

TOWN OF LINCOLN

CODE OF ORDINANCES

EAU CLAIRE COUNTY, WISCONSIN

Current through April 10 2017

Resolution and notice to create code or partial code of ordinances.

STATE OF WISCONSIN
Town of Lincoln
Eau Claire County

Whereas, a code of general ordinances entitled, "Town of Lincoln Code of Ordinances", has been prepared and authorized by the town board;

The Town Board of the Town of Lincoln, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders that this code be presented for adoption by the town board at the next regular board meeting on April 10, 2017; and that the town clerk, in accordance with the requirements of s. 66.0103, Wis. stats., shall file a copy of the proposed Code of Ordinances in his or her office for public inspection commencing March 27, 2017, and cause a copy of the following notice to be published in the next issue of Eau Claire Leader Telegram, not less than two weeks before the board considers adoption of the code.

Adopted this 13th day of March, 2017, by the Town Board of the Town of Lincoln, Eau Claire County, Wisconsin.

PLEASE TAKE NOTICE that the town board of the Town of Lincoln will consider the adoption of a code of ordinances entitled, "Town of Lincoln Code of Ordinances" at 7 o'clock p.m. on April 10, 2017, at the town hall.

You are further notified that a copy of the proposed new code will be on file and open for public inspection in the office of the town clerk for a period of two weeks commencing March 27, 2017, in accordance with s. 66.0103, Wis. stats.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Dated this 13th day of March, 2017



Dean Zimmerman, Chairman



Robert Dewitz, Supervisor

Duane Schlewitz
Duane Schlewitz, Supervisor

Attest:

Susan Mayer
Susan Mayer, Town Clerk

} ss.

AFFIDAVIT OF PUBLICATION

WNAXLP

(Ldr.-Tele. March 26, 2017)

STATE OF WISCONSIN
Town of Lincoln
Eau Claire County

Whereas, a code of general ordinances entitled, "Town of Lincoln Code of Ordinances", has been prepared and authorized by the town board;

The Town Board of the Town of Lincoln, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders that this code be presented for adoption by the town board at the next regular board meeting on April 10, 2017; and that the town clerk, in accordance with the requirements of s. 66.0103, Wis. stats., shall file a copy of the proposed Code of Ordinances in his or her office for public inspection commencing March 27, 2017, and cause a copy of the following notice to be published in the next issue of Eau Claire Leader Telegram, not less than two weeks before the board considers adoption of the code.

Adopted this 13th day of March, 2017, by the Town Board of the Town of Lincoln, Eau Claire County, Wisconsin.

PLEASE TAKE NOTICE that the town board of the Town of Lincoln will consider the adoption of a code of ordinances entitled, "Town of Lincoln Code of Ordinances" at 7 o'clock p.m. on April 10, 2017, at the town hall.

You are further notified that a copy of the proposed new code will be on file and open for public inspection in the office of the town clerk for a period of two weeks commencing March 27, 2017, in accordance with s. 66.0103, Wis. stats.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

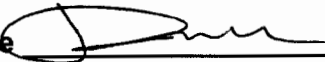
Dated this 13th day of March, 2017

Susan Mayer, Town Clerk
Town of Lincoln - ECC

Robyn Brown, being duly sworn, says that she is the legal advertising coordinator of the EAU CLAIRE LEADER-TELEGRAM, a public daily newspaper of general circulation, printed and published in the City of Eau Claire, in the County and State aforesaid, and that the notice of which the annexed is a copy taken from the paper in which the same was published on:


3/26/2017

and thereafter on the following dates to-wit:

Signature 

Subscribed and sworn to before me this:

27th day of March 2017

Signature 

Notary Public.

My commission expires 1-1 2021

STATE OF WISCONSIN

In _____

FOR EAU CLAIRE COUNTY

In the matter of _____

Of _____

Affidavit of Publication

Of _____

Filed _____, 20____

Ordinance No. 17.001

Ordinance to enact code or partial code of ordinances.

STATE OF WISCONSIN

Town of Lincoln

Eau Claire County

SECTION I - PURPOSE

The purpose of this ordinance is to enact the "Town of Lincoln Code of Ordinances" that has been prepared and authorized by the town board.*

SECTION II - AUTHORITY

The Town Board of the Town of Lincoln, Eau Claire County, Wisconsin, has the specific authority under s. 66.0103, Wis. stats., to prepare and enact a code of all of its general ordinances by enacting an ordinance that incorporates the code by reference.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to prepare and enact a code of all of its general ordinances by enacting an ordinance that incorporates the code by reference.

SECTION IV - ENACTMENT AND INCORPORATION OF CODE OF ORDINANCES


The code of ordinances in book form entitled, "Town of Lincoln Code of Ordinances" having been placed on file and open to public inspection in the office of the town clerk for a period of 2 weeks commencing March 27, 2017, pursuant to s. 66.0103, Wis. stats., is adopted as the general code of ordinances in and for the Town of Lincoln, Eau Claire County, Wisconsin. The code is incorporated in this ordinance by reference.

SECTION V - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

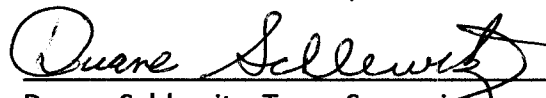
Adopted this 10th day of April, 2017.



Dean Zimmerman, Town Chairman

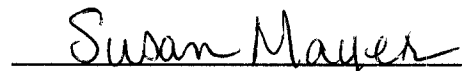


Robert Dewitz, Town Supervisor



Duane Schlewitz, Town Supervisor

Attest:



Susan Mayer, Town Clerk

Please take notice that the Town Board of the Town of Lincoln, Eau Claire County, Wisconsin, has adopted a code of ordinances regarding **The adoption of the entire amended Code of Ordinances of the Town of Lincoln**. To review the code, please contact the clerk at 715-225-4874. Susan Mayer, Clerk, S6033 Valley Rd., Fall Creek, WI 54742.

CODE OF ORDINANCES
TOWN OF LINCOLN,
EAU CLAIRE COUNTY, WISCONSIN

Current through April 10, 2017

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5)	Waste Tire Storage and Treatment Facility License/\$5,000.00	125
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SECTION 1: GENERAL PROVISIONS

CODE ADOPTION: Chapter 1.01

1.01.010: Adoption. Pursuant to the provisions of Section 66.0103 of the Wisconsin Statutes, there is hereby adopted the "Code of Ordinances of the Town of Lincoln", Eau Claire County, Wisconsin as published by the Town of Lincoln Board.

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

1.01.030: Codification authority. This code consists of all the regulatory and penal ordinances and certain of the administration ordinances of the Town of Lincoln, Eau Claire County, Wisconsin, codified pursuant to the provisions of Section 66. 0103 of the Wisconsin Statutes Annotated.

1.01.040: Ordinances passed prior to adoption of the code. The last ordinance included in the initial code is "The Town of Lincoln Code of Ordinances" dated September 9, 1992. The following ordinances, passed subsequent to "The Town of Lincoln Code of Ordinances" dated September 9, 1992, but prior to the adoption of this code, are hereby adopted and made a part of this code: 00-01, 00-02, 00-03, 12.001, 12.002, 12.003, 12.004, 12/005, 12.006, 12.007, 12.008, 13.001, Resolution #040813, 15.001, 15.002, 15.003, 15.004, 15.005, and 16-001.

1.01.050: Reference applies to all amendments. Whenever a reference is made to this code as the "Code of Ordinances of the Town of Lincoln" or to any portion thereof, or to any ordinance of the Town of Lincoln, Wisconsin, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

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

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

1.01.080: Effect on past actions and obligations. Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of The Town of Lincoln shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior

to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

1.01.090: Effective date. This code shall become effective on the date the ordinance adopting this code as the "Code of Ordinances of the Town of Lincoln" becomes effective. If there is a statutory waiting period for any section of this Ordinance, then the prior ordinance(s) will remain in effect until the waiting period expires.

1.01.100: Constitutionality. If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The Town of Lincoln Board hereby declares that it would have passed this code, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

GENERAL PROVISIONS: Chapter 1.02

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

- A. "Board" means the Town of Lincoln Town board.
- B. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day be Sunday or a legal holiday, as defined by Wisconsin Statutes s. 985.09, that day shall be excluded.
- C. "County" means the county, Wisconsin.
- D. "Holiday" means the following days: January 1; the last Monday in May; July 4; the first Monday in September; the 4th Thursday in November; December 25; and December 31. For the exclusive purpose of enforcement of parking restrictions, "holiday" shall also mean the following days: the third Monday in January; the third Monday in February; the second Monday in October; November 11; and December 24.
- E. "Law" denotes applicable federal law, the constitution and statutes of the state of Wisconsin, the ordinances of the Town of Lincoln, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
- F. "May" is permissive.
- G. "Month" means a calendar month.
- H. "Must" and "Shall". Each is mandatory.
- I. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".
- J. "Or" may be read "and" and "and" may be read "or", if the sense requires it.
- K. "Ordinance" means a law of the Town of Lincoln, Eau Claire County Wisconsin; provided that a temporary or special law, administrative action, order or directive may be in the form of a resolution.
- L. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.
- M. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- N. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- O. "Preceding" and "following" mean next before and next after, respectively.
- P. "Property" includes real and personal property.
- Q. "Real Property" includes lands, tenements and hereditaments.
- R. "State" means the state of Wisconsin.
- S. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this Town of Lincoln which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- T. "Tenant" and "occupant", applied to a building or land, includes any person who occupies whole or a part means the Town of Lincoln, Eau Claire County, Wisconsin
- U. "Town of Lincoln Authority" includes every Town of Lincoln board, commission, committee, agency, officer, employee or agent thereof making a determination under §68.01, Wis. Stats., and every person, committee or agency of the Town of Lincoln appointed to make an independent review under §68.09(2), Wis. Stats. "Title of office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the Town of Lincoln.
- V. "Wisconsin Statutes" wherever used in this ordinance shall mean the Wisconsin Statutes for the year 2013 and shall include the 2013 session laws unless noted otherwise.
- W. "Written" includes printed, typewritten, mimeographed or multigraphed.
- X. "Year" means a calendar year.

1.02.020: Words and phrases-Meaning. All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

1.02.030: Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1.02.040: Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the Town of Lincoln:

- A. Gender. The masculine gender includes the feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

1.02.050: Ordinances—Conflict/Severability. The provisions of these ordinances are severable. If any part or provision of any section, clause or provision of these ordinances is invalid, or if its application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.. If provisions of the different sections of any ordinances conflicts with or intervene with each other, the provisions of each section shall prevail as to all matters and questions arising out of the subject matter of such ordinances. If the provisions of any ordinance conflict with or intervene with this Code of Ordinances, the provisions of the individual ordinance shall prevail as to all matters and questions arising out of the subject matter of the ordinance.

If any section, subsection, sentence, clause or phrase of this ordinance 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 the other sections, subsections, sentences, clauses or phrases or portion of each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

1.02.060: Ordinances-Effective date. All ordinances shall take effect after passage on the day after their publication in the official Town of Lincoln newspaper or at a later date if expressly prescribed.

1.02.070: Reorganization and modernization of Chapter 66 of the Wisconsin Statutes. All sections of Chapter 66 of the Wisconsin Statutes enumerated in this code that are affected by the reorganization and modernization of that chapter by 1999 Wisconsin Act 150 shall be amended or modified to conform to that Act, effective January 1, 2001. The Town of Lincoln attorney is authorized to insert statutory references in the code that conform to that Act.

1.02.080: Prohibited acts include causing, permitting, etc. Whenever in the ordinances of the Town of Lincoln any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.02.090: Construction. The provisions of the ordinances of the Town of Lincoln, and all proceedings under them, are to be construed with a view to affect their objects and to promote justice.

1.02.100: Ordinances-Repeal shall not revive. The repeal or amendment of any section or provision of this Code of Ordinances shall not:

A. By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.

B. Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege or repealing such obligation or privilege has been reserved by the Town of Lincoln.

C. Affect any offense committed or penalty or forfeiture incurred, previous to the time when this section or provision in this Code of Ordinances shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of this Code of Ordinances, such provisions shall apply to and control any judgment to be pronounced after such amended sections or provisions included in this Code of Ordinances takes effect for any offense committed before that time.

D. Affect any prosecution for any offense or the levy of any penalty or forfeiture pending at the time when this Code of Ordinances aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in that ordinance and such prosecution shall proceed, in all respects, as if this ordinance has not been repealed, except that all such proceedings had after the time this ordinance shall take effect shall be conducted according to the provisions or sections included in this Code of Ordinances as repealed or amended.

1.02.110: Notice to owners of property. In this code of ordinances, whenever notice is required to be given to "owners" or "owners of record" of property, or words of similar import, and state law does not provide otherwise, notice to the owner or owners of property as shown on the current Town of Lincoln assessment roll shall be sufficient compliance with such requirement.

1.02.120: Publication of ordinances. Any ordinance which consolidates revises or otherwise enacts a comprehensive revision included in the preparation of a code, or part thereof, as provided in sec. 66. 0103, Wisconsin Statutes, need not be published in accordance with sec. 62.11(4)(a), Wisconsin Statutes. Such code or part thereof, may be adopted by an ordinance referring thereto and may be published in book or pamphlet form in accordance with sec. 66. 0103, Wisconsin Statutes. A copy of the code shall be on file with the Town of Lincoln Clerk for public inspection. An opinion as to whether an ordinance in question qualifies for publication hereunder shall be obtained from the Town of Lincoln Attorney and shall be filed with the ordinance.

1.02.130: Clerk to File Documents Incorporated by Reference
Whenever in this Code of Ordinances any standard code, rule, regulation or other written or printed matter is adopted by reference, it shall be deem incorporated in this ordinance as if fully set forth herein and the Town Clerk of the Town of Lincoln shall file, deposit and keep in his or her office a copy of this ordinance and any standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Town Clerk's office hours, subject to such orders or regulations which the Town Clerk may prescribe for their preservation.

1.02.140: Businesses which are Prohibited/Liberal Construction
(A) If any facility, use, activity, business or operation proposed to be operated in the Town of Lincoln is not specifically named in this Code of Ordinances, the lack of such mention shall not be deemed to prohibit the operation of such facility, use, activity, business or operation. If this Code of Ordinances requires a license for the particular facility, use, activity, business or operation, the facility, use, activity, business or operation may operate without a license until such time as this Code of Ordinances, by amendment, covers the facility, use, activity, business or operation.

(B) Descriptions of facilities, uses, activities, businesses or operations or any categories of facilities, uses, activities, businesses or operations in this Code of Ordinances shall be broadly interpreted in

determining whether a particular facility, use, activity, business or operation is covered by this Code of Ordinances and the facility, use, activity, business or operation shall be liberally interpreted to establish that the facility, use, activity, business or operation under the scope and coverage of this Code of Ordinances.

1.02.150: Guarantee/Warranty

(A) Nothing in this Code of Ordinances shall be interpreted as guaranteeing or warranting that any method, construction, product, service, land, building, facility, premise, service, use, activity, business, operation or anything whatsoever is safe, free from defects or suited for the purpose for which it is intended.

(B) No issuance of a license, approval, inspection or other action by any Town of Lincoln officer, employee or agent shall constitute a warranty or guarantee that any method, construction, product, land, building, facility, premise, service, use, activity, business, operation or anything whatsoever is safe, free from defects or suited for the purpose for which it is intended.

REVIEW OF ADMINISTRATIVE DETERMINATIONS:

Chapter 1.03

1.03.010: Legislative purpose. The Town of Lincoln elects not to be governed by the provisions of Chapter 68, Wisconsin Statutes. This election is made pursuant to the provisions of Wis. Stats. s. 68.16. The purpose of this chapter is to afford a constitutionally sufficient, fair, and orderly administrative procedure and review in connection with determinations by Town of Lincoln authorities which involve constitutionally protected rights of specific persons who are entitled to due process protection under the 14th Amendment to the United States Constitution, and for which appeal procedures are not already created by other ordinances or statutes. There is no intention to create any new or additional rights to administrative review beyond those already guaranteed by the Constitution.

1.03.020: Review of administrative determinations/ Person Aggrieved. A person aggrieved includes any individual, partnership, corporation, association, public or private organization, officer, department, board, commission or agency of the Town of Lincoln, whose rights, duties or privileges are adversely affected by a determination of the Town of Lincoln authority. A person aggrieved by such determination may have it reviewed by the procedures set in this section.

1.03.030: Determinations subject and not subject to review.

1. The following determinations are exclusively reviewable under Chapter 68, Wis. Stats., and this ordinance with a fee, if any, set in the Town of Lincoln fee schedule:

- A. The grant or denial, in whole or in part, after application of an initial license, right, privilege or authority, except an alcohol beverage license under §125.12, Wis. Stats.
- B. The suspension, revocation or non-renewal of an existing license, right, privilege or authority, except as provided in §68.03(5), Wis. Stats., related to alcohol beverage licenses.
- C. The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.
- D. The imposition of a penalty or sanction upon any person, except a Town of Lincoln officer or Town of Lincoln employee, other than by a court.

2. Except as provided in §68.02 Wis. Stats., the following determinations are not reviewable under Wis. Stats., and this ordinance:

- A. A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Town Board of the Town of Lincoln.
- B. Any action subject to administrative or judicial review procedures under other statutes.
- C. The denial of a tort or contract claim for money, required to be filed with the Town of Lincoln pursuant to statutory procedures for the filing of such claims.
- D. The suspension, removal, disciplining or non-renewal of a contract of a Town of Lincoln officer or Town of Lincoln employee.
- E. The grant, denial, suspension or revocation of an alcohol beverage license under §125.12(1), Wis. Stats.
- F. Judgments or orders of court.

G. Determinations made during municipal labor negotiations.

H. Any action which is subject to administrative review procedures under a Town of Lincoln Ordinance providing such procedures as defined in §68.16 Wis. Stats.

I. Notwithstanding any other provision of this ordinance, any action or determination of the Town of Lincoln which does not involve the constitutionally protected right of specific person or persons to due process in connection with the action or determination.

1.03.040: Written Determination

If a determination subject to Chapter 68, Wis. Stats., and this ordinance is made orally or, if in writing, does not state the reasons therefor, the Town of Lincoln authority making such determination shall, upon written request of any persons aggrieved by such determination made within ten (10) days of notice of such determination, reduce the determination and the reasons therefore to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of the right to have such determination reviewed, the time within which such review may be obtained and the office or person to whom a request for review shall be addressed.

1.03.050: Request for Review of Determination

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the Town of Lincoln authority which made such determination within thirty (30) days of notice to such person of such determination. The request for review shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed. A request for review shall be made to the Town of Lincoln officer, employee, agent, agency, committee, board, commission or body who made the determination but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the Town of Lincoln authority.

1.03.060: Review of Determination

A. Initial Determination: If a request for review is made under §68.08, Wis. Stats., and this ordinance, the determination to be reviewed shall be termed an initial determination.

B. Who Shall Make Review: A review under this section may be made by the Town of Lincoln officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such initial determination by another person, committee or agency of the Town of Lincoln may be provided by the Town of Lincoln.

C. When to Make Review: The Town of Lincoln authority shall review the initial determination within fifteen (15) days of receipt of a request for review. The time for review may be extended by agreement between the person aggrieved and the Town of Lincoln authority.

D. Right to Present Evidence and Argument: The person aggrieved may file with the request for review or within the time agreed with the Town of Lincoln authority written evidence and argument in support of the person's position with respect to the initial determination.

E. Decision on Review: The Town of Lincoln authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the Town of Lincoln authority's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.

1.03.070: Appeal of Determination

A. From Initial Determination or Decision on Review

1) If the person aggrieved did not have a hearing substantially in compliance with §68.11, Wis. Stats., and this ordinance, when the initial determination was made, the person may appeal under this section from the decision on review and shall follow the procedures set forth in §68.08 and §68.09, Wis. Stats., and this ordinance.

2) If the person aggrieved had a hearing substantially in compliance with §68.11 Wis. Stats., and this ordinance, when the initial determination was made, the person may elect to follow the procedures provided in §68.08 and 68.09, Wis. Stats., but is not entitled to appeal under this section, unless granted by the Town of Lincoln authority. The person may, however, seek review under §68.13, Wis. Stats., and this ordinance.

B. Time Within Appeal May be Taken: Appeal from a decision on review under §68.09, Wis. Stats., and this ordinance shall be taken within thirty (30) days of notice of such decision.

C. How Appeal May Be Taken: An appeal under this section may be taken by filing with or mailing to the Town Clerk of the Town of Lincoln written notice or appeal. The appeal shall, in writing, specify the specific reasons for appeal and the action requested from the decision maker.

1.03.080: Hearing Process

A. Time of Hearing: The Town of Lincoln shall provide the appellant a hearing on appeal under §68.10, Wis. Stats., and this ordinance within fifteen (15) days of receipt of the notice of appeal filed or mailed under §68.10, Wis. Stats., this ordinance and shall serve the appellant with notice of such hearing by mail or personal service at least ten (10) days before such hearing.

B. Conduct of Hearing: At the hearing, the appellant and the Town of Lincoln authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Town of Lincoln shall provide an impartial decision maker, who may be a Town of Lincoln officer, committee, board, commission or the Town Board of the Town of Lincoln who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated to conduct the hearing and report to the decision maker.

C. Record of Hearing: The person conducting the hearing of a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Town of Lincoln. Accurate photocopies of original documents submitted as evidence may be retained. The persons conducting the hearing have the discretion to decide whether the record is kept by a stenographer or a recording device.

1.03.090: Final Determination

A. Within twenty (20) days of completion of the hearing conducted under §68.11, Wis. Stats., and this ordinance and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determinations stating the reasons therefore. Such determination shall be a final determination.

B. A determination following a hearing substantially meeting the requirements of §68.11, Wis. Stats., and this ordinance or a decision on review under §68.09, Wis. Stats., and this ordinance following such hearing shall be final determination.

1.03.100: Judicial Review

A. Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within thirty (30) days of receipt of the final determination. The court may affirm or reverse the final determination, or amend to the decision maker for further proceedings consistent with the court's decision.

B. If review is sought of a final determination; the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall supply to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to

the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the Town of Lincoln and the person seeking review shall be furnished a free copy of the transcripts by stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

1.03.110: Availability of Other Methods

Chapter 68, Wis. Stats., and this ordinance does not preclude the Town of Lincoln and the person aggrieved from employing arbitration, mediation or other methods of resolving disputes and does not supersede contractual provisions for this purpose.

PUBLIC RECORDS: Chapter 1.04

1.04.010: Definitions. In this chapter, unless the context clearly requires otherwise:

A. "Authority" means any of the following entities having custody of a Town of Lincoln record: an office elected official, agency, board, commission, committee, Board, department or public body corporate and politic created by construction, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

B. "Custodian" means that officer, department head, division head, or employee of the Town of Lincoln designated under Section 1.04.030 or otherwise responsible by law to keep and preserve any Town of Lincoln records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this chapter to respond to requests for access to such records.

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

1.04.020: Duty to Maintain Records.

A. Except as provided under section 1.04.070, each officer and employee of the Town of Lincoln shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.

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

1.04.030: Legal Custodians.

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 an employee of his or her staff to act as the legal custodian.

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

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

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

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

1.04.040: Public Access to Records.

A. Except as provided in section 1.04.060, any person has a right to inspect a record and to make or receive a copy of any record as provided in section 19.35(1), Wisconsin Statutes.

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

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

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

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

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

1. The cost of photocopying shall be as stated in the Town of Lincoln Fees and Licenses Schedule. Other costs may be imposed not to exceed the actual, necessary and direct cost of reproduction and transcription of the record.
2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
3. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or video-tapes, shall be charged.
4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
5. There shall be no charge for locating a record unless the actual cost therefor exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester. Such actual cost shall be derived by multiplying the actual hourly wage of the employee or employees conducting the search, including fringe benefits, by the amount of time spent in the search.
6. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
7. Elected and appointed officials of the Town of Lincoln shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
8. The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

G. Pursuant to Section 19.34, Wisconsin Statutes, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the Town of Lincoln Board.

1.04.050: Access Procedures.

A. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Section 19.37, Wisconsin Statutes. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 1.04.040 F.6. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

B. Each Custodian, upon request for any record, shall, as soon as practicable and without

delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Town of Lincoln attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.

C. A request for a record may be denied as provided in section 1.04.060. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under section 19.37(1), Wisconsin Statutes, or upon application to the attorney general or a district attorney.

1.04.060: Limitations on Right to Access.

A. As provided by section 19.36, Wisconsin Statutes, the following records are exempt from inspection under this section:

1. Records specifically exempted from disclosure by state or federal law;
2. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations requires exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
4. A record or any portion of a record containing information qualifying as a common law trade secret.

B. As provided by section 43.30, Wisconsin Statutes, public library circulation records are exempt from inspection under this section.

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

1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
2. Records of current deliberations after a quasi-judicial hearing.
3. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any Town of Lincoln officer or employee, or the investigation of charges against a Town of Lincoln officer or employee, unless such officer or employee consents to such disclosure.
4. Records concerning current strategy for crime detection or prevention.
5. Records of current deliberations or negotiations on the purchase of Town of Lincoln property, investing of Town of Lincoln funds, or other Town of Lincoln business whenever competitive or bargaining reasons require nondisclosure.
6. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
7. Communications between legal counsel for the Town of Lincoln and any officer, agent or employee of the Town of Lincoln, when advice is being rendered concerning strategy with respect to current litigation in which the Town of Lincoln or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under section 905.03, Wisconsin Statutes.

D. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Town of Lincoln attorney prior to releasing any such record and shall follow the guidance of the Town of Lincoln attorney when separating out the exempt material. If in the judgment of the custodian and the

Town of Lincoln attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

1.04.070: Destruction of Records.

A. Town of Lincoln officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under chapter 442 of the Wisconsin Statutes, but not less than 7 years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to section 16.61(3)(e), Wisconsin Statutes, and then after such shorter period:

1. Bank statements, deposit books, slips and stubs;
2. Bonds and coupons after maturity;
3. Cancelled checks, duplicates and check stubs;
4. License and permit applications, stubs and duplicates;
5. Official bonds;
6. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement System (subject to approval of the Town of Lincoln Board);
7. Receipt forms;
8. Special assessment records (subject to approval of Town of Lincoln Board);
9. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto;

B. Town of Lincoln officers may destroy the following records of the Town of Lincoln but not less than 3 years after the incurring of the liability which is the subject of the record:

1. Miscellaneous accounts receivable.

C. Town of Lincoln officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than 7 years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state public records board pursuant to section 16.61(3)(e), Wisconsin Statutes, and then after such a shorter period.

1. Assessment rolls and related records, including board of review minutes;
2. Contracts and papers relating thereto;
3. Correspondence and communications;
4. Election notices;
5. Financial reports other than annual financial reports;
6. Insurance policies;
7. Justice dockets;
8. Oaths of office;
9. Reports of boards, commissions, committees and officials duplicated in the official Board minutes;
10. Resolutions and petitions;
11. Voter registration cards;
12. Town of Lincoln ordinance citations;
13. Other records of the Town of Lincoln not enumerated above.

D. Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to the destruction of any record as provided by section 19.21(4)(a), Wisconsin Statutes.

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

F. No record may be destroyed at any time after the receipt of a request for inspection or copying of the record under s. 19.35(1), Wis. Stats., until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is an incarcerated person, until at least 90 days after the date that the request is denied. If the Town of Lincoln receives written notice that an action relating to a record has been commenced under s. 19.37, Wis. Stats., the record may not be

destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted.

1.04.080: Lesser time, when authorized. This chapter shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative regulations.

1.04.090: Preservation through reproduction methods. Any Town of Lincoln officer or the director of any department or division of Town of Lincoln government may, subject to the approval of the Town of Lincoln Board, keep and preserve public records in his or her possession by means of microfilm, optical disk, electronic format, or other reproduction method technology permits. Such records shall meet the standards for reproduction set forth in section 16.61, Wisconsin Statutes, and shall be considered original records for all purposes. Such records shall be preserved along with other files and shall be open to public inspection and copying according to the provisions of state law and of Section 1.04.040 through 1.04.060

SECTION2: Ordinances

ALL-TERRAIN/UTILITY TERRAIN VEHICLE ROUTE ORDINANCE: Chapter 2.01

2.01.010: Title/Purpose

The purpose of this ordinance is to establish all-terrain/utility terrain vehicle routes in the Town of Lincoln and to regulate the operation of all-terrain/utility terrain vehicles in the Town of Lincoln.

2.01.020: Authority

The Town Board of the Town of Lincoln, Eau Claire County, Wisconsin, has the specific authority to adopt this All-Terrain/Utility Terrain Vehicle Ordinance under sec. 23.33 (8) (b) and (11) Wis. Stats. Section III: The Town Board of the Town of Lincoln, Eau Claire County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority of the town to designate all-terrain/utility terrain vehicle routes in the town and to regulate the use of those routes and all-terrain/utility terrain vehicles in the town.

2.01.030: Operation of All Terrain/Utility Terrain Vehicles

Pursuant to s. 23.33 (4) (d) 4., Wis Stats., except as otherwise provided in sec. 23.33 (4). Wis Stats., no person may operate an all-terrain/utility terrain vehicle on the roadway surface of any highway in the town except on roadways that are designated as all-terrain/utility terrain vehicle routes by this ordinance. Operation of all-terrain/utility terrain vehicles on a roadway surface in the town that is all-terrain/utility terrain vehicle route is authorized only for the extreme right side of the roadway except that the left turns may be made from any part of the roadway that is safe given prevailing conditions (no riding on shoulders or in ditches).

2.01.040: Designation of All-Terrain/Utility Terrain Vehicles Routes

The following are designated as all-terrain/utility terrain vehicle routes as authorized by sec. 23.33 (8) (b), Wis. Stats.

2.01.050: Conditions

Conditions Applicable to All-Terrain/Utility Vehicles Routes. Pursuant to sec. 23.33 (8) (d), Wis. Stats., the following restrictions are placed on the use of the town all-terrain/utility terrain vehicle routes designated by this resolution:

A. Routes shall be marked with uniform all-terrain/utility terrain vehicle route signed in accordance with sec.NR64.12 (7), Wisconsin Administrative Code. No person may do any of

the following in regard to signs marking town all-terrain/utility terrain vehicle routes:

1. Intentionally remove, damage, deface, move, or obstruct any uniform all- terrain/utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain/utility terrain route or trail sign or standard if legally placed by the state, any municipality or any authorized individual.

2. Possess any uniform all terrain/utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain/utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of uniform all-terrain/utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

B. Operation shall be subject to all provisions of sec. 23.33 Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to sec. 23.33 (11), Wis. Stats.

C. A copy of this ordinance shall be sent by the Town Clerk to the Eau Claire County Sheriff's Department, Fall Creek Police Department, and Wisconsin DNR.

2.01.060: Regulation of All-Terrain/Utility Terrain Vehicles on Designated Routes

The Town of Lincoln, as authorized by sec. 23.33 (11) (a), Wis. Stats., regulates the operation of all-terrain/utility terrain vehicles on designated routes as follows:

- A. All all-terrain/utility terrain vehicle riders shall ride single file;
- B. All all-terrain vehicle operators shall slow the all-terrain/utility terrain vehicle to 35 mph or 10 mph when operating within one hundred fifty (150) feet of a residence;
- C. All all-terrain/utility terrain vehicle operators shall have their headlights turned on at all times;
- D. All all-terrain/utility terrain vehicle operators and riders under the age of 18 must wear a helmet;
- E. All all-terrain/utility terrain vehicle operators under the age of 16, and all all-terrain/utility terrain vehicle operators born on or after January 1, 1998, are required to have safety certificates;
- F. Utility terrain vehicles follow the same regulations as all-terrain vehicles; and
- G. UTV's and ATV's must have current DNR registration.

2.01.070: Signage Designating Routes

A. The Town of Lincoln shall maintain the supervisory responsibility of ensuring that all-terrain/utility terrain vehicle routes identified in Section V are signed in compliance with the standards, requirements, and regulations established by the federal, state, and local governments and their respective departments and agencies including but not limited to, the Wisconsin Department of Natural Resources. The actual installation and maintenance of

signage is hereby delegated to and now becomes the responsibility of the All-Terrain Vehicle Club known as the "Big Creek ATV Club". The Big Creek ATV Club shall also be responsible for the purchase of, and associated costs relating to, the necessary signage for the routes. The Big Creek Creek ATV Club may use the Town of Lincoln existing sign posts or may install their own posts. All signage and signage materials shall be subject to approval by the Town Board prior to installation.

B. The Big Creek ATV Club will provide the Town Board with a Designated Volunteer Liaison. This volunteer liaison will serve as the local contact for the Town Board and residents concerning ATV/UTV route requests and problems. The liaison will provide a monthly report to the Town Chairman.

C. Town of Lincoln, anyone who signed the ordinance or any club members accepts no liability for any ATV/UTV'er using these ATV/UTV routes.

D. This ordinance or individual routes may be rescinded if problems persist or routes are not kept up to Town Board approval.

2.01.080: Enforcement

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

2.01.090: Penalties

The penalties in sec. 23.33 (13) (a) Wis. Stats. Are adopted by reference.

ANIMAL CONTROL ORDINANCE: Chapter 2.02

2.02.010: Animal Control Regulations

PURPOSE: The purpose of this Ordinance is to regulate and control dogs and other animals within the limits of the Town and to safeguard and protect property and the general public and to provide regulations to prevent cruelty to all animals. This ordinance applies to all animals within the Town.

DEFINITIONS: Unless the context requires otherwise, the following definitions shall apply:

- A. Animal: means a living creature, not human, and being either domestic or wild.
- B. Animal Shelter: means the animal shelter operation of the Eau Claire County Humane Association which is the designated place for the proper care of impounded animals held under the authority of this Ordinance.
- C. At Large: means an animal off the premises of the owner. An animal properly licensed as required by this Ordinance shall not be deemed at large if such animal: (1) is on the premises of the owner; (2) is under the control of a person competent to restrain and control the animal, either by leash, cord, chain or other similar restraint not more than ten (10) feet in length or properly restrained within a motor vehicle; or (3) is properly housed in a veterinary hospital or licensed kennel, pet shop or the designated animal shelter.
- D. Competent Person; means a person of such maturity as to be able to exercise control over an animal.
- E. Dog: means all dogs, male or female, altered or unaltered.
- F. Owner: is intended to mean any person or persons owning, keeping or harboring a dog, horse or other animal.
- G. Harbor: means to feed or shelter an animal for more than 72 hours.
- H. Keep: means to harbor and exercise some degree of control or management of an animal.

2.02.020: Appointment And Compensation

Eau Claire County Humane Association is contracted by the Town of Lincoln for animal control. All employees of the Eau Claire County Humane Association who hold current certification under§173.27(3) Wisconsin Statutes, are appointed Town Humane Officers.

2.02.030: Appointment Of Hearing Officer

The Chairperson, or any Town Supervisor appointed by the Chairperson, may modify or withdraw abatement orders issued under§173.11 Wisconsin Statutes, by Town Humane Officers.

RUNNING AT LARGE PROHIBITED: No owner of any animal shall allow such animal to run at large within the limits of the Town. The owner of said animal shall be held responsible and subject to penalty.

Dogs and other domestic animals shall not be considered running at large when a property owner other than the animal's owner has given permission for the animal to be present on his or her property. Dogs used for hunting purposes on public or private lands shall not be considered running at large if the dog owner is present and has the dog under his or her control by voice or whistle command.

UNLAWFUL TO CAUSE HARM OR INJURY: No person shall cause, permit or suffer to permit a dog, or other animal to attack or kill any person or domestic animal. This applies to any owner of the offending animal, any person charged with its care or any person providing its care. It is not a defense to a charge of violating this provision that the attacking and killing occurred all or in part on the premises owned, controlled or occupied by the defendant.

UNLAWFUL TO PLACE PERSONS IN FEAR OF INJURY: No person shall cause, urge, permit or suffer a dog, or other animal to place any person or other animals in reasonable fear of attack or injury.

CRUELTY TO ANIMALS PROHIBITED: No person shall torture, torment, deprive of necessary subsistence, mutilate, cruelly beat or cruelly kill any animal, or unnecessarily fail to provide the same with proper food, drink, shelter or protection from the weather or cruelly abandon same or commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal either maliciously, willfully or negligently.

ANIMAL NUISANCES: The owner of any dog or other animal shall not permit such dog, or other animal to become a nuisance to the public by any of the following:

- A. Being an annoyance or disturbance to any person other than the owner by frequent and habitual barking, howling, yelping, hissing, meowing or fighting.
- B. Defacing, scratching or marring any personal property other than that of the owner of said animal.
- C. Entering any property where food or drink is sold unless provided for otherwise under Statutes.
- D. Allowing such animals to defecate on property other than the animal owner's property without cleaning up the droppings.
- E. No person shall harbor or keep any dog or any other animal, which is a public nuisance.
- F. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibiting purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.
- G. EXCEPTION. Farms, Farm Animals and Farm Operations shall not be found to be an annoyance or nuisance under this ordinance.

ANIMALS AND SPECIES PROHIBITED: Animals of the species or classifications named in this section are hereby declared to be a nuisance within the Town and may not be kept by any person:

Poisonous reptiles
Poisonous snakes
Poisonous fish
Electric eels
Alligators and crocodiles
Cougars, wild cats, lions, or mountain lions
Bears, unless kept by a licensed wildlife rehabilitator or the owner has a current DNR permit to do so, and the owner has, by January 30 of each calendar year, displayed the original permit to the Town Clerk and provided the Town Clerk with an exact copy of such permit.

Any primate, except *Homo sapiens*.

LIMITATIONS ON NUMBER OF DOGS: No person shall own or keep more than five (5) dogs in the residential zoning districts (including RH, R1, R2, and R3) without a commercial kennel license. Exception for litters born on the property, for 12 weeks.

OWNER OR PERSON IN CHARGE OF ANIMAL TO KEEP PLACE IN SANITARY CONDITION: The owner or person in charge of any dog, horse or other animal shall keep the premises where the animal is kept in a clean and sanitary condition at all times, subject to Animal Control assessment.

CONFINEMENT OF FEMALE DOGS IN HEAT: The owner of any female dog in heat shall confine said female dog in a building which is completely enclosed, housed in a veterinary hospital or licensed kennel or within the owner's yard enclosed by a fence or other structure having a height of at least 42 inches. Nothing in this Section, however, shall be construed as prohibiting any competent and responsible person from walking said dog with a leash, cord, chain or other similar restraint not more than ten (10) feet in length or from transporting such dog within a motor vehicle under proper restraint.

ANIMAL NAPPING: No person shall take the dog or other animal of another from one place to another without the owner's consent or cause such dog, or other animal to be confined or carried out of the Town or held for any purpose without the owner's consent. This Section does not apply to enforcement officials including the Town Hearing Officer and Animal Control Officer engaged in the exercise of their official duties under this Title.

DANGEROUS AND VICIOUS ANIMALS:

- A. No person shall own, harbor, keep or maintain any dangerous or vicious dogs in the Town.
- B. No person shall bring into the Town, any dog which has been deemed vicious or dangerous in another jurisdiction or any dog ordered removed from another jurisdiction.
- C. No person shall interfere with, or provide false information to the Animal Control Officer or other official during the investigation or capture of a dangerous or vicious dog.
- D. An Animal Control Officer may impound any dog suspected of being dangerous or vicious, for a period not to exceed 30 days or order the animal to be removed from the Town.
- E. Upon receipt of a written order to remove a dangerous or vicious dog from an Animal

Control Officer, the owner shall confine the animal immediately if it is not impounded and comply with the removal order within seven days.

F. An Animal Control Officer may destroy, or arrange for the destruction of a vicious dog with the consent of the dog owner or begin the process to have the dog destroyed per pursuant to §174.02(3), Stats.

G. All orders of the Town shall be in writing and promptly served upon the owner or mailed to the owner by Certified Mail at the owner's last known address.

H. EXEMPTION. The provisions of this section shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.

MAD, VICIOUS, SUSPICION OF RABIES- QUARANTINE AND DESTRUCTION:

A. No person shall harbor or keep any animal infected with rabies, or any animal bitten by a rabid animal. No person shall fail to report to the Animal Control Officer, Sheriff and the Health Department the existence of an animal which is so infected. It shall be a defense to a charge of violating this paragraph if the person did not know, and did not have reasonable cause to believe, that the animal was infected with rabies or had been bitten by an animal infected with rabies.

B. In all cases hereunder, if any dog or other domestic animal is found to exhibit signs of rabies, it shall be destroyed and no person shall interfere with the Town authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or the person having custody of such dog, or other domestic animal.

C. Any dog or other domestic animal which has bitten any person and which shows evidence of a current rabies inoculation shall be quarantined at such place as designated by the health department for a minimum period of ten days. The dog or other domestic animal shall be examined by a licensed veterinarian within 24 hours of a quarantine notice and again on the tenth day after the bite. If, in the opinion of the Health Department, the vaccinated animal cannot be confined securely at the residence of its owner or custodian, or exhibits signs of illness as determined by a licensed veterinarian, the dog, or other domestic animal shall be quarantined at a veterinary hospital under the supervision of a licensed veterinarian.

D. Any dog or other domestic animal which has bitten any person and which does not display evidence of rabies inoculation shall be quarantined within 24 hours of the quarantine order at a veterinary hospital under the supervision of a licensed veterinarian for a minimum of ten days. "Supervision of a licensed veterinarian" includes, at a minimum, examination of the animal on the first day of isolation and on the last day of isolation. If the veterinarian certifies that the dog or domestic animal has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period. After such period of time, such veterinarian shall report his or her determination or findings thereof in writing to the Health Department.

E. Any domesticated wild animal that has bitten any person, including, but not limited to, wolf-dog hybrids, skunks and raccoons shall be immediately destroyed by a licensed veterinarian and the proper specimen from the animal tested for rabies by the State Lab of

Hygiene. All expenses connected therewith shall be charged to the owner or custodian of the animal.

F. If a dog, or other domestic animal is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, or other domestic animal is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after exposure to a rabid animal.

G. If a dog or other domestic animal is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, or other domestic animal is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal.

H. No person, other than the Animal Control Officer, Law Enforcement Officer, or veterinarian, shall kill or cause to be killed, any domesticated animal suspected of being rabid. The animal suspected of being rabid shall be placed in quarantine, and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian does diagnose rabies in an animal in quarantine, then the animal shall be humanely euthanized and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

2.02.040: Apprehension And Impoundment:

A. It shall be the duty of the Town Police Officer or the Animal Control Officer to cause to be taken up and impounded any dog, or any other animal (except cats) found to be at large within the Town contrary to the provisions of this Article or reasonably believed by the Town Police Officer or Animal Control Officer to have committed one or more of the acts described in UNLAWFUL TO CAUSE HARM OR INJURY or UNLAWFUL TO PLACE PERSONS IN FEAR OF INJURY, which would subject the owner thereof to penalty.

B. The provisions of §951.15 & 951.18 Stats. is hereby incorporated herein by reference.

IMPOUNDMENT AND DISPOSAL FEES: Impoundment and disposal fees shall be established and collected as may be determined from time to time by the designated animal shelter of the Town.

ANNUAL DOG LICENSE REQUIRED: The owner of all dogs five (5) months of age or older shall annual obtain a license therefore as hereinafter provided.

LICENCE APPLICATION: The owner or keeper of a dog for which a license is required, shall on or before the first day of February of each year apply for a license from the Treasurer of the Town for each dog owned by him.

A. A fee for each license shall be charged as determined by the Town Board annually.

Applications made on or after April 1 of each year shall be delinquent and a late fee in accordance with State Statutes shall be applied per dog.

B. Applications for licenses shall be in writing on forms provided by the Town and approved by

the Town Treasurer. VACCINATION OF DOGS:

A. The owner of any dog in the Town over the age of five (5) months shall have such dog inoculated for the prevention of rabies by a licensed veterinarian. The owner shall be responsible that evidence of said anti-rabies inoculation be attached to a substantial collar kept on the dog. Such evidence of inoculation shall be removed by the owner when the effect of the vaccination as stated by the veterinarian expires.

B. An owner who imports a dog into Eau Claire County that has reached five (5) months of age must have a current rabies vaccination certificate for the animal.

C. The owner of a dog shall have the animal vaccinated for rabies:

1. Within one year after initial vaccination; or
2. Before the date that the immunization expires, as stated on the certificate; or
3. Within three years after the previous vaccination, if no date is specified on the certificate.

2.02.050: License Fees: No person shall own or keep a dog over the age of five (5) months within the limits of the Town without first obtaining a license from the Town Treasurer by application with the fee set by the Town of Lincoln Board. License fee is one-half, if the dog became 5 months of age after July 1 of the license year. A late fee in accordance with the Statutes shall be applied per dog after April 1 of each year. A multiple dog license can be applied for by those with a commercial kennel license or anyone permitted to have more than 5 dogs Exemptions to the license fee shall be granted in accordance with §174.054 and §174.055 Stats.

LICENSE TAG: Upon receipt of the application and payment of the required fee, the Town Treasurer shall deliver or mail to the applicant a license which shall be in the form of a metal tag.

USE OF LICENSE TAG: License tags shall be attached by the owner to a substantial collar and during the term of the license shall be at all times kept on the dog for which the license was issued. Upon expiration of said license, the owner shall remove said tag from the animal.

TRANSFER OR CHANGE OF OWNERSHIP: When the permanent ownership of a dog is transferred, the Treasurer upon notification may transfer the license by notation on a license record giving the name and address of the new owner.

TAG NOT TRANSFERABLE: A license tag issued for one dog shall not be transferable to another dog.

DURATION OF LICENSE: All licenses shall expire on January 1 of the year following the date of issuance.

2.02.060: Exemptions To License Requirements: The requirements of licensing dogs shall not apply to such dog if:

- A. In transient through the Town only.
- B. First thirty (30) days of residency by the owner.
- C. Housed in a veterinary hospital or the designated animal shelter.
- D. Housed temporarily in an animal grooming shop.
- E. Exempt from the license requirement by §174.054 Stat issuance for educational and scientific purposes.

2.02.070: Enforcement, Penalties And Fees:

The Animal Control Officer or any person designated by The State of Wisconsin, a municipal government, a humane society or any person authorized by the Town is authorized to enforce the provisions of this ordinance.

The penalties for violation of any portion of this Ordinance are set forth in the Town of Lincoln Violation/penalty schedule.

Each day that any violation of this ordinance continues shall be deemed a separate offense.

SECTION V- EFFECTIVE DATE:

This ordinance supersedes any prior Dog Ordinance or Animal Control Ordinance for the Town of Lincoln.

This ordinance is effective on publication or posting.

BLASTING ORDINANCE: Chapter 2.03

2.03.010: Title/Purpose

This Ordinance shall be cited as the "Town of Lincoln Blasting Ordinance" and hereinafter referred to as "this Ordinance".

The purpose of this Ordinance is to regulate the use of explosives in non-metallic mining operations, in the erection or placement of structures greater than 15 feet high above the ground surface and in demolition of structures that require a level 3 license or higher. This Ordinance is intended to limit the adverse effects of blasting on persons or property outside any controlled blasting site area.

2.03.020: Authority

This Ordinance is adopted to protect the public health, safety and welfare of residents of the Town of Lincoln. This Ordinance is authorized by the powers granted to the Town of Lincoln by the Town's adoption of Village powers under sec. 60.10, Wis. Stats., and is in accord with sec. 61.34, Wis. Stats., and Wis. Admin. Code Comm. 7.

2.03.030: Definitions

When used in this Ordinance, the terms below shall be defined and limited as follows:

1. Affected building or structure. A building or structure within a distance extending 1320 feet from the outer perimeter of a controlled blasting site area.
2. Air blast. An airborne shockwave resulting from the detonation of explosives.
3. Blast area. The area of the blast as determined by the blaster in charge within the influence of flying rock missiles, the emission of gases, and concussion as determined by the blaster in charge.
4. Blast site. The area where explosive materials are handled during the loading of blast holes, including 50 feet in all directions from the perimeter formed by the loaded blast holes. A minimum of 30 feet may replace the 50 foot requirement, if the perimeter of loaded blast holes is marked and separated from the non-blast area outside of the site by a protective barrier. The 50 feet or 30 foot distance requirements apply in all directions along the full depth of the blast hole.
5. Blaster. Any individual holding a valid blaster's license issued by the Wisconsin Department of Commerce.
6. Blaster in charge. The qualified person in charge of and responsible for loading and firing the blast.
7. Blasting. The use of explosives to loosen, penetrate, move or shatter masses of solid materials.
8. Blasting resultants. Effects caused by blasting including, but not limited to, projectile matter, vibrations and concussion that cause injury, damage or unreasonable annoyance to persons or property located outside the controlled blasting site area.

9. Controlled blasting site area. An area that surrounds a blast site from which the operator has a legal right and duty to take all reasonable means to assure the safety of persons and property, either because the operator owns the area, or because the operator has leased or has some special agreement with the owner of that area.

10. Flyrock. Rock or karst that is propelled through the air from a blast.

11. Ground vibration. A shaking of the ground caused by the elastic wave emanating from a blast.

12. Karst. An area or surficial geological features subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include areas with soils less than 60 inches thick over bedrock, caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, swallets, and depressions with no surface drainage.

13. Particle velocity. A measure of ground vibration describing the velocity that a particle of ground vibrates when excited by a seismic wave.

2.03.040: Applicability

1. This Ordinance shall apply:

a. To any person who blasts in the Town of Lincoln in order to establish a footing, foundation, or other method of support for the construction, placement or erection of structures greater than 15 feet high above the ground surface.

B. To any person who conducts blasting in the Town of Lincoln as part of a nonmetallic mining operation.

c. To any person who blasts in the Town of Lincoln in order to demolish buildings or other structures when these require a level 3 license or higher.

2. Applications for a permit to blast shall only be submitted by and issued to an individual who holds a valid blaster's license issued by the Wisconsin Department of Commerce with the proper classification or who is supervised by a licensed blaster.

3. Applications for a permit to blast may be submitted by and issued to a blasting business, provided that the individual operating under the permit holds a valid blaster's license issued by the Wisconsin Department of Commerce with the proper classification or is supervised by a licensed blaster.

4. No blasting permit shall be issued to any person, unless the operation which blasting supports has all necessary state, county and town permits and is in compliance with all Town, County and State regulations, including but not limited to, the requirements of this chapter.

2.03.050: Application

1. An applicant shall obtain an application form for a blasting permit from the Town Clerk. The applicant shall submit the completed application form together with all additional documentation to the Town Clerk.

2. The application shall include the following information on the form itself or on documents attached to the form:

a. Name, license number, address, land and cell phone numbers, and email address of the applicant.

b. Name address, license number, land and cell phone numbers, and email address of the blaster in charge of the blast, if other than the applicant.

c. Name address, land and cell phone numbers, and email address of the person in charge of the operation that blasting will be used to support.

d. A map showing the location of the blasting site and a brief description of the operation at the site. Include on this map the location of all buildings located within 500 feet of the controlled blasting site, attaching the names, addresses and land phone numbers of owners of those buildings.

e. Copies of all County and State permits that have been granted to the operator for whose operation blasting is giving support.

f. Proof of financial insurance.

g. A pre-blasting site inspection report. h. Copies of pre-blast report.

3. An application shall be regarded as "complete" only when the information requested in Section 1.06(2) a-h of this Ordinance has been provided to the Town Clerk on the form or on attachments to the form.

2.03.060: Pre-Blasting Surveys

1. Pre-blasting surveys shall be conducted to determine the condition of all buildings or structures within 1320 feet of the blast site(s) and the quality of water in all wells in that area shall be tested prior to the onset of blasting. The pre-blasting surveys shall be completed at the applicant's expense. Each survey shall provide the name and address and telephone number (if known) of the resident or owner of said buildings, structures and/or wells, and shall document any pre-blasting presence or absence of damage or other physical factors that could reasonably be expected to be affected by the use of explosives. The testing of wells shall determine whether the water is safe for human consumption according to established drinking water quality standards, including standards applicable to children of all ages and pregnant women. If the blasting for which a permit application is being made is part of an operation that has been already permitted and that tested the wells within a time frame acceptable to the Town of Lincoln, information regarding those tests can be submitted instead of testing the wells again.

2. If any new building or structure is added or a new well drilled subsequent to the effective date of the permit, the owner may request a survey to be done of that building or well and the permittee shall conduct that survey, at the permittee's expense. In addition, if a building or structure is improved and the cost of the improvement exceeds 50% of its fair market value prior to the improvement, the owner of that building or structure may request that a pre-blasting

survey be completed, at the permittee's expense.

3. Prior to obtaining a blasting permit, the applicant shall notify, in writing, all residents or owners of buildings or other structures (including, but not limited to, wells) located within 1320 feet from the blasting site that the applicant intends to apply for a blasting permit from the Town of Lincoln and will be completing a pre-blasting survey as part of the application and review process. The written notification shall include a statement indicating that the survey provides a baseline record of the pre-existing condition of building or a structure against which the effects of blasting can be assessed and it should include both the interior and exterior of the buildings. It shall also indicate that no survey will be done unless the resident or owner makes a written request for a pre-blast survey and a water quality test for existing wells. The resident or owner shall make this request in writing to the applicant. The applicant shall conduct a pre-blast survey only of requested dwellings or structures and conduct water quality testing for existing wells.

4. If the resident or owner requests a copy of the survey, then, within 48 hours of the request, the blaster shall provide the copy.

5. In cases where a blasting permit is renewed because it is part of a permitted continuing operation that lasts over a number of years, the applicant shall not be required to conduct a pre-blast survey of any dwelling or structure, or conduct a well water quality test more than once every five (5) years.

6. The pre-blast survey and water quality testing shall be conducted by an independent survey company and a laboratory approved by the State of Wisconsin or an organization selected by the applicant and acceptable to the owner or resident and the Town. Reasonable and reasonably related costs of such independent survey shall be the sole responsibility of the applicant/permittee.

2.03.070: Procedures

1. Upon receipt of complete application form and the permit fee(s), the Town Clerk shall place the application on the agenda for the next meeting of the Plan Commission. The Plan Commission shall review the application. If it determines that the permit application is complete and the proposed blasting activity will comply with all the applicable provisions of this Ordinance and of Wis. Administrative Code Comm. 7, the Plan Commission will recommend that the Town Board grant a blasting permit. The Plan Commission may also recommend conditions related to the permit, as appropriate. If Plan Commission determines that the application is incomplete or that the proposed blasting activity will not be conducted in conformity with the provisions of this Ordinance or Wis. Administrative Code Comm. 7, the Plan Commission shall recommend the Town Board deny the permit.

2. The Town Clerk will place the Plan Commission's recommendation on the agenda of the next regularly scheduled Town Board meeting for review and action by the Town Board. The Town Board may approve, approve with conditions, deny or request additional information, as appropriate.

2.03.080: Pre-Blasting Site Inspection

1. The blaster shall visually inspect the controlled blasting site area to determine if there is any evidence of a sinkhole, a cave or a subsurface void in the karst that could be part of a sinkhole or cave. If visual inspection reveals such, no blasting shall occur, nor shall any structure support be placed therein.
2. In addition to a visual inspection, especially if visual inspection is inconclusive and the general area is known to have sinkholes and caves, it is recommended that the blaster use probes (such as borings) or geophysical methods such as resistivity tomography, seismic refraction, microgravity or ground penetrating radar, to ascertain the presence of sinkholes or caves.
3. The blaster shall submit a pre-blasting site inspection report regarding his finding and methods used to the Plan Commission at the time an application for a permit to mine is made.

2.03.090: Notification of Blasting

Notification must be given to the following persons and by the following means at least 72 hours prior to the initial blasting at a blast site as well as prior to all subsequent blasting events at the blast site:

1. At least 72 hours prior to initial blasting at a blast site, the blaster in charge shall make a reasonable effort to notify all residents or owners of affected buildings, as defined in Section 1.04(1) of this Ordinance. The blaster shall make all reasonable efforts to ensure timely and effective notice that a blasting operation is to begin, using such means as a written notice, a phone call, email or verbally in person.
2. A resident call list shall be established for the purpose of notifying persons living in the vicinity of the blast site at least 72 hours prior to a blasting event. A resident shall be placed on this call list only upon request to be so listed and called. The call list must be maintained and used prior to any blast.
3. Before any blasting operation or blasting event, the blaster in charge shall give notice thereof by the conspicuous display of a fluorescent flag and legible sign displayed within 100 feet of all public roads bordering the blasting site or at least the nearest public road bordering the blasting site. Said sign should also warn against the use of all mobile wireless communication equipment on all roads within 1000 feet of the blasting operations. The flag and sign shall be displayed prior to and during all blasting operations and events.
4. A distinctive warning signal shall be sounded prior to commencing blasting. Automotive or truck horns shall not be used as a warning signal.
5. Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph or steam utilities, these utilities shall be notified no less than 72 hours prior to commencing blasting.
6. Verbal (in person or by phone) or written (on hard copy or email) notice shall be given to the Town Clerk, the Town Chairperson, and the Plan Commission Chair at least one full working day prior to the onset of any blasting event. If a schedule including dates and times of

blasting events is known at the time of application, making that schedule part of the application can serve as written notice. If part of the application, further notice shall be required only if there is deviation from the schedule.

2.03.100: Blasting Schedule

All surface blasting shall be conducted between sunrise and sunset, unless one of the following conditions applies:

1. A more restrictive time period is specified by the Town as a condition of use.
2. The operator has shown that the public will not be adversely affected by noise and other impacts, and the Town Board has approved the deviation from normal blasting hours.

2.03.110: Blasting Log

An accurate blasting log shall be prepared and maintained for each blast fired, and a true and complete copy of this log shall be kept by the permittee for a period of not less than 5 years and furnished to the Town of Lincoln within 3 working days of a request for a copy of said log by the Town Clerk, Plan Commission or Town Board. The Town of Lincoln may require that the permittee furnish an analysis of any particular blasting log to be prepared by the permittee. Each blasting log shall include, but not be limited to, the following information:

1. Name and License number of the blaster in charge of the blast.
2. Blast location references on an aerial photograph.
3. Date and Time of blast.
4. Weather conditions at the time of blast.
5. Diagram and cross section of blast hole layout.
6. Number of blast holes.
7. Blast whole depth and diameter.
8. Spacing and burden of blast holes.
9. Maximum holes per delay.
10. Maximum pounds of explosives per delay.
11. Depth and type of stemming used.
12. Total pounds and type of explosives used.
13. Distance to nearest inhabited building not owned by the operator/blaster in charge
14. Distance of blast hole to groundwater.
15. Type of initiation used.

16. Seismographic and air blast records which shall include all of the following:

- a. Type of instrument and last laboratory calibration date.
- b. Exact location of instrument and the date, time, and distance from the blast.
- c. Name of person and firm taking the reading.
- d. Trigger levels from ground and air vibrations.
- e. The vibration and air blast levels recorded.

2.03.120: Monitoring

- 1. The permittee shall monitor all blasts at the closest location to the controlled blast area of any affected building or structure beyond the controlled blast area, provided, however, that the permittee may monitor at another location approximately the same distance from the perimeter of the controlled blast area, if the permittee is unable to obtain permission to conduct the monitoring from the owner of the preferred location.
- 2. The Town of Lincoln, by its Town Clerk, Plan Commission or Town Board, may, at its discretion, require the relocation of the monitoring equipment to a more suitable site.

2.03.130: Storage of Explosives

No storage of explosive material on site is allowed.

2.03.140: Control of Adverse Effects

The permittee and the operation requiring blasting shall be responsible for taking all reasonable actions necessary to control the adverse effects described herein.

- 1. General requirements. Blasting shall be conducted by the permittee and the operation requiring such blasting so as to prevent injury and unreasonable annoyance to persons and damage to public or private property outside the controlled blasting site area.
- 2. Flyrock. The permittee and the operation requiring blasting shall take all reasonable actions to assure that flyrock traveling in the air or along the ground meets all of the following conditions:
 - a. Remain within the controlled blasting site area.
 - b. Not be cast more than one-half the distance to the nearest inhabited building within or outside of the controlled blasting site area.

3. Air blast.

- a. An air blast may not exceed 133 peak dB at the location of any dwelling, public building or place of employment outside the controlled blasting site area.
- b. The blaster shall conduct monitoring of every blast to determine compliance with the air blast limit. The measuring system used shall have a lower-end flat frequency response of not more than 2 Hz and an upper-end flat frequency response of at

least 200 Hz.

4. Ground vibration.

- a. The maximum ground vibration at the location of any dwelling, public building or place of employment outside the controlled blasting site area shall be established in accordance with the blasting-level chart of par. (b).
- b. All structures in the vicinity of the controlled blasting site area, not listed in subd.1., such as water towers, pipelines and other utilities, tunnels, dams, impoundments and underground mines, shall be protected from damage by establishment by the blaster of a maximum allowable limit on the ground vibration. The blaster shall establish the limit after consulting with the owner of the structure.
- c. The blaster shall use the ground vibration limits specified in Figure 7.44 WI Admin. Code Comm. 7 (below) to determine the maximum allowable ground vibration. Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in 3 mutually perpendicular directions.
- d. The blaster shall make and keep a seismograph record including both particle velocity and vibration frequency levels for each blast. The method of analysis shall be subject to discretionary review by the Plan Commission.
- e. For quarry operations, the blaster shall report any ground vibration levels to the Town Board that are above 0.75 inch per second with frequencies less than 40Hz.

2.03.150: Proof of Insurance

Each application for an explosives use permit as herein stated, or a renewal thereof, shall be accompanied by a certificate of Insurance for a Commercial General Liability Policy and said Policy of Insurance shall have limits of coverage of not less than two million (\$2,000,000.00) dollars in the aggregate and one million (\$1,000,000.00) dollars per occurrence, including coverage for explosion, collapse and underground, and the Town shall be named as an additional insured on said Policy of Liability Insurance.

2.03.160: Permit Durations, Renewals and Fees

1. A short-term permit may be issued for a single blasting event and shall be valid for 14 days from the effective date of the permit. The fee for a temporary permit shall be \$100. Only one subsequent short term permit may be granted and the fee for a subsequent short term permit shall be \$100.00.
2. A long term permit shall be granted for period of no more than 180 days. The fee for a 180 day permit, and for a renewal thereof, shall be \$300.00.
3. An application for a renewal of an existing permit shall be made 60 days prior to the expiration date of the existing permit.

2.03.170: Revocation and Suspension

1. The Town Board, on its own motion or following due review and investigation of a written complaint, may suspend or revoke the blasting permit for any violation of provisions or

requirements of this Ordinance or of other applicable State and Federal law. The following persons may file a written complaint and request suspension or revocation:

- a. A resident, lessee or owner of an affected building, structure or well
- b. A building inspector.
- c. The Town Chairperson
- d. A Town Supervisor
- e. The Plan Commission Chairperson
- f. The Town Clerk

2. Where warranted, as determined in the reasonable discretion of the Town Board, a blasting permit may be temporarily suspended without notice or hearing to the permittee. Written or verbal notice of a temporary suspension, and of conditions that must be met to reinstate the permit, shall be promptly given to the permittee at the address contained in the application.

3. In general, the Town Clerk shall provide the permittee with no less than 24 hours' notice of a meeting where action to suspend the blasting permit is on the agenda. Permittee's failure to appear at such meeting shall be deemed a waiver of the opportunity to be heard prior to final action of the Town Board. Written or verbal notice of the suspension, and of conditions that must be met to reinstate the permit, shall be promptly given to the permittee at the address contained in the application.

4. Prior to revocation of a blasting permit, the Town Board shall give the permittee no less than 72 hours' notice of a meeting where action to revoke is on the agenda. The permittee shall be given a reasonable opportunity to be heard prior to final action by the Town Board. Permittee's failure to appear at such meeting shall be deemed a waiver of the opportunity to be heard prior to final action of the Town Board. Written or verbal notice of the revocation shall be promptly given to the permittee at the address contained in the application.

2.03.180: Penalties

In addition to the denial, suspension or revocation of a permit issued under this Ordinance, any person who violates any provision of this Ordinance shall be subject to forfeiture in an amount not less than \$1000.00 nor more than \$10,000.00 for each day of continued violation, plus costs of prosecution. The deposit is shown in the deposit schedule.

2.03.190: Severability and Interpretation

1. Should any section, clause, provision or portion of this Ordinance be adjudged unconstitutional or invalid, unlawful or unenforceable by a final order of a court of competent jurisdiction, including all applicable appeals, the remainder of this Ordinance shall remain in full force and effect.

2. The provisions of this Ordinance shall be liberally construed in favor of the Town of Lincoln and shall not be construed to be a limitation or repeal of any other power now possessed or

granted to the Town of Lincoln.

2.03.200: No Liability for Damages

This Ordinance shall not be construed as an assumption of liability by the Town of Lincoln for damages because of injuries sustained or property destroyed by any person's failure to comply with the requirements set forth herein.

2.03.210: Effective Date

This Ordinance shall take effect upon publication or posting as provided by law.

Any of the provisions of this Ordinance, including the license term, may be modified by agreement between the Town and the blaster if the Town Board determines that the agreement provides protections for the public at least equal to those of this Ordinance.

CITATION ORDINANCE: Chapter 2.04

2.04.010: Title/Purpose

The title of this Ordinance is the Town of Lincoln Citation Ordinance. The purpose of this ordinance is to authorize the Town Board of the Town of Lincoln, or its designees, to issue citations for violations of Town of Lincoln ordinances, including ordinances with statutory counterparts.

2.04.020: Authority

The Town Board of the Town of Lincoln has the specific authority under § 66.0113, Wis. Stats. to adopt this ordinance.

2.04.030: Adoption of Ordinance

The Town Board of the Town of Lincoln, by this Ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the Town of Lincoln to issue citations for violations of Town of Lincoln ordinances, including ordinances with statutory counterparts.

2.04.040: Coverage

A. The Town Board prescribes the form for citations to be issued in the Town of Lincoln by the Town Board, or its designees, for violations of Town of Lincoln ordinances shall be as provided in this subsection and shall include all of the following:

1. The name and address of the alleged violator.
2. The factual allegations describing the alleged violation.
3. The time and place of the offense.
4. The section of the ordinance violated.
5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
6. The time at which the alleged violator may appear in court.
7. A statement that in essence informs the alleged violator of all of the following:
 - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - b. That if the alleged violator makes a cash deposit he or she need not appear in court unless subsequently summoned.
 - c. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint

if the court does not accept the plea of no contest.

d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under s. 66.0113 (3) (d), Wis. stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. stats.

e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person, other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093, Wis. stats. .

8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under s. 66.0113 (1) (b) 7., Wis. stats., and shall send the signed statement with the cash deposit.

9. Any other information as may be deemed necessary.

B. The Town Board adopts the following schedule of cash deposits that are required for the various Town of Lincoln ordinance violations, which includes for each listed violation costs, fees, and surcharges imposed under Ch. 814, Wis. Stats: See attached List of Violations - Deposits

C. The Town Board names the following court, clerk of court, or other official to whom cash deposits are to be made and require that receipts be given for cash deposits: State of Wisconsin, Eau Claire County Clerk of Court or person acting in that capacity.

D. The Town Board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified ins. 345.11, Wis. stats., shall be used by the Town of Lincoln in lieu of the citation form noted above in subsection C.

E. The Town Board requires that in actions for violations of Town of Lincoln ordinances enacted in accordance with s. 23.33 (II) (am) or s. 30.77, Wis. stats., the citation form specified ins. 23.54, Wis.stats., shall be used in lieu of the citation form noted above in subsection C.

2.04.050: Issuance and Service of Citation

· A. The Town Board may issue Town of Lincoln citations or the Town Board may designate certain Town of Lincoln, County or other municipal officials, with their written approval, to issue such citations.

B. The Town of Lincoln's appointed law enforcement officer and Eau Claire County Sheriff's Department deputies are authorized to issue the Town of Lincoln citations. These officials may also designate a person to issue such Ordinances for the Town of Lincoln and this official may

revoke this authority to issue anytime.

C. The Town of Lincoln Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Lincoln upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Lincoln may also serve such citations.

2.04.060: Relationship to Other Laws

The adoption and authorization for use of a citation under this Ordinance does not preclude the Town Board of the Town of Lincoln from adopting any other ordinance or providing for the enforcement of any other law or ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this Ordinance does 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 does not preclude the issuance of a citation under this Ordinance.

2.04.070: Severability

1. If any provision of this ordinance of its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance are severable.

2. This Code of Ordinances shall not be construed to abrogate any minimum or maximum penalties prescribed by the laws of the State of Wisconsin.

3. Any person who shall be required by this Code of Ordinances to file with the Town of Lincoln a bond in order to construct, own, operate, control, close or provide long term care of any facility, use, activity, business, operation or road in the Town of Lincoln may be required to forfeit part or all of the bond amount and have amounts charged against the bond to reimburse the Town of Lincoln for any necessary expenses or costs incurred by the Town of Lincoln to correct violations of this ordinance.

2.04.080: Citations

(A) All suspensions or revocations of any licenses will be, after a public hearing, unless emergency conditions require immediate and temporary suspension of the license by the Town Board of the Town of Lincoln. For purposes of this Code of Ordinances, "licenses" shall include "permits" and "licensees" shall include "permittees". Following any temporary suspension, written notice of same shall be attempted to be personally served on the licensee or the agent of the licensee. Such notice of temporary suspension shall include a statement that the party may have a public hearing regarding suspension or revocation before the Town Board not before two (2) days nor not after five (5) business days from receipt of the notice by delivering to the Town Clerk of the Town of Lincoln a written request for a hearing. No temporary suspension shall continue beyond six (6) days from date the Town Clerk receives a written request for a hearing.

(B) Prior to any action for a non-temporary suspension or permanent revocation, except in an emergency condition, the Town Board of the Town of Lincoln must, by the Town Clerk of the Town of Lincoln, receive a certified complaint concerning the licensee. The following persons

may file a certified complaint with the Town Board of the Town of Lincoln:

1. The Town Chair or other Town Supervisors
2. The Town Clerk
3. Any Town of Lincoln officer designated by the Town Chair or Town Board to file such complaints

(C) Any person, subject to charges for violation of this Code of Ordinances or any violation of a condition of any license, shall be provided a copy of the certified complaint and notice of hearing before the Town Board of the Town of Lincoln, except as may be required in Chapter 125, Wis. Stats., related to revocation of intoxicating liquor and fermented malt beverage licenses. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after receipt of notice, unless stipulated in writing by the Town Board of the Town of Lincoln and by the person subject to charges of violation or unless an emergency hearing is required due to a temporary suspension as noted herein.

(D) Any person subject to charges for violation of this Code of Ordinances or any violation of a condition of any license shall be entitled to a public hearing and to the following:

1. Representation by legal counsel at the expense of the person subject to charges
2. Right to present and cross examine witnesses
3. Right to subpoena witnesses with the Town Chair of the Town of Lincoln issuing subpoenas to compel attendance of the witnesses

(E) The Town Board of the Town of Lincoln may, after the public hearing, for any person previously issued a license by the Town Board of the Town of Lincoln, act as follows:

1. Revoke the license as a final decision
2. Suspend the license for a date certain as a final decision
3. Request additional information as an interim decision prior to taking future action
4. Take no action on the license as a final decision

(F) The final decision of the Town Board of the Town of Lincoln to revoke or suspend a license, except as noted in Chapter 125, Wis. Stats., including a temporary suspension, shall be subject to appeal pursuant to Chapter 68, Wis. Stats.

(G) The Town Chair or the Town Clerk of the Town of Lincoln, by order of the Town Board of the Town of Lincoln, shall repossess any license revoked or suspended, including temporary suspension, by the Town Board of the Town of Lincoln.

(H) If no hearing is requested by the person subject to charge within the time herein noted, any appropriate license shall be revoked by the Town Board of the Town of Lincoln at its next meeting.

(I) The following specific reasons beyond those noted in each separate ordinance may be considered, at minimum, by the Town Board of the Town of Lincoln in determining whether to re-issue, revoke or suspend, including any temporary suspension, a previously issued license:

1. A false statement was made by the licensee in the application filed with the Town of Lincoln and/or a false statement was included in the materials attached to the application by the licensee.
2. The current or former facilities, uses, activities, business or operations as operated or controlled by the licensee are or have been detrimental to the public peace, public

health, public safety and general welfare of the public in the Town of Lincoln.

3. The current or former facilities, uses, activities, businesses or operations as operated or controlled by the licensee have not or do not conform to or meet the conditions of this ordinance or do not conform to or meet specific state or federal laws or specific state or federal regulations.

4. The current or former facilities, uses, activities, businesses or operations as operated or controlled by the licensee have or are causing a public nuisance in the Town of Lincoln and/or are operating contrary to County of Eau Claire or Town of Lincoln zoning.

5. The licensee, if a corporation, has not been or is not authorized to do business in the State of Wisconsin.

6. The licensee, as a natural person, is not of age.

7. The licensee, as a natural person, is not legally competent.

8. The licensee has not or does not currently comply with the specific written conditions included in the issued or previously licensed.

9. The licensee failed to operate or control the facilities, uses, activities, businesses or operations as set forth in the original application filed with the Town of Lincoln or in the materials attached to the original application by the licensee.

10. The licensee failed as required to conduct the facility, use, activity, business or operation and instead allowed other persons not employees or agents of applicant(s) to own, operate or control the use, activity, business or operation.

(J) The Town Board of the Town of Lincoln shall, except in an emergency condition as determined by the Town Board of the Town of Lincoln, prior to revoking or suspending any license or prior to refusing to issue or re-issue a license, make on the record specific written findings as to the reason or reasons the Town Board of the Town of Lincoln did take such action. Any applicant(s) or licensee shall, as noted previously for a permanent revocation or non-temporary suspension of a license, be provided opportunity for a public hearing; as noted, an opportunity to cross examine witnesses, an opportunity to present relevant evidence and to require that witnesses to testify against the applicant(s) or licensee be under oath. The Town Board of the Town of Lincoln, in lieu of refusing to issue or re-issue a license, may delay final determination action pending further investigation by the Town of Lincoln upon its own motion for up to thirty (30) days beyond the original required final determination date.

(K) Unless otherwise noted by order of the Town Board of the Town of Lincoln, the Town Chair of the Town of Lincoln shall be the primary official of the Town of Lincoln responsible to investigate matters related to licenses.

(L) Unless otherwise noted by order of the Town Board of the Town of Lincoln, the Town Chair of the Town of Lincoln shall be the primary official of the Town of Lincoln responsible to implement the enforcement of the conditions established in licenses issued by the Town of Lincoln and to implement the enforcement of the Code of Ordinances of the Town of Lincoln against any licensee or other person violating this Code of Ordinances or conditions of any license.

(M) Any Town officer of the Town of Lincoln shall, in a timely fashion, inform the Town Board

of the Town of Lincoln of any alleged or real violation of the conditions established in any licenses issued under this Code of Ordinances by the Town of Lincoln and any alleged or real violations of this Code of Ordinances.

(N) Any Town officer of the Town of Lincoln shall be responsible to inform the Town Board of the Town of Lincoln regarding his or her knowledge of the refusal of any person to obtain a license who should be required to hold a proper license under the Code of Ordinances from the Town of Lincoln.

2.04.090: The following are the deposits:

1. The offenses in this ordinance require the following deposits with the appropriate court costs and surcharges to be attached as required by the court and state bar. Each day is a separate offense.

Deposits shall be made in cash, money order or certified check to the County Clerk of Circuit Court who shall provide a receipt therefor.

Ordinance Section	Offense	Deposit
2.12.010	Violation of Non-Metallic Mining Ordinance	\$1,000.00
2.03.180	Violation of Blasting Ordinance	\$1,000.00
2.19.030 (B)(1)(a)	Failure to obtain waste or Recyclable Material Facility License	\$200.00
2.19.030 (B)(1)(c)	Failure to comply with ordinance, license or conditions as established in the license	\$500.00
2.19.030 (B)(1)(d)	Failure to obtain negotiated siting agreement or arbitration award	\$500.00
2.19.030 (B)(1)(f)	Improper burning of waste or recyclable materials	\$200.00
2.19.030 (B)(4)(a)	Failure to obtain Commercial Livestock Facility License	\$200.00
2.19.030 (B)(4)(c)	Failure to comply with ordinance, license or conditions established in license	\$200.00
2.19.030 (B)(5)(a)	Failure to obtain Metallic Mining Facility License	\$200.00
2.19.030 (B)(5)(c)	Failure to comply with ordinance, license or conditions established in license	\$200.00
2.19.030 (C)(1)(a)	Failure to obtain required license or approval	\$200.00
2.19.030 (C)(4)(a)	Failure to post license	\$50.00

2.19.040 (B)(1)	Improper operation or maintenance of motor vehicles and waste containment devices on vehicles	\$500.00
2.19.040 (C)	Failure to provide certain lists of persons authorized for disposal, storage, treatment or recycling of waste or recyclable materials at facilities	\$1,000.00
2.19.040 (D)(1)	Failure to report certain occurrences	\$1,000.00
2.19.040 (E)(1)	Failure to construct, own, operate, control, close or provide long term care of facilities in a proper manner, including (a-k) provisions related to specific requirements	\$1,000.00
2.19.040 (E)(2)	Failure to obtain waste or recyclable material facility license and maintain proper manifests	\$1,000.00
2.19.040 (E)(3)	Failure to provide copies of manifest to Town Clerk	\$500.00
2.19.040 (F)(1)	Failure to construct, own, operate, control, close or provide long term care of facilities without proper insurance bond	\$1,000.00
2.19.040 (G)(1)	Improper discharge of waste, recyclable materials, metallic mining materials or special wastes	\$1,000.00
2.19.040 (G)(2)	Improper transport of waste, recyclable materials, livestock, metallic mining materials or special wastes	\$1,000.00
2.19.040 (G)(3)	Failure to collect, remove and transport waste, recyclable materials, metallic mining materials or special wastes within twenty-four (24) hours and in a proper manner	\$1,000.00
2.19.040 (G)(4)	Improper discharge of waste, recyclable materials, metallic mining materials or special wastes on or near public lands, ice or water	\$1,000.00
2.19.040 (G)(6)	Discharge or littering of special wastes upon public beach, road, roadways or other public lands	\$1,000.00
2.19.040 (G)(8)	Improper discharge of any waste or recyclable material, including toilet or other human waste from motor boat or other vehicle into public waterways	\$1,000.00
2.19.040 (G)(9)	Improper discharge of waste, recyclable materials, metallic mining materials or special wastes into public water by improper non-point discharge on land	\$1,000.00

2.19.040 (G)(10)	Improper discharge of waste, recyclable materials, metallic mining materials or special wastes onto the public waterways which may obstruct or destroy navigation	\$1,000.00
2.19.040 (G)(11)	Improper construction, maintenance or reconstruction of dilapidated buildings or structures near public waters	\$1,000.00
2.19.040 (G)(12)	Improper construction, maintenance or reconstruction of drains, pipes, culverts, sewer, ditches or other artificial structures for discharge into public waters	\$1,000.00
2.19.040 (G)(13)	Improper construction, maintenance or reconstruction of drains, pipes, culverts, sewers, ditches or other artificial outlet of discharge of special wastes, infectious waste, hazardous waste, toxic waste or noxious matter onto public lands	\$1,000.00
2.19.040 (G)(14)	Improper sewage discharge	\$1,000.00
2.19.040 (G)(15)	Improper waste, recyclable materials or septage discharge	\$1,000.00
2.19.040 (G)(16)	Improper land spreading of waste, recyclable material or special waste	\$1,000.00
2.19.040 (H)(1)	Scavenging prohibited	\$500.00
2.19.040 (I)(1)	Improper deposit or placement of certain waste for collection	\$500.00
2.19.040 (I)(2)	Failure to prevent for collection foreign wastes	\$200.00
2.19.040 (J)(1)	Improper deposit near any transfer station or waste facility	\$200.00
2.19.040 (J)(2)	Improper closure and long term care of facilities	\$1,000.00
2.19.040 (K)(1)	Improper burning in an incinerator, furnace, stove, barrel or air curtain destructor	\$200.00- Residential \$5,000- Commercial Agricultural -\$500 (less than 1,000 animal units -\$5,000 (more than

		1,000 animal units
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CONFIDENTIALITY OF INCOME AND EXPENSE RECORDS ORDINANCE: Chapter 2.05

2.05.010: Title/Purpose

This ordinance is entitled the Town of Ordinance Relating to Confidentiality of Income and Expense Records. The purpose of this ordinance is to provide confidentiality of the records of taxpayers who provide income and expense record information to the town assessor under s. 70.47 (7) (at), Wis. stats., and to exempt that information from being subject to the right of inspection or copying as a public record under s. 19.35 (l), Wis. stats.

2.05.020: Authority

The Town Board of the Town of Lincoln, has the specific authority under s. 70.47 (7) (at), Wis. stats., to provide confidentiality to taxpayers of certain income and expense records provided to the town assessor by those taxpayers for purposes of valuation of real property in the Town of Lincoln, owned by those taxpayers.

2.05.030: Adoption of Ordinance

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, adopts by references. 70.47 (7) (at), Wis. stats. providing for the confidentiality of information regarding income and expenses.

2.05.040: Adoption by Reference and Confidentiality Requirement

Section 70.47 (7) (at), Wis. stats., is adopted by reference. Income and expense information provided by a property owner to the town assessor for the purpose of establishing valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under s. 19.35 (1), Wis. stats. Unless a court determines that the information is inaccurate, the information provided to the assessor is not subject to the right of inspection or copying as a public record under s. 19.35 (1), Wis. stats.

2.05.050: Exceptions to Confidentiality

A town officer in the Town of Lincoln may make public disclosure or allow access to income and expense information provided by a property owner to the town assessor for the purpose of establishing valuation for assessment purposes by the income method of valuation in his or her possession as provided below:

- A. The town assessor shall have access to the provided income and expense information in the performance of his or her duties.
- B. The board of review may review the provided income and expense information when needed, in its opinion, to decide upon a contested assessment.
- C. Any person or body who has the right or whose duty in his or her office is to review the provided income and expense information shall have access to the information.
- D. A town officer who is complying with a court order may release the provided income and expense information in accordance with the court's order.
- E. If the provided income and expense information has been determined by a court to be inaccurate, the information is open and public.
- F. If the property owner has provided written approval for public disclosure or limited disclosure to that person, and the Town Board of the Town of has approved the disclosure, the provided income and expense information is open and public to the extent approved.

2.05.060: Penalty Provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than nor more than Five Hundred dollars (\$500.00), plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

DRIVEWAY ORDINANCE: Chapter 2.06

2.06.010: Title/Purpose

This ordinance is entitled "Town of Lincoln Driveway Ordinance". The purpose of this ordinance is to regulate and control the placement and building of driveways on Town of Lincoln Roads.

2.06.020: General Provisions

A. All new driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures shall be subject to these regulations.

B. Authorization for a driveway is subject to the approval of the Town of Lincoln Board. This is done before or at the time an Access Permit is issued as required by Section 18.22.030A of the County of Eau Claire's Code.

C. The applicant shall submit to the Town of Lincoln a location and construction plan showing specifications including grade, slope, width, length of the driveway, erosion control and storm water retention.

D. The following specifications shall apply:

(1) A minimum driveway open space width of 26 feet.

(2) Minimum driveway surface of 12 feet.

(3) Minimum height clearance free of trees, wires, etc. of 18 feet.

(4) Maximum grade of 10%.

(5) Side slopes on the driveway shall not exceed 3:1.

(6) Minimum radius on curves shall be 60 feet.

(7) The driveway within the area of the public right-of-way shall slope away from the road at a minimum of 1% and a maximum of 5% to prevent erosion on the public road. The Town of Lincoln Board shall determine the size and length of any culvert that is required on the public right-of-way.

(8) At the end of the driveway, a cul-de-sac or open space 60 feet in radius shall be provided to allow vehicles to turn around. The area shall be able to support the weight of a fire engine or school bus.

(9) The road bed construction shall be approved by the Town of Lincoln.

E. Driveways of record which serve structures at the time of adoption of this ordinance shall be exempt from these regulations except that if the use of property is expanded, the driveway shall meet the requirements for the construction of a new driveway.

2.06.030: License fees:

The fee for the license is listed on the Town of Lincoln Board license and fee schedule as approved by the board.

ETHICS ORDINANCE CHAPTER: 2.07.

2.07.010: Title And Purpose

The title of this ordinance is the Town of Lincoln Ethics Ordinance. The purpose of this ordinance is to regulate, limit, and control certain administrative actions of town officials and employees in the town, including unethical actions of those officials and employees, as determined under this ordinance.

2.07.020: Declaration Of Policy

A. It is declared that certain administrative actions of town officials and town employees are to be regulated, permitted, or limited to allow the official's and employee's actions to occur in an ethical, timely, and efficient manner.

B. It is declared that high moral and ethical standards among town officials and town employees are essential to the conduct of free government and that the town board believes that a code of ethics for the guidance of town officials and town employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service, and will promote and strengthen the faith and confidence of the people of the town in their town public officials and employees.

C. It is the intent of the town board that the town ethics board, town officials, and town employees in their administrative operations shall protect to the fullest extent possible the rights of individuals affected and the town and its government from improper, dishonest, and inefficient conduct of its town officials and town employees.

D. The town board reaffirms by this ordinance that a town official or employee holds his or her position as a public trust, and any effort to realize personal gain through official conduct is a violation of that trust. This ordinance does not prevent any town official or employee from accepting other employment or following any pursuit that in no way interferes with the full and faithful discharge of his or her duties to this town. The town board recognizes all of the following:

1. That town officials and town employees are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government.
2. That town officials and town employees retain their rights as citizens to interests of a personal or economic nature.
3. That standards of ethical conduct for town officials and town employees need to distinguish between minor and inconsequential conflicts that are unavoidable in a free society and conflicts that are substantial and material.
4. That town officials and town employees may need to engage in employment, professional, or business activities, other than official duties, in order to support themselves or their families

and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the provisions of this ordinance.

2.07.030: Authority And Adoption

This ordinance, adopted pursuant to s. 19.59, Wis. stats., by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the town to regulate, permit, or limit certain acts of certain town officials and town employees in the town.

2.07.040: Definitions

In this ordinance:

A. "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment to a town official or employee, but does not include compensation and expenses paid by the town board, fees and expenses that are permitted and political contributions that are reported under chapter 11, Wis. stats., or money or hospitality extended for a purpose unrelated to town business by a person other than an organization.

B. "Associated," when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.

C. "Ethics board" means the Town Ethics Board of the Town of Lincoln.

D. "Gift" means the payment or receipt of anything of value without valuable consideration.

E. "Immediate family" means parents, grandparents, children, grandchildren, brothers, sisters, parents-in-law, grandparents-in-law, brothers-in-law, sisters-in-law, uncles, aunts, nephews, nieces, spouses, fiancées or fiancés.

F. "Income" has the meaning given under Section 61 of the Internal Revenue Code.

G. "Internal Revenue Code" has the meaning given under s. 71.01 (6), Wis. stats.

H. "Ministerial action" means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.

I. "Nominal value" means having negligible, inconsequential, or slight value and not any substantial value. Examples include pens, hats, date books, calendars, or key chains having a value of less than \$5.00.

J. "Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust, or other legal entity other than an individual or body politic.

K. 1. "Security" means any of the following:

- a. A stock.
- b. A treasury stock.
- c. A note.
- d. A bond.
- e. A debenture.
- f. An evidence of indebtedness.
- g. A share of beneficial interest in a business interest.
- h. A certificate of interest or participation in any profit sharing agreement.
- i. A collateral trust certificate.
- j. A preorganization subscription.
- k. A transferable share.
- l. An investment contract.
- m. A commodity futures contract.
- n. A voting trust certificate.
- o. Certificates of deposit for a security.
- p. A limited partnership interest.
- q. A certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease.
- r. In general, any interest or instrument commonly known as having the incidents of a security or offered in the manner in which securities are offered; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or option, warrant, or right to subscribe to or purchase or sell, any of the foregoing.

2. Security does not include a certificate of deposit in a bank, savings and loan association, savings bank, credit union, or similar association organized under the laws of any state or the federal government.

L. "Substantial value" means having more than nominal or inconsequential value or having merchantable value. Any item or service with a value of \$5 or more is presumed to have substantial and not nominal or inconsequential value.

M. "Town" means the Town of Lincoln, Eau Claire County, Wisconsin.

N. "Town board" means the board of supervisors for the Town of Lincoln, Eau Claire County, Wisconsin, and includes designees of the board authorized to act for the board.

O. "Town clerk" means the clerk of the Town of Lincoln, Eau Claire County, Wisconsin.

P. "Town employee" means any individual who is not a town official, and who holds an office or position in the service of the town [if applicable, not including an office or position subject to the jurisdiction of the town fire and police commission.]

Q. "Town official" means any individual holding any of the following:

1. A town elective office.

2. An appointive town office or position in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.

3. An appointive town office or position that is filled by the town board or the executive or administrative head of the town and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action, or a position filled by an independent contractor.

R. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

2.07.050: Applicability

This ordinance applies to all town officials and town employees.

2.07.060: Administration And Enforcement

The administration and enforcement of this ethics code is vested in the ethics board. Any individual may request of the ethics board an advisory opinion regarding the propriety of any matter or matters to which the person is or may become a party as provided in Section X.

2.07.070: Specific Requirements

A. No town official or town employee may use his or her public position or office to obtain financial gain or anything of substantial value for the town official's or town employee's private benefit or that of his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit any of the following:

1. An elected official from using the title or prestige of his or her office to obtain contributions permitted and reported under chapter 11, Wis. stats.

2. A town official or employee from obtaining items or services of nominal or no value.

B. The town board may not sell or give to any town official or town employee, nor may a town official or town employee purchase or receive as a gift from the town, any article, material, product, or merchandise of whatsoever nature, excepting meals, public services, and specialized appliances and paraphernalia required for the safety or health of the officials or employees.

C. No person may offer or give to any town official or town employee, directly or indirectly, and no town official or town employee may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the town official's vote or the town official's or town employee's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the town official or town employee. This ordinance does not prohibit town officials or town employees from doing any of the following:

1. Engaging in outside employment, but this ordinance specifically does not override any other ordinance or contract prohibiting outside employment, and does not in any way permit a town official or employee from taking action for the benefit of an outside employer that is otherwise prohibited.

2. Accepting any item or service of nominal or no value.

D. No town official or town employee may intentionally use or disclose information gained in the course of, or by reason of, his or her official 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 communicated to the public or is not public information. This provision shall not be interpreted to prevent a town official or town employee from reporting violations of this ordinance or other illegal acts to proper authorities.

E. No town official or town employee may use or attempt to use his or her position to influence or gain unlawful benefits, advantages, or privileges for himself or herself, or others. The prohibition in this subsection E specifically includes, but is not limited to, any of the following violations of the Wisconsin Statutes:

1. Section 125.51 (1) (b), Wis. stats., which provides that no member of the town board shall sell any bond, material, product, or thing to any license holder or person applying to the town for a license to sell intoxicating beverages under chapter 125, Wis. stats.

2. Section 82.11 (2) (a), Wis. stats., which provides that no town official may act in laying out, altering, or discontinuing a highway if acting would result in a violation of the State of Wisconsin Codes of Ethics for Local Government Officials, Employees, and Candidates, s. 19.59, Wis. stats., or of a town ethics ordinance enacted under s. 19.59 (1m), Wis. stats.

3. Section 175.10, Wis. stats., which provides that no town officer or member or officer of any town board, or any purchasing agent or purchasing agency of any town, shall sell or procure for sale or have in its possession or under its control for sale to any employees of the town any article, material, product, or merchandise of whatsoever nature, excepting meals, public services, and such specialized appliances and paraphernalia as may be required for the safety or health of the employees, except that s. 175.10 (3), Wis. stats., provides that the provisions of s. 175.10, Wis. stats., shall not apply to the town, nor to any department, agency, officer or employee of the town when engaged in any recreational, health, welfare, relief, safety, or educational activities furnished by the town.

4. Section 946.10, Wis. stats., Bribery of Public Officers and Employees, which provides that whoever does either of the following is guilty of a Class H felony:

a. Whoever with intent to influence the conduct of any public officer or public employee in relation to any matter which by law is pending or might come before the officer or employee in the officer's or employee's capacity as such officer or employee or with intent to induce the officer or employee to do or omit to do any act in violation of the officer's or employee's lawful duty transfers or promises to the officer or employee or on the officer's or employee's behalf any property or any personal advantage which the officer or employee is not authorized to receive; or

b. Any public officer or public employee who directly or indirectly accepts or offers to accept any property or any personal advantage, which the officer or employee is not authorized to receive, pursuant to an understanding that the officer or employee will act in a certain manner in relation to any matter which by law is pending or might come before the officer or employee in the officer's or employee's capacity as such officer or employee or that the officer or employee will do or omit to do any act in violation of the officer's or employee's lawful duty.

5. Section 946.11, Wis. stats., Special Privileges from Public Utilities, which provides that, except as provides in s. 946.11 (3), Wis. stats., whoever does the following is guilty of a Class I felony:

a. Whoever offers or gives for any purpose to any public officer or to any person at the request or for the advantage of such officer any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property or for the transmission of any message or communication; or

b. Any public officer who asks for or accepts from any person or uses in any manner or for any purpose any free pass or frank, or any privilege withheld from any person for the traveling accommodation or transportation of any person or property or for the transmission of any message or communication; or

c. Any public utility or agent or officer thereof who offers or gives for any purpose to any public officer or to any person at the request or for the advantage of such officer, any frank or any privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered or to be produced, transmitted, delivered, furnished, or rendered by any public utility, or any free product or service whatsoever; or

d. Any public officer who asks for or accepts or uses in any manner or for any purpose any frank or privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered by any public utility.

6. Section 946.12, Wis. stats., Misconduct in Public Office, which provides that any public officer or public employee who does any of the following is guilty of a Class I felony:

a. Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the officer's or employee's office or employment within the time or in the manner required by law; or

b. In the officer's or employee's capacity as such officer or employee, does an act which the officer or employee knows is in excess of the officer's or employee's lawful authority or which

the officer or employee knows the officer or employee is forbidden by law to do in the officer's or employee's official capacity; or

c. Whether by act of commission or omission, in the officer's or employee's capacity as such officer or employee exercises a discretionary power in a manner inconsistent with the duties of the officer's or employee's office or employment or the rights of others and with intent to obtain a dishonest advantage for the officer or employee or another; or

d. In the officer's or employee's capacity as such officer or employee, makes an entry in an account or record book or return, certificate, report, or statement which in a material respect the officer or employee intentionally falsifies; or

e. Under color of the officer's or employee's office or employment, intentionally solicits or accepts for the performance of any service or duty anything of value that the officer or employee knows is greater or less than is fixed by law.

7. Section 946.13, Wis. stats., Private Interest in Public Contracts Prohibited, which provides that, except as provided in s. 946.13 (2) to (11), Wis. stats., any public officer or public employee who does any of the following is guilty of a Class I felony:

a. In the officer's or employee's private capacity, negotiates or bids for or enters into a contract in which the officer or employee has a private pecuniary interest, direct or indirect, if at the same time the officer or employee is authorized or required by law to participate in the officer's or employee's capacity as such officer or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on the officer's or employee's part; or

b. In the officer's or employee's capacity as such officer or employee, participates in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part.

8. Section 946.14, Wis. stats., Purchasing Claims at Less than Full Value, which provides that any public officer or public employee who in a private capacity directly or indirectly intentionally purchases for less than full value or discounts any claim held by another against the state or a political subdivision thereof or against any public fund is guilty of a Class I felony.

E. Blank

F: Blank

G. Except for a town official or town employee acting in his or her official capacity, no town official or town employee may represent a person for compensation before any town board, commission, committee, or other body of any type, or any other town official or town employee, except in any of the following cases:

1. In a contested case that involves a party other than the town with interests adverse to those represented by the town official or town employee.

2. At an open hearing at which a stenographic or other record is maintained.

3. In a matter that involves only ministerial action by the town.

H. No former town official or town employee may do any of the following:

1. For 12 months following the date on which he or she ceases to be a town official or town employee, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before or negotiate with, any town official or town employee or a town board, commission, committee, or other body of any type with which he or she was associated as a town official or employee, within 12 months prior to the date on which he or she ceased to be an official or employee.

2. For compensation, act on behalf of any party other than the town in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge that might give rise to a judicial or quasi-judicial proceeding in which the former town official or town employee participated personally and substantially as a town official or town employee.

I: Blank

J: Blank

K: Blank

L. No town official or town employee may do any of the following:

1. Take any official action substantially affecting a matter in which the official or employee, one or more members of the official's or employee's immediate family either separately or together, or an organization with which the official or the employee is associated has a substantial financial interest.

2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the town official or town employee, one or more members of the official's or employee's immediate family either separately or together, or an organization with which the official or the employee is associated.

M. This ordinance does not prohibit a town official or town employee from taking official action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses.

N. This ordinance does not prohibit the town clerk, or other town elected or appointed official or town employee from making inquiries for information on behalf of a person or organization if the town clerk, official, or employee receives no compensation therefor beyond the salary and other compensation or reimbursements to which the official or employee is entitled by law from the town.

O. All town officials and town employees shall also comply with s. 19.59, Wis. stats., which is incorporated into this ordinance by reference.

2.07.080: Ethics Board

A. Organization, Composition and Operation of the Ethics Board. The Town Board will appoint five individuals to the Ethics board if a need arises.

2. The town attorney shall furnish the ethics board with whatever legal assistance is necessary to carry out its functions and the town clerk shall furnish the ethics board with whatever assistance it requires.

4. Any action by the ethics board, except an action relating to procedure of the ethics board, requires the affirmative vote of its members.

B. Powers and Duties of the Board. 1. The ethics board shall do all of the following:

a. Accept and file, and the chairperson of the ethics board shall act as legal custodian of, any reports, information, or materials required by this ordinance and of any information or materials related to the purposes of this ordinance that is voluntarily supplied by any person.

2. The ethics board may do all of the following:

a. Prepare and publish special reports and technical studies to further the purposes of this ordinance.

b. Adopt written rules, which shall be submitted to the town board for approval, as may be necessary to carry out this ordinance. A copy of the rules shall be filed with the town clerk. The ethics board shall give prompt notice of the contents of its rules to officials who will be affected thereby.

c. Prescribe and make available forms for use under this ordinance.

d. Retain outside counsel and other experts as needed after solicitation of recommendations from the town attorney upon a contract for services approved for form and content by the town attorney.

C. Advisory Ethics Opinion. 1. a. Any individual, specifically including former town officials and town employees, either personally or on behalf of an organization or governmental body, may request of the ethics board an advisory opinion regarding the propriety of any matter or matters to which the person is or may become a party.

b. Any appointing officer, with the consent of a prospective appointee, may request of the ethics board an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party.

2. The ethics board shall review a request for an advisory opinion and may advise the person making the request in writing. It is prima facie evidence of intent to comply with this ordinance when a person refers a matter to the ethics board and abides by the advisory opinion if the material facts are as stated in the opinion request.

3. Requests for confidential advisory opinions, records obtained or filed in connection with requests for confidential advisory opinions, and confidential advisory opinions rendered shall be closed in whole to public inspection. This paragraph shall not be interpreted to preclude the ethics board from doing any of the following:

a. Compiling or publishing summaries of advisory opinions rendered if no identification of the requestor or any organization identified in the opinion is made.

b. Making an advisory opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the ethics board in connection with the request for an advisory opinion.

D. Complaints. 1. The ethics board shall accept from any individual, either personally or on behalf of an organization or governmental body, a complaint in writing that states the name of any person alleged to have committed a violation of this ordinance and that specifically describes the alleged violation. The ethics board shall forward to the accused within 10 days a copy of the complaint and a general statement of the applicable provisions with respect to the complaint. If the ethics board determines that the complaint does not allege facts sufficient to constitute a violation of this ordinance, it shall dismiss the complaint and notify the complainant and the accused. If the ethics board determines that the complaint alleges facts sufficient to constitute a violation of this ordinance, it may make an investigation with respect to any alleged violation. If the ethics board determines that the complaint was brought for harassment purposes, the ethics board shall so state.

2. a. Following the receipt of a complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis for the belief that a violation of this ordinance has been committed or that an investigation of a possible violation is warranted, the ethics board may investigate the circumstances concerning the possible violation. Prior to invoking any power, the ethics board shall authorize an investigation by a motion of the ethics board that shall state the nature and purpose of the investigation and the actions or activities to be investigated. Upon adoption of a motion, the ethics board shall notify each person who is the subject of the investigation.

b. If no complaint has been filed and the ethics board finds probable cause to believe that a violation of this ordinance has occurred, the ethics board may, on its own motion, make a complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of this ordinance, and shall specifically describe the alleged violation. The ethics board shall forward to the accused within 10 days a copy of the complaint, a general statement of the applicable provisions with respect to the complaint, and a specific statement enumerating the source or sources of information upon which the complaint is based.

c. If a complaint has been filed and the ethics board finds probable cause to believe that a violation of this ordinance, other than one contained in the complaint, has occurred, it may amend the complaint, upon its own motion, to include those other violations. If the complaint is

so amended by the ethics board, a copy of the amendment shall be sent to the alleged violator within 48 hours.

3. Upon adoption of a motion authorizing an investigation, the ethics board shall mail a copy of the motion to each alleged violator who is identified in the motion together with a notice informing the alleged violator that the person is the subject of the investigation authorized by the motion and a general statement of the applicable provisions with respect to the investigation. Service of the notice is complete upon mailing.

4. No action may be taken on any complaint that is filed later than 3 years after a violation of this ordinance is alleged to have occurred.

E. Investigations. Pursuant to any investigation or hearing conducted under this ordinance, the ethics board has the power to do any of the following:

1. Require any town official or town employee to submit in writing reports and answers to questions relevant to the proceedings conducted under this ordinance as the ethics board may prescribe, within the period and under oath or otherwise as the ethics board may determine.

2. Administer oaths and to require by subpoena issued by it the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted. Issuance of a subpoena requires action by the ethics board.

3. Order testimony to be taken by deposition before any individual who is designated by the ethics board and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by paragraph 2.

4. To pay witnesses the same fees and mileage as are paid in like circumstances by the courts of this state.

5. To retain outside counsel and other experts as needed after solicitation of recommendations from the town attorney and upon such contract for services approved for form and content by the town attorney.

F. Probable Cause of Violation. 1. At the conclusion of its investigation, the ethics board shall, in preliminary written findings of fact and conclusions based on its findings, make a determination of whether probable cause exists to believe that a violation of this ordinance has occurred. If the ethics board determines that no probable cause exists, it shall immediately send written notice of the determination to the accused and to the party who made the complaint. If the ethics board determines that there is probable cause for believing that a violation of this ordinance has been committed, its preliminary findings of fact and conclusions may contain any of the following:

a. A referral to the district attorney's office recommending further investigation and possible prosecution.

b. An order setting a date for hearing to determine whether a violation of this ordinance has occurred. The ethics board shall serve by registered mail the order upon the accused. A hearing ordered under this paragraph shall be commenced within 30 days after the date it is

ordered unless the accused petitions for and the ethics board consents to a later date. Prior to any hearing ordered under this paragraph, the accused is entitled to full discovery rights, including adverse examination of witnesses who will testify at the hearing at a reasonable time before the date of the hearing.

2. The ethics board shall inform the accused, or his or her counsel, of exculpatory evidence in its possession.

G. Hearing Procedure. 1. During any investigation and during any hearing conducted to determine whether a violation of this ordinance has occurred, the accused may be represented by counsel of his or her own choosing, and the accused, or his or her representative, if any, shall have an opportunity to do all of the following:

- a. Challenge the sufficiency of any complaint that has been filed against him or her.
- b. Examine all documents and records obtained or prepared by the ethics board in connection with the matter heard.
- c. Bring witnesses.
- d. Establish all pertinent facts and circumstances.
- e. Question or refute testimony or evidence, including confronting and cross-examining adverse witnesses.
- f. Exercise fully any pretrial discovery procedure usually available in civil actions.

2. During any hearing conducted by the ethics board to determine whether a violation of this ordinance has occurred, all evidence, including certified copies of records that the ethics board considers, shall be fully offered and made a part of the record in the proceedings. The accused or any other person under investigation shall be afforded adequate opportunity to rebut or offer countervailing evidence. Upon request of the accused, the ethics board shall issue subpoenas to compel the attendance of necessary witnesses.

3. The ethics board may appoint a hearing examiner to conduct hearings under this ordinance. The ethics board may also retain outside counsel and other experts as needed with respect to hearings in accordance with its policies. The selection of a hearing examiner and outside counsel or other experts and any contract for such persons shall be made after solicitation of recommendations from the town attorney and the contract shall be approved for form and content by the town attorney. Any person identified during a hearing conducted by the ethics board and who, in the opinion of the ethics board, may be adversely affected by the results of the hearing, may, upon the request of the person, a representative of the person, or any member of the ethics board, appear personally or by a representative to testify, and the ethics board may permit any other person to appear and to testify at a hearing.

4. After the conclusion of the hearing, the ethics board shall as soon as practicable begin deliberations on the evidence presented at the hearing and proceed to determine whether the accused has violated this ordinance.

H. Determinations: Ethics Board Actions. If the ethics board determines that no violation of this ordinance has occurred, it shall immediately send written notice of the determination to the accused and to the party who made the complaint. If the ethics board determines that a violation of this ordinance has occurred, its findings of fact and conclusions may contain one or more of the following orders or recommendations:

1. In the case of a town official, a recommendation to the town board that the town official be censured, suspended, or removed from office or employment, subject to ss. 9.10 and 17.13, Wis. stats. The recommendation shall be made to the appropriate appointing authority who may censure, suspend, or take action to remove the official from office or employment.

2. In the case of a town employee, a recommendation to the town board that the town employee be reprimanded, disciplined, or discharged. The recommendation shall be made to the appropriate appointing authority.

3. An order requiring the accused to conform his or her conduct to this ordinance.

I. Settlements. 1. The ethics board may compromise and settle any action or potential action for a violation of this ordinance that the ethics board is authorized to take under this ordinance. An action may be settled for such sum or terms as may be agreed upon between the ethics board and the alleged violator.

2. Whenever the ethics board enters into a settlement agreement with an individual who is accused of a violation of this ordinance or who is investigated by the ethics board for a possible violation of this ordinance, the ethics board shall reduce the agreement to writing, together with a statement of the ethics board's findings and reasons for entering into the agreement, and shall retain the agreement and statement in its office for inspection.

J. Actions by the Town Board. 1. Actions authorized. If findings relative to a town official or town employee are filed by the ethics board with the town board under subsection H, the matter shall be considered and decided upon by the town board, referred to the appropriate standing committee of the town board for a report, or the town board may appoint a special committee and the committee shall proceed in accordance with the direction of the town board and this ordinance, as the town board deems appropriate.

2. Recommendations. A committee receiving a matter under paragraph 1, in reporting the matter to the town board, may recommend a dismissal of the charges, a reprimand, discipline, or discharge of a town employee, or for a town official, censure, suspension, or removal from office, subject to ss. 9.10 and 17.13, Wis. stats. (Optional) Failure of an official to file the Statement of Economic Interest required may constitute grounds for removal from office.

3. Hearing. Any hearing by the town board or by a special or standing committee as designated by the town board, shall be conducted in accordance with the following provisions:

a. The accused town official or town employee shall be given at least 20 days' notice of the hearing date.

b. The rules of evidence shall apply to the hearing. All evidence, including certified copies of

records and documents that the town board considers shall be fully offered and made part of the record in the case. Each party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

c. During the entire hearing conducted under this subsection, the accused town official or town employee shall be entitled to be represented by counsel of his or her choosing. The town board shall immediately disclose and forward to the person, or his or her counsel, any evidence that it possesses that may tend to clear the official.

d. The accused town official or town employee, or his or her representative, shall have an adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses. Upon the request of the accused, the town board shall subpoena named individuals to appear as witnesses at the hearing, if such action is necessary to compel their attendance.

e. The town board shall have the power to compel the attendance of witnesses and to issue subpoenas for books, records, documents, or papers to be designated under the authority granted to it by s. 885.01 (3), Wis. stats.

4. Town Board Action. a. The town board may dismiss the charges, reprimand, discipline, or discharge a town employee, or censure, suspend, or remove a town official from office, subject to ss. 9.10 and 17.13, Wis. stats. Town board action shall be by majority vote. (Optional) Failure of an official to file the Statement of Economic Interest required may constitute grounds for removal from office.

b. The town board shall make a determination in regard to the recommendation of the Ethics Board or committee if the matter is referred to a committee under paragraph 1. Action by the town board shall be by a majority vote.

K. Reimbursement of Legal Expenses. Town funds shall be used to reimburse individuals for reasonable legal expenses incurred in their successful defense of charges filed against them with the ethics board or of charges filed with the ethics board by the ethics board.

L. Records. 1. Except as provided in paragraph 2, all records in the possession of the ethics board are open to public inspection at all reasonable times.

2. Notwithstanding paragraph 1, the following records in the ethics board's possession are not open for public inspection:

a. Records obtained in connection with a request for an advisory opinion other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions or organizations on whose behalf they are requested. The ethics board may, however, make such records public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an

advisory opinion and of any records obtained or prepared by the ethics board in connection with the request for an advisory opinion.

b. Records obtained or prepared by the ethics board in connection with an investigation, except that the ethics board shall permit inspection of records that are made public in the course of a hearing by the ethics board to determine if a violation of this ordinance has occurred.

2.07.090: Penalty

In addition to any other action, any person violating this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$1,000 for each violation. All forfeitures shall be paid to the town treasurer. The town attorney, when so requested by the ethics board, shall institute proceedings to recover any forfeiture incurred under this section in circuit court that is not paid by the person against whom it is assessed. The ethics board or town board may seek injunctive relief from a court of record to enjoin further violations.

2.07.100: Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

FIRE PROTECTION FEE SCHEDULE ORDINANCE: Chapter 2.08

2.08.010: Title/Purpose

Wisconsin Act 532 of 1983, of Wisconsin Stats, authorizes towns to charge property owners a portion or all of the costs of fire protection, this ordinance is entitled, "Fire Protection Fee Schedule"; it is in the public interest of the Town of Lincoln to charge the costs of such protection to property to property owners.

2.08.020: Authority

Pursuant to §60.55, 60.555 and 60.557 of Wisconsin Stats, the Town of Lincoln. hereby establishes the following policy and procedure for the payment of fire costs incurred a set fire gets away when said property owner ignites a fire while in violation of either or all of the following: Fire Bans in place or without proper permits;

Liability for Fire Protection Costs to property owners of real estate within the town of Lincoln, for which fire protection is provided, shall be the responsible for the costs of the fire calls (including Mutual Aid responses), made to their property for fires in violation, and based upon the fee schedule as approved and updated by the Town of Lincoln Board.

2.08.030: Liability for Fire Calls from Fire Departments other than authorized fire departments

Mutual Aid respondents will be charged-using the same Town of Lincoln fee schedule, or the Mutual Aid Fire Department schedule, whichever is higher, all others will be charged at their own rates.

2.08.040: Reimbursement for fire calls on highways

(1) Reimbursement from the County: s. 60.557(1) Wis Stat, allows for reimbursement from the county, if a town incurs costs for a fire call by responding to a vehicle fire on a county trunk highway, the county maintaining that portion of the highway where the vehicle was located at the time of the fire shall reimburse the town up to \$200 for the costs if the town submits written proof that the town has made a reasonable effort to collect the cost from the insurer of the person to whom the fire call was provided or from the person to whom the fire call was provided, except that the town may attempt to collect the cost from the person only if the town is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer. If the town collects the cost from an insurer or such person after the county reimburses the town, the town shall return the amount collected to the county.

(2) Reimbursement from the State: s. 60.557(1) Wis Stat, allows for reimbursement from the State if a town incurs costs for a fire call on a state trunk highway or any highway that is a part of the national system of interstate highways and maintained by the department of transportation, the department of transportation shall reimburse the town up to \$500 for the costs, even if the fire equipment is not actually used, if the town submits written proof that the town has made a reasonable effort to collect the cost from the insurer of the person to whom

the fire call was provided or from the person to whom the fire call was provided, except that the town may attempt to collect the cost from the person only if the town is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer. If the town collects the cost from an insurer or such person after the department reimburses the town, the town shall return the amount collected to the department.

2.08.050: Billing and Payment Procedures

The costs of fire calls as outlined above shall be billed by the Town Clerk to the property owner and paid to the Town Treasurer within 60 days of the date of the bill. The failure to pay the bill within 60 days will result in interest being charged at the rate of 1 1/2 percent per month from the date of the bill. Those bills remaining outstanding, including interest, for more than 90 days as of November 1 of any year shall become a lien against the real estate from which fire protection was provided and shall be placed on the tax roll as a delinquent special charge pursuant to Section 74 of Wisconsin Statutes.

JUNKYARD ORDINANCE: Chapter 2.09

2.09.010: Title /Purpose

This ordinance is entitled the "Town of Lincoln Junkyard Ordinance". The purpose of this ordinance is control junkyards and junk automobiles located Lincoln.

2.09.020: Authority

The Town Board of the Town of Lincoln has the specific statutory authority, powers and duties, pursuant to §84. 31 and §175.25, Wis. Stats.

2.09.030: Adoption of Ordinance

The Town Board of the Town of Lincoln hereby, by adoption of this ordinance, has confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established, by these sections and this ordinance, the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons in the construction or placement of junkyards in the Town of Lincoln.

2.09.040: General Provisions

A. Failure to Obtain License

(1) No person shall cause, allow or permit any person in the Town of Lincoln, to construct, maintain or operate a junkyard without first obtaining a license as set forth in this ordinance.

(2) Each applicant for a license to engage in the junkyard business shall file a written application which shall contain the following:

- a. name and address of the applicant
- b. the location of the proposed junkyard
- c. the nature of the business
- d. the materials to be bought, sold and stored therein

(3) Before issuing a license the premises shall be inspected by the Town Board of the Town of Lincoln or its designee. No license shall be issued to any junkyard located within one hundred and fifty (150) feet from the center line of any non-interstate or non-primary highway, or within fifty (50) feet of any building used solely for residential purposes.

(4) Any junkyard operator using premises which do not comply with this ordinance may be issued a temporary license for a period of six (6) months but such license shall not be renewed until the licensee complies with this ordinance.

(5) Upon the filing of the application and after inspection of the premises, a license shall be issued upon payment of the license fee hereinafter provided for, said license to run

for one (1) year from the date of issuance unless sooner revoked.

(6) Each junkyard operator shall pay for an annual license fee of one thousand dollars (\$1,000.00) and the license shall be issued upon payment of the license fee and shall continue in force for one (1) year from the date of issuance unless sooner revoked.

(7) Every license issued shall designate the place of business in which the operator shall be authorized to carry on his junkyard, and there shall be no change of location without the consent of the Town Board of the Town of Lincoln endorsed on said license.

(8) All junkyards shall be conducted in an orderly and sanitary manner and the Town Board of the Town of Lincoln or its designee may inspect the same at any reasonable time and may formulate reasonable rules for the conduct of the same which may be necessary to protect the public safety, health and welfare of the persons in the Town of Lincoln.

B. Failure to Comply with State Statute and Ordinance

(1) No person shall cause allow or permit any person in the Town of Lincoln to construct, maintain or operate a junkyard in violation of §84.31, Wis. Stats., and this ordinance.

C. Failure to Obtain and Maintain Junk Automobile License

(1) No person shall accumulate or store any junked, disassembled, inoperable or unlicensed automobiles, in whole or in part, outside of any building located on any real estate situated within the Town of Lincoln and described pursuant to §175.25 Wis. Stats., except at a duly licensed junkyard or a duly issued license from the Town Board of the Town of Lincoln. The license shall be issued by the Town Chair of the Town of Lincoln shall be signed by the Town Chair and the Town Clerk and shall specify the quantity and manner of storing such junked, disassembled, inoperable or unlicensed automobiles, in whole or in part, and such license may be revoked as provided by in §175.25 Wis. Stats., which, so far as applicable, is hereby adopted by reference with the fee for the license described in this paragraph being established at One Thousand dollars (\$1,000.00) per year.

2.09.050: PENALTIES

Any person who shall violate any provision of the ordinance entitled "***Town of Lincoln Junkyard Ordinance***" shall, upon conviction thereof, for it not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) together with the costs of prosecution and in default of payment of such forfeiture and costs or for the prosecution shall be imprisoned in the County of Eau Claire jail until said forfeiture and costs are paid, but not exceeding one (1) month. Each day of violation shall constitute a separate offense.

LIQUOR/FERMENTED MALT BEVERAGE ORDINANCE:

Chapter 2.10

2.10.010: Title/Purpose

This ordinance is entitled the "Town of Lincoln Liquor/Fermented Malt Beverage Ordinance". The purpose ordinance is to regulate, control and license the sale of intoxicating liquors and fermented beverage within the Town of Lincoln.

2.10.020: Authority

The Town Board of the Town of Lincoln has the specific authority, powers and duties pursuant to Chapters 60, 66 and 125, Wis. Stats., to regulate, control and license the sale of intoxicating liquors and fermented beverages within the Town of Lincoln.

2.10.030: Adoption of Ordinance

The Town Board of the Town of Lincoln hereby, by adoption of this ordinance, has confirmed the specific statutory authority, powers and duties in the specific sections of this ordinance and has established, by these sections and this ordinance, the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons in the sale of intoxicating liquors and fermented beverages in the Town of Lincoln.

2.10.040: General Provisions

A. General Prohibitions

(1) No person shall vend, sell, deal or traffic, or for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverages in any quantity whatever, or cause the same to be done, without having procured a proper license as provided in this ordinance, nor without complying with all the provisions of this ordinance and all state statutes, Town of Lincoln ordinances and regulation applicable thereto.

B. General License Provisions

(1) A person shall be required to obtain a license for each stand, place, room or enclosure, or for each suite of rooms or enclosures which are in direct connection or communication of each other where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverages in any dwelling house, flat or residential apartment.

C. License Fees

(1). Class "B" Intoxicating Liquor License

(a). A class "B" intoxicating liquor license, when issued by the Town Clerk of the Town of Lincoln under the authority of the Town Board of the Town of Lincoln, shall permit its holder to sell, deal and traffic in intoxicating liquors by the glass only, to be consumed on the premises so licensed, and in the original

package or containers in multiples of not to exceed one (1) gallon at any time, and to be consumed off the premises as licensed, except that wine may be sold in the original package or otherwise in any quantity to be consumed off the premises so licensed. The fee for such class "B" liquor license shall be two hundred and fifty dollars (\$250.00)

2). Class "B" Fermented Malt Beverage License

(a) A Class "B" fermented malt beverage license when issued by the Town Clerk of the Town of Lincoln under the authority of the Town Board of the Town of Lincoln, shall entitle the holder thereof to possess, sell and offer for sale fermented malt beverages, wine and soft drink beverages to be consumed on or off the premises. The fee for such class "B" fermented malt beverage license shall be one hundred dollars (\$100.00) per year or fractional part thereto, except as provided herein.

D. License Application for Class "B" Intoxicating Liquor/Fermented Malt Beverage

(1) Application for license to deal in or sell intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by law and shall be sworn to by the applicant as provided by §990.01(41), Wis Stats., and shall be filed with the Town Clerk in time to allow for publishing in our designated (weekly) newspaper. Notice must be published not less than fifteen (15) days prior to the granting of such license.

(2) A written application for a class "B" intoxicating liquor or fermented malt beverage license shall be filed with the Town Clerk of the Town of Lincoln upon forms prescribed by law and provided by the Town Clerk who shall present said application to the Town Board of the Town of Lincoln. Application shall contain the following:

a. name, residence and age of the applicant, if an individual

b. names of the principal officers and residences and ages, date of incorporation and one (1) or more persons whom such association or club shall designate as manager or person in charge with the address or addresses of the same, if an association or club

c. any additional information as the Town Clerk shall require.

(3) Each application blank shall state that the applicant consents to the entry of duly authorized designees of the Town of Lincoln, at all reasonable hours for the purpose of inspection and search and consents to the removal from said premises of all things and articles there had in violation of Town of Lincoln ordinances or state laws and in evidence in any prosecution that may be brought for such offenses.

(4) Such application shall be signed and sworn to by the applicant, if an individual, and if an association or clubs, then by the president and secretary thereof before a Notary Public or other official authorized to administer oaths.

E. License Investigation

(1) The Town Board of the Town of Lincoln shall inspect or cause to be

inspected each application of the premises to determine whether the applicant of the premises so to be licensed, complies with the regulations, ordinance and laws applicable thereto. These officers shall make or cause to be made a written report consisting of the information derived from such investigation. No licenses shall be removed without through inspection of the premises.

F. Granting Licensed

(1) Opportunity shall be given by the Town Board of the Town of Lincoln to any person to be heard for or against the granting of any license upon the approval of the application by the Town Board of the Town of Lincoln. The Town Clerk shall, upon the filing of the application of a receipt showing the payment of the required license fee to the Town Treasurer, issue to the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance, the fee paid, and the name of the licensee. All licenses shall remain in force until the last day of June at 12:00 o'clock midnight, after granting thereof unless sooner revoked in the manner provided by the Wisconsin Statutes. No license shall be transferable except as to location and except as provided in § 125.04 (2013-2014) Wis. Stats. All transfers hereunder shall be first approved by the Town Board, by resolution, stating the grantors therefore.

G. Restrictions

(1) No class "B" intoxicating liquor or fermented malt beverage license shall be granted to any person who is not of good moral character, who has not resided in this State continuously for at least ninety (90) days prior to the date of filing the application, nor shall any such license be issued to any person who has habitually been a petty law offender or has been arrested and/or convicted of an offense against the laws of the State subject to §111.321, §111.322 and §111.335, Wis. Stats. The provisions of this section shall apply to all officers and directors of a corporation.

(2) No class "B" intoxicating liquor or fermented malt beverage license shall be granted to any person under twenty-one (21) years of age.

(3) No class "B" intoxicating liquor or fermented malt beverage license shall be granted for any premises within three hundred (300) feet of any public or parochial school, hospital or church, except as waived by the Town Board under §125.68(3) Wis. Stats.

(4) Whenever any class "B" intoxicating liquor or fermented malt beverage license shall be revoked, twelve (12) months shall elapse before any other license shall be granted to the person whose license was revoked.

(5) No class "B" intoxicating liquor or fermented malt beverage license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Board of Health, applicable to restaurants, also conform to all ordinances and regulations adopted for the Town of Lincoln.

(6) It shall be unlawful and illegal to have any wall, partition or any obstruction of any nature whatsoever place in front of any booth located on any premises to

which any license is issued under this ordinance. This shall include lattice work, crepe paper decorations or any material which shall obstruct the view from the main part of the premises. All booths shall face the main part of the premises.

(7) No class "B" liquor license shall be issued to any person who does not have or to whom is not issued a class "B" fermented malt beverage license.

(8) No person shall cause, allow or permit any person to allow licensed premises to remain open between the hours of 2:00a.m. and 6:00a.m. on weekdays and between 2:30a.m. and 6:00 a.m. on Saturday and Sunday. On January 1st, premises operating under a class "B" license are not required to close, pursuant to §125.68(4)(c), Wis. Stats.

H. Conditions of Licenses

(1) All class "B" intoxicating liquor or fermented malt beverage license granted under this ordinance shall be granted subject to the following conditions and to all other conditions of this ordinance and subject to all other ordinances and regulations of the Town of Lincoln applicable to such license and premises and business under such license.

a. Every applicant procuring a license under this provision consents to the entry of police or other duly authorized designees of the Town of Lincoln at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Town of Lincoln ordinances or state laws and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses. No person shall cause, allow or permit any person to obstruct access to the licensed premises by the policy or duly authorized designee of the Town of Lincoln.

b. No class "B" intoxicating liquor or fermented malt beverage licensee shall permit any person under twenty-one (21) years of age to enter and remain on the licensed premises in violation of §125.07, Wis. Stats.

c. Each licensed premise shall, at all times, be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

d. No dancing shall be permitted by any person upon the premises except if approved in the license.

e. Intoxicating liquors shall not be handled, served, or consumed in or upon any licensed premises by any person except at the times and in the manner permitted for in this ordinance.

f. No license of any kind issued under this ordinance shall be assigned, sold or in any other manner transferred. If any person to whom such license is issued shall sell it's said business before the end of the license period said person shall have no right for a refund on the balance of the license fees as

paid. Any purchaser, assignee or other transferee of any person shall make application for a new license under this ordinance from the date of said assignments; sale or transfer to transferee shall pay a license fee for the part of said year remaining. Except, however, if any licensee applicant shall die, or become bankrupt or make an assignment for the benefit of creditors during any license year or at any time after filing the application for a license and a license is granted to such applicant the administrator, executor, receiver or trustee or if no administrator is appointed, the surviving husband or wife of such deceased licensee may continue or sell said business and if he or she sells the same may assign or transfer such license and all rights and privileges of the licensee. If the transferee or assignee is acceptable to the licensing authorities and secures the consent thereto and fully complies with the requirements of law applicable to the original applicant.

I. License Limit

(1) The number of persons and places that may be granted a class "B" intoxicating liquor or fermented malt beverage license under this ordinance shall be and hereby is limited as follows:

- a. There shall be issued no more than three (3) class "B" liquor licenses.
- b. There shall be issued no class "B" fermented malt beverage licenses in addition to the class "B" fermented malt beverage license issued in connection with the retail class "B" liquor license set forth in subsection (a) of this section.

J. Posting

(1) Every license issued pursuant to this ordinance shall be posted, while in force, in a conspicuous place in the room or place where intoxicating liquors are kept for sale. It shall be unlawful for any person to post such license or to be permitted to post such upon premises other than those mentioned in the application, or knowingly to deface or destroy such license or to remove such without the consent of the licensee. Whenever a license shall be lost or destroyed without fault on the part of the holder or their agent or employee, a duplicate in lieu thereof under the original application shall be issued by the Town Clerk of the Town of Lincoln on satisfying him or herself as to the facts and upon the payment of a fee of twenty-five dollars (\$25.00).

K. Operator's License

(1) A beverage operator's license may be issued by the Town Clerk of the Town of Lincoln upon the payment of a fee of ten dollars (\$10.00).

(2) A written application shall be filed with the Town Clerk stating the name, residence, age and sex of the applicant together with any other information to be provided in Section (D) of this ordinance. No license shall be granted to a person under

twenty-one (21) years of age.

(3) Individual applicant does not have an arrest or conviction record subject to §111.321, §111.322 and §111.35 Wis. Stats.

(4) First time applicants must successfully complete a beverage server training course as provided in §125.17(6), Wis. Stats.

(5) There shall be upon the premises operated under a class “B” liquor license or a class “B” fermented malt beverage license at all times, the licensee or some other person employed by the licensee, who shall have an operator’s license and who shall be responsible for the acts of all persons serving as waiters or in any other manner of the State of Wisconsin or for conviction of a second offense under this ordinance. Whenever a license shall be revoked, no refund of any unearned portion of the fees shall be made.

(6) No person other than the licensee shall serve any place operated under a class “B” license unless he or she possesses an operator’s license or unless he or she is under the immediate supervision of the licensee or person holding an operator’s license, who shall be at the time of such service, upon the premises.

L. Suspension and Revocation of Licenses

(1) The town Chair of the Town of Lincoln may at any time suspend any license granted under the provisions of this ordinance upon conviction for the violation of any of the rules, regulations, ordinances or laws governing or applicable to said licensed premises, or upon conviction of the licensee for any misdemeanor or felony. The Town Chair shall comply with §125.12, Wis. Stats., or its successor provisions in suspension of any license.

(2) Upon suspension of any license, the Town Board of the Town of Lincoln shall give notice to the licensee of hearing upon the proposed revocation of said license and opportunity to be heard. Five (5) days’ notice in writing of such hearing and the reason therefore shall be served upon the person named in the license in the same manner as provided for service of the summons in the Circuit Court and notice of proof of service shall be returned to and filed with the Town Clerk. After said hearing, the Town Board of the Town of Lincoln shall proceed to revoke or re-instate such license.

(3) Any license issued under the provisions of this ordinance is then revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for maintaining a disorderly, riotous, indecent or improper place of business and permitting gambling in any form upon or within the licensed premises or any appendage thereto or for the violation of any of the provisions of the Statutes of the State of Wisconsin or for conviction of a second offense under this ordinance. Whenever a license shall be revoked, no refund of any unearned portion of the fees shall be made.

(4) Upon the Town Board of the Town of Lincoln determining it will not renew a license issued under Chapter 125, Wis. Stats., and this ordinance, it shall notice the licensee pursuant to §125.12(3), Wis. Stats., or its successor provisions.

M. Violation

(1) A violation of this ordinance by a duly authorized agent or employee or a licensee shall constitute a violation of the license. Whenever the holder of any license under this ordinance shall violate any portion of the ordinance or any regulation adopted pursuant thereto, proceedings for the revocation of said license may be instituted in the manner and under the procedures established by §125.12, Wis. Stats., and provisions therein relating to the granting of a new license shall likewise be applicable.

2.10.050: PENALTY

Any person who shall violate subsection 2.10.040(A) of the ordinance shall, upon conviction thereof, forfeit not less than-five hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000.00) together with the costs of prosecution and in default of payment of such forfeiture and costs. Each day of violation shall constitute a separate offense.

Any person who shall violate any other provisions of the ordinance entitled shall, upon conviction thereof, forfeit not less than-five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), together with the costs of prosecution and in default of payment of such forfeiture and costs. Each day of violation shall constitute a separate offense.

MANUFACTURED AND MOBILE HOME COMMUNITY LICENSE, CAMPGROUND LICENSE, AND TEMPORARY OR SEASONAL RESIDENTIAL PERMIT ORDINANCE: Chapter 2.11

2.11.010: Title

This ordinance is entitled the Town of Lincoln Manufactured and Mobile Home Community License, Campground License, and Temporary or Seasonal Residence Permit Ordinance.

2.11.020: Purpose

The purpose of this ordinance is to regulate by license or permit the installation, maintenance, and parking of mobile homes, manufactured homes, and camping units in the town, the installation, construction, and maintenance of temporary or seasonal dwellings in the town, and the construction, installation, operation, and maintenance of manufactured and mobile home parks and campgrounds in the town to allow the town to monitor the development of property within the town in order to assure the proper assessment and taxation of and assessment of fees upon property within the town and to assure the provision of fire and other emergency services to residents within the town.

2.11.030: Authority

The town board has the specific authority under ss. 66.0119, 66.0435, 101.645, and 101.935, Wis. stats., and the town's village powers under s. 60.22, Wis. stats., to adopt and enforce this ordinance.

2.11.040: Adoption Of Ordinance

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by license or permit of the installation, maintenance, and parking of mobile homes, manufactured homes, and camping units in the town, the installation, construction, and maintenance of temporary or seasonal dwellings in the town, and the construction, installation, operation, and maintenance of manufactured and mobile home communities and campgrounds in the town.

2.11.050: Definitions

A. "Campground" means any parcel or tract of land in the town owned by a person, the state, or a local government, that is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel or tract of land is represented as a campground.

B. "Camping unit" means any portable device, no more than 400 square feet in area, used in the town as a temporary or seasonal dwelling, including but not limited to a camping trailer, motor home, bus, van, truck, or tent.

C. "Closed construction" means any building, building component, assembly, or system manufactured in such a manner that it cannot be inspected before installation at the building site without disassembly, damage, or destruction.

D. "Manufactured and mobile home community" means a facility in the town where 2 or more of any combination of mobile homes, manufactured homes, manufactured dwellings, or camping units are installed or parked on a parcel for dwelling or sleeping purposes regardless of whether any charge is made for the accommodation, unless waived in writing by the town board.

E. 1. "Manufactured dwelling" means any structure or component of a structure that is intended for use as a dwelling and is any of the following:

a. Of closed construction that is fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation at the building site; or

b. Of open construction that is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.

2. "Manufactured dwelling" does not include any of the following:

a. A building of open construction that is not subject to paragraph 1. b.

b. A single- or double-width manufactured home or mobile home.

c. A camping unit.

F. 1. "Manufactured home" means a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal Department of Housing and Urban Development as complying with the standards established under 42 USC 5401 to 5425 and includes any additions, attachments, annexes, foundations, and appurtenances.

2. "Manufactured home" does not include any of the following:

a. A manufactured dwelling.

b. A camping unit.

G. "Mobile home" means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon 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 the mobile home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment carrying a manufacturer's warranty, and any additions, attachments, annexes, foundations, and appurtenances. "Mobile home" does not include any camping unit.

H. "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

I. "Open construction" means any building, building component, assembly, or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage, or destruction.

J. "Temporary or seasonal dwelling" means any dwelling, cabin, shack, cottage, manufactured home, manufactured dwelling, mobile home, camping unit, or similar structure constructed, installed, parked, or maintained on a parcel of land in the town for temporary or seasonal human habitation, sleeping, lodging, shelter, or living quarters for recreation, camping, hunting, fishing, or travel on a temporary or seasonal basis. "Temporary or seasonal dwelling" does not include any of the following:

1. A structure or dwelling unit that has proper and lawful septic or sewage, water, and electrical connections attached to the dwelling to properly service the projected occupants.

2. A manufactured dwelling, mobile home, manufactured home, or camping unit that is used for permanent and year-round habitation, sleeping, lodging, shelter, or living quarters.

3. Any hotel, tourist rooming house, motel, inn, or bed and breakfast establishment as defined in s. 254.61, Wis. stats.

4. Any structure or dwelling constructed or installed and in compliance with the one- or 2-family dwelling code adopted under chapter 101, Wis. stats.

5. A multi-family dwelling unit, including any apartment, town house, condominium, row house, nursing home, jail, prison, or community-based residential facility that has installed, conducted, and maintained sufficient and proper and lawful septic or sewage, water, and electrical connections to properly service the projected occupants of these facilities, as determined in writing by the town board, and with sufficient and proper minimum sleeping room square footage and total square footage to properly service the projected occupants as determined by the town board or its designee.

6. Any dwelling unit used for temporary or seasonal habitation less than 30 days in any calendar year.

K. "Town" means the Town of Lincoln in Eau Claire County, Wisconsin.

L. "Town board" means the board of supervisors for the Town of Lincoln, Eau Claire County, Wisconsin, and includes designees of the board authorized to act for the board.

M. "Town clerk" means the clerk of the Town of Lincoln, Eau Claire County, Wisconsin.

N. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

2.11.060: Temporary And Mobile Dwellings Outside Manufactured And Mobile Home Communities

A. No person on any parcel of land in the town outside of a licensed manufactured and mobile home community may construct, install, park, or otherwise locate, or cause the construction, installation, parking, or other location of, any temporary or seasonal dwelling, manufactured home, or mobile home for more than 30 days in any calendar year without obtaining an Eau Claire County Building Permit issued pursuant to their or the Town of Lincoln zoning ordinance, any town comprehensive plan, any other applicable town ordinances, and all applicable statutes and provisions of the Wisconsin Administrative Code. No person may occupy or permit the occupancy of any temporary or seasonal dwelling, manufactured home, or mobile home, outside of a licensed manufactured or mobile home community, unless a Town Occupancy Permit issued under the Town Building Control Permit Ordinance is issued for the specific temporary or seasonal dwelling, manufactured home, or mobile home.

B. This section does not apply to any of the following:

1. Any mobile home or manufactured home parked temporarily at a place approved in writing by the town board and licensed by the State of Wisconsin to sell manufactured homes or mobile homes.
2. Any camping unit parked or installed in a properly licensed campground.
3. Any camping unit occupied for temporary or seasonal habitation outside of a licensed campground if parked or otherwise located on private property in a safe location with the approval of the owner of the property where parked or located for less than 30 days in a calendar year.
4. Any unoccupied camping unit parked or otherwise located outside of a licensed campground if parked or located on private property in a safe location with the approval of the owner of the property where parked or located.
5. Any unoccupied camping unit parked or installed temporarily at a place approved in writing by the town and licensed by the State of Wisconsin to sell camping units in the town.
6. Any temporary or seasonal dwelling residential unit occupied for habitation in the town that is less than 100 square feet or any temporary or seasonal dwelling residential unit parked, installed, and maintained less than 30 days in any calendar year if parked or located on private property in a safe location with the approval of the owner of the property where parked or located.

2.11.070: Manufactured And Mobile Home Communities

A. Except for any manufactured and mobile home community owned or operated by the County of Eau Claire, no person, after the effective date of this ordinance, may install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community in the town unless the owner of the land occupied by the manufactured and mobile home community or the operator of the manufactured and mobile home community has been issued a Town Manufactured and Mobile Home Community

License by the town clerk and has fully paid the annual license fee under s. 66.0435 (3) (a), Wis. stats., due the town for the calendar year.

B. No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, a manufactured and mobile home community in the town without compliance with all applicable statutes, provisions of the Wisconsin Administrative Code, including compliance with specific rental requirements established under the Wisconsin Administrative Code that are adopted as part of this ordinance by reference, any County of Eau Claire or town zoning ordinance, any town comprehensive plan, this ordinance, and any other applicable town ordinances.

C. 1. Except as provided in paragraph 2, no person, after the effective date of this ordinance, may install, operate, park, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured home, manufactured dwelling, mobile home, or camping unit in any manufactured and mobile home community in the town without timely payment of the monthly parking permit fee as determined under s. 66.0435 (3) (c), Wis. stats. The manufactured and mobile home community licensee shall collect and timely pay the fee to the town clerk, pursuant to s. 66.0435 (3) (c), Wis. stats. Any manufactured and mobile home community operator or owner who collects monthly parking permit fees may deduct for administrative expenses 2 percent of the monthly fees collected prior to payment to the town clerk. Fees shall be collected by the licensee by the 1st of each month and paid to the town clerk by the 10th of each month. The manufactured and mobile home community licensee is liable for the monthly municipal permit fee for any unit occupying space in the community as well as the owner and occupant of each such unit, except that the licensee is not liable until the licensing authority has failed, in an action under ch. 799, Wis. stats., to collect the fee from the owner and occupant of the unit.

2. Paragraph 1 does not apply to any manufactured home, manufactured dwelling, mobile home, or camping unit that is any of the following:

- a. An improvement to real property under s. 70.043 (1), Wis. stats.
- b. A recreational mobile home as defined in s. 66.0435 (1) (hm), Wis. stats.
- c. A camping trailer as defined in s. 340.01 (6m).

D. Any licensed manufactured and mobile home community operator or owner of land on which a manufactured and mobile home community is located shall timely notify the town clerk of information requested in writing by the town clerk, including the number of all manufactured dwellings, mobile homes, manufactured homes, or camping units installed, parked, or removed at any specific time periods in the mobile home park. This information shall be provided by the owner of the land or the operator of the manufactured and mobile home community within 5 days after written request from the town clerk. The information requested shall be on a form provided by the town clerk.

E. No person may in any manufactured and mobile home community in the town create or maintain, or cause or allow the creation or maintenance of, a public nuisance or a substantial threat or danger to the health or safety of the public, including to those persons who are

occupants or tenants of the mobile home park.

F. No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community unless the manufactured and mobile home community meets the following minimum construction, installation, and maintenance standards for the community and for every mobile home, manufactured home, manufactured dwelling, or camping unit to be installed or maintained in the mobile home park: [list specific standards]

G. No manufactured and mobile home community, after the effective date of this ordinance, may be occupied at any one time by more than three mobile homes, manufactured homes, or camping units, or a combination thereof, installed, maintained, or parked in the manufactured and mobile home community. Manufactured dwellings shall be permitted for installation in a manufactured and mobile home community only upon written approval