained from the Village Board or Village Marshall for varmint control. Any person who violates a provision of this section shall upon conviction thereof forfeit not less than \$10.00 nor more than \$100.00 together with the costs of prosecution and when in default thereof shall be imprisoned in the County Jail not to exceed 30 days.

**(B) Possession of Firearms - Public Buildings.**

(1) "Firearm" has the meaning in section 13.01(7) of these Ordinances given in Section 167.31(1)(c) Wisconsin Statutes.

(2) "Law enforcement officer" means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the law or ordinances he or she is employed to enforce.

(3) No invitee, except a law enforcement officer acting in the scope of his or her employment, shall have in his or her possession, carry or bear any firearm within any publicly owned building within the Village.

(4) This section shall not be construed to prohibit the sale, purchase, trade or repair of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal laws, nor to hinder a prospective customer from attempting to buy, sell, trade or have repaired firearms to, from or by a retailer.

(5) This section shall not apply to a law enforcement investigator, watchman, guard, security or military personnel who are permitted by law to carry or bear a firearm, when acting in the line of duty.

(6) This section shall not apply to the carrying or bearing of a firearm in a bona fide firearm safety or training course or practice firing held at a location approved by the Village or other governmental agency. Note: For other regulations on firearms, see Section 13.01 of these Ordinances.

**(C)** This section shall not apply and may not be enforced if the conduct of the actor

of discharging his or her weapon was justified or, had it been subject to a criminal penalty, would have been subject to a defense describe in Wis. Stat. § 939.45.

(D) (8) **ABANDONED OR UNATTENDED REFRIGERATORS, ETC.** No person shall leave outside any building, dwelling or at a place accessible to children, any unattended or discarded ice box, refrigerator or other container which has an airtight door which may not be opened from the inside.

(9) **UNGUARDED OPENINGS.** The owner or occupant of any lot or parcel of land within the Village shall not leave unguarded or unprotected by barriers and flares any open cistern, well, vault door, excavation or other opening on such lot or parcel.

(10) **OBSTRUCTION OF AISLES, FIRE ESCAPES, ETC.** No person shall obstruct an aisle, fire escape, entrance or exit of a public building or building used for the assemblage of more than 10 persons.

(11) **HUNTING PROHIBITED.** No person shall hunt, trap, shoot, or kill any wild animal or bird within the Village, except as authorized by the Village Board or as authorized by the Village Marshal for varmint control and except in areas designated for hunting by the Village Board and in Appendix I.

Ord. 2021-03

(12) **LOUD AND UNNECESSARY NOISE PROHIBITED.** No person shall make or cause to be made loud, disturbing or unnecessary sounds or noises such as tend to annoy or disturb another in or about any public street, alley, or park of any private residence. (See Chapter 24)

(13) **OBEDIENCE TO OFFICERS.** No person shall, without reasonable excuse or justification, resist or in any other way interfere with any officer of the Village while such officer is doing any act in his official capacity and with lawful authority.

(14) **BEER OR LIQUOR CONSUMPTION ON STREETS PROHIBITED**

(A) No person shall possess open containers of or consume fermented malt beverages or intoxicating liquor as defined by Chapter 125, Wisconsin Statutes which definitions are incorporated herein by reference, upon any street, sidewalk, alley, boulevard, parking lot or other public way within the Village, except at such times and in such places as may be specifically exempted temporarily from the provisions of this Section by the Village Board in connection with public celebrations or other activities. Also specifically exempted are premises within the Village Park.

(B) It is unlawful for any individual under the legal drinking age, not accompanied by his parent or guardian or a chaperon, to possess fermented malt beverages outside of a licensed premises. A chaperon is defined to be a mature, responsible adult who is present to ensure propriety at the gathering of young persons.

(C) It is unlawful for any person under the legal drinking age to procure, seek to procure or consume in public any intoxicating liquor.

(D) It is the intent of the Village of New Auburn that Sections 125.07(4) and 125.09, Wisconsin Statutes, are hereby adopted and incorporated in the ordinances of the Village of New Auburn.

(E) The words "fermented malt beverages" and "intoxicating liquor" are to be defined the same as they are defined in the Wisconsin Statutes. For purposes of this section, "legal drinking age" shall be defined as the legal drinking age established by the State of Wisconsin as the same may be amended from time to time.

(F) Violating this subsection shall be subject to a forfeiture of not more than \$25.00, except that disposition at proceedings against a person under 18 years of age shall be as provided by Section 48.344, Wisconsin Statutes, as amended from time-to-time.

**(15) IMPERSONATING POLICE OFFICERS.** No person shall impersonate a Village Marshal or peace officer within the Village.

**(16) RESPONSIBILITY FOR POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS.**

(A) No person who has attained the legal drinking age may knowingly permit or fail to take action to prevent the illegal consumption of fermented malt beverages or intoxicating liquor by any underage person on the premises owned by the person or under the person's control.

(B) No person who has attained the legal drinking age may intentionally encourage or contribute to a violation of any State law or Village ordinance related to the possession or consumption of fermented malt beverages or intoxicating liquor by any underage person.

(C) For purposes of this section, "underage person" shall be defined as an individual who has not attained the age of 21 years.

(D) Any person who shall violate the provisions of Section 13.01(16)(A) or (B) shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 for the first offense, and not less than \$250.00 nor more than \$500.00 for the second offense and subsequent offenses.

**(17) OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY**

(A) **Gambling, Lotteries, Fraudulent Devices and Practices Prohibited.** All forms of gambling, lotteries and fraudulent devices and practices are prohibited within

the Village. Any peace officer or policeman of the Village is hereby authorized to seize anything devised solely for gambling or found in actual use for gambling within the Village and to dispose thereof after a judicial determination that said device was used solely for gambling or found in actual use for gambling.

(B) **Disorderly Houses Prohibited.** No person shall keep a disorderly house or house of prostitution within the Village.

(C) **Loitering**

(1) **Loitering or Prowling Prohibited, Generally.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or a peace officer, refuses to identify themselves or manifestly endeavors to conceal themselves or any object. Unless flight by the person or other circumstances make it impractical, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify themselves and explain their presence and conduct. No person shall be convicted of an offense under this section if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) **Obstruction of Traffic by Loitering.** No person shall loiter upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the Village in such a manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, alleys, sidewalks, street crossings, or bridges or other public places by persons passing along and over the same. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after a request to do so by a police officer.

(3) **Obstruction of Entryways by Loitering.** No person shall loiter upon the public streets, private driveways or sidewalks or in adjacent doorways or entrances so as to obstruct the free entry of persons to the adjacent property, driveways or other entrances to such property. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after being requested to do so by a police officer.

(4) **Loitering in Places of Public Assembly or Use.** No person shall by loitering interfere with the free use of any place of public assembly, or public use or others using such place of assembly. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after a request to do so by a police officer or

by the person in charge of the place of public assembly.

(5) **Loitering on Private Premises without Invitation.** No person shall loiter on private premises without invitation from the owner or occupant. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after being requested to do so by a police officer or by owner or occupant.

(6) **Loiter** means to linger, stand around, move slowly about, remain or spend time idly in a public building, public land, in a public facility or any public place.

(18) **INDECENT CONDUCT AND LANGUAGE PROHIBITED.** No person shall use an indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the Village. It shall be a violation of this subsection for any person to sell, give away or distribute within the Village any obscene show or exhibition.

(19) **CURFEW.**

(A) No child 16 years of age or under shall loiter, idle or remain, and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle, or remain in or upon any of the streets, alleys or public places in the Village between the hours of 10:00 p.m. and 6:00 a.m. unless such child is accompanied by a parent, guardian, or some person of lawful age having legal custody of such child. This subsection shall not prohibit such child from performing an errand of duty if directed by his parent or guardian or of urgent necessity or from pursuing the duties of his employment in an expeditious and orderly manner or from going to or from places of business or amusement or private homes. This subsection shall not prohibit such child from riding in an automobile on Village streets.

(B) **Arrest.** Any person who shall violate any of the provisions of Sec. 13.01(19)(a) shall be subject to arrest without warrant by a police officer of the Village and upon his or her arrest shall be delivered by such officer to his or her parents or guardian. Upon conviction he or she shall forfeit not less than \$1.00 nor more than \$10.00 and the costs of prosecution. The provisions of Sec. 48.19 and 48.20 of the Children's Code as amended from time-to-time shall control taking a child into custody and release or delivery from custody.

(20) **OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY; DESTRUCTION OF PROPERTY PROHIBITED.** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property belonging to the

#20-03  
**ORDINANCE OF THE VILLAGE OF NEW AUBURN  
TO AMEND SECTION 13.01(22)(A)  
WITH RESPECT TO VILLAGE PARK HOURS AND PERMITS**

The Village Board of the Village of New Auburn, do hereby ordain as follows:

**Section 1:** Village of New Auburn Ordinance Section 13.01(22)(A) is hereby amended to read as follows:

**13.01(22) VILLAGE PARK HOURS AND PERMITS**

A. All parks except recognized camping areas shall be closed to public use between one-half hour after sun set and 6:00 a.m. each day of the year.

**Section 2:** This amendment to existing ordinances shall be effective upon passage and publication as provided by Law.

Dated at New Auburn, Wisconsin this 13<sup>th</sup> day of August, 2020.

Village of New Auburn by:

Brad Lotts

Brad Lotts, Village President

Attest:

Peggy Stanford

Peggy Stanford, Village Clerk/Treasurer

Adoption 8-13-2020

Publication 8-19-2020



Village or its departments or to any private person without the consent of the owner or proper authority. Any person convicted of a violation of this section shall also be required to make full restitution for the amount of any damages caused to such property.

**(21) PENALTIES.** Any person who shall violate a provision of this ordinance shall upon conviction thereof be subject to a penalty as provided herein:

**(A)** For violation of ordinances for which a statutory counterpart exists, the range of forfeitures (exclusive of penalties of imprisonment) shall be the range prescribed by Wisconsin Statute. The deposit for such violations shall be as provided in the Uniform Bond Schedule as revised from time-to-time.

**(B)** Any person who shall violate any provision of this chapter, except ordinances which a statutory counterpart exists, except which have a specific penalty set forth therein, for which the penalties set forth therein apply, shall upon conviction thereof be subject to a penalty which shall be as follows:

**(1) First Offense - Penalty.** Any person who shall violate any provision of this code subject to a penalty shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding 90 days.

**(2) Second Offense - Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this code who shall previously have been convicted of a violation of the same ordinance shall upon conviction thereof, forfeit not less than \$20.00 nor more than \$200.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.

**(22) VILLAGE PARK HOURS AND PERMITS.**

**(A)** All parks except recognized camping areas shall be closed to public use between the hours of 10:30 p.m. and 6:00 a.m. each day of the year.

**(B)** The time referred to in this section shall be the official time used in the State of Wisconsin at the time of the alleged violation.

**(C)** Any person violating this chapter shall forfeit not less than ten

dollars (\$10.00) nor more than one hundred dollars (\$100.00) and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding 30 days.

(D) **Permits For Night Use.** The Village Board of Trustees may if it finds that no vandalism or loud or disorderly conduct is likely to occur, grant to any group permission to use a specified park or beach for a specified night or nights. As a condition to granting such permission, the Village Board may require the posting of a reasonable bond, or the presence of a police officer or deputy sheriff, to be paid by the group seeking the permit. The permit may be revoked at any time by the Village Board authorized to oversee or inspect the permitted use.

**(23) SALE OF CIGARETTES AND TOBACCO PRODUCTS TO CHILDREN RESTRICTED.**

(A) **State Statutes Adopted.** The provisions of Section 48.983 of the Wisconsin Statutes and Section 134.66 of the Wisconsin Statutes as amended from time-to-time, defining and regulating the sale, procurement, dispensing, and transfer of cigarettes and tobacco products and regulating location of vending machines, including provisions relating to penalty to be imposed or the punishment for violation of such statutes, but exclusive of any statutory penalty of imprisonment (no penalty of imprisonment may be imposed for ordinance violations; forfeiture only may be imposed) are adopted and made a part of this section by reference. A violation for such provisions shall constitute a violation of this section.

(B) **Forfeitures For Children.** Forfeitures imposed upon children for violations of this ordinance shall be limited to forfeitures not exceeding \$25.00 plus costs subject to Wis. Stat Sec. 48.37 and Sec. 938.37.

**(24) OPEN BURNING USE OF INCINERATORS AND USE OF BURN BARRELS PROHIBITED**

(A) **Policy** It is the policy of the Village of New Auburn to not permit open burning of garbage and debris in the Village of New Auburn.

It is the policy of the Village of New Auburn to prohibit the use of incinerators or burn barrels in the Village of New Auburn.

(B) **Definitions**

(1) "Open burning" shall mean herein the burning of debris or garbage on the ground or in an open area without any means to contain the fire from spreading.

(2) "Use of burn barrels or incinerators" means burning of debris or garbage in barrels or other like open incinerators, including fire box incinerators.

(3) "Potential hazard" shall mean herein a dangerous situation affecting the citizens of the Village during the igniting, burning, blowing around of, or after the burning of garbage or debris.

**(C) Unlawful practices**

(1) It shall be unlawful for any person or entity to do open burning of garbage or debris in the Village of New Auburn, except that leaves, brush, scrap lumber or similar material may be burned by persons or entities on their own premises with a Fire Safety Permit. Such permit shall be issued by the Village of New Auburn Marshal, Chief of the New Auburn Area Fire Department, or their designee, with such permit to include any restrictions set forth by the Fire Chief and/or Village Marshal and/or Village Board to ensure public safety. Such materials must be placed in a safe area and at least 30 feet from any buildings.

(2) It shall be unlawful for any person or entity to use burn barrels or incinerators for the burning of debris or garbage within the Village of New Auburn, except that:

(a) Burning in outdoor fireplaces of wood, charcoal and other fossil fuels for warming or cooking is not prohibited.

(b) Burning in wood stoves or furnaces of wood, wood pallets, wood chips or other fossil fuels for fuel for home heating or heating of buildings is not prohibited.

**(D) Responsibility** Any person allowing a fire to escape from their control shall be responsible for all suppression costs. Such costs shall be payable within 60 days after receipt of an invoice for such suppression costs from the New Auburn Area Fire Department. Upon failure to pay such costs, the Village of New Auburn or New Auburn Area Fire Department may take action for collection of such costs at any time within two (2) years from date of occurrence.

**(E) Ban of all burning, including open burning, burning in incinerators, or burning of brush, wood trash, and waste.**

(1) During emergency fire days as established by the Wisconsin Department of Natural Resources, no burning shall be permitted within the Village of New Auburn.

(2) The Village Board of the Village of New Auburn may declare certain

areas of the Village from time-to-time as being areas where burning is potentially hazardous to public safety. During such times and for such periods, no burning shall be permitted nor Fire Safety Permits issued.

**(F) Procedures and Remedies**

(1) Persons or entities violating subsection (C)(1) of this ordinance are subject to a forfeiture of not less than \$10.00, nor more than \$100.00 for the first offense; and not less than \$25.00 nor more than \$200.00 for the second and subsequent offenses.

(2) Persons or entities violating subsection (C)(2) (burn barrels or incinerators) of this ordinance shall be proceeded against as follows:

a. **First Notice** - A written notice from the Village Clerk either sent by Certified Return Receipt mail or delivered in person by the Village Marshal or his designee. This notice shall give 10 days to correct the burning violation.

b. **Second and Third Notices** - If not corrected by notice in (a) above, after five days the fine schedule for second and third notice shall apply. Second and third notice shall come at 5 day intervals after the first notice time period has lapsed.

c. **Fourth Notice** - If the first three notices and fines do not meet with successful stoppage of open burning in the designated areas, the matter shall be referred to the Village Attorney by the Village Clerk, or designee, or the Village Marshal or designee and litigation in Circuit Court shall ensue.

d. **Penalties** (Notices below referred to are those cited in this ordinance)

- |                   |  |
|-------------------|--|
| (a) First Notice  | No fine  |
| (b) Second Notice | \$25.00 fine imposed   |
| (c) Third Notice  | \$100.00 fine imposed  |
| (d) Fourth Notice | Subpoena or summons to appear in<br>Circuit Court for litigation |

**(G) Severability of Invalid Provisions** In case any one or more of the sections, subsections, clauses, or provisions of this ordinance, or the application of such sections, subsections, clauses or provisions to any situations, circumstances or person shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions or sections of this ordinance or the application of such sections, subsections, clauses, or provisions to any other situation, circumstance, or person, and it is intended that this ordinance shall be construed and applied as if such section or provision so held unconstitutional or invalid has not been included in this ordinance.

**(25) PROCEDURE FOR VIOLATIONS OF ORDINANCES BY JUVENILES**

**(A) Juvenile State Laws Adopted.** Except as otherwise specifically provided in this chapter, the statutory provisions in Chapter 938, Wis. Stats., describing and defining dispositions and sanctions involving juveniles, are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of juveniles in the State of Wisconsin.

**(B) Procedure.** The procedure for civil law and ordinance proceedings against juveniles shall be that set forth in Chapter 938 and other applicable Wisconsin Statutes, as amended from time-to-time. Citation forms under Sec. 66.119 may be used. Whenever the juvenile justice code requires a different procedure than that set forth in these ordinances for adult violations of ordinances, the juvenile justice code shall control.

**(C) Jurisdiction.** Jurisdiction over traffic and boating civil law and ordinance violations for juveniles shall be as set forth in Chapter 938 Wis. Stats., as amended from time-to-time.

**(D) Taking A Juvenile Into Custody And Release Or Delivery From Custody.** The provisions of Chapter 938 Wis. Stats., shall govern to determine when a juvenile may be taken into custody and the release or delivery from custody.

**(E) Disposition Of Juvenile Adjudged To Have Violated A Civil Law Or Ordinance.** The provisions of Chapter 938 (juvenile justice code) Wis. Stats., as amended from time-to-time are adopted with respect to the disposition of a juvenile adjudged to have violated an ordinance including the provisions for suspension of operating privileges as defined in Sec. 340.01(40) Wis. Stats.

**(F) Disposition of Juvenile –Intoxicating Liquor And Beer Violations.** The provisions of Chapter 938 (juvenile justice code) Wis. Stats., as amended from time-to-time are adopted with respect to the disposition of a juvenile aged 14 and older adjudged to have violated intoxicating liquor or beer ordinances including the provisions for suspension of operating privileges as defined in Sec. 340.01(40) Wis. Stats.

**(G) Intent.** The intent of this ordinance is to recognize the special requirements and procedures of the juvenile justice code of the State of Wisconsin and to apply said code for all ordinance violations where mandated by Wisconsin Statutes notwithstanding other provisions of municipal ordinances and procedures which apply to adults. Where conflict exists in procedure or provisions of the children's code with other ordinance procedure or provisions for ordinance violations, provisions of the juvenile justice code shall prevail.

**(26) SCHOOL ATTENDANCE ENFORCEMENT.**

**(A) Authority.** This section is enacted by authority of Wis. Stat. Sec. 118.163(1m), (2), and (2m).

**(B) Definitions.** For purposes of this section:

**(1) "Dropout"** means a child who ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under Sec. 118.15(b) to (d) or (3).

**(2) "Habitual truant"** means a pupil who is absent from school without an acceptable excuse as defined in Sec. 118.15 and Sec. 118.16(4) for a part of all of five or more days on which school is held during a school semester.

**(3) "Operating privilege"** has the meaning given in Sec. 340.01(40).

**(4) "Truant"** means a pupil who is absent from school without an acceptable excuse under Sec. 118.15 and Sec. 118.16(4) for a part or all of any day on which school is held during a school semester.

**(C) Prohibition Against Being a Truant.** Any person attending school in the Village of New Auburn under the age of 18 years, subject to the exceptions found under Wis. Stat. Sec. 118.15, is prohibited from being a truant as the term is defined in this section.

**(D) Dispositions Available to the Municipal Court.** The Municipal Court shall be entitled to enforce the following dispositions for a person adjudged a truant:

**(1)** An order for the person to attend school;

**(2)** A forfeiture of not more than \$25 plus costs for a first violation, or a forfeiture of not more than \$50 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Sec. 938.37, and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person or both.

**(E) Prohibition Against Being A habitual Truant.** Any person attending school in the Village of New Auburn under the age of 18 years, subject to the exceptions found under Wis. Stat. Sec. 118.15 and 118.16(4), is prohibited from being a habitual truant as the term is defined in this section.

**(F) Dispositions Available to the Municipal Court.** The Municipal Court shall have available the following dispositions for a habitual truant:

(1) An order for the person to attend school.

(2) Suspension of the person's operating privilege for not less than 30 days or more than one year. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

(3) An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. Sec. 938.34(5g), the costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.

(4) An order for the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.

(5) An order for the person to attend an educational program as described in Wis. Stat. Sec. 938.34(7d).

(6) An order for the Department of Workforce Development to revoke, under Wis. Stat. Sec. 103.72 a permit under Wis. Stat. Sec. 103.70 authorizing the employment of the person.

(7) An order for the person to be placed in a teen court program as described in Wis. Stat. Sec. 938.342(1g)(f).

(8) A forfeiture of not more than \$500 plus costs, subject to Wis. Stat. Sec. 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(9) Any other reasonable conditions consistent with this section, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

(10) An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

**(G) Prohibition Against Being a Dropout.** Any person living in the Village

of New Auburn under the age of 18 years, subject to the exceptions found under Wis. Stat. Sec. 118.15, is prohibited from being a dropout as defined in this Ordinance.

**(H) Dispositions Available to the Municipal Court.** The Municipal Court shall have available the following dispositions for a dropout:

(1) All the dispositions contained in Section F above.

(2) For persons at least 16 years of age, but less than 18 years of age, suspension of operating privilege for any duration up until the person reaches the age of 18 years. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

**(I) Form of Municipal Citation.** The Village of New Auburn Police Department is authorized to issue a municipal citation to any person who is determined to be a truant, habitual truant or dropout under the terms of this section. Any citation issued shall be returnable to the Chippewa County, Wisconsin, Village of New Auburn Municipal Court, in the same manner as all other Ordinance Citations. The citation is to state on its face that it is a "MUST APPEAR" citation without a forfeiture amount written on the face of the citation.

**(J) Preconditions to Issuance of Citations.** Prior to issuance of a Village of New Auburn municipal citation, the Village of New Auburn School District attendance officer shall provide evidence that appropriate school personnel in the school or school district in which the child is enrolled have, within the school year during which the truancy occurred, done all of the following pursuant to Wis. Stat. section 118.16(5):

(1) Met with the child's parent or guardian to discuss the child's truancy or attempted to meet with the child's parent or guardian and received no response or were refused.

(2) Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and have considered curriculum modifications under Wis. Stat. Sec. 118.15(1)(d).

(3) Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken steps to overcome the learning problems, except that the child need not be evaluated if tests administered to the child within the previous year indicate that the child is performing at his or her grade level.



(4) Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.

(K) **Proof Required Before Municipal Court Disposition.** Before a person may be found guilty of violating this section, the school district attendance officer must present evidence to the municipal court that the activities under Wis. Stat. Sec. 118.16(5) have been completed by the school system.

(L) **Adults Prohibited From Contributing to Truancy, Habitual Truancy, or Dropout.** No person of the age of 18 or older shall commit an act of commission or omission that contributed to, or the natural and probable consequences of that act would likely cause, a child to be truant, habitual truant, or dropout, whether or not the child is adjudged guilty of a violation.

(M) **Penalty For Adult Contributing To a Child Truant, Habitual Truant or Dropout.** Any person of the age of 18 or older who contributes to or causes a child to be a truant, habitual truant, or dropout shall pay a forfeiture of not less than \$100 or more than \$500, together with the costs of the prosecution for each offense and upon default of the payment of these forfeitures and costs, shall be imprisoned until the forfeiture and costs together with the subsequent costs are paid, but not more than 60 days. Each day a violation continues shall constitute a separate offense. The standard forfeiture shall be in the sum of \$100 plus costs.

(N) **Severability.** If any section of part of this section is adjudged unconstitutional or invalid by any Court of competent Jurisdiction, the remainder of this section shall not be affected thereby.

### **13.02 NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED.**

#### **(1) NUDE DANCING PROHIBITED**

(A) It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a license establishment which:

(B) Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or

(C) Shows any portion of female breast below a point immediately above the top of the areola; or

(D) Shows the covered male genitals in a discernibly turgid state.

(2) **EXEMPTIONS.** The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employee-engaging in nude erotic dancing.

(3) **DEFINITIONS.** For purposes of this ordinance, the term "licensed establishment" means any establishment licensed by the Village Board of the Village of New Auburn to sell alcohol beverages pursuant to Ch. 125, Stats. The term "licensee" means the holder of a retail "Class A", "Class B", Class "A", Class "B", or Class "C" license granted by the Village Board of the Village of New Auburn pursuant to Ch. 125, Stats.

(4) **PENALTIES.** Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$50.00, and not more than \$500.00 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking, or non-renewing an alcohol beverage license under sec. 125.12, Stats.

(5) **SEVERABILITY.** If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

**13.03 SMOKING PROHIBITED****(1) STATEWIDE SMOKING BAN**

(A) **Smoking Ban Adopted.** The Village hereby adopts, by reference, the provisions of Wis. Stat. § 101.123, smoking prohibited, pertaining to the statewide smoking ban.

(B) **Definitions.** For purposes of enforcing the smoking ban in the Village of New Auburn, the following definition shall apply instead of the definition found in the state statutes. "*Enclosed place*" shall mean all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50% of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18x16 mesh count is not a wall.

(C) **Smoking in Specified Outdoor Areas.** A person in charge of a restaurant, tavern, private club, or retail establishment located in the Village of New Auburn may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.

(D) **Inspection and Enforcement.** The New Auburn Village Police Department and Fire Inspector shall have the power to enter any premises subject to the smoking ban under state law to ascertain whether the premises are in compliance with this section and take appropriate enforcement action pursuant to Wis. Stat. § 101.123.

(2) **PENALTIES.** The penalties for violation of these sections shall be the forfeitures as provided in Sections 13.01(21).

(3) **SEVERABILITY.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Village Board that this ordinance should have been adopted if such illegal provision had not been included or any illegal application had not been made.

Village of New Auburn  
Barron & Chippewa Counties, Wisconsin

## Ordinance 2021-01

### AN ORDINANCE CREATING SECTION 13.04 OF THE NEW AUBURN CODE OF ORDINANCES

The Board of Trustees of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Section 13.04 of the Village of New Auburn code of ordinances is hereby created to read as follows:

**“13.04 TRESPASS”**

- (1) **Trespass to land.** No person shall enter or remain on any land after having been notified by the owner or occupant not to remain on the premises.
- (2) **Trespass without consent.** Without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, it shall be unlawful for any person to intentionally:
  - (A) Enter any enclosed or cultivated or improved land of another; or
  - (B) Enter a structure of another. For the purposes of this section the term “structure” shall be defined as including any building, dwelling, or other man-made structure situated upon real property located in the Village.
- (3) **Trespass to Village Property.** Law Enforcement shall have the authority to issue and serve no-trespass orders, informing the recipient that he/she is prohibited from entering or remaining on the Village property identified in the order, upon the following:
  - (A) Persons who the Law Enforcement has probable cause to believe have committed a criminal offense or nuisance on Village property.
  - (B) Person who the Law Enforcement has probable cause to believe have caused damage or have been associated with the cause of damage to Village property.
- (4) **Unaccompanied Minors on Village Property.** No minor child who is subject to a no trespass order as provided for in this section may be in a Village park without adult supervision.
- (5) **No Trespass Orders** – Orders shall be in writing and shall contain the following elements:
  - (A) The signature of the issuing officer;

- (B) The date and reason for issuance;
- (C) The duration of the order;
- (D) Identification of the property the recipient is prohibited from entering or remaining on;
- (E) Language notifying the recipient that violation of the order could result in escalating penalties;
- (F) A description of how to appeal the order pursuant to this section.

(6) **Appeal** – The recipient of a no-trespass order may appeal the issuance or terms of the order by submitting a written appeal request to the Sheriff or designee.

- (A) Upon receipt of a request for appeal, the Sheriff or designee shall meet the appellant, receive such evidence as the appellant chooses to present, and review any sworn statement of the issuing officer. If the Sheriff or designee determines it is more likely than not that the appellant committed the violation that prompted the no-trespass order, the order shall be affirmed.
- (B) The decision of the Sheriff or their designee shall be final.

(7) **Enforcement.** This Ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(8) **Penalties.** In addition to any penalty provided in Wisconsin law, any person who violates any provision of this ordinance shall upon conviction thereof, forfeit not less than \$25.00 nor more than \$100.00 together with costs. Consistent with Wis. Stat. § 895.035, parents of a minor child may be liable and be required to pay any forfeitures imposed.”

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

[Signature Page Follows]

Dated: August 12, 2021

*Brad Lotts*

Brad Lotts, Village President

**ATTEST:**

*Peggy Stanford*

Peggy Stanford, Clerk-Treasurer

*Ardith Story*

Ardith Story, Deputy Clerk-Treasurer

**VILLAGE OF NEW AUBURN**  
**Barron & Chippewa Counties, Wisconsin**

**Ordinance 2022-10**

**An Ordinance Creating Section 13.04 of the New Auburn Code of Ordinances**

The Village Board of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Section 13.04 of the Village of New Auburn Code of Ordinances is hereby created as follows:

**“13.04 PROHIBITED SALE, PURCHASE, AND POSSESSION OF VAPING DEVICE PRODUCTS BY MINORS.**

(1) **Definitions.** As used in this section, the following terms shall have the meanings indicated:

(A) **“Vaping Device Product”** means any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaporizers, or similar products or devices and shall:

(1) Include any vapor cartridge, solution or container, that may or may not contain nicotine and that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaporizers, or similar products or devices.

(2) Exclude any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

(B) **Sale of Vaping Device Products to Minor Prohibited.** No person shall sell, give away, loan or borrow, or otherwise dispose of, by vending machine or otherwise, any Vaping Device Product to any person under the age of eighteen (18) years old.

(C) **Purchase or Possession of Vaping Device Products by Persons Under Eighteen (18) Years of Age Prohibited.**

(1) No person under eighteen (18) years may falsely represent his or her age for the purpose of receiving any Vaping Device Product.

- (2) No person under eighteen (18) years of age may purchase, attempt to purchase, or possess any Vaping Device Product except as follows:
  - (1) A person under eighteen (18) years of age may purchase or possess Vaping Device Product for the sole purpose of resale in the course of employment, during working hours, if employed by a retailer; and
  - (2) The defenses provided in Wis. Stat. § 134.66(3)(a)-(c) shall also be defenses to prosecution under this ordinance.
- (3) **Enforcement and Penalty.** The penalties for violation of these sections shall be the forfeitures as provided in Sections 13.01(21)."

Section Two. This Ordinance shall take effect upon its adoption and publication as required by law.

Adopted this 12<sup>th</sup> day of May, 2022.  
Published this 18<sup>th</sup> day of May, 2022.  
<sub>25</sub>

BRAD Lotts  
Brad Lotts, Village President

**ATTEST:**

Ardith Story  
Ardith Story, Clerk-Treasurer



## CHAPTER 14

PUBLIC WORKS/INFRASTRUCTURE14.01 PUBLIC WORKS/INFRASTRUCTURE ORDINANCE(1) ROADS

(A) All public roads shall conform to those specifications set forth in the publication, **Standard Specifications for Road and Bridge Construction as published by the Department of Transportation of Wisconsin** as from time-to-time revised.

(B) **New Subdivisions**. In new subdivisions, the Village of New Auburn will accept dedications of land for new Village Roads and approve plats under Chapter 236, (1993-1994) Wisconsin Statutes, only if the roads are surveyed and constructed by the developer pursuant to Sections 236.13(2)(a) and (b), Wisconsin Statutes. Such roads must be constructed to Village standards as set forth in this ordinance. Subdivisions shall be defined by Section 236.02(8), Wisconsin Statutes. The Village Board may waive any requirements in specific instances to promote development and additions to the tax base of the Village of New Auburn.

(C) No person shall cause, allow or permit any person to alter the grade of any public highway, road, street or alley in the Village of New Auburn without written approval by the Village Board.

(2) STREET AND SIDEWALK GRADES

(A) **Establishment**. The grade of all streets, alleys, and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk in his office. No street, alley or sidewalk shall be worked until the grade thereof is established.

(B) **Alteration of Grade Prohibited**. No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village of New Auburn by any means whatever unless authorized or instructed to do so by the Village Board. All such alterations of grade shall be recorded in the Office of the Village Clerk by the Clerk or Officer authorizing the alteration.

(C) **Penalty**. The penalty for violation of any provision of this

section shall be a penalty as prescribed by Section 1.05 of this code.

**(3) SIDEWALK CONSTRUCTION AND REPAIR**

**(A) Owner to Construct.** It shall be the duty of the abutting owner to repair, reconstruct and perpetually maintain existing sidewalks along or upon any street, alley or highway in the Village of New Auburn and to pay the one-half of the cost thereof. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of New Auburn, it shall proceed according to Section 66.615, Wisconsin Statutes.

**(B) Specifications.** All public sidewalks in the Village of New Auburn shall conform to those specifications set forth in the publication, Standards Specifications for Road and Bridge Construction as published by the Department of Transportation of Wisconsin as from time-to-time revised. All sidewalks shall be of Grade AA air entrained concrete.

**(C) Width and Thickness.** Sidewalks in front of residential, commercial, or industrial establishments shall be constructed according to the dimensions as the Village Board by resolution require.

**(D) Penalty.** The penalty for violation of any provision of this section shall be a penalty as prescribed by Section 1.05 of this code.

**(4) DRIVEWAYS**

**(A) Approval Required.** No person shall construct or reconstruct any driveway without first obtaining a driveway permit from the Village Board. The fees shall be established by the Village Board. Fees shall be noted in Appendix E. No fee is required if not established in Appendix E.

**(B) Specifications For Driveway Construction:**

**(1) Width.** No driveway shall exceed twenty-six (26) feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Village Board.

**(2) Interference With Intersections Prohibited.** At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.

(3) **Interference With Street.** No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way. When required by the Village Board to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.

(4) **Workmanship and Materials.** All driveway entrances and approaches which are constructed across sidewalks shall comply with the requirements for sidewalk construction in Section 14.01(3) of this code insofar as such requirements are applicable, including thickness requirements in Section 14.01(3)(D) of this code.

(5) **Owner Liable For Damage Or Injury.** The owner of the premises shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during the construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of this code.

(C) **Penalty.** The penalty for violation of any provision of this section shall be a penalty as prescribed by Section 1.05 of this code.

(5) **STREET AND SIDEWALK EXCAVATIONS AND OPENINGS**

(A) **Permit Required.** No person, firm, or corporation shall make or cause to be made any excavation or opening in or under any street, alley, highway, sidewalk or other public way within the Village of New Auburn without first obtaining a permit therefore from the Village Board.

(B) **Application For Permit.** The application for the permit provided for in the preceding subsection shall state the purpose for which the permit is desired and the location of the proposed excavation, which shall contain an agreement that the applicant will pay all damages to persons or property, public or private, caused by the applicant, his agents, employees, or servants in the doing or erection of the work for which the permit is granted. Any applicant may be required as a condition to the granting of a permit, in the discretion of the Village Board, to file an undertaking in such amount as the Village Board shall determine to leave the street, sidewalk, or alley in as good condition as the same was in when the work was commenced, to at

all times keep the place where the excavation is made properly guarded by day and night and lighted by night, and to save the Village harmless from any and all damages, costs, and charges that may accrue from the applicant's use of such street, sidewalk, or alley by reason of such excavation.

(C) **No Further Privileges Granted.** No permit for an excavation granted under the provisions of this section shall be deemed to convey or grant any privilege to occupy the space within or below any street or sidewalk, or any utility, vault, pipe, drain, or any other thing whatsoever.

(D) **Conditions.** When excavations are made under the provisions of this section, the excavations shall not be left open longer than the necessities of the work demand. In refilling the excavation all earth, fill and stone shall be thoroughly and properly tamped and the surface of the street, sidewalk or alley left in as good condition as the same was in before the excavation was made. Provided, however, that whenever it is necessary to break into a sidewalk for the purpose of making any excavation authorized under this section, the entire square so broken into shall be removed and replaced, it being the intent of this subsection to prohibit the patching of a square in a sidewalk.

(E) **Notice to Village Police Department.** Before any excavation, opening or blockage in any street or sidewalk is made by any person, firm or corporation under the provisions of this section forty-eight (48) hours advance notice shall be given by the person intending to make such excavation, opening or blockade to the Village Police Department.

(F) **Ongoing Permit.** At its discretion, the Village Board may grant an Ongoing Permit to certain providers of gas, telephone, and other public and quasi-public services for excavations.

(1) To obtain an Ongoing Permit, the individual, or Company must apply for such and agree to the terms of the Ordinance.

(2) The Village Board may require proof of any fact necessary to establish whether granting of an ongoing permit is in the public's best interest.

(3) Such permits, although ongoing in nature, may be revoked by the Village Board upon written notice.

(4) The Applicant agrees to carry and pay the premium for public liability insurance, insuring itself and the Village of New Auburn against injury to property, person, or loss of life arising out of permitted activities, with limits of at least \$125,000 property damage, \$300,000 for one person, and \$1,000,000 for any number persons injured or killed in any one accident, and shall furnish the Village of

New Auburn as may be requested from time to time a certificate of insurance

(5) The Applicant must comply with Wis. Stats. §182.0175 for every excavation.

(G) **Village Work Excluded.** The provisions of this section shall not apply to excavation work under the direction of the Village Board by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village streets.

(H) **Penalty.** The penalty for violation of any provision of this section shall be a penalty as prescribed by Section 1.05 of this code.

**(6) OBSTRUCTIONS AND ENCROACHMENTS**

(A) **Obstructions and Encroachments Prohibited.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsection 14.01(6)(B).

(B) **Exceptions.** The prohibition of subsection (A) above shall not apply to the following:

(1) Signs or clocks attached to buildings which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street, or alley.

(2) Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.

(3) Public Utility encroachments duly authorized by State law or the Village Board.

(4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three (3) feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two (2) hours.

(5) Excavations and openings permitted under subsection 14.01(5)(B) of this code.

(C) **Removal By Village.** In addition to any other penalty imposed, if

the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstructions within twenty-four (24) hours after notice from the Village Marshal to do so, it shall be the duty of the Village Marshal to remove such obstruction and make return of the cost and expense thereof to the Village Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

(D) **Penalty.** The penalty for violation of any of the provisions of this section shall be a penalty as prescribed by Section 1.05 of this code.

(7) **SIDEWALK CLEANING, SNOW AND ICE REMOVAL**

(A) **Responsibility of Owner, Occupant, Etc..** The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of New Auburn fronting or abutting any street shall keep all adjoining sidewalks in good sufficient safe condition, and clean of any snow, ice, dirt, or rubbish to the full width and extent of the sidewalk. In the case of snow or ice accumulation, each owner, occupant, or person in charge of such building or structure shall clean or cause to be clean the sidewalk in front of or adjoining such home, building or structure as the case may be of snow or ice to the width of such sidewalk by 10:00 a.m. of each day and shall cause the same to be kept clear from such ice and snow, provided that when the ice is formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with ~~ashes, sawdust,~~ or sand; provided also, that in case snow shall continue to fall during and after 10:00 a.m., then it shall be removed within three (3) hours of daylight after it shall cease to fall. *Salt*

(B) **Report of Defective Walks** It shall be the duty of the Street Department to report to the Village Board all cases of sidewalks not in compliance with the requirements of this Section, describing the lot or premises along upon which the non-compliance exists, and giving the name of the owner or occupant thereof.

(C) **Village Shall Clean At Owner's Expense.** Whenever an abutting property owner or occupant shall fail, neglect or refuse to remove from the sidewalk adjacent thereto any snow, dirt or rubbish, or remedy any slippery or dangerous condition, such work may be done by the Street Department of the Village of New Auburn at the expense of such owner or occupant, and such expense shall be collected and levied in the special tax in the manner provided by law.

(D) **Penalty.** The penalty for violation of any provision of this section shall be a penalty as prescribed by Section 1.05 of this code. A separate offense shall be deemed committed during each day or part thereof during which a violation occurs or continues.

CHAPTER 15

PUBLIC UTILITIES

15.01 PUBLIC UTILITIES

(1) The Village Board shall have charge and management of the Water Utility and the Sewer Utility and shall supervise the operation thereof.

15.02 RULES, REGULATIONS AND RATES

(1) Rules, regulations, and rates governing the Water Utility and the Sewer Utility shall be as approved by the Village Board (and with respect to Water Utility as approved and filed with the Wisconsin Public Service Commission). Such rules, regulations and rates shall be considered a part of the contract of every consumer of services of the Water Utility or Sewer Utility and each consumer by acceptance of service assents to such rules, regulations and rates. Any violations of such rules, regulations and rates or provisions of this chapter shall be cause for discontinuance of service.

(2) Because charges for utilities are subject to extensive, lengthy, and sometimes wordy revisions, and are revised from time-to-time, the Village Board will continue to approve rates and charges but such ordinances shall not be placed in the body of this ordinance book and shall instead be placed in the appendices of this ordinance book under the appropriate utilities. Water Utility Rate Ordinance shall be placed under Appendix K, Sewer Utility Rate Ordinance shall be placed under Appendix L. Upon adoption, the date of adoption of the ordinance shall be subscribed in this section.

(A) Date of Adoption of Water Rate Ordinance: The Ordinance as authorized by Public Service Commission is located in Appendix K.

- Order No. 4080-WR-101 effective February 15, 2006
- Order No. 4080-WR-102 effective May 15, 2007
- Order No. 4080-WQ-100 effective January 1, 2009
- Order No. 4080-WQ-101 effective April 1, 2011
- Order No. 4080-WQ-102 effective April 1, 2012

*Order No. 4080-WQ-103 eff. Jan. 1, 2014*  
*Order No. 4080-WQ-104 eff. April 1, 2016*

*Ord. 17-03* Order No. 4080-WR-103 *October 1, 2017* effective September 29, 2017

(B) Date of Adoption of Sewer Use Ordinance: The Ordinance as authorized by the governing board is located in Appendix L.

Date of Adoption of Sewer Rate Ordinance October 23, 2005  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(3) Because different requirements of the individual utilities may be made a

condition of grant or loans by granting agencies, the specific language of Section 15.03 shall apply to the Water Utility and Section 15.04 shall apply to the Sewer Utility. If the specific requirements of Section 15.03 or 15.04, conflict with general requirements applicable to all utilities, the specific requirements of Section 15.03 (Water Utility) and Section 15.04 (Sewer Utility) shall control.

### **15.03 WATER UTILITY CREATION - RULES AND REGULATIONS**

(1) **MANAGEMENT AND OPERATION.** The management operation, and control of the water system for the Village of New Auburn is vested in the Village Board. The Village Clerk or other designee of the Village of New Auburn shall keep all the financial records.

(2) **POWERS OF UTILITY.** The Water Utility of the Village of New Auburn shall have the power to construct water lines for public use and shall have the power to lay water pipes in and through the alleys, streets, and public grounds of the Village of New Auburn; and generally, to do all such work as may be found necessary or convenient in the management of the water system. The Village Board shall have power by themselves, their officers, agents and servants to enter upon any land for the purpose of making examination or supervise the performance of their duties under this Ordinance, without liability therefore, and the Village Board shall have the power to purchase and acquire for the Village all real and personal property which may be necessary for construction of the water system, or for any repair, remodeling, or additions thereof.

(3) **CONDEMNATION OF REAL ESTATE.** Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village of New Auburn be necessary to the water system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Village Board shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal funds are used.

(4) **TITLE TO REAL ESTATE AND PERSONALTY.** All property, real, personal and mixed, acquired for the construction of the water system, and all plans, specifications, diagrams, papers, books and records connected with said water system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the said Village of New Auburn.

(5) **USER RULES AND REGULATIONS.** The rules, regulations, and water rates hereinafter set forth shall be considered a part of the contract with every person, company, or corporation who is connected with the water system and every such person, company, or corporation by connection with the water system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations or such others as the said Village of New Auburn may hereafter adopt are



**Village of New Auburn  
Barron & Chippewa Counties, Wisconsin**

**Ordinance 2022-07**

**AN ORDINANCE CREATING SECTION 15.03(5)(B) OF THE NEW AUBURN CODE OF ORDINANCES**

The Board of Trustees of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Chapter 15, Section 15.03(5)(B) of the Village of New Auburn code of ordinances is hereby created to read as follows:

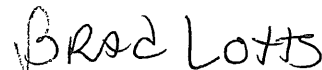
**“(B) Tax Incremental District Charge**

**(1)** A tax incremental district charge is hereby imposed upon the Village of New Auburn Sewer Utility for all of the costs of the sewer system, including debt service coverage ratio requirements imposed by a bond resolution, which are allocable to improvements undertaken in connection with the Village’s Tax Incremental District No. 1 (“TID 1”), whether located within or outside TID 1. On or before the first Village Board meeting in October of each year, the Village Clerk or Village Clerk’s designee shall compute the charge. The charge shall be computed by calculating an amount equal to the annual debt service on TID 1’s share of all outstanding sewer utility borrowing, including debt service coverage ratio requirements imposed by any bond resolution.

**(2)** The tax incremental district charge shall be billed to the Village of New Auburn Sewer Utility on November 1<sup>st</sup> of each year for all obligations due during the subsequent year. The payment shall be due within ninety days of billing.”

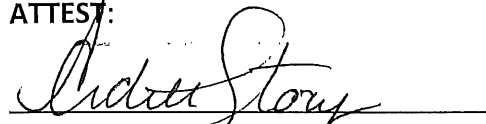
Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Adopted this 14<sup>th</sup> day of April, 2022



\_\_\_\_\_  
Brad Lotts, Village President

ATTEST:

  
\_\_\_\_\_  
Ardith Story, Clerk-Treasurer

violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be reestablished except by order of the Village Board, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Village may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the said Village of New Auburn furthermore, may declare any payment for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Village to change the said rules, regulations, and water rates from time-to-time as they may deem advisable; and to make special rate and contracts in all proper cases, all subject to the authority of the Wisconsin Public Service Commission (Water Utility).

**(A) Tax Incremental District Charge**

(1) A Tax incremental District ("TID") charge is hereby imposed upon the Village for the costs of the Well No. 2 ("the Project") which are allocable to improvements undertaken which benefit the Village Tax Incremental District No. 1. The charge imposed upon the Village and allocable to Tax Incremental District No. 1 for the Project is 100% of the total principal and interest payments plus the debt coverage requirements of the loan to construct the Project. The estimated maximum annual charge for said project is expected to be \$ \$37,500. This utility charge may be modified by paragraph (2) of this section.

(2) Additional TID charge: An additional TID Charge is hereby imposed under the following conditions: If the life of the loan for a project exceeds the legal life of the Village TID No. 1, the Village reserves the right to charge said TID, during the life of the TID, for payments which will become due and payable after the TID has expired, for principal and interest payments allocable to the project.

(3) Billing TID: The TID charge shall be billed to the Village semi-annually, approximately six weeks prior to the debt service date(s). The payment shall be made from the TID within twenty days of billing to the New Auburn Municipal Water Utility. This obligation shall only apply to the debt costs incurred and due for the Project. Upon final debt service payment by the water utility for the Project then this ordinance Section 15.03(5)(A) shall be repealed.

(6) **MISCELLANEOUS RULES.** The following rules and regulations for the government of licensed plumbers, water users and others, are hereby adopted and established:

(A) **Plumbers.** No plumber, pipefitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the water system without first receiving a license from the State of Wisconsin.

**(B) Users**

**(1) Lateral Charges.** "Street Laterals" will be installed by the Utility (on existing mains) according to the schedule of charges as set forth in current PSC rate file.

**(C) Tap Permits.** After water connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Village of New Auburn.

**(D) User to Keep in Repair.** All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense and shall prevent any unnecessary waste of water.

**(E) User to Permit Inspection.** Every user shall permit the Village of New Auburn or their duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the water is used, and they must at all times frankly and without concealment answer all questions put to them relative to its use.

**(F) Utility Responsibility.** It is expressly stipulated that no claim shall be made against said Village of New Auburn or its employees or agents by reason of the breaking, clogging, stoppage, or freezing of any service pipe or from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the water service within any part of the Village of New Auburn, the Village Board or its designee shall, if practicable, give notice to each and every consumer within said Village of New Auburn of the time when such service will be so shut off.

**(G) Meters.** It shall be the duty of the owner of any premises to provide a location for a water meter and to maintain such locations and passageway thereto clean and sanitary and free from any obstruction or any conditions of a hazardous nature. No connection for water meters shall be installed in any location not easily accessible, or which is or may be, unclean, unsanitary, or in any manner unsafe to utility employees in the discharge of their duties.

**(7) EXCAVATIONS**

**(A)** In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.

(B) No person shall leave any such excavation made in any street or highway open at any time without barricades; and, during the night, warning lights must be maintained at such excavations.

(C) In refilling the opening after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good at least as before it was disturbed and satisfactory to the Village Board or its designee. No opening of the streets for tapping the pipes will be permitted when the ground is frozen without Village Board approval.

**(8) TAPPING THE MAINS**

(A) No persons except those having special permission from the Village of New Auburn or persons in their service and approved by them will be permitted under any circumstances to tap the water mains or distribution pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said Village of New Auburn.

(B) Pipes should be tapped on the top half of the pipe and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another connection.

**(9) INSTALLATION OF HOUSE LATERALS**

(A) All water lines on private property, whether underground or within a structure, will be installed in accordance with State of Wisconsin Administration Code Chapter H-62, "Design, Construction, Installation, Supervision and Inspection of Plumbing"; specifically Section H-62.13, "Water Distribution Systems".

(B) The building's water line shall be inspected upon completion of placement of the pipe and before backfilling, and tested before or after backfilling.

**(10) WATER SERVICE RATES--WATER UTILITY RULES:** So-called standard rules published by the Public Service Commission of Wisconsin (small utility rules), and the rates as provided by the Public Service Commission Finding of Fact, Certification, and Order are hereby adopted by the Village of New Auburn as applicable to the Water Utility. The provisions of this ordinance are subject to the overriding authority of the Public Service Commission and provisions of current rate order.

**(11) MAINTENANCE OF SERVICES.** All water services within the limits of the Village of New Auburn from the street main to the property line and including all controls between the same will be maintained by the Water Utility without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner,

in which case they will be repaired at the expense of the property owner. All water services from the point of maintenance by the Utility to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

**(12) PAYMENT OF BILLS**

**(A) Failure to Receive Bill No Penalty Exemption.** Every reasonable care will be exercised in the proper delivery of water bills. Failure to receive a water bill, however, shall not relieve any person of the responsibility for payment of water rates within the prescribed period, or exempt any person from any penalty imposed for delinquency in the payment thereof.

**(B) Billing.** The property owner is held responsible for all water bills on premises that he owns. Delinquency notices relative to the water service, will be addressed to the owner as well as the renter and delivered to the premises referred to on such bill or notice.

**(13) CROSS CONNECTION CONTROL ORDINANCE**

**(A) PREAMBLE**

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.

WHEREAS, Chapters NR 810 and SPS 382 Wisconsin Administrative Code require protection of the public water system from contamination due to backflow of contaminants through the water service connection; and

WHEREAS, the Wisconsin Departments of Natural Resources requires the development and implementation of a comprehensive cross connection control program to effectively prevent the contamination of all potable water systems; now, therefore,

BE IT ORDAINED by the Board of the Village of New Auburn, State of Wisconsin:

**(1) DEFINITION OF CROSS CONNECTION:** That a cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of New Auburn water system, and the other of which contains 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.

**(2) UNPROTECTED CROSS CONNECTIONS PROHIBITED:**  
That no person, firm or corporation shall establish or maintain, or permit to be

established or maintained, any unprotected cross connection. Cross connections shall be protected as required in ch. SPS 382, Wisconsin Administrative Code.

(3) **INSPECTION.** That it shall be the duty of the Village of New Auburn to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections shall be as established by the Village of New Auburn Water Utility in accordance with Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 6 of this ordinance.

(4) **RIGHT OF ENTRY.** That upon presentation of credentials, the representative of the Village of New Auburn shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village of New Auburn for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 6 of this ordinance. If entry is refused, such representative shall obtain a special inspection warrant under s. 66.0199 of the Wisconsin Statutes.

(5) **PROVISION OF REQUESTED INFORMATION.** The water utility may request, an owner, lessee or occupant of property served by a connection to the public water system to furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 6 of this ordinance.

(6) **DISCONTINUATION OF WATER FOR VIOLATION.** That the Village of New Auburn is hereby authorized and directed to discontinue water service to any property wherein any unprotected connection in violation of this ordinance exists, and to take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in paragraph 7 of this ordinance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated in compliance with the provisions of this ordinance.

(7) **EMERGENCY DISCONTINUANCE.** If it is determined by the Village of New Auburn that an unprotected cross connection or emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk of the Village of New Auburn 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

**(14) WELL ABANDONMENT AND PERMIT ORDINANCE**

**(A) PREAMBLE**

WHEREAS, s. NR 810.16, Wisconsin Administrative Code, directs suppliers of water for municipal water systems, to implement a local well regulation program requiring proper abandonment of unused, unsafe or noncomplying wells located on premises served by the municipal water system, and to provide permits for retention of safe, code-complying wells by local ordinance or water utility rule, in order to prevent all unused, unsafe, and noncomplying wells from becoming safety hazards or channels for contamination of aquifers, and to prevent illegal cross connections with the municipal system.

NOW THEREFORE, the Village of New Auburn of Chippewa and Barron County, Wisconsin, does ordain as follows:

**(1) Purpose.** To protect public health, safety and welfare and to prevent contamination of water supplies by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross connected to the municipal water system, are properly maintained or properly filled-and-sealed.

**(2) Applicability.** This ordinance applies to all wells located on premises served by the Village of New Auburn municipal water system.

**(3) Definitions**

**a.** "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district or public institution, or a privately-owned water utility serving the foregoing.

**b.** "Noncomplying" means a well or pump installation which does not comply with the provisions of s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43 Wisconsin Administrative Code.

**c.** "Pump installation" means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

**d.** "Served by" means any property having a water supply pipe extending onto it which is connected to the municipal water system.

**e.** "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with other substances exceeding the drinking water standards of chs. NR 140 and 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

**f.** "Unused" well means one which does not have a functional pumping system or other complying means of withdrawing water.

**g.** "Well" means a drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.

**h.** "Well Abandonment" means the proper filling-and-sealing or decommissioning of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

**(4) Well Abandonment Required.** All wells located on premises served by the municipal water system shall be properly filled-and-sealed in accordance with the terms of this

ordinance and Wisconsin Administration Code no later than 1 year from the date of connection to the municipal water system, or discovery or construction of a well, unless a valid well operation permit has been issued to the well owner from the Village of New Auburn under terms of Section 5 of this ordinance.

**(5) Well Operation Permit.** Owners of wells on premises served by the municipal water system shall make application for a well operation permit for each well no later than 90 days after connection to the municipal water system or date of discovery of a well. The Village of New Auburn may grant a permit to a private well owner to operate a well, if the premises is **not** served by the Municipal Water System of the Village of New Auburn, for a period not to exceed 5 years providing all conditions of this section are met. An owner may request renewal of a well operation permit by submitting an application verifying that the conditions of this section are met. The Village of New Auburn, or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. Applications must be accompanied by a fee. See Appendix E, Fee Schedule. No fee is required if not established in Appendix E.

The following conditions must be met for issuance or renewal of a well operation permit:

**a.** The well and pump installation shall comply with the *Standards for Existing Installations* described in s. NR 812.42 Wisconsin Administrative Code, or repaired to comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every 10 years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documented on inspection report from DNR #3300-221, to be submitted to the Clerk.

**b.** The well and pump shall have a history of producing safe water evidenced by a certified lab report for at least one coliform bacteria sample collected within prior 30 days, and submitted to the Clerk. In areas where the Department of Natural Resources (DNR) has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical test may be required to document the safety of the water.

**c.** There shall be no cross connections or interconnection between the well's pump installation or distribution piping and the municipal water system, unless approved by the utility and DNR.

**d.** The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.

**e.** The private well shall have a functional pumping system or other complying means of withdrawing water.

**f.** The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

**(6) No new wells** may be drilled in the Village of New Auburn if the premises are served by the Municipal Water System of the Village of New Auburn.

**(7) Well Filling-and-Sealing Procedures**

**a.** All wells abandoned under the jurisdiction of this ordinance shall be filled-and-sealed according to the procedures of s. NR 812.26, Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

**b.** All well filling-and-sealing under jurisdiction of this ordinance shall be performed by, or under the supervision of, a Certified Water System Operator employed by the



Village of New Auburn, or by a Wisconsin licensed Well Driller or Pump Installer, per s. 280.30 Wisconsin Statutes.

**c.** The owner of the well, or the owner's agent, shall notify the Clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well shall be observed or verified by personnel of the Village of New Auburn.

**d.** A well filling-and-sealing report form DNR#3300-005 supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.

**(8) Penalties.** Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$10.00 nor more than \$200.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violations, the Village of New Auburn may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

**Section 2:** This amendment to existing ordinances shall be effective upon passage and publication as provided by Law.

of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

(8) That the Village of New Auburn adopts by reference the State Plumbing Code of Wisconsin, Wisconsin Administrative Code.

**(14) WELL ABANDONMENT ORDINANCE**

**(A) PREAMBLE**

WHEREAS, Ch. NR 111, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or noncomplying wells located on the premises serviced by their system, by local ordinance or water utility rule to prevent such wells as acting as channels for contamination or vertical movement of water and to eliminate all existing cross connections and prevent all future cross connections.

NOW THEREFORE, the Village of New Auburn of Chippewa and/or Barron County, Wisconsin, does ordain as follows:

(1) **Purpose.** To prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross connected to the municipal water system, are properly abandoned.

(2) **Applicability.** This ordinance applies to all wells located on premises served by the Village of New Auburn municipal water system.

**(3) Definitions**

a. "Municipal water system" means a system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in s. 49.10(12)(f)1, Wisconsin Statutes, or a privately owned water utility serving any of the above.

b. "Noncomplying" means a well or pump installation which does not comply with the provisions of Ch. NR 112, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

c. "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

*Replaced with Ordinance 2017-02*

*Replaced with  
Ordinance  
2017-02*

d. "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Ch. NR 109 or 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

e. "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.

f. "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

g. "Well Abandonment" means the filling and sealing of a well according to the provisions of Ch. NR 112, Wisconsin Administrative Code.

(4) **Abandonment Required.** All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this ordinance and Ch. NR 112, Wisconsin Administration Code no later than 1 year from the date of connection to the municipal water system whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village of New Auburn.

(5) **Well Operation Permit.** The Village of New Auburn may grant a permit to a private well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Village of New Auburn, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. The following conditions must be met for issuance or renewal of a well operation permit:

a. The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 112, Wisconsin Administrative Code.

b. The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least 2 samplings taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.

c. There are no cross connections between the well and pump installation and the municipal water system, and

Replaced  
with Ord 2017-02

d. The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

(6) No new wells may be drilled in the Village of New Auburn if the premises are served by the Municipal Water System of the Village of New Auburn.

(7) **Abandonment Procedures**

a. All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of Ch. NR 112, Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

b. The owner of the well, or the owner's agent, shall notify the Clerk at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Village of New Auburn.

c. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 10 days of the completion of the well abandonment.

(8) **Penalties.** Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$10.00 nor more than \$200.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 10 days after receiving written notice of the violations, the Village of New Auburn may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

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(15) **DAMAGE RECOVERY.** The Utility shall have the right of recovery from all persons, of any expense incurred by said Utility for the repair or replacement of any water pipe, curb stop, gate valve, hydrant, or valve box damaged in any manner by any person by the performance of any work under their control, or by any negligent act. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by them and the Utility will not be responsible for the damage due the motor vehicle by reason of such accident.

(16) **PENALTIES.** Any person who shall violate any of the provisions of this ordinance or rules or regulations of the Village of New Auburn; or who shall connect a service pipe without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other

materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$10 nor more than \$200 and the costs of prosecution.

**(17) CHARGES ARE A LIEN ON PROPERTY.** All water services, charges and special assessments shall be a lien on a lot, part of a lot, or land on which water services were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the Village Clerk to be placed on the tax roll for collection as provided by Section 66.069(1) of Wisconsin Statutes.

**(18) ADOPTION OF OTHER RULES.** There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor and Human Relations; and the Department of Natural Resources of the State of Wisconsin as the same are amended from time-to-time, insofar as the same are applicable to the Village of New Auburn.

**(19) SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Village Board hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, and phrase be declared unconstitutional.

#### **15.04 SEWER UTILITY CREATION - RULES AND REGULATIONS**

##### **(1) MAINTENANCE OF SERVICES**

**(A)** The utility shall maintain sewer service within the limits of the Village from street main to the property line and including all controls between the same, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner in which case they will be repaired at the expense of the property owner. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

**(B)** For purposes of allocating maintenance responsibility under subsection (A), in the event maintenance is required to the lateral between the sewer main and the building or dwelling, the property owner shall have the duty to determine and ascertain to a reasonable degree of certainty whether the maintenance or repair is required on the Village's side of the property line or the owner's side of the property. After said determination is made, the maintenance or repairs shall be remedied in accordance with subsection (A).

(2) **IMPROPER USE**

(A) It shall be unlawful for any person to willfully injure the sewer system, or any building, machinery, or fixture, pertaining thereto; or, to willfully and without authority of the Village, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying, or collecting sewage.

(3) **DAMAGE RECOVERY**. The system shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control, or by any negligent act.

(4) **PENALTIES**. Any person who shall violate any of the provisions of this ordinance or rules or regulations of the Village Board of the Village of New Auburn; or who shall connect a service pipe without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 and the costs of prosecution.

(5) **VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE**. Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the system must be notified in writing. The owner of the premises shall be liable for any damages to the property or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

(6) **CHARGES ARE A LIEN ON PROPERTY**. All sewer services, charges and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October of any year, shall be certified to the Village Treasurer to be placed on the tax roll for collection as provided by Wisconsin Statutes, including 66.069 Wis. Stats. and 66.076(7) Wis. Stats.

(7) **UNIT OF SERVICE DEFINITION**. A unit of service shall consist of any residential, commercial, industrial, or charitable aggregation of space or area occupied for a distinct purpose such as a residence, store, office, industrial plant, church, or school. Each unit of service shall be regarded as one consumer. If there are five (5) or more suites or apartments in the aggregation of space, each suit or apartment shall be classified as a unit of service for purposes of determining the UCF. In mobile home parks, each mobile home unit within the park will be considered as a separate unit of service, for purposes of determining the UCF. When a consumer's premises has several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the Village shall set a separate rate for such complex.

(8) **ADOPTION OF OTHER RULES.** There is hereby adopted all the rules and regulations of the State Plumbing and State Building code and the building rules of the Department of Industry, Labor and Human Relations; and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the Village of New Auburn. All extensions of the system will comply with administrative rules NR 108 and NR 110 of the Department of Natural Resources.

15.04(8)(A) Created # 16-04 TID charge (see next pg)

(9) **SEVERABILITY.** If any section, subsection, sentence, clause or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Village Board hereby declares that it would have passed this ordinance and section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause, and phrase be declared unconstitutional.

#### **15.05 SERVICE BILLING AND CONNECTIONS**

(1) **BILLING.** All charges and procedures for furnishing water and meter rental and collecting the same shall be as set forth in the pertinent rate schedules and orders approved by the Public Service Commission, which current schedules and orders shall be available for inspection in the Village Clerk's office.

(2) **SERVICE CONNECTIONS.** Any person desiring the service of a Utility shall make application and pay fee therefor upon forms provided by the Utility. Upon the payment of a fee of \$1.00 and Village approval, the Clerk shall issue the permit. For sewer and water connections, the permit shall show the location of the tap and such other information as may be necessary to properly record the location of the tap. All connections shall be inspected by the Village Board's designee and the permit returned to the Clerk for filing. Connection charges for such utility shall be determined by the Village Board by resolution or order as set forth in the Public Service Commission rate order.

**15.06 METERS.** All persons taking water from the Village system shall receive the same through a meter installed and paid for by the Village of New Auburn. All meters shall be placed and connected by the Water Utility and the owner of the premises shall pay the standard price fixed by the Public Utilities Commission for such connection. All meters shall be placed in the basement of the building where the service enters the same. Where there is no basement, the meter must be placed indoors to prevent freezing.

**15.07 FIRE HYDRANTS.** All fire hydrants shall be under the control of the Village Board who shall be responsible for their condition. No person in the Village shall be permitted to use or take any water from any public hydrant for private use unless such person shall have first received a permit signed by the Village Board permitting the use of water from the hydrant for that purpose.

**#16-04**  
**ORDINANCE OF THE VILLAGE OF NEW AUBURN**  
**TO CREATE SECTION 15.04(8)(A)**  
**TAX INCREMENTAL DISTRICT CHARGE**  
**WITH RESPECT TO SEWER UTILITY CREATION –ADOPTION OF OTHER RULES**

The Village Board of the Village of New Auburn, do hereby ordain as follows:

**Section 1:** Village of New Auburn Ordinance Section 15.04(8)(A) is hereby created and shall read as follows:

**15.04(8)(A) Tax Incremental District Charge**

(1) A Tax Incremental District (“TID”) charge is hereby imposed upon the Village for the costs of the East St. Lift Station (“the Project”) which are allocable to improvements undertaken which benefit the Village Tax Incremental District No. 1. The charge imposed upon the Village and allocable to Tax Incremental District No. 1 for the Project is 100% of the total principal and interest payments plus the debt coverage requirements of the loan to construct the Project. The estimated maximum annual charge for said project is expected to be \$15,000. This utility charge may be modified by paragraph (2) of this section.

(2) Additional TID charge: An additional TID Charge is hereby imposed under the following conditions: If the life of the loan for a project exceeds the legal life of the Village TID No. 1, the Village reserves the right to charge said TID, during the life of the TID, for payments which will become due and payable after the TID has expired, for principal and interest payments allocable to the project.

(3) Billing TID: The TID charge shall be billed to the Village semi-annually, approximately six weeks prior to the debt service date(s). The payment shall be made from the TID within twenty days of billing to the New Auburn Municipal Sewer Utility. This obligation shall only apply to the debt costs incurred and due for the Project. Upon final debt service payment by the sewer utility for the Project then this ordinance Section 15.04(8)(A) shall be repealed.

**Section 2: Severability.**

If any provision of this Ordinance is found invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

**Section 3:** This amendment to existing ordinances shall be effective upon passage and publication as provided by Law.



**15.08 PLUMBING.** All plumbing and all connections to the sanitary sewer system, and all rain water connections to the Village of New Auburn Sanitary Sewer System, including roof drains, cistern overflows, building foundation drains, and all other types of connections, shall conform to the Wisconsin State Plumbing Code which is hereby made by reference a part of this chapter.

**15.09 LIABILITY.** The Village shall not be liable for any disruption of water or sewer service.

**15.10 GAS UTILITY REGULATIONS.** Every gas utility operating in the Village of New Auburn shall comply with Chapter PSC135, Wisconsin Administrative Code, which is adopted by reference and made a part of this chapter.

**15.11 GRANTING PERMISSION TO NORTHERN STATES POWER CO. AND TO CHIPPEWA VALLEY ELECTRIC COOPERATIVE**

(1) The Village of New Auburn, Chippewa and/or Barron County, Wisconsin, does hereby grant to Northern States Power Company and to Chippewa Valley Electric Cooperative certain Franchises and Easements for electric utility purposes. Such Franchise and Easements for utilities are set forth in Appendix N.

(2) There is also granted to said grantee its successors and assigns, permission and authority to trim all trees and shrubs in the streets, alleys and public grounds of said Village interfering with the proper erection and maintenance of any poles, cables, wires, or any other fixtures or appliances installed or to be installed in pursuance of the authority hereby granted, provided, that said grantee shall keep said Village harmless from any liability, cost, or damage, by reason of the authority hereby granted in this Section.

(3) The grantee agrees to furnish twenty four (24) hour electrical service in conformity with the rules, regulations and standards of the Railroad Commission of the State of Wisconsin and distribute electrical energy to public and private consumers within the corporate limits of the Village at rates to be established from time-to-time by the Railroad Commission of Wisconsin.

(4) The grantee shall have full right and authority to assign to any person, firm, or corporation all the rights conferred upon it by this ordinance provided that the assignee of such rights, by accepting to the terms and provisions of this ordinance.

**15.12 GRANTING PERMISSION TO NATURAL GAS DISTRIBUTORS, INC.**

(1) The Village of New Auburn does hereby grant to Natural Gas Distributors, Inc., a corporation organized and existing under the laws of the State of Wisconsin, its successors and assigns, upon the conditions hereinafter set forth, the exclusive right, authority and permission to construct, maintain, operate, enlarge and repair in said Village a system for the furnishing and distribution of gas and gaseous fuels, and to use the streets, alleys, lanes, boulevards, parks, public ways, public grounds and bridges in said Village for constructing, maintaining, operating, enlarging and repairing its transmission and distribution pipe lines with all the necessary, usual or convenient manholes, valves, passageways and appurtenances for the purpose of supplying and selling gas and gaseous fuels to said Village and its inhabitants and to any building, structure, factory, processing plant, industry or public or private house or other gas user therein.

(2) Provided, however, that this franchise is granted subject to such reasonable rules and regulations as the Village Board of said Village may by ordinance from time-to-time prescribe, and is further subject to all general provisions of statutory laws in force and applicable thereto, and to the legal orders, rules and regulations of the Public Service Commission of Wisconsin, and to such reasonable rules and regulations respecting the use of said streets, highways, public ways, alleys and bridges, and the construction, maintenance and operation of such gas and transmitting system as the public bodies of the State of Wisconsin, having authority under the law, may from time-to-time enact.

**15.13 PENALTY.** Any person who shall violate any provision of this chapter or rules, regulations, or orders adopted hereunder for which a specific penalty is not adopted, shall be subject to the penalty provided in Section 1.05 of this code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this chapter.

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**CHAPTER 16****BUILDINGS REGULATIONS****16.01 BUILDING REGULATIONS****(1) APPLICABILITY OF BUILDING REGULATIONS****(A) One and two family dwellings, the initial construction of which was commenced after December 1, 1978**

The Village of New Auburn, being under 2,500 in population, pursuant to Chapter 101 Wis. Stats. elects not to enforce the One and Two Family Dwelling Code, and is a "non-enforcing municipality" under Section 101, Wis. Stats. As such, the "standard" one and two family building permit will not be required by the Village, but the "administrative" permit for one and two family dwellings as required by the Department of Industry, Labor and Human Relations must be obtained.

While individuals contracting for remodeling or revising one and two family dwellings remain subject to Chapter 101, Wis. Stats., and are subject to construction standard mandated by the State of Wisconsin, the Village does not enforce such standards or perform inspections for such construction standards.

In addition to the administrative permit required by the State of Wisconsin, the Village requires a local building permit to facilitate enforcement of zoning laws, laws requiring connection to municipal water and sewer systems, laws regulating sidewalks and driveway openings, and other laws not related to construction standards (which are preempted by State regulation in Chapter 101 Wis. Stats.).

**(B) One and two family dwellings, the initial construction of which was commenced on or before December 1, 1978**

For one and two family dwellings, any remodeling, revision, or additions to such structures are not subject to Chapter 101 Wisconsin Statutes; but are required to obtain a local permit from the Village of New Auburn. If the Department of Industry, Labor and Human Relations should require an administrative permit for such pre-December 1, 1978 dwellings, the administrative permit will also be required.

**(C) Public Buildings, Public Structures and Places of Employment.**

For public buildings, public structures and places of employment, a local permit is required. Pursuant to Section 101.12(h) Wis. Stats., a local permit cannot be granted until the applicant shows that required drawings and calculations have been examined by the Department of Industry, Labor and Human Relations.

**(D) All Other Buildings**

All other buildings are subject to this ordinance, unless jurisdiction to regulate is specifically reserved by State Statute or Federal Law.

**16.02 BUILDING PERMITS****(1) Building Permits Issued By Building Inspector**

Building permits for the Village of New Auburn shall be issued by the Building Inspector.

The Building Inspector shall be appointed in the same manner as committee appointments.

**(A) One and two family dwellings, the initial construction of which was commenced after December 1, 1978**

Any remodeling, revision, or additions to such structures are subject to Chapter 101 Wisconsin Statutes. As such, they are subject to construction standards mandated by the State. The Village does not enforce such standards or perform inspections for such construction standards. As such, the Village is a "non-enforcing" municipality. However, an administrative building permit is required for one and two family dwellings. Also, a Village building permit is required for all construction to facilitate enforcement of zoning laws, laws regarding private sewage systems ( Section 66.036) Wis. Stats. laws requiring connection to municipal water and sewer systems, laws regulating sidewalks and driveway openings, and other laws not related to construction standards.

**(B) Enforcement of Building Regulations.** The Building Inspector shall enforce the provisions of this chapter and all ordinances of the Village of New Auburn.

(C) **Deputy Inspectors.** The Building Inspector may appoint, subject to approval of the Village Board, one or more village employees or officials as Deputy Building Inspectors, and may delegate to them the powers and duties of his office. No such appointment shall carry with it an increase in salary or wages unless specifically authorized by the Village Board.

(D) **Access to Premises.** The Building Inspector and his subordinates may at all reasonable times, for any proper purpose, enter upon any public or private premises and may make inspection thereof and require the production of the permit for any building or the required license therefore.

(E) **Interference With Inspector:** No person shall interfere with the Building Inspector or his representatives in the performance of their duties.

(F) **Records:** The Building Inspector shall keep a record of all applications for buildings permits in a book for such purpose, and regularly number each permit in the order of its issue.

### **16.03      DEFINITIONS**

(1) The term "building" as used in this chapter shall include any building or structure; any enlargement, alteration, repairing, moving or demolishing of any building or structure, any new heating or ventilating installation or any material alteration at any of such existing installations and includes portable structures such as semi-trailers and milk truck boxes converted into building use.

(2) The term "dwelling" includes every building occupied exclusively as a residence by not more than two families.

**16.04      PERMIT REQUIRED.** No building or structure or any part thereof shall hereafter be built, enlarged, improved, altered, or moved within the Village, except as hereinafter provided, unless a permit required by this code shall first be obtained by the owner or his agent from the Building Inspector as provided in this chapter.

**16.05      PLANS TO BE SUBMITTED.** With each application for a building permit, there shall be submitted to the Building Inspector, a complete set of plans and specifications furnished by the owner, including a situation plan showing the location of the proposed building. Drawings that do not show all necessary details to enable the Building Inspector to intelligently inspect the same shall be rejected. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the Department of Industry, Labor and Human Relations. Prior to

submission of an application for a building permit, each lot or site on which the proposed building is to be erected shall be properly surveyed and staked by a certified surveyor, if a survey is specifically demanded by the Building Inspector.

**16.06**        **WAIVER OF PLANS.** If in the opinion of the Building Inspector the character of the work is sufficiently described in the application, he may waive the filing of plans, provided the cost of such work does not exceed \$5,000.00.

**16.07**        **APPROVAL OF PLANS: ALTERATIONS.** If the Building Inspector finds that the proposed building will comply in every respect with all ordinances of the Village and all laws and lawful orders of the State (except 101.65 and code provisions relating thereto) and the applicant has any required permits for private domestic sewage treatment and disposal systems from the pertinent county zoning office (66.036 Wis. Stats.), he shall officially approve and stamp one set of the plans and return them to the owner and shall issue a building permit therefore, which shall be kept at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves the safety of the building, except with a written consent of the Building Inspector. In case adequate plans are presented, the Building Inspector may at his discretion issue a permit for a part of the building before receiving the plans and specifications for the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued.

**16.08**        **MINOR REPAIRS.** No building permit shall be required for any minor repair or alterations which do not change the occupancy, area, structural strength, fire protection, exits, or ventilation of the building and which costs less than \$2,000.00.

**16.09**        **UNSAFE BUILDINGS.** Whenever the Building Inspector finds any building or part thereof within the Village to be in his judgment so old, dilapidated or so out of repair to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy, or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze or remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceeding shall be as provided in Section 66.05 of the Wisconsin Statutes.

**16.10**        **APPLICATIONS FOR PERMITS.** All applications for building permits shall be in writing and filed with the Building Inspector on forms furnished by him. Each application shall contain the following information as well as such other information

as may be required by the Inspector.

(1) **BUILDING PERMIT APPLICATIONS.** Each application for a building permit shall state the name and address of the applicant, the name and address of the owner of the land on which the building is situated or is to be constructed, the name and address of the owner of the building, if different from that of the land owner, the legal description of the land and the name and address of the designer. Plans required under Section 16.05 shall be submitted with each application.

(2) **ADMINISTRATIVE ONE AND TWO FAMILY DWELLING PERMIT APPLICATIONS.** Each application for a permit required by this chapter shall state clearly the name and address of the applicant, the address of the premises, the nature of the work planned, the alterations to be made thereon, and the materials and equipment to be used, as requested by the Building Inspector. The application shall be accompanied by a plan or sketch showing the detailed work to be done. The administrative permit used shall be in the form required by the Department of Industry, Labor and Human Relations from time-to-time.

**16.11 PERMIT FEES.** Each applicant for a building permit shall pay to the Village Treasurer a fee of \$10.00. Fees shall be noted in Appendix E.

## **16.12 ISSUANCE OF PERMITS**

(1) Upon approval by the Building Inspector of the application and upon compliance by the applicant with all requirements and payment of the required fee, a permit shall be issued by the Inspector to the owner or his agent for the work set forth in the application.

(2) The Building Inspector may not issue a building permit for the remodeling, replacement or reconstruction of a mobile home such that the mobile home will become a permanent residence, but shall transmit the application to the Village Board with his recommendations regarding issuance thereon. The Village Board shall determine whether or not such permit shall be issued. If the Village Board decides to issue such permit, it may issue the permit subject to conditions which will ensure the safety, permanence, and residential character of the proposed reconstruction.

**16.13 LAPSE OF PERMIT.** A building permit shall have lapsed and be void within 6 months unless substantial work has commenced or within 18 months after issuance of the permit if the structure for which a permit is issued is not substantially completed unless a re-application for building permit and new permit is issued. Cross Reference Zoning Section 22.26(2)(E).



**16.14**        **REVOCAION OF PERMIT.** If the Building Inspector shall find at any time that the sections of this code are not being complied with, he shall revoke the building permit by written notice posted at the site of work. When any such permit is revoked, it shall be unlawful to do any further work upon such building until the permit is reissued, excepting work as the Building Inspector shall order to be done as a condition precedent to the reissuance of the permit, or as he may require for the preservation of human life and safety.

**16.15**        **REPORT OF VIOLATIONS.** It shall be the duty of the Village Marshal to report at once to the Building Inspector any building work being carried on without a permit as required by this chapter.

**16.16**        **GAS APPLIANCES AND INSTALLATIONS**

**(1)**        **SALE OF APPLIANCES**

**(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 an 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 models 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 in their manual entitled "Installation of Gas Appliances and Gas Piping" 1969 edition (as amended, updated or replaced) shall be considered prima facie as conforming to reasonable standards of safety.

**(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 services 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 connecting an appliance or making repairs.

(D) 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 appliances in quantities that will assure reasonably safe and uninterrupted operation.

**(3) ENFORCEMENT**

(A) No person shall sell or offer for sale or install any gas appliance or accessories or gas piping system if the same when installed for use would be in violation of any of the provisions of this section or would be unsafe or dangerous.

(B) The Building Inspector may disconnect or order disconnection of any gas appliance, accessory or gas piping which does not conform to the requirements of this section on 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 that it has been disconnected and the reasons therefore, and such notice shall not be removed nor shall the appliance, accessory or gas piping be reconnected until it shall have been made to conform with the requirements of this section and its reconnection has been authorized by the Building Inspector.

**16.17 APPEAL FROM ORDER OF BUILDING INSPECTOR.** Any person feeling himself aggrieved by an order or ruling of the Building Inspector may file a written appeal from such order or ruling to the Village Board within five days after written notice of such order or ruling shall have been received by him. Such appeal shall set forth the order appealed from and shall be filed with the Village Clerk. The notice of appeal shall state clearly and briefly the grounds of complaint and be accompanied by originals or copies of all papers and drawings submitted to the Inspector as well as all decisions, notices, or orders issued by him. Upon the hearing of the appeal, the Village Board shall make such decision and disposal of the matter as it deems just. Where a situation requires an immediate decision, that of the Building Inspector shall be final and conclusive.

**16.18**        **NON-LIABILITY OF THE VILLAGE.** This chapter shall not be construed as assuming any liability on the part of the Village for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any gas appliance or installation, or by reason of any inspections made or not made, or permits issued.

**16.19**        **PENALTIES.** Any person who violates any provisions of this chapter shall be subject to a forfeiture as prescribed in Section 1.05 of this code. Each day of violation shall constitute a separate offense. In any such action, the fact that a permit was issued shall not constitute a defense nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense.

**VILLAGE OF NEW AUBURN**  
**Barron & Chippewa Counties, Wisconsin**

**ORDINANCE 2022-04**

**An Ordinance Creating 16.20 of the New Auburn Code of Ordinances Relating to Electrical Code and Inspections**

The Village Board of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Chapter 16, Section 20 of the Village of New Auburn code of ordinances is hereby created as follows:

**“16.20 ELECTRICAL CODE AND INSPECTIONS**

- (1) Purpose**           The object and purpose of this Section is to safeguard persons and property from hazards arising from the use of electrical energy by establishing minimum standards for the installation and maintenance of electrical equipment.
- (2) Authority**        The Village of New Auburn is exercising jurisdiction over the electrical wiring and inspections in the municipality pursuant to Wis. Stat. § 101.86(1).
- (3) State code and regulations adopted**           All electrical work, including installations and alterations, shall conform to Ch. SPS 316, Wis. Admin. Code, and appropriate rules and regulations of the public service commission, which are by reference made a part of this Section. A copy of the electrical code shall be kept on file in the office of the building inspector. Wisconsin Public Service Commission rules and regulations shall be on file in the office of the building inspector.
- (4) Electrical Inspector**    The Village of New Auburn shall designate and appoint an Electrical Inspection Agency to provide Electrical Inspector(s) who shall administer and enforce this ordinance and shall be certified by the State as an Electrical Inspector, as specified by Wisconsin Statutes and administrative codes.
- (5) Electrical Permit and Inspection Fees**    The Village of New Auburn shall approve the designated Electrical Inspection Agency’s fees.
- (6) Permit**            No electrical wiring or other equipment shall be installed or altered without first securing a permit therefor from the electrical inspector, except repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the electrical inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used and all later deviations from such plans shall be submitted to and approved by the electrical inspector.
- (7) Fees**            Fees shall be approved by the Village Board and kept on file with the Village Clerk-Treasurer.

(A) A permit fee schedule shall be kept on file at the office of the Village Clerk-Treasurer. Payment of fees shall be prerequisite to issuance of a building permit.

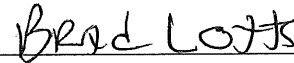
- (8) Inspection of work** After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person doing such work shall notify the electrical inspector who shall at once inspect the same. Upon completion of such wiring, the inspector shall be notified and shall inspect the finished work. Failure to notify the electrical inspector shall constitute a violation. No electrical equipment shall be used, except for temporary emergency use, until approved by the electrical inspector. If no inspection is made within forty-eight (48) hours, exclusive of holidays, Saturdays and Sundays, after notification, construction may be completed, and the wiring covered up.
- (9) Electrical License or Registration Required** All electrical contractors must be licensed by the State of Wisconsin, per Ch. SPS 305, Wis. Admin. Code, and must provide the Village of New Auburn with proof of such state license prior to the commencement of any electrical work within the Village.
- (10) Electrical Contractors – State Certification Required** All electricians engaged in the business of installing, altering, or repairing any electrical wiring, fixtures, or apparatus within the Village of New Auburn must hold a license or certification as a licensed electrical contractor by the State of Wisconsin, per Ch. SPS 305.41, Wis. Admin. Code, and provide the Village with proof of such state certification prior to the commencement of any electrical work within the Village.
- (11) Affidavit requirement** All qualified electricians, electrical firms, or electrical contractors performing any installation or alteration of electrical systems shall, upon completion of the work, file an affidavit certifying that the work was performed by a qualified, licensed electrician and that the work completed conforms to Wisconsin State Electrical Code, the Wisconsin Public Service Commission Utility Service Rules, and to the Village's ordinances.
- (12) Inspections**
- (A) Dangerous Wires or Equipment. Whenever the electrical inspector finds wires or equipment in a dangerous condition or so placed as to interfere with the work of the fire department, he or she may order the persons using or operating the same to place them in a safe and non-interfering condition within forty-eight (48) hours and on failure to comply with such order or direction, the inspector shall order such wires disconnected. Failure to comply with such orders shall constitute a violation of this section. Any person who resists or obstructs any lawful exercise of authority by the inspector shall be subject to the penalty provided in this section.
- (B) Right of Entry. The electrical inspector shall have the authority to enter any building or premises at any reasonable hour in the discharge of his or her duties. He or she shall also have the authority to enter any building used in whole or in part for the purpose of public assemblage when occupied by the public or at any time in order to examine electrical equipment in such building.
- (13) Penalties** Upon failure to meet the orders to correct in the timeframe given, the Electrical Inspection Agency can terminate the current electrical permit and/or impose forfeitures

of up to one thousand (\$1,000.00) dollars for each day of noncompliance and/or submit for injunctive action by the Village.

- (14) **Interpretation** This section shall not be construed to relieve or lessen the responsibility or liability of any person supplying electricity to or selling, renting, leasing, owning, using, operating, controlling, installing, altering, repairing, removing, replacing, disturbing, connecting, disconnecting or maintaining any electrical equipment for damage to persons or property caused by any defect therein or therefrom; nor by reason of the issuance of or revocation of any permit or the inspection or reinspection authorized by this section or by reason of the approval or disapproval of any electrical equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, information or schedules authorized in this section. Nor shall the Village be held liable for any damages resulting from the enforcement of this section. Any act done by any person appointed to carry out the duties or obligations under this section or their representatives shall be given the same rights, immunities and privileges as the Village.”

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Adopted this 14<sup>th</sup> day of April, 2022.



Brad Lotts, Village President

ATTEST:



Ardith Story, Clerk-Treasurer

**VILLAGE OF NEW AUBURN**  
**Barron & Chippewa Counties, Wisconsin**

**Ordinance 2022-08**

**An Ordinance Creating Section 16.20 of the New Auburn Code of Ordinances**

The Village Board of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Section 16.20 of the Village of New Auburn Code of Ordinances is hereby created to read as follows:

**(1) AUTHORITY**

These regulations are adopted under the authority granted by Wis. Stat. § 101.65.

**(2) PURPOSE**

The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administration and technical requirements of the Wisconsin Uniform Dwelling Code.

**(3) SCOPE**

The scope of this ordinance includes the construction and inspection of one-and-two family dwellings built since June 1, 1980 and additions thereto, and also establishes standards for the construction and inspection of camping units set in a fixed location in a campground licensed by the Department of Health Services (DHS) under Wis. Stat. § 254.47 [s. 97.67], that contain a sleeping place, and are used for seasonal overnight camping. Wis. Admin. Code § SPS 327.08(9) defines a Camping Unit as a framed structure or a tent, teepee, yurt, or other structure with fabric roof or walls that is 400 square feet or less in area, which is used for seasonal overnight camping in a campground. Wis. Admin. Code Ch. SPS 327 applies only to the construction of new Camping Units built on or after the effective date of this Section 16.20.

Notwithstanding Wis. Admin. Code § SPS 320.05, the scope also includes the construction and inspection of alterations and additions to one-and-two family dwellings built before June 1, 1980. Because construction and inspection of alterations and additions to one-and-two family dwellings built before June 1, 1980 are not under state jurisdiction, petitions for variance and final appeals under Wis. Admin. Code § SPS 320.19 and 320.21, respectively, shall be decided by the Village Zoning Board of Appeals. Petitions for variance shall be decided per Wis. Admin. Code § SPS 320.19 (intro) so that equivalency is maintained to the intent of the role being petitioned.

The scope also includes provision for inspection of non-compliant and/or unsafe housing and issuance of consecutive action orders.

**(4) WISCONSIN UNIFORM DWELLING CODE ADOPTED**

The Wisconsin Uniform Dwelling Code, Chapters SPS 320-325 & 327 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

**(5) BUILDING INSPECTOR**

There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, §IO1.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing

**(6) CONTROL OVER INCONSISTENT PROVISIONS OF ORDINANCES**

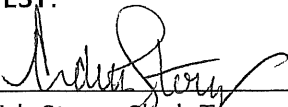
This Section 16.20 shall control over any inconsistent provisions contained within the Village of New Auburn Code of Ordinances.

Section Two: Any provision of the Village of New Auburn Code of Ordinances inconsistent with Section 16.20 of the Village of New Auburn Code of Ordinances is hereby repealed.

Section Three. This Ordinance shall take effect upon its adoption and publication as required by law.

Adopted this 12<sup>th</sup> day of May, 2022.  
Published this 18<sup>th</sup> day of May, 2022.  
25<sup>th</sup>

  
\_\_\_\_\_  
Brad Lotts, Village President

**ATTEST:**  
  
\_\_\_\_\_  
Ardith Story, Clerk-Treasurer



**CHAPTER 17****LAND SUBDIVISION AND REGULATIONS**

**17.01 INTRODUCTION AND PURPOSE.** The purpose of this ordinance is to regulate and control the division of land within the corporate limits of the Village of New Auburn in order to promote the public health, safety and general welfare of the community.

**17.02 DEFINITIONS.** For the purpose of these regulations, certain words used herein are defined as follows:

(1) **SUBDIVISION.** The term subdivision means the division of a lot, parcel or tract of land by the owners thereof or their agents for the purpose of sale or of building development, where:

(A) The act of division creates five or more parcels or building sites of one and one-half acres each or less in area; or

(B) The act of division creates five or more parcels or building sites of one and one-half acres each or less in area by successive divisions within a period of five years.

(2) **EXTRA-TERRITORIAL PLAT APPROVAL JURISDICTION.** This is the unincorporated area within 1-1/2 miles of the corporate limits of the Village of New Auburn.

(3) **LOT DIVISION.** The term lot division means the division of a parcel of land into two lots or parcels any one of which is less than three acres in area for the purpose of sale or building development.

(4) **STREET.** The term street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

(5) **MAJOR STREETS AND HIGHWAYS.** The term major streets and highways means those streets which are used primarily for fast or heavy through traffic.

(6) **COLLECTOR STREETS.** The term collector streets means those streets which carry traffic from minor streets to the major system of major streets and

highways and includes the principal entrance streets to residential developments and streets for circulation within such development.

(7) **MINOR STREETS**. The term minor streets means those streets which are used primarily for access to abutting properties.

(8) **MARGINAL ACCESS STREETS**. The term marginal access streets means those streets which are parallel and adjacent to major streets and highways and which provide access to abutting properties and protection from through traffic. These could also be called "Frontage Streets".

(9) **ALLEYS**. The term alleys means those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on a street.

(10) **MASTER PLAN**. The comprehensive plan for guiding and shaping the growth and development of the New Auburn community, including all of its component parts as set forth in the various maps, plats, charts, and descriptive and explanatory matter.

(11) **OFFICIAL MAP**. The map indicating the location, width, and/or extent of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Village Board pursuant to Section 62.23 of the Wisconsin Statutes.

(12) **SUBDIVIDER**. Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and including any agent of the subdivider.

(13) **DWELLING UNIT**. A self-contained place of residence, comprising the usual kitchen, bath and sleeping facilities.

(14) **OTHER**. All other pertinent terms shall be as defined in the Zoning Code of the Village of New Auburn and in Chapter 236 of the Wisconsin Statutes.

### 17.03 **GENERAL REQUIREMENTS**

(1) **SUBDIVISIONS**. No person, firm or corporation shall divide any land located within the corporate limits of the Village of New Auburn or within the extra-territorial plat approval jurisdiction thereof which shall result in a subdivision as defined

herein without complying with the provisions of Chapter 236 of the Wisconsin Statutes and the requirements of this ordinance.

(2) **REQUIREMENTS.** The proposed subdivision shall conform to:

(A) The provisions of Chapter 236, Wisconsin Statutes.

(B) All applicable ordinances of the Village.

(C) The Master Plan and Official Map or any portion thereof.

(D) The rules of the State of Wisconsin Department of Industry Labor and Human Relations relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made.

(E) The rules of the State of Wisconsin Department of Transportation, Division of Highways relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.

(3) **SPECIFIC CONDITIONS**

(A) Whenever a subdivision embraces any street, alley, easement, water course or greenway designated in the Master Plan or Official Map of the Village of New Auburn, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at the width indicated.

(B) Where any drainage easement or utility easement is in existence or required, the developer shall include the limits of such easement on the final plat.

(C) For subdivisions and lot division, lot sizes shall conform to the area and width requirements of the Zoning Ordinance. In Commercial and Industrial districts where the Village Board deems that the minimum width and area requirements under the zoning ordinance should be enlarged due to the proposed use and development contemplated, the Village Board shall consider the factors relating to the health, safety, welfare and general aesthetics of the area platted and the community generally.

(D) A lot grading plan for the entire subdivision shall be submitted with the preliminary plat application.

(4) **EXCEPTIONS.** The provisions of this ordinance shall not apply to:

(A) Transfers of interests in the land by will or pursuant to court order.

(B) Leases for a term not to exceed 10 years, mortgages or easements.

(C) Sale or exchange of parcels of land between owners of adjoining properties, if additional lots are not thereby created, and if the resulting lots are not reduced below the minimum sizes required by Chapter 236, Wisconsin Statutes, or any ordinance of the Village of New Auburn.

**17.04 PROCEDURE FOR SUBDIVIDING.** In planning and developing a subdivision, the subdivider or his agent shall in every case pursue the following course unless excused by the Village Board.

(1) **PRE-APPLICATION PROCEDURE.** Previous to the filing of an application for approval of the preliminary plat, the subdivider may consult the Village Board and its staff for advice and assistance. This step does not require formal application, fee or filing of a plat, but is intended to informally inform the subdivider of the objectives of these regulations and the Master Plan and Official Map and to informally reach mutual conclusions regarding the general program and objectives of the development.

(2) **PRELIMINARY PLAT PROCEDURE**

(A) The subdivider shall cause to be prepared a preliminary plat and supplementary materials by a Wisconsin Registered Land Surveyor and shall file with the Village Clerk, a written application for conditional approval of said Plat, accompanied by five (5) blue-line prints, or other acceptable reproductions, at least ten days prior to the meeting of the Village Board at which action is desired.

(B) The preliminary plat shall cover the entire area owned by the subdivider even though only a small portion is proposed for development at the time. The Village Board may waive this requirement where it is unnecessary to fulfill the purpose of the ordinance and undue hardship would result from strict application thereof.

(C) Following review of the preliminary plat and other material submitted for conformity with all ordinances, administrative rules and regulations, negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Village Board within 90 days of the filing of the plat, in writing, approve, approve conditionally, or reject the plat. Such

time may be extended by agreement with the subdivider.

(D) The action of the Village Board shall be noted on 3 copies of the preliminary plat; one copy to be returned to the subdivider with the date and action endorsed thereon and if approved conditionally or rejected, the conditions or reasons therefor.

(E) Conditional approval of a preliminary plat shall not constitute approval of the final plat; rather, it shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration of the Village Board.

### **(3) FINAL PLAT PROCEDURE**

(A) The final plat, a written application for approval, and such copies thereof as shall be required by the Village Board shall be submitted to the Village Clerk within six months of approval of the preliminary plat and at least seven days prior to the meeting of the Village Board at which action is desired. The Village Board, may, however, waive compliance within the six months' time limit.

(B) The subdivider shall not submit the final plat until the approval of the State of Wisconsin as required by Section 236.12, or of such other officer or division of the State of Wisconsin as shall from time-to-time be vested with the authority to review and approve plats, shall have been first obtained. The Village Board shall approve or reject the final plat within 60 days of its submission to the Village Clerk, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be forwarded to the subdivider in writing.

(C) The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

(D) If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Village Board shall be inscribed on the original of the final plat, the surveyor, or the subdivider shall certify the respects in which the original of the plat differs from the true copy and all modifications must first be approved.

### **17.05 REQUIRED IMPROVEMENTS**

(1) **MONUMENTS**. The subdivision shall be monumented in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required

by the Village Board. The Village Board may waive the placing of monuments for a reasonable time on condition that the subdivider executes a surety bond to ensure placing of such monuments. Required block corners shall be fully encased with minimum of 4 inches of concrete and shall be set so that the top of the monument shall be at the final sidewalk elevation. If the topography is such that extensive grading is required at the block corners, the subdivider may, with permission of the Village Board, place the monuments after the grading is completed.

(2) **IMPROVEMENTS.** Unless alternative arrangements are made with the Village and such arrangements are approved by Resolution of the Village Board, before final approval of any Residential plat located within the corporate limits of the Village of New Auburn, the subdivider shall install street and utility improvements as hereinafter provided.

(A) **Water.** The subdivider shall have filed, prior to approval of the final plat, a petition with the Village Clerk petitioning the Village for installation of water mains in the plat.

(B) **Sanitary Sewer.** The subdivider shall have filed prior to approval of the final plat a petition with the Village Clerk petitioning the Village for installation of sewers in the plat. If public sewer facilities are not available, lot sizes shall be such that effective private disposal systems can be provided on the individual premises, and shall be determined on the basis of recommendations of the Village Board of New Auburn and the State of Wisconsin. Approval of Chippewa and/or Barron County must also be submitted.

(C) **Street Grading.** The subdivider shall furnish drawings which indicate the existing and proposed grades of streets shown on the plat. After review and approval of the proposed grades by the Village Board, the subdivider shall grade or cause to be graded, the full width of the right-of-way of the streets proposed to be dedicated. The bed for the roadways in the street right-of-ways shall be graded to subgrade. The subsoil condition shall be of adequate bearing value for street construction or shall be undercut and backfilled with select material.

(D) **Sidewalk Grades.** Sidewalk grades, whether sidewalks are subsequently installed or not, shall be proposed and approved by the Village Board at the same time as the street grades are proposed and approved.

(E) **Sodding or Mat-Type Seeding.** Where lot grades exceed 10%, sodding or mat-type seeding shall be required.

**(3) PAYMENTS FOR IMPROVEMENTS.** Unless alternative arrangements are made with the Village and such arrangements are approved by resolution of the Village Board, when filing a petition with the Village Clerk for the above-mentioned water main, sanitary sewer, and street improvements, the subdivider shall accompany said petitions with a certified or cashier's check for the following items:

**(A)** The estimated cost, prepared by the Village Clerk, for construction of water mains.

**(B)** The estimated cost, prepared by the Village Clerk for construction of sanitary sewer.

**(C)** The estimated cost, prepared by the Village Clerk for providing 6-inch crushed stone base for the street.

**(D)** Public sites and open spaces contributions shall be provided as hereinafter specified in these regulations.

**(4) PAYMENTS FOR IMPROVEMENTS BY CONTRACT:** The payment provisions for the installation of improvements, hereinabove set forth, shall not preclude the Village of New Auburn from entering into a contract with a subdivider or land developer for construction of the required improvements at his own expense, provided that the work is done pursuant to the requirements of these ordinances and under the supervision of the Village Board by contractor approved by the Village of New Auburn, and upon the filing with the Village Clerk of a performance bond executed by the subdivider or his contractors and a corporate surety licensed to do business in the State of Wisconsin.

## **17.06 DESIGN STANDARDS**

### **(1) STREETS AND ALLEYS**

**(A) General Requirements:** The streets shall be designed and located in relation to existing and proposed streets, to the topography, to economical utility service, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of the land to be served by such streets. The arrangements, width, grade and locations of all streets shall conform to the Official Map and Master Plan, and where applicable, the plans of any political subdivision superseding the authority of the Village of New Auburn.

**(B) Arrangement:**

(1) Major streets and highways shall be properly integrated with the existing and proposed system of major streets and highways and insofar as practicable shall be continuous and in alignment with existing planned or platted streets with which they are to connect.

(2) Collector streets shall be properly related to the mass transit system, to special traffic generating from facilities such as schools, churches and shopping centers, to population concentration and to the major streets into which they feed.

(3) Minor streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient drainage, and sewer system, and to require the minimum amount of street necessary to provide convenient safe access to abutting property.

(4) Treatment of railroad right-of-way or limited access highways. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Village Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land as for park purposes, in residential districts or for commercial or industrial purposes in other districts. Location of minor streets immediately adjacent and parallel to railroad right-of-ways shall be avoided.

(5) Protection of major streets and highways where a subdivision borders on or contains a major street or highway. The Village Board may require that marginal access streets be provided, or that the backs of lots (reversed frontage) be provided with screen planting contained in a non-access reservation along the real property line.

(C) **Alleys.** Alleys shall be provided in commercial or industrial districts for off-street loading and service access unless otherwise required by the Village Board but shall not be approved in residential districts. No dead end alleys shall be approved; nor shall any alley have its point of connection on a major thoroughfare. The width of an alley shall not be less than 30 feet.

(D) **Intersections**

(1) Streets shall intersect each other as nearly as possible at right angles, as good design and topography permit.

(2) Not more than two streets shall intersect at one point unless



approved by the Village Board.

(3) Property lines at street intersections shall not be rounded except in industrial areas or on major or collector streets when required by the Village Board.

(4) Street jogs with center line offsets of less than 125 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(E) **Street Width.** The right-of-way and roadway of all streets shall be the width specified on the Official Map or Master Plan. If no width is specified thereon, they shall be not less than the width specified below, nor more than the maximum grade also specified below:

<u>TYPE OF STREET</u>	<u>R.O.W. WIDTH</u>	<u>ROADWAY WIDTH</u>	<u>MAX. GRADE</u>
Major and Highways	120	36 x 2	4%
Collector	80	44	6%
Minor	66	40	8%
Alleys	30	24	--

(F) **Vertical Curves.** All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial and collector streets, and one-half this minimum for local streets.

(G) **Radii of Curvature.** When a continuous street centerline deflects at any one point more than 5 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Major Streets	300 feet
Collector Streets	200 feet
Minor Streets	100 feet

(H) **Tangents.** A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. On all streets at least 100 feet of tangent shall be provided between the curve and any intersection.

(I) **Cul-De-Sac or Dead End Streets.** Streets designed to have one end permanently closed shall not exceed 500 feet in length and shall terminate with a turnaround of not less than 120 feet in diameter of right-of-way and a roadway

turnaround of 94 feet in diameter.

(J) **Half Streets**. Where an existing half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider.

(K) **Reverse Strip**. There shall be no reverse strips controlling access to streets except where control of such strips is definitely placed in the Village under conditions approved by the Village Board.

(1) **Cluster Development**. The standards applicable to street right-of-way and roadway widths may be waived by consent of the Village Board for special situations such as cluster developments, where other well planned interior street systems are provided.

(2) **Easements**

a. Easements of widths deemed adequate by the Village Board for the intended purpose across lots or on rear or side lot lines shall be provided where necessary for the construction and maintenance of telephone, electric, gas, water, sanitary sewer, storm sewer and other utilities deemed necessary by the Village Board.

b. Where a subdivision is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Village Board, conforming substantially with the lines of such water course. The location, width, alignment, and improvement of such drainageway or easement shall be subject to approval of the Village Board.

(3) **Blocks**

a. The lengths, widths, and shapes of blocks shall be compatible to the planned use of the land and the type of development contemplated.

b. Facilities for distribution of electric, telephone, and gas utility services located within a subdivision shall be installed underground except where the Village Board finds that adverse soil conditions or problems of utility distribution make such installation prohibitively expensive or impractical. Transformers, junction boxes, meter points, or similar equipment may be installed upon the ground surface, if the location and utility-approved landscape screening plan therefore have been approved by the Village Board.

**(4) Lots**

- a. The size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- b. Lot dimensions shall conform to the requirements of the zoning ordinance.
- c. Residential lots, fronting on major streets and highways, shall be platted with extra depth to permit generous distances between the buildings and such traffic ways.
- d. Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 shall normally be considered as a desirable maximum for lots of 80 feet or more.
- e. Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- f. Every lot shall front or abut on a public street.
- g. Side lot lines shall be right angles to straight street lines or radii to curved street lines on which the lots face whenever possible.
- h. Corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets.
- i. In case a tract is divided into large parcels, such parcels shall be arranged as to allow the resubdivision on any such parcels into normal lots in accordance with the provisions of this ordinance.
- j. Lots shall follow municipal boundary lines rather than cross them.
- k. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

**17.07 LAND DEVELOPMENT OTHER THAN SUBDIVISION (LOT DIVISIONS)**

**(1) PROCEDURE.** The applicant for a lot or land development shall file a certified survey map with the Village Board, which shall within 40 days approve, approve conditionally, or reject the proposed lot division. The applicant shall be notified in writing of any conditions for approval or the reasons for rejection.

**(2) REQUIREMENTS**

**(A)** As a condition of approval, the Village Board may require compliance with the provisions of Section 17.03, General Requirements; Section 17.05, Required Improvements and Section 17.06, Design Standards so far as applicable.

**(B)** The survey shall be performed and the map prepared by a registered land surveyor, and shall comply with the requirements of Section 236.34, Wisconsin Statutes, which is hereby adopted by reference. In addition, the map shall show all existing buildings, watercourses, drainage ditches and other features pertinent to proper division.

**(C)** The map shall be prepared in accordance with Section 236.20(2) (a), (b), (c), (e), (f), (g), (h), (j), (k) and (l), Wisconsin Statutes. All lines shall be made on the map with non-fading black ink.

**(D)** The approval of the Village Board shall be typed, lettered or otherwise reproduced legibly on the face of the map with non-fading ink.

**(E)** The map shall include the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey. Such affidavit shall include the statement of the surveyor to the effect that he has fully complied with the requirements of this section.

**(F)** The map shall be filed by the subdivider for record with the Register of Deeds except in those cases when the proposed division lies within a duly recorded subdivision.

**17.08      SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS**

(1) Where it is not practicable to require that a final plat of a subdivision created by successive lot developments to be filed in accordance with this ordinance, the Village Board may in lieu thereof require an assessor's plat to be made under Section 236, Wisconsin Statutes, and may assess the cost thereof as provided in such section or to the subdivider.

(2) Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this ordinance to the extent that they may reasonably be applied.

**17.09      REPLATS**

(1) Whenever it is proposed to replat a recorded subdivision or any part of a recorded subdivision, the Village Board shall hold a public hearing on the proposed replat. The Village Board shall schedule the public hearing and the Village Clerk shall mail notices of the scheduled hearing thereon at least ten days prior to the time of such hearing to the owners of all properties situated within the limits of the proposed replat, and to the owners of all properties within a radius of two hundred feet of the exterior boundaries of the proposed replat.

**17.10      VARIANCES**

(1) When in judgment of the Village Board it would be inappropriate to apply literally a provision of this ordinance because the subdivision is located outside the corporate limits or because extraordinary hardships would result, it may waive or vary such provision so that substantial justice may be done and the public interest secured.

**17.11      SEVERABILITY OF PROVISIONS**

(1) If any section, subsection, sentence, clause or phrase of this chapter 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.

**17.12      REMEDIES AND PENALTIES**

(1) Failure to comply with the requirements of these regulations shall invalidate purported transfers of title at the option of the purchaser, in accordance with the provisions of Section 236.31(3) Wisconsin Statutes. Any subdivider or other person who shall violate or fail to comply with any of these regulations shall be

subject to a penalty as prescribed by Section 1.05 of this code. Building permits shall be refused or construction on all sites created in violation of these regulations, or any of them.

## CHAPTER 18

### MOBILE HOMES

**18.01 AUTHORITY.** The Village Board of the Village of New Auburn has the specific statutory authority, powers, and duties pursuant to Wisconsin Statutes 66.0435 to regulate, control, and license mobile homes and mobile home parks.

**18.02 DEFINITIONS.** As used in this ordinance, the following terms shall have the meanings hereinafter designated:

(1) **LICENSEE** means any person, firm or corporation licensed to operate and maintain a mobile home park under this ordinance.

(2) **PARK** means mobile home park.

(3) **PERSON** means any natural individual, firm, trust, partnership, association or corporation.

(4) **MOBILE HOME** is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of the assessable value of the mobile home.

A mobile home is a vehicle manufactured or assembled prior to June 15, 1976, designed to be towed as a single unit or in sections on a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet.

"Mobile home" includes a structure which has been certified and labeled as a manufactured home under 42 U.S.C. <sup>ss</sup> 5401-5426, or which has been certified and labeled as a manufactured home under <sup>ss</sup> 101.90-101.96, Wis. Stats., and Chapter ILHR of the Wisconsin Administrative Code, if the structure:

(A) Is not set upon an enclosed permanent foundation upon land owned by the mobile home owner, or

(B) is on wheels, or

(C) is not properly connected to utilities, or

(D) has tow bars, wheels or axles attached to it, or

(E) has not been installed in accordance with the manufacturer's instructions or a plan certified by a registered architect or engineer so as to ensure proper support for the structure."

A Mobile Home does not include a Manufactured Home as identified in 18.02(5).

(5) **MANUFACTURED HOME.** A "manufactured home" is a structure which has been certified and labeled as a manufactured home under 42 U.S.C. s. 5401-5426, or which has been certified and labeled as a manufactured home under s. 101.91-101.9206, Wis. Stats., and Chapter Comm. of the Wisconsin Administrative Code, and:

(A) Is designed to be used as a dwelling, and

(B) when placed on-site:

(1) is set upon an enclosed permanent foundation upon land which is owned by the manufactured home owner, and

(2) is off its wheels, and

(3) is properly connected to utilities, and

(4) is installed in accordance with the manufacturer's instructions of a plan certified by a registered architect or engineer so as to ensure proper support for the home, and

(5) has no tow bars, wheels or axles attached to it.

(C) No manufactured home which bears a label certifying approval under 42 U.S.C. s. 5401-5426 or 101.91-101.9206, Wis. Stats., shall be required to comply with any building, plumbing, heating or electrical code or any construction standards other than those promulgated under those laws. In all other respects, manufactured homes are subject to the same standards as site-built homes.



(6) **NON-DEPENDENT MOBILE HOME**. means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year-round facilities.

(7) **UNIT** means a mobile home unit.

(8) **MOBILE HOME PARK** means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. As used in this ordinance, mobile home park is limited to plots on which are located 2 or more non-dependent mobile homes.

(9) **SPACE** means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

(10) **MOBILE HOME STAND** means that part of an individual space which has been reserved and improved for the placement of one mobile home unit.

(11) **OCCUPIED AREA** means that portion of an individual mobile home space which is covered by a mobile home and its accessory structures.

(12) **PARK MANAGEMENT** means the person who owns or has charge, care or control of the mobile home park.

(13) **LOT** is a space as defined in subsection (9) of this section.

(14) **COMPLETE BATHROOM FACILITIES** means a flush toilet, lavatory, bath and kitchen sink.

**18.03 COVERAGE** Every person, subject to Section 66.0435 Wisconsin Statutes and this ordinance who maintains and/or operates within the Village of New Auburn any mobile home park shall seek and obtain a mobile home park license from the Village of New Auburn. The fee for such license shall be \$100.00 for each 50 spaces or fraction thereof. See Section 18.09.

**18.04 APPLICATION AND TRANSFER**

The application and license shall designate the premises. The Village Board of the Village of New Auburn may approve the transfer of the license and may charge a fee of \$10.00 for each transfer. No license may be transferred without Village Board of the Village of New Auburn approval, to any person or from one person to another. The application shall include:

- (1) the name of the applicant
- (2) the address of the applicant
- (3) the location of the premises
- (4) the business and residential telephone number of the applicant, if any
- (5) the age of the applicant
- (6) the complete construction plans and specifications which shall be in compliance with State laws and regulations and Village of New Auburn ordinances.

No person shall be issued or re-issued a mobile home park license in the Village of New Auburn until the appropriate fee is paid to the Village Clerk of the Village of New Auburn.

**18.05 MOBILE HOME MONTHLY PERMIT**

(1) Every person pursuant to Section 66.0435 Wisconsin Statutes, and this ordinance who occupies a space or lot in a mobile home park or any other location in the Village of New Auburn and whose mobile home is not exempt under Section 66.0435 Wisconsin Statutes shall pay a monthly parking fee.

(2) These amounts shall be remitted to the Village Treasurer of the Village of New Auburn by the mobile home park licensee if pertaining to mobile homes parked in a mobile home park or by the mobile home owner or occupant if pertaining to a mobile home parked outside a mobile home park.

(3) The mobile home park licensee shall collect all monthly permit fees and remit such amounts to the Village Treasurer of the Village of New Auburn. The amounts due to the Village of New Auburn shall be received by the 10th day following the month the fees are due. The fees shall be calculated pursuant to Section 66.0435(3)c Wisconsin Statutes. See Section 18.12 on monthly parking fees.

**18.06 PARKING OUTSIDE LICENSED MOBILE HOME PARKS RESTRICTED**

**(1)** Except as permitted under paragraphs (3) and (4) of this section, no person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village of New Auburn except unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for purposes of sales display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding 120 days, provided no business is carried on therein, or in any accessory private garage, building or rear yard of the owner of such mobile home.

**(2)** No person shall stop, stand or park a mobile home on any street, alley, or highway within the Village in violation of Chapters 340 to 348 of the Wisconsin Statutes or the Traffic Ordinances and Regulations of the Village of New Auburn.

**(3)** The Village Board shall have authority on a proper application, to issue an occupancy permit allowing a land owner to park or to permit to be parked on his premises not more than one (1) mobile home; provided

**(A)** All mobile homes are to be fully skirted with wheels removed and serviced by a legal operating septic system.

**(B)** The Village Board may by resolution or By-Law, or express written agreement with the applicant, impose additional requirements or modify the requirements set forth in this ordinance whenever it shall determine that such modification or addition will achieve the purposes of this section and will not conflict with State law.

**(4)** The Village Board shall have authority to issue a temporary permit allowing a mobile home to be occupied for a period of not to exceed one year by the owner of the land on which it is located while a dwelling house is being constructed on the premises. A permit for this purpose shall not be issued until the applicant has received a building permit for the dwelling house and established to the satisfaction of the Board that he will promptly proceed with construction.

**(5)** The Village Board may discontinue issuing permits under paragraphs 3 and 4 whenever it determines that further permits will endanger the tax structure of the Village.

**18.07 RESERVED FOR FUTURE USE**

**18.08 RESERVED FOR FUTURE USE**

**18.09 MOBILE HOME PARK OPERATOR'S LICENSE**

(1) No person shall operate, administer or maintain a mobile home park within the Village of New Auburn without a valid, unexpired mobile home park license issued by the Village Clerk and approved by the Village Board.

(2) Mobile home park licenses shall be issued for a year and shall expire on June 30 next succeeding date of issue. Licenses may be issued after July 1 of any year, but no rebate or diminution of the fee shall be allowed therefor.

(3) Licenses granted under this section shall be subject to revocation or suspension by the governing body for cause in accordance with s. 66.0435(2)(d), Wis. Stats. "Cause" as used in this subsection shall include, but not be limited to:

(A) Failure or neglect to abide by the requirements of this ordinance or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation.

(B) Conviction of any offense under the laws of the State or ordinances of the Village relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of park facilities.

(C) Operation or maintenance of the mobile home park in a manner inimical to the health, safety or welfare of park occupants or the inhabitants of the Village of New Auburn; including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals, or nuisances.

(D) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the State and Municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.

(4) Except as provided in subsection 6 of this Section, no mobile home park license shall be granted for any premises or to any person not meeting the following standards and requirements:

(A) Possession of a valid certificate from the Wisconsin Department of Health and Social Services that the park complies with the provisions of Chapter H177, Wis. Admin. Code applicable thereto.

(B) Mobile home parks shall be used only for the parking and occupancy of single-family non-dependent mobile homes and accessory structures and appurtenances and uses authorized and approved under this ordinance.

(C) Applicant shall file with the approving officer, evidence that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities, including roads, have been constructed, or installed in the park as required by State law and are in required operating condition at the time of said application.

(D) Location and operation of the park shall comply with all zoning and land use ordinances of the State and Village and no permit shall be issued until the proposed use complies with such ordinances.

#### **18.10 OPERATION OF MOBILE HOME PARKS: RESPONSIBILITIES OF PARK MANAGEMENT**

(1) In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this ordinance shall be posted therein and the park register shall at all times be kept in said office.

(2) The attendant or person in charge and the park licensee shall operate the park in compliance with this ordinance and regulations and ordinance of the Village and State and their agents or officers and shall have the following duties:

(A) Maintain a register of all park occupants, to be open at all times to inspection by State, Federal and Village officers, which shall show:

(1) Names and addresses of all owners and occupants of each mobile home.

- (2) Number of children of school age.
- (3) Dates of entrance and departure of each mobile home.
- (4) Make, model, year and serial number or license number of each mobile home.

(B) Notify park occupants of the provisions of this ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of law which may come to their attention.

(C) Notify the Village Board immediately of any suspected communicable or contagious disease within the park.

(D) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tie downs.

(E) Maintain park grounds, buildings and structures free of insect and rodent harborage or breeding places for flies, mosquitoes and other pests.

(F) Maintain the park free from growth of noxious weeds.

(G) Collect the monthly parking permit fee and cash deposits for each occupied nonexempt mobile home within the park and remit such fees and deposits to the Village Clerk as required by Section 18.05 of this ordinance.

(H) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by these ordinances.

### **18.11 RESPONSIBILITIES AND DUTIES OF MOBILE HOME PARK OCCUPANTS**

(1) Park occupants shall comply with all applicable requirements of this ordinance and regulations issued hereunder and shall maintain their mobile home space, its facilities, and equipment in good repair and in a clean and sanitary condition.

(2) Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.

(3) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.

(4) Each owner or occupant of a nonexempt mobile home within a mobile park shall remit to the licensee or authorized park management the monthly parking permit fee as required by Section 18.12 of this ordinance.

(5) It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this ordinance or any law or ordinance of the State or municipality or lawful regulation or order adopted thereunder.

(6) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this ordinance.

(7) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the Village.

(8) No person shall discharge any waste water on the surface of the ground within any mobile home park.

#### **18.12 MONTHLY PARKING FEE**

(1) There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Village, a monthly parking permit fee determined in accordance with s. 66.0435(3) Wisconsin Statutes. It shall be the full and complete responsibility of the mobile home park licensee to collect the proper amount from each mobile home park owner or occupant. Licensees and owners and occupants of mobile homes permitted to be located on land outside a mobile home park (which are not assessed as real property) shall pay to the Village Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this ordinance, and such reasonable regulations as the Treasurer may promulgate. Park operators may deduct the 2% administrative expense authorized by Section 66.0435(3m).

(2) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Village Clerk and assessor on such homes added to their park or lands within 5 days after arrival of such homes on forms furnished by the Clerk in accordance with Section 66.0435(3)(c)(2) of the Wisconsin Statutes.

**18.13 PENALTIES**

In addition to the penalties imposed by Section 1.05 any person violating any provisions of this ordinance or failing to perform any duty imposed hereunder or committing any act prohibited hereby shall upon conviction thereof forfeit not more than \$200.00 and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment is made, but not exceeding 30 days for each violation, provided that, to the extent required by Section 66.0435(3)(h) Wis. Stats. for reporting requirements, the forfeiture for violation of Section 18.12(1)(2) shall not exceed \$25.00. Each day of violation of any provision of this ordinance shall be deemed to constitute a separate offense.



**18.14 SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Village Board hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, and phrase be declared unconstitutional.

# Village Ordinances

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## CHAPTER 19

### FLOOD PLAIN ZONING

**19.01**      **STATUTORY AUTHORIZATION.** This Chapter for flood plain protection is adopted pursuant to the authorization contained in Sections 61.35, 87.30 Wisconsin Statutes (1993-1994).

**19.02**      **FINDING OF FACT.** The uncontrolled use of the flood plains, rivers or streams of the Village of New Auburn, Wisconsin adversely affects the public health, safety, convenience and general welfare and impairs the tax base of that Village. In addition, extraordinary public expenditures are required for the protection of persons and property and for the relief of distress in areas subject to periodic flooding. Filling, construction, and certain other land use practices have been determined to be major causes of such effects. The effects of a single fill or other project upon flood heights, velocities, or flood plain storage areas may be relatively insignificant compared to the combined effects of a number of such projects which, over a long period of time, may drastically increase the flood hazard. Without a competent analysis of such projects, it is not possible to adequately ascertain the effects of each flood plain use upon subsequent development or the compatibility thereof with the long range needs of the community. The Legislature of the State of Wisconsin has delegated authority to the Village Board to adopt regulations which will control or eliminate the practices leading to such adverse effects, and this authority is hereby recognized.

**19.03**      **STATEMENT OF PURPOSE.** To promote the public health, safety and general welfare and to minimize flood losses in areas subject to flood hazards, this Flood Plain Zoning Chapter has been established with the following purposes intended:

- (1) To reduce the hazard of floods to life and property through:
  - (A) Prohibiting certain uses which are dangerous to life or property in time of flood.
  - (B) Restricting uses which would be hazardous to the public health in time of flood.
  - (C) Restricting uses which are particularly susceptible to flood damage, so as to alleviate hardship and reduce demands for public expenditures for relief and protection.

**(D)** Requiring permitted flood plain uses, including public facilities which serve such uses, to be protected against floods by providing flood protection at the time of initial construction.

**(2)** To protect flood plain occupants from flood damage which is or may be caused by their own land use and which use is or may be undertaken without full realization of the danger, through:

**(A)** Regulating the manner in which structures designed for human occupancy may be constructed so as to prevent danger to human life within such structures.

**(B)** Regulating the method of construction of water supply and sanitation systems so as to prevent disease, contamination and unsanitary conditions.

**(C)** Delineating and describing areas that could be inundated by floods so as to protect individuals from purchasing flood plain lands for purposes for which the lands are not in fact suitable.

**(3)** To protect the public from the burden of extraordinary financial expenditures for flood control and relief, which is or may be caused by the types of land use listed in Sections 19.01 and 19.02 of this chapter through:

**(A)** Regulating all uses within the flood plain district so as to produce a method of construction and a pattern of development which will minimize the probability of damage to property and loss of life or injury to the inhabitants of the flood hazard areas.

**(4)** To protect the "storage capacity of flood plains" and to assure retention of sufficient "floodway" area to convey flood flows which can reasonably be expected to occur through:

**(A)** Regulating filling, dumping, dredging and alteration of channels by deepening, widening, or relocating.

**(B)** Prohibiting unnecessary encroachments.

**(C)** Encouraging open space uses such as agriculture, recreation and parking.

**19.04      GENERAL PROVISIONS**

(1)    **JURISDICTION.** The jurisdiction of this chapter includes all lands, adjacent to any river or stream within the Village of New Auburn, Wisconsin, that would be inundated by the "regional flood" for that river or stream as defined in Definitions 19.14(12). The jurisdiction of this chapter shall also extend to those lands and waters within 1-1/2 miles of the corporate limits that are approved by a majority of the members of the appropriate joint extraterritorial zoning committee pursuant to Section 62.23(7a) Wisconsin Statutes (1993-1994).

(2)    **FLOOD PLAIN MAP, DISTRICT BOUNDARIES.** The boundaries of the general flood plain, regional flood plain and regional floodway districts shall be as they appear on the flood plain map adopted by the Village Board which is on file in the office of the Village Clerk.

(A)    The flood plain boundary lines on the map shall be determined by the use of the scale appearing on the map. Where there is a conflict between the flood plain boundary illustrated on the map and actual field conditions the dispute shall be settled according to Section 19.09(4) Mapping Disputes.

(B)    Compliance with the provisions of this chapter shall not be grounds for the removal of lands from the flood plain district unless such lands are filled to a height of the flood protection elevation for the particular area and are contiguous to other lands lying outside the flood plain district.

(3)    **EFFECT OF FLOOD PLAIN DISTRICT REGULATIONS.** The regulations set forth in this chapter for flood plain district shall apply only to the flood plain mapped on the official flood plain zoning map and shall be void and of no effect in areas not mapped as being included in such district. The regulations of this chapter shall be supplementary to the regulations imposed on the same lands by any underlying zoning code. When flood plain and underlying zoning code regulations conflict with one another, the most restrictive combination of such regulations shall control.

(4)    **COMPLIANCE.** No structure, land or water, shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with this chapter and other applicable regulations.

(5)    **ABROGATION AND GREATER RESTRICTIONS:**

(A)    This chapter supersedes provisions of any zoning sections relating to flood plains. However, any underlying zoning section shall remain in full force and

effect to the extent that its provisions are more restrictive.

**(B)** It is not otherwise intended by this chapter to repeal, abrogate, or impair any existing deed restrictions; however, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

**(6) INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be minimum requirements and shall be liberally construed in favor of the Village Board and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

**(7) WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection intended to be provided by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside flood plain zoning district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damage. Nor shall this chapter create a liability on the part of or a cause of action against the Village or any officer or employee thereof for any flood damages that may result because of reliance on this chapter.

**(8) SEVERABILITY.** If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

## **19.05 NONCONFORMING USES**

**(1)** The existing (April 9, 1981) date of adoption, lawful use of a structure or premises which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

**(A)** No such use shall be expanded or enlarged except in conformity with the provisions of this chapter.

**(B)** No structural alteration, addition or repair to any nonconforming structure over the life of the structure shall exceed 50% of its fair market value at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

(C) If such use is discontinued for 12 consecutive months, any future use of the building and premises shall conform to this chapter. The Assessor shall notify the Zoning Administrator in writing of instance of nonconforming uses which have been discontinued for a period of 12 months.

(D) Uses or adjuncts thereof which are nuisances shall not be permitted to continue as nonconforming uses.

(E) Any alteration, addition or repair to any nonconforming structure permitted pursuant to Section 19.05(1)(b) shall be protected by "flood proofing" measures pursuant to Section 19.10(5)(A).

(F) The Zoning Administrator shall maintain a list of nonconforming uses including: the date of becoming nonconforming, assessed value at the time of its becoming a nonconforming use, and the nature and extent of nonconformity. This list shall be brought up-to-date annually.

(G) The nonconforming use may be removed from the list described in paragraph (F) by certification that the building and its electrical and mechanical equipment has been flood-proofed pursuant to Section 19.10(5)(A).

## **19.06      GENERAL FLOOD PLAIN DISTRICT**

(1)    **APPLICATION.** The provisions for this district apply to all flood plains of rivers and streams in the Village that are delineated on the map described in Section 19.04(2). Where this district is delineated on the basis of a flood profile, such profile shall be a part of this section and the district boundaries shall be based on 2 feet of freeboard above elevation shown on the flood profile.

(2)    **NEW FLOOD DATA.** As regional flood data becomes available for portions of this district, such portions shall be placed in the Regional flood plain or regional floodway district, as appropriate.

(3)    **SPECIAL PROVISIONS.** The following regulations shall apply to all uses within the General Flood Plain District, notwithstanding that such uses may be specifically permitted under this chapter.

(A)    The flood protection elevation or height shall correspond to the elevation shown for a particular area on the map(s) described in Section 19.04(2).

**(B)** No "structure (temporary or permanent)"; fill, including fill for roads and levees; deposit; obstruction; storage of materials or other flood plain uses which, acting alone or in combination with existing or future flood plain uses, shall be permitted that adversely affects the efficiency or the capacity of the floodway or increase flood heights based on the assumption that there will be an "equal degree of encroachment" extending for a significant "reach" on both sides of the stream.

**(C)** No flood plain uses shall adversely affect the efficiency of or unduly restrict the capacity of the channels of floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.

**(4) DESCRIPTION OF USES.** Permitted uses: The following open space uses shall be permitted within the General Flood Plain District to the extent that they are not prohibited in a particular area by any underlying zoning code:

**(A)** Agricultural uses such as: general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

**(B)** Industrial-commercial uses such as loading areas, parking areas, airport landing strips, and storage yards for equipment or machinery easily moved or not subject to flood damage.

**(C)** Public and private recreational uses not requiring "permanent or temporary structures" designed for human habitation such as: parks, swimming areas, golf courses, driving ranges, picnic grounds, target ranges, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, trap and skeet ranges, and hunting and fishing and hiking areas.

**(D)** Utility facilities such as: dams, power plants, flowage areas, transmission lines, pipelines, and water-monitoring devices, subject to regulations pursuant to Chapter 30, Wisconsin Statutes (1993-1994).

**(E)** Navigational and drainage aids such as: channels, channel markers, buoys, and other such devices.

**(F)** Other water-related uses such as: docks, piers, wharves, bridges, culverts, and river crossings of transmission lines subject to any pier or dock line regulations pursuant to Chapter 30, Wisconsin Statutes.

**(G)** Structures accessory to such open-space uses.

**(5) SPECIAL EXCEPTIONS.** Any use enumerated in this subsection may be permitted only upon application to the Zoning Administrator and the issuance of a special exception permit by the Board of Appeals as provided in Section 19.10.

**(A) Structures accessory to Open-space uses** permitted in Description of Uses, Sub (4) whether temporary or permanent, may be permitted only upon a determination by the Board of Appeals pursuant to a finding under the procedure required by Section 19.10, that:

**(1)** Structures will not be designed for human habitation (accessory structures designed for human habitation will be handled under Section 19.10(2).

**(2)** Structures will have a low flood damage potential.

**(3)** The structure or structures, if permitted, will be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

**a.** Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and,

**b.** So far as practicable, structures will be placed so their longitudinal axis are approximately on the same line as those adjoining structures.

**(4)** Structures will be firmly anchored to prevent the structure or building from floating away and thus threatening to further restrict bridge openings and other restricted sections of the stream or rivers; and,

**(5)** Service facilities such as electrical and heating equipment will be at or above the flood protection elevation for the particular area.

**a. Other "Structures (Temporary or Permanent)"** may be permitted only upon a finding by the Board of Appeals that:

**1.** Such structures shall comply with sub. (5)(A)3, 4, and 5.

**2.** The first floor, or basement floor of any structure to be erected, constructed, reconstructed, or moved on the flood plain shall be constructed on fill with the finished surface of these floors at or above the flood



protection elevation for the particular area (as defined in Section 19.06(3)). The fill shall be not less than one foot below the flood protection elevation for the particular area and the fill shall extend at such elevation at least 15 feet beyond the limits of any structure or building erected thereon.

3. All buildings and structures shall be set back at least 75 feet from the ordinary high water mark.

(6) **FILLS OR DEPOSITS OF MATERIALS** may be permitted only upon a finding by the Board of Appeals that:

(A) Any fill or deposit of materials will comply with sub. (3) Special Provisions.

(B) The fill or deposit of materials will have some beneficial purpose and the amount thereof will not be greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the final dimensions of the proposed fill or other material and the use to which the filled land will be put.

(C) The fill or deposit of materials does not encroach on the channel area between the "ordinary high water marks" on each bank of the stream unless a permit has been granted by the Division of Environmental Protection pursuant to Sec. 30.12, Wis. Stats., and other requirements of this section are met; and,

(D) The fill or other materials will be protected against erosion by rip-rap vegetative cover or other adequate measures.

(7) **THE STORAGE OR PROCESSING OF MATERIALS** that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, shall be at or above the flood protection elevation for the particular area (as defined in Sec. 19.14(8) "flood proofed") in compliance with Sec. 19.10(5). Solid wastes disposal facilities such as junkyards or areas for the dumping of refuse shall also require a permit from the Department of Natural Resources pursuant to Section 144.46, Wisconsin Statutes.

(8) **USES VERY SIMILAR IN NATURE TO PERMITTED USES**, provided that they are consistent with the provisions of this chapter.

19.07 **ZONING ADMINISTRATOR**. The Zoning Administrator or other officer appointed to administer the underlying zoning code shall also administer the provisions

of this chapter. The Building Inspector shall have the duties of Zoning Administrator under this ordinance.

**19.08      ZONING PERMIT.** A zoning permit must be obtained from the Zoning Administrator before any new land use subject to the provisions of this chapter may be initiated.

**19.09      BOARD OF APPEALS.** The Village President shall appoint a Board of Appeals according to Sec. 62.23(7)(3) Wis. Stats. Such Board may be the Board appointed under Sec. 2.01(3).

**(1)      POWERS OF THE BOARD.** The Board of Appeals shall adopt rules for the conduct of business and may exercise all of the powers conferred on such boards by Sec. 62.23(7)(e), Wis. Stats.

**(A)** The Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.

**(B)** It shall hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass under this chapter.

**(C)** It may authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

**(D)** No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit standards lower than those required by State law.

**(2)      APPEALS TO THE BOARD.** Appeals to the Board of Appeals may be taken by a person aggrieved or by an officer, department, board or bureau of the Village affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the ground thereof. The Zoning Administrator shall forthwith transmit to the Board all

the papers constituting the record upon which the action appealed from was taken. \*

**(3) HEARING APPEALS**

**(A)** The Board of Appeals shall fix a reasonable time for the hearing of the appeal; give public notice thereof by publishing in the official newspaper of the Village not less than 10 days prior to the hearing a notice specifying the date, time and place of hearing and the matters to come before the Board; as well as mailed notices to the parties in interest including the main and appropriate regional office of the Division of Environmental Protection.

**(B)** A decision regarding the appeal shall be made as soon as practicable.

**(C)** The final disposition of an appeal or application to the Board of Appeals shall be in the form of a written resolution or order signed by the Chairman and Secretary of the Board. Such resolution shall state the specific facts which are the basis for the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

**(D)** A copy of any decision granting a variance shall be mailed to the main office of the Division of Environmental Protection.

**(E)** Upon hearing any party may appear in person or by agent or by attorney.

**(4) MAPPING DISPUTES.** The following procedure shall be used by the Board of Appeals in deciding contested cases in which the location of a flood plain zoning district boundary is disputed.

**(A) Flood District Boundaries.** When the location of the flood plain district boundary is established by experience, flood maps or engineering studies, pursuant to Sec. 19.06, the flood elevations or "flood profiles" for the point in question shall be the governing factor in locating the district boundary on the land. If elevations or profiles are not available, the Board of Appeals may examine any other available evidence that is relevant.

**(B)** In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Appeals and to submit his own technical evidence if he so desires. The Board shall

not allow deviations from the boundary line as mapped unless the evidence clearly and conclusively establishes that the mapped location of the line is incorrect.

#### **19.10      SPECIAL EXCEPTION PERMITS**

(1)    **APPLICATION FOR.** Any use listed in this chapter as requiring a special exception permit may be allowed only upon application to the Zoning Administrator and issuance of a special exception permit by the Board of Appeals.

(2)    **PROCEDURE.** Upon receiving an application for such a special exception permit involving the use of fill, construction of structures, or storage of materials, the Board of Appeals shall, prior to rendering a decision thereon:

(A)    Require the applicant to submit, at the time of application, 2 copies of an aerial photograph, or a plan certified by a competent technician, which accurately locates the flood plain proposal with respect to the flood plain district limits, channel of stream, existing flood plain developments, together with all pertinent information such as the nature of the proposal; legal description of the property, fill limits and elevations; building floor elevations; and flood-proofing measures.

(B)    Transmit one copy of the information described in par. (A) to the Division of Environmental Protection with a request to have that agency provide expert technical assistance in evaluating the effects of the proposed project upon flood heights, velocities, and flood plain storage areas and the determination of flood protection levels.

(C)    Require the applicant to furnish such of the following additional information as is deemed necessary by the Board of Appeals for the evaluation of the effects of the proposal upon flood flows and flood plain storage and to render a decision on the proposed flood plain use:

(1)    A typical valley cross-section showing the channels of the stream, the flood plain adjoining each side of the channel, cross-section area to be occupied by the proposed development and high water information.

(2)    Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, and soil types and other pertinent

information.

(3) Profile showing the slope of the bottom of the channel or flow line of the stream.

(4) Specifications for building construction and materials, "flood proofing", filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(3) **FACTORS UPON WHICH THE DECISION OF THE BOARD SHALL BE BASED.** The determination of the Board of Appeals on each special exception permit shall be based on the effects of the proposed project with respect to the objectives and purposes of this chapter as stated in Sec. 19.03, Statement of Purpose.

(4) **PROCEDURE ON APPEAL.** The Board shall act on an application in the manner above described within 60 days from receiving the application except that where additional information is required by the Board pursuant to Sec. 19.10(2)(C), the Board shall render a written decision within 60 days from the receipt of such information. A copy of any such decision shall be mailed to the main and appropriate regional office of the Department of Natural Resources.

(5) **CONDITIONS ATTACHED TO SPECIAL EXCEPTION PERMITS.** Upon consideration of the factors listed above and the purposes of this chapter, the Board of Appeals may attach such conditions, in addition to those required by specific permits, as it deems necessary in furthering the purposes of this chapter. Such conditions may include specifications, for, without limitation because of specific enumeration; modification of sewage disposal and water supply facilities, modifications of other waste disposal methods and facilities, landscaping, periods of operation, operational controls, sureties, deed restrictions, and adequate "flood proofing".

(A) **"Flood Proofing".** Special exceptions requiring flood proofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area as described in Sec. 19.06(3), and flood velocities, forces and other factors associated with the flood protection elevation. The Board of Appeals shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the flood protection elevation for the particular area.

(1) Anchorage to resist flotation and lateral movement.

- (2) Installation of watertight doors, bulkheads, and shutters.
- (3) Reinforcement of walls to resist water pressures.
- (4) Use of paints, membranes or mortars to reduce seepage of water through walls.
- (5) Addition of mass or weight to structures to resist flotation.
- (6) Installation of pumps to lower water levels in structure.
- (7) Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
- (8) Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
- (9) Construction to resist rupture or collapse caused by water pressure of floating debris.
- (10) Cutoff valves on sewer lines or the elimination of gravity-flow basement drains.

**19.11**      **CERTIFICATE OF COMPLIANCE.** No vacant land shall be occupied or used and no building hereafter erected, altered, or moved on the flood plains of any river or stream shall be occupied until a Certificate of Compliance shall have been issued by the Zoning Administrator.

The Zoning Administrator may request the applicant to submit a certification by a registered professional engineer or land surveyor, that the finished fill and building elevations, flood proofing measures, or other flood protection factors were accomplished in compliance with this chapter. The Zoning Administrator shall within 10 days after receipt of such certification from the applicant issue a Certificate of Compliance only if the building or premises and the proposed use thereof conform with all the requirements of this chapter.

**19.12**      **ENFORCEMENT AND PENALTIES.** Every structure, building, fill or development placed or maintained within any flood plain in violation of this chapter

is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the Village, the State or any citizen thereof. Any person who places or maintains any structure, building, fill or development within any flood plain in violation of this chapter shall be subject to a forfeiture of not more than \$50 for each offense. Each day during which such violation exists is a separate offense.

### **19.13      AMENDMENTS**

(1) The Village Board may from time-to-time alter, supplement or change the boundaries of use districts and the regulations contained in this chapter in the manner provided by law.

(A) Amendments to this chapter may be made on petition of any interested party in accordance with Sec. 62.23(7)(d), Wis. Stats.

(B) Copies of any amendment proposed to the Village Board which is referred to the Village Planning Commission shall be forwarded by the Secretary of the Planning Commission, together with the first notice of public hearing thereon, to the main office and appropriate regional office of the Division of Environmental Protection.

(C) Any amendments to this Flood Plain Zoning Ordinance must be approved by the Department of Natural Resources before becoming effective, and wherever in this chapter the term "Division of Resource Development" is used, it shall mean the "Department of Natural Resources".

(D) A copy of the action taken by the Village Board on any amendment shall be forwarded to the main office and appropriate regional office of the Division of Environmental Protection.

**19.14      DEFINITIONS.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have at common law and to give this chapter its most reasonable application.

(1) **CHANNEL.** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

(2) **EQUAL DEGREE OF ENCROACHMENT**. Is established by considering the effect of encroachments of the hydraulic efficiency of the "flood plain" along a significant "reach" of the stream. Hydraulic efficiency depends on such factors as the relative orientation of the channel with respect to the "floodway", the natural and man-made characteristics of the flood plain, relative ground level on both sides of the stream, the type of vegetation of both sides of the stream and the resistance of such vegetation to flood flows. In most cases, these factors will not result in equal distances of areas between encroachment lines on both sides of the stream.

(3) **ENCROACHMENT LINES**. Limits of obstruction to flood flow--these lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. The stream channel and adjoining flood plains between these lines will be maintained as open space and will be adequate to convey the regional flood without adversely increasing flood heights.

(4) **FLOOD**. A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

(5) **FLOOD PLAIN**. The land adjacent to a body of water which had been or may be hereafter covered by flood water including, but not limited to, the regional flood.

(6) **FLOODWAY**. The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream including, but not limited to, flood flows associated with the regional flood.

(7) **FLOOD PROFILE**. A graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

(8) **FLOOD PROOFING**. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

(9) **FLOOD STAGE**. The height or elevation of a flood as referred to some datum. For other purposes, it is commonly used to refer to the elevation at which the stream will overtop its normal stage banks.



(10) **ORDINARY HIGH WATER MARK.** The highest point on the bank of a normal stage channel at which the water level has been for a sufficient period of time to leave a definite mark.

(11) **REACH.** A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood plain where flood heights are primarily controlled by man-made or natural flood plain obstructions or restrictions. In an urban area, the segment of a stream or river between 2 consecutive bridge crossings would most likely be a reach.

(12) **REGIONAL FLOOD.** The regional flood is a flood determined by the Division of Environmental Protection which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100 year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

(13) **STANDARD PROJECT FLOOD.** A hypothetical flood, estimated by the Corps of Engineers, representing the critical runoff volume and peak discharge that may be expected from the most severe combination of meteorological and hydrologic conditions that are considered reasonably characteristic of the geographical region involved, excluding extremely rare combinations.

(14) **STORAGE CAPACITY OF A FLOOD PLAIN.** The volume of space above an area of flood plain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

(15) **STRUCTURE.** Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes, but is not limited to, objects such as buildings, factories, sheds, and cabins.

(16) **PERMANENT STRUCTURE.** A structure which is built of such materials and in such a way that it would commonly be expected to last and remain for a substantial period of time.

(17) **TEMPORARY STRUCTURE.** A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

**CHAPTER 20**  
**SHORELAND-WETLAND ZONING ORDINANCE**  
**FOR THE VILLAGE OF NEW AUBURN**

An Ordinance to establish a Shoreland-Wetland Zoning Ordinance for the Village of New Auburn.

**PREFACE**

Number of Ordinances in Municipal Ordinance Book: 21

The Village Board of the Village of New Auburn do ordain as follows:

**WHEREAS**, the Shoreland-Wetland Zoning Ordinance is designed to be a uniform ordinance, the requirements for which are in large part determined by the Federal Government and the Department of Natural Resources; and,

**WHEREAS**, the Uniform Ordinance may have to be amended from time-to-time to meet new requirements of the Federal Government and the Department of Natural Resources;

**NOW, THEREFORE**, it is determined that the numbering of sections and subsections in the Shoreland-Wetland Zoning Ordinance, as originally drafted by the Department of Natural Resources, shall be retained without the preface of the Chapter Number 20. The form of citation shall be as follows:

For Section Number:

Section 1 of Chapter 20, Shoreland-Wetland Zoning Ordinance

For Subsection Number:

Subsection 1 of Chapter 20, Shoreland-Wetland Zoning Ordinance

SHORELAND-WETLAND ZONING ORDINANCE FOR THE VILLAGE OF NEW AUBURN1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE AND TITLE1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in sections 61.35 and 61.351 for villages or 62.23 and 62.231 for cities and 87.30 and 144.26, Wis. Stats.

1.2 FINDING OF FACT AND PURPOSE

Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

- (1) Promote the public health, safety, convenience and general welfare;
- (2) Maintain the storm and flood water storage capacity of wetlands;
- (3) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- (5) Prohibit certain uses detrimental to the shoreland-wetland area; and
- (6) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

2.0 GENERAL PROVISIONS2.1 COMPLIANCE

The use of wetlands and the alteration of wetlands within the shoreland area of the municipality shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. (However, see section 4.0 of this ordinance, for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this ordinance.

## 2.2 MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when section 30.12(4)(a), Wis. Stats., applies.

## 2.3 ABROGATION AND GREATER RESTRICTIONS

2.31 This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under sections 61.35, 62.23 or 87.30, Wis. Stats., which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2.32 This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

## 2.4 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in chapter NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

## 2.5 SEVERABILITY

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

## 2.6 ANNEXED AREAS

The Chippewa and Barron County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982. ~~In the respective counties~~ described on the municipality's official zoning map. The Chippewa and Barron County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator.

## 3.0 SHORELAND-WETLAND ZONING DISTRICT

### 3.1 SHORELAND-WETLAND ZONING MAPS

The following maps are hereby adopted and made part of this ordinance and are on file in the office of the municipal Clerk:

- (1) Wisconsin Wetland Inventory maps stamped "FINAL" on June 6, 1994.
- (2) Floodplain zoning maps titled "Flood Hazard Boundary Maps" and dated July 19, 1974 (revised August 13, 1976).
- (3) United States Geological Survey maps dated 1975, and titled "New Auburn Quadrangle".

### 3.2 DISTRICT BOUNDARIES

3.21 The shoreland-wetland zoning district includes all wetlands in the municipality which are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this ordinance and which are:

- (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance.
- (2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance. Floodplain zoning maps adopted in section 3.1(2) shall be used to determine the extent of floodplain areas.

3.22 Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.

3.23 When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped, is in error. If Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in section 3.24 and 3.25, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

### 3.24 FILLED WETLANDS

Wetlands which are filled prior to July 6, 1994, the date on which the municipality received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this ordinance.

### 3.25 WETLANDS LANDWARD OF A BULKHEAD LINE

Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982 under s. 30.11, Stats. are not subject to this ordinance.

### 3.3 PERMITTED USES

The following uses are permitted subject to the provisions of chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

3.31 Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:

(1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;

(2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

(3) The practice of silviculture, including the planting, thinning and harvesting of timber;

(4) The pasturing of livestock;

(5) The cultivation of agricultural crops; and

(6) The construction and maintenance of duck blinds.

3.32 Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:

(1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

(2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

(3) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

(4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

(5) The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

(6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in section 6.13 of this ordinance; and

(7) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

3.33 Uses which are allowed upon the issuance of a zoning permit and which may include wetland alterations only to the extent specifically provided below:

(1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under section 3.3, of this ordinance, provided that:

(a) The road cannot, as a practical matter, be located outside the wetland;

(b) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in section 6.13 of this ordinance;

- (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
- (d) Road construction activities are carried out in the immediate area of the roadbed only; and
- (e) Any wetland alteration must be necessary for the construction or maintenance of the road.

(2) The construction and maintenance of nonresidential buildings provided that:

- (a) The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
- (b) The building cannot, as a practical matter, be located outside the wetland;
- (c) The building does not exceed 500 square feet in floor area; and
- (d) Only limited filling and excavating necessary to provide structural support for the building is allowed.

(3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

- (a) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
- (b) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
- (c) The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in section 3.33(1) of this ordinance; and
- (d) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:



- (a) The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
- (b) Only limited filling or excavating necessary for such construction or maintenance is allowed; and
- (c) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in section 6.13 of this ordinance.

### 3.4 PROHIBITED USES

- 3.41 Any use not listed in section 3.3 of this ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 6.0 of this ordinance.
- 3.42 The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

### 4.0 NONCONFORMING STRUCTURES AND USES

- 4.1 The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

#### 4.2--(FOR VILLAGES)

The shoreland-wetland provisions of this ordinance authorized by s. 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to s. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50% of current fair market value.

- 4.3 If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.
- 4.4 Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this ordinance adopted under sections 61.351 or 62.231, Wis. Stats., may be continued although such use does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.
- 4.5 The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of section 30.121, Wis. Stats.
- 4.6 Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

## 5.0 ADMINISTRATIVE PROVISIONS

### 5.1 ZONING ADMINISTRATOR

The building inspector is appointed zoning administrator for the purpose of administering and enforcing this ordinance.

The zoning administrator shall have the following duties and powers:

- 5.11 Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
- 5.12 Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.
- 5.13 Keep records of all permits issued, inspections made, work approved and other official actions.
- 5.14 Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.
- 5.15 Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied, to the appropriate district office of the Department.
- 5.16 Investigate and report violations of this ordinance to the appropriate municipal planning agency and the district attorney, corporation counsel or municipal attorney.

### 5.2 ZONING PERMITS

## 5.21 WHEN REQUIRED ,

Unless another section of this ordinance specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the zoning administrator before any new development, as defined in section 8.2(6), of this ordinance, or any change in the use of an existing building or structure is initiated.

## 5.22 APPLICATION

An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:

### (1) GENERAL INFORMATION

- (a) Name, address, and telephone number of applicant, property owner and contractor, where applicable.
- (b) Legal description of the property and a general description of the proposed use or development.
- (c) Whether or not a private water supply or sewage system is to be installed.

### (2) SITE DEVELOPMENT PLAN

The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

- (a) Dimensions and area of the lot;
- (b) Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
- (c) Description of any existing or proposed on-site sewage systems or private water supply systems;
- (d) Location of the ordinary high-water mark of any abutting navigable waterways;
- (e) Boundaries of all wetlands;
- (f) Existing and proposed topographic and drainage features and vegetative cover;
- (g) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;
- (h) Location of existing or future access roads; and

(1) Specifications and dimensions for areas of proposed wetland alteration.

#### 5.23 EXPIRATION

All permits issued under the authority of this ordinance shall expire 12 months from the date of issuance.

#### 5.3 CERTIFICATES OF COMPLIANCE

5.31 Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the zoning administrator subject to the following provisions:

(1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.

(2) Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.

(3) The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this ordinance.

5.32 The zoning administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the municipal governing body.

5.33 Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

#### 5.4 CONDITIONAL USE PERMITS

##### 5.41 APPLICATION

Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a conditional use permit has been granted by the Board of Appeals following the procedures in sections 5.82, 5.83 and 5.84 of this ordinance.

#### 5.42 CONDITIONS

Upon consideration of the permit application and the standards applicable to the conditional uses designated in section 3.33 of this ordinance, the Board of Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance as listed in section 1.2. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this ordinance.

#### 5.5 FEES

The municipal governing body may, by resolution, adopt fees for the following:

- (1) Zoning permits.
- (2) Certificates of compliance.
- (3) Public hearings.
- (4) Legal notice publications.
- (5) Conditional use permits.
- (6) Rezoning petitions.

#### 5.6 RECORDING

Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the zoning administrator of the land use and structures permitted.

#### 5.7 REVOCAION

Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

## 5.8 BOARD OF APPEALS

The village president shall appoint a Board of Appeals under section 62.23(7)(e), Wis. Stats., consisting of five members subject to confirmation by the municipal governing body. The Board of Appeals shall adopt rules for the conduct of its business as required by section 63.23(7)(e)3., Wis. Stats.

## 5.81 POWERS AND DUTIES

The Board of Appeals:

(1) Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

(2) Shall hear and decide applications for conditional use permits.

(3) May authorize upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates:

a) That literal enforcement of the terms of the ordinance will result in unnecessary hardship for the applicant.

b) That the hardship is due to special conditions unique to the property; and is not self-created or based solely on economic gain or loss;

c) That such variance is not contrary to the public interest as expressed by the purpose of this ordinance and;

d) That such variance will not grant or increase any use of property which is prohibited in the zoning district.

## 5.82 APPEALS TO THE BOARD

Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision, or determination of the zoning administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal. The zoning administrator or other official whose decision is in question shall transmit to the Board all the papers constituting the record on the matter appealed.

**5.83 PUBLIC HEARINGS**

(1) Before making a decision on an appeal or application, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a class 2 notice under ch. 985, Stats., specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may present testimony in person, by agent or by attorney.

(2) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least 10 days prior to all public hearings on issues involving shoreland-wetland zoning.

**5.84 DECISIONS**

(1) The final disposition of an appeal or application for a conditional use permit before the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing and signed by the Board chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution, or grant the application for a conditional use.

(2) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within 10 days after the decision is issued.

**6.0 AMENDING SHORELAND-WETLAND ZONING REGULATIONS**

6.1 The municipal governing body may alter, supplement or change the district boundaries and the regulations contained in this ordinance in accordance with the requirements of section 62.23(7)(d)2., Wis. Stats., NR 117, Wis. Adm. Code, and the following:

6.11 A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within 5 days of the submission of the proposed amendment to the municipal planning agency;

6.12 All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after class II notice as required by section 62.23(7)(d)2., Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.

6.13 In order to insure that this ordinance will remain consistent with the shoreland protection objectives of section 144.26, Wis. Stats., the municipal governing body may not rezone a wetland in a shoreland-wetland

zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

- (1) Storm and flood water storage capacity;
- (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
- (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Shoreline protection against erosion;
- (5) Fish spawning, breeding, nursery or feeding grounds;
- (6) Wildlife habitat; or
- (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

6.14 Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in section 6.13, of this ordinance, the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

6.15 The appropriate district office of the Department shall be provided with:

- (1) A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within 10 days after the submission of those recommendations to the municipal governing body.
- (2) Written notice of the action on the proposed text or map amendment within 10 days after the action is taken.

6.16 If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in section 6.13, of this ordinance, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the Department, as required by section 6.15(2) of this ordinance. If within the 30 day period, the Department notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by sections 62.231(6) and 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the ordinance adoption procedure under section 62.231(6) or 61.351(6), Wis. Stats., is completed or otherwise terminated.



## 7.0 ENFORCEMENT AND PENALTIES

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator shall refer violations to the municipal planning agency and the district attorney, corporation counsel or municipal attorney who shall prosecute such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$50.00 per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to section 87.30(2), Wis. Stats.

## 8.0 DEFINITIONS

- 8.1 For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified, shall be measured horizontally.
- 8.2 The following terms used in this ordinance mean:
- (1) "Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.
  - (2) "Boathouse" as defined in section 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.
  - (3) "Class 2 public notice" means publication of a public hearing notice under chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.
  - (4) "Conditional use" means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning agency designated by the municipal governing body.

(5) "Department" means the Wisconsin Department of Natural Resources.

(6) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

(7) "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(8) "Environmental control facility" means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

(9) "Fixed houseboat" as defined in section 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

(10) "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sections 61.351 or 62.221, Wis. Stats., and chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if;

- (a) Such lands are not adjacent to a natural navigable stream or river;
- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agricultural use.

"Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the

shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons."

(11) "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(12) "Planning agency" means the municipal plan commission created under section 62.23(1), Wis. Stats., a board of public land commissioners or a committee of the municipality's governing body which acts on matters pertaining to planning and zoning.

(13) "Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters; 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(14) "Shoreland-wetland district" means the zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance.

(15) "Unnecessary hardship" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

(16) "Variance" means an authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

(17) "Wetlands" means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

(18) "Wetland alteration" means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Dates of Class 2 notice publication \_\_\_\_\_ and \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

**CHAPTER 21****MANAGEMENT AND OPERATION OF MUNICIPAL CEMETERIES****21.01 APPLICABILITY**

(1) This ordinance shall apply to all cemeteries acquired by the Village of New Auburn whether acquired by deed, gift, or purchase pursuant to Section 157.50 Wis. Stats. or by operation of law pursuant to Section 157.063, Wis. Stats.

(2) Nothing contained herein shall prevent or restrict the power of the Village of New Auburn pursuant to Section 157.50(3) Wis. Stats. to convey and transfer ownership of municipal cemeteries to cemetery associations.

**21.02 SYSTEM OF MANAGEMENT AND OPERATION.** Pursuant to Section 157.50(2), Wis. Stats., this ordinance shall determine the system of management and operation of municipal cemeteries.

(1) The overall manner of operation of municipal cemeteries shall be determined by the Village Board from time-to-time by amendment of this Ordinance or Resolution. The specific day-to-day operation of any individual cemetery shall be determined by the Village Board, the members of which shall be appointed pursuant to the provisions of Section 2.11 of this ordinance except that the members do not have to be trustees.

(2) **MAINTENANCE OF CEMETERIES.** The cemetery grounds will be maintained by the Village crew in the manner determined by the Village Board from time-to-time.

(3) **PROCEEDS TO GENERAL FUND.** Pursuant to Section 157.50(1), Wis. Stats., all funds contributed to the Village of New Auburn for perpetual care or maintenance of cemeteries, whether received as proceeds of sale of lots, proceeds from cost of perpetual care, or by gift, inheritance or operation of law shall be transferred to the General Fund unless such gift or bequest shall specifically require that the fund be accounted for separately, in which event, a separate fund may be established in accordance with the wishes of the Donor or Testator. It is the intention of the Village to minimize any accounting or bookkeeping costs of operation of cemeteries.

(4) **RECORDS**. The Village Board shall be in charge of and maintain all records of the cemetery including lot locations, boundaries, and identity of persons buried in grave sites, which records shall constitute public records of the Village. The manner of recordkeeping shall be determined by the Committee, subject to further direction of the Village Board.

(5) **LOTS MAY BE SOLD**

(A) Lots which are presently platted may be sold by the Village Board with all proceeds to be deposited in the General Fund of the Village of New Auburn. The amount of consideration of lots shall be established by the Village Board by Resolution from time-to-time, and shall include the cost of perpetual care in the purchase price. The Cemetery Committee shall from time-to-time recommend to the Village Board suggested prices.

(B) Lots which are not platted in accordance with Section 157.07, Wis. Stats., may not be sold unless a specific resolution is adopted by the Village Board after giving consideration to the advisability of platting and need to locate the boundaries in the future.

(C) Conveyance shall be by Cemetery Deed which shall be signed by any member of the Cemetery Committee and by the Village Clerk.

(6) The Cemetery Committee may devise regulations for management and care of the cemetery under Section 157.11, Wis. Stats., as fully as if they constituted a Board of Trustees pursuant to said Statute. Such regulations shall not be in effect until approved by Resolution of the Village Board. Any violation of said regulations so adopted shall be a violation of this ordinance and subject to the forfeitures contained in Section 157.11 Wis. Stats.

**CHAPTER 23****FIRE PROTECTION****23.01 FIRE DEPARTMENT**

(1) **LEGAL BASIS OF ORGANIZATION.** The Village of New Auburn, while not required to have a Fire Department until it reaches a population of 5,500 persons (Sec. 61.65(2) Wis. Stats.) has determined to provide Fire protection services, by creating a joint Fire Department with surrounding communities by intergovernmental contract pursuant to Section 66.30 Wis. Stats.

(2) **NON-PROFIT CORPORATION.** In accordance with Intergovernmental Contract, the Village has in conjunction with other municipalities on December 21, 1983 caused the organization of a non-profit corporation, NEW AUBURN AREA FIRE DEPARTMENT, INC.

(3) **COMMISSIONERS.** Pursuant to the Agreement, Articles of Incorporation, and By-Laws, the Village of New Auburn shall appoint two (2) Commissioners to serve on the governing Board of the Corporation to represent the interests of the Village on said Board. The Commissioners are to be appointed by the Village Board in May of each year with their term of office to run from June 1, of such year through May 31 of the following year.

(A) Commissioners need not reside in the Village limits.

(B) Commissioners appointed shall report to the Village Board at least annually, and at such further times as the Board shall determine.

(4) **BUDGET.** The Village Board shall determine and place on the tax roll each year the Village of New Auburn's share of cost of operating the New Auburn Area Fire Department.

(5) **FALSE ALARM AND INTERFERENCE WITH FIRE-FIGHTING.** Whoever intentionally does any of the following shall be subject to a penalty as prescribed by Section 1.05 of this code:

(A) Gives a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise; or

(B) Interferes with the proper functioning of the fire alarm system; or

(C) Interferes with the lawful efforts of firemen to extinguish a fire.

(6) **CHIEF OF THE NEW AUBURN AREA FIRE DEPARTMENT**

(A) **AUTHORITY AT FIRES**: The chief and his assistants or officer in command are hereby vested with complete police authority at fires and may cause the arrest of any person failing to give the right-of-way to the Fire Department responding to a fire call.

(B) **REMOVAL OF PROPERTY**. 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 spread of fire or to protect adjoining property, and during the progress of any fire he shall have the power to order the destruction of any property necessary to prevent the further spread of the fire. He shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services if the same impedes the work of the department during the progress of fighting a fire.

(C) **FIREMEN MAY ENTER ADJACENT PROPERTY**. It shall be lawful for any fireman acting under the direction of the fire chief or any officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire. No person shall hinder, resist or obstruct any fireman in the discharge of his duty as heretofore provided.

(7) **ELIMINATION OF FIRE HAZARDS**:

(A) **LIVE ASHES**. No person shall keep or deposit or allow to be kept or deposited within the Village of New Auburn, live ashes, coals, or cinders within 20 feet of any frame building, fence, wood pile, lumber or other combustible material unless the same shall be placed in a depositary constructed of brick, stone, or other fire resistant material.

(B) **SAFE FIRE AREAS**. No person shall build any bonfire or burn any wood, grass, rubbish or other combustible material or permit the same to be done within thirty (30) feet of any building or combustible material or within ten (10) feet of any lot line, except front lot lines, unless the same shall be burned in an incinerator or outdoor fireplace constructed of non-combustible materials, in which all smoke exists are guarded by adequate spark screens, and such incinerator or building of combustible material and not within three (3) feet of any rear lot line and ten (10) feet of any side lot line.

**(C)** Whoever intentionally violates the foregoing paragraphs, shall be subject to a penalty as prescribed in Section 1.05 of this code.



## CHAPTER 24

### NOISE ORDINANCE

**24.01 UNLAWFUL TO MAKE EXCESSIVE NOISE.** It shall be unlawful for any person to make, or cause to be made any excessive noise which either unreasonably annoys, disturbs, or affects the comfort, repose, health, or peace of others.

**24.02 UNLAWFUL ACTS.** The following acts set forth in the following subdivisions are declared to be loud, disturbing, and excessive noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive.

(1) **HORNS, SIGNALLING DEVICES, ETC.** The sounding of any horn or signalling device on any automobile, motorcycle, or other vehicle, except as a danger warning.

(2) **RADIOS, PHONOGRAPHS, ETC.** The using, operating, or permitting to be played any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproduction of sound in such manner as to disturb the peace, quiet or comfort of the persons residing in the neighborhood at any time with louder volume than is reasonably necessary for convenient hearing of the person or persons who are in the room, vehicle, chamber, or area in which such machine or device is being operated.

(3) **LOUD SPEAKERS, AMPLIFIERS FOR ADVERTISING.** The using, operating, or permitting to be played any radio receiving set, musical instrument, phonograph or other machine or device and causing the same to be broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(4) **YELLING, SHOUTING, ETC..** Yelling, shouting, hooting, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel, or other place of residence or any persons in the vicinity.

(5) **ANIMALS, BIRDS, ETC.** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(6) **WHISTLES OR SIRENS.** The blowing of a whistle or any siren or ringing of a bell whatsoever except to give notice of the time to begin or stop work, as a warning of fire or danger or the testing of such warning systems, or by public emergency vehicles.

(7) **EXHAUSTS.** The discharge into the open air of the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) **DEFECT IN VEHICLE OR LOAD.** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise which shall disturb the comfort or repose of any persons in the vicinity.

(9) **SOUND TRUCKS FOR ADVERTISING PURPOSES.** The use of sound trucks or any other vehicle equipped with sound amplifying devices for the purposes of advertising any program, project, or meeting of any public agency, private business, religious organization, civic group, political party, or charitable organization.

(10) **LOADING, UNLOADING, OPENING BOXES.** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(11) **CONSTRUCTION OR REPAIRING OF BUILDINGS.** The erection (including excavating), demolition, alteration, or repair of any building between the hours of 10 p.m. and 6 a.m., where such work disturbs the peace, quiet and comfort of persons residing in the immediate vicinity unless such actions are necessary to protect the health and safety of the persons in the vicinity.

(12) **SCHOOLS, CHURCHES, HOSPITALS.** The creation of any excessive noise on any street or private property adjacent to any school, institution of learning, church, or hospital while the same are in use which unreasonably interferes with the use thereof.

(13) **HAWKERS, PEDDLERS.** The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

(14) **PILE DRIVERS, HAMMERS, CHAIN SAWS, POWER MOWERS, ETC.** The operation between the hours of 10 p.m. and 6 a.m. of any pile driver, power shovel, pneumatic hammer, derrick, power or electric hoist, chain saw, power mower or other equipment or appliance the use of which is attended by loud or unusual noise.

(15) **BLOWERS, FANS AND ENGINES.** The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

**24.03** **EXCEPTIONS.** The Village Board may, upon proper application, grant exceptions to the above for special events, celebrations, parades and similar activities and special circumstances. The Village Board may delegate this authority to the Village Marshal.

**24.04** **PENALTY.** A person who shall violate any provision of this ordinance shall upon conviction thereof forfeit not more than \$100.00 together with the cost of prosecution.

**24.05** **ENFORCEMENT.** Violations of this ordinance shall be enforced by the Village Marshal. Stipulation of guilt or no contest may be made within five days of the date of the citation of such violation.

## CHAPTER 25

### ELECTIONS

#### 25.01 ELECTIONS.

(1) WISCONSIN STATE STATUTE, WI State Statute 7.30(1) authorizes the appointment of election officials.

(2) PURPOSE. To provide for the general welfare of the election workers by creating split shift for election workers who are required to work thirteen hours due to the new mandates of the polls being open from 7:00 a.m. until 8:00 p.m.

(3) GENERAL PROVISIONS. The Village of New Auburn hereby adopts the powers set forth in Wisconsin Statute 7.30(1)(a), whereby a municipal governing body may provide by ordinance for the selection of alternate officials or the selection of two or more sets of officials to work at different times on election day, and may permit the municipal clerk to establish different working hours for different officials assigned to the same polling place. Except for inspectors who are appointed under 7.30(1)(b) and officials who are appointed without regard to party affiliation under 7.30(4)(c), additional officials shall be appointed in such a manner that the total number of officials is an odd number and the predominant party under sub. (2) is represented by one more official than the other party.

**VILLAGE OF NEW AUBURN**  
**Barron & Chippewa Counties, Wisconsin**

**Ordinance 2022-05**

**An Ordinance Creating Chapter 26 of the New Auburn Code of Ordinances Regarding  
Poultry Keeping and Licensing**

The Village Board of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Chapter 26 of the Village of New Auburn code of ordinances is hereby repealed and recreated in its entirety as follows:

**“CHAPTER 26**

**POULTRY KEEPING AND LICENSING**

**Sections:**

26.01 Purpose.

26.02 Definitions.

26.03 License Required.

26.04 Property Requirements and Coop Design.

26.05 Conditions for Keeping and Sanitation.

26.06 Inspection and Enforcement.

26.07 Other methods not excluded.

26.08 Violation and Penalty.

**26.01 PURPOSE**

The purpose of this chapter is to outline conditions under which village residents in certain residential districts may safely keep and maintain a limited number of allowable poultry to provide eggs for household use; to assure appropriate coops or structures in which to house poultry; and to protect the health, safety, and welfare of the general population of the Village of New Auburn.

**26.02 DEFINITIONS**

For the purposes of this Chapter, the following terms have the meaning indicated:

(1) “Abutting property” shall mean all lots that the applicant’s property comes into contact with at one or more points, except for lots that are legally abutting but separated from the applicant’s property by a public or private street, alley or other right-of-way.

(2) “Poultry” shall mean, for purposes of this ordinance, a female chicken or hen of any

age, including chicks. This definition excludes quail, waterfowl, pheasant, geese, turkeys, peacocks, emus or ostriches.

(3) "Coop" shall mean an enclosed structure, building or pen within which poultry roost or are housed.

(4) "Building Inspector" shall mean the Village of New Auburn Building Inspector.

(5) "Run/Enclosure" shall mean the fenced or enclosed outdoor space provided for poultry. Runs/Enclosures shall be fully enclosed, including the top and all sides.

(6) "Residential structure" shall mean any building located on a residentially zoned property, including a detached garage or shed.

### **26.03 LICENSE REQUIRED**

(1) No person shall own, harbor, keep, or maintain poultry within the corporate limits of the village, except on property zoned agricultural, without first obtaining a license. Construction of a coop shall not commence until an application for a license has been submitted.

(A) Applications for a license shall be made prior to acquiring a licensable poultry, on such forms as provided by the village.

(B) Applicants shall register with the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to § 95.51, Wis. Stats., and provide proof of registration with the Department prior to obtaining a village license.

(C) Applicants shall state on the licensing application the number of planned poultry, the plan to dispose of manure and other waste, as well as their intended coop design and materials plan including a diagram describing the location of the coop and any attached run/enclosure in relationship to lot boundaries and nearby structures, and on any renewal only if the applicant intends to increase the number of poultry or relocate the coop structure on the property from the previous license.

(D) The village shall provide written notification to all owners of real estate within 100 feet of the applicant's property. Owners of abutting property to that of the applicant may object in writing to the issuance or the renewal of a license within fourteen (14) days of notification issuance. If an objection is received, the license shall be presented to the Village Board for consideration.

(E) Applicant shall pay a license fee of \$50 with application. The cost of a license shall be \$50 per year.

(F) Applicant shall certify that the poultry and poultry products are primarily for personal non-commercial use. No commercial sales from the residence or any residential area within the village is permitted.

(G) An inspection of the completed coop shall be completed by the Building Inspector or village staff prior to license issuance and thereafter of the coop and any poultry prior to license renewal or upon credible complaint or as determined necessary. Applicant or licensee shall pay an initial \$50 inspection fee and, every other year, a reinspection fee of \$25.

(H) Licenses shall be issued for a term of one year, commencing with the first day January and expiring on December 31. Failure to renew a license in a timely manner may result in citations and the issuance of a late fee.

(I) If the Building Inspector or village staff determines the application, coop, or run/enclosure is not satisfactory then the license shall not be issued.

#### **26.04 PROPERTY REQUIREMENTS AND COOP DESIGN**

(1) Property Requirements.

(A) Poultry shall only be kept and maintained on property currently used for residential purposes.

(B) Poultry shall not be kept or maintained upon a vacant lot or inside a residential structure, including basements, porches, garages, shed, or similar storage structure.

(C) A coop and any attached run/enclosure shall be located in the back or side yard of the license holder's residence.

(D) A coop and any attached run/enclosure shall be located at least ten (10) feet from an abutting lot, at least twenty-five (25) feet from any structure on adjacent lots, at least five (5) feet from any structure on the applicant's lot, and at least two (2) feet from all lot lines.

(E) Contiguous lots under common ownership shall be combined for purposes of this chapter. Setback provisions contained in this section shall not be applicable to those property lines creating the contiguous portion of a lot.

(2) Coop Design.

(A) All poultry shall be kept and maintained within a detached, stationary structure used exclusively for the keeping of poultry. Temporary or movable devices and structures shall be prohibited.

(B) Coops shall be constructed in a skillful manner, including being ventilated, insulated, roofed, constructed of moisture resistant materials, and in compliance with current village building and zoning ordinances.

(C) The coop's structural floor area shall not exceed sixty-four (64) square feet, and the height of the coop shall not exceed eight (8) linear feet as measured vertically from the coop's grade level to the outside highest point of the coop.

(D) The coop floor, foundation and footings shall be constructed using a hard, cleanable surface, (e.g., concrete, wood, linoleum, or hard plastic) and shall be resistant to rodents. A dirt floor is not acceptable.

(E) All coops, including run/enclosure, shall be enclosed with wire netting or equivalent material including a protective overhead that will prevent poultry from escaping the coop or the attached run/enclosure.

(F) All coops, runs/enclosures, and attached structures shall be sized to provide a minimum of one (1) square yard per bird.

(G) License information shall be attached to the coop, including the name of the license holder, license number, and an emergency contact telephone number.

## **26.05 CONDITIONS FOR KEEPING AND SANITATION**

(1) Conditions for Keeping.

(B) A person keeping or maintaining poultry on residential property:

(1) Shall keep or maintain not more than six (6) total poultry.

(2) Shall keep or maintain poultry within a coop or attached coop run/enclosure at all times.

(3) Shall not keep or maintain any roosters, cocks, or drakes.

(C) Poultry shall be provided with access to feed and clean, water at all times.

(D) Poultry that become ill shall receive veterinary care on-site or at a veterinary office. Poultry ill with an infectious disease capable of being transmitted from bird to bird or from birds to humans, including but not limited to, salmonella, avian influenza, are prohibited and shall be immediately euthanized by a veterinarian or immediately removed from the village and humanely killed outside of the village. Any person keeping poultry shall immediately report any unusual illness or death of poultry to the Village Clerk-Treasurer and Chippewa County Health Department or Barron County Health Department, as applicable

(E) The Chippewa County Health Department or Barron County Health Department, as applicable, may order testing, quarantine, isolation, vaccination or humane euthanasia of ill poultry or poultry believed to be a carrier of a communicable disease per DHS 145.06(6), Wis. Stats.

(F) Deceased birds shall be disposed of immediately in a safe manner, which may include trash disposal after placing the deceased bird in in a sealed bag.

(G) All waste including manure shall be disposed of in a safe and adequate manner that does not create a public nuisance. Composting of manure shall be done in a dedicated, enclosed



container at least twenty-five (25) feet from any residential structure on adjacent lots, at least five (5) feet from any residential structure on the permitted lot, and at least two (2) feet from all lot lines.

(H) The slaughtering of any permitted poultry is prohibited.

(I) Poultry shall be secured within a coop during non-daylight hours.

(J) Poultry shall not roam free outside of a coop or attached run/enclosure, or off of the permitted property.

(K) No person may keep or harbor any poultry, which habitually by any noise disturbs the peace and quiet of any person in the vicinity.

(L) Coops shall be entirely removed from the property within ninety (90) days of the nonrenewal of a license.

(M) Offsite sale of eggs is prohibited except as otherwise permitted by the State of Wisconsin and United States Department of Agriculture. All distribution of eggs shall be documented, including the names, address, and phone number of receiving individuals.

(2) Sanitation.

(A) Poultry feed shall be stored and kept in containers which make the feed unavailable to rodents, vermin, wild birds and predators.

(B) All coops, attached runs/enclosures and yards where poultry are kept or maintained shall be cleaned regularly to keep them reasonably free from substances, including but not limited to manure, uneaten feed, feathers, and other such waste that it does not cause the air or environment to become noxious or offensive or to be in such condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.

(C) Poultry shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.

**26.06 INSPECTION AND ENFORCEMENT**

(1) License fees shall not be prorated or refundable.

(2) Village and Building Inspector staff shall have the power, whenever it may deem reasonably necessary, to enter a building, structure, or property related to a license under this chapter to ascertain whether the license holder is in compliance with this chapter. Compliance orders and citations may be issued pursuant to the provisions of this chapter, Village ordinances and State law.

(3) Violations of this chapter may constitute a public nuisance under Chapter 12 of this Code, or under Wisconsin Statutes Chapter 823. The village may maintain an action to recover damages or abate a public nuisance pursuant to Village ordinances or Wisconsin Statutes Chapter 823.

(4) A license issued hereunder may be revoked by the village clerk upon determination that the licensee has failed to comply with the provisions of this chapter, this code, or state law, or the poultry or premises has been declared a public nuisance. Once a license has been revoked, it shall not be reissued for a period of at least two years.

(5) Appeals from orders of the Building Inspector for compliance shall be in conformance with the procedures for conducting appeals enumerated in Section 68, Wisconsin Statutes. All other orders are appealable pursuant to village ordinances or as otherwise provided by law. An appeal does not limit the village's right to seek court intervention in the form of injunctive or other relief.

(6) Licenses shall not be transferable. Only the owner of the proposed licensed real property, or an occupant of the proposed licensed real property with the owner's written permission, is eligible to obtain a poultry keeping license.

#### **26.07 OTHER METHODS NOT EXCLUDED**

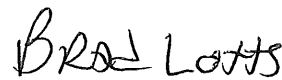
The provisions of this chapter are not exclusive and may be used in combination with each other or with any other section of village ordinances or state statute applicable to this subject matter.

#### **26.08 VIOLATION AND PENALTY**

Any person who violates the provisions of this chapter shall upon conviction thereof, forfeit not less than \$60 (Sixty) and not more than \$500 (Five Hundred) per day of violation, if applicable, together with the costs of prosecution."

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Adopted this 14<sup>th</sup> day of April, 2022.



Brad Lotts, Village President

ATTEST:

  
Ardith Story, Clerk-Treasurer

**VILLAGE OF NEW AUBURN**  
**Barron & Chippewa Counties, Wisconsin**

**Ordinance 2023-02**

**An Ordinance Creating Chapter 27 of the New Auburn Code of Ordinances**

The Village Board of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Chapter 27 of the Village of New Auburn Code of Ordinances is hereby created to read as follows:

**“(1)        STATE STATUTES ADOPTED**

The Village Board of the Village of New Auburn hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.

**(2)        AUTHORITY AND ENFORCEMENT PROCEDURES IMPLMENTED**

The officials and employees of the Village of New Auburn shall assist in the orderly prevention and removal of all discrimination in housing within the Village of New Auburn by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

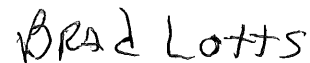
**(3)        COMPLAINTS**

The Village Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the Village of New Auburn to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.”

Section Two: Any provision of the Village of New Auburn Code of Ordinances inconsistent with Chapter 27 of the Village of New Auburn Code of Ordinances is hereby repealed.

Section Three. This Ordinance shall take effect upon its adoption and publication as required by law.

Dated this 9<sup>th</sup> day of March, 2023



\_\_\_\_\_  
Brad Lotts, Village President

ATTEST:



\_\_\_\_\_  
Ardith Story, Clerk-Treasurer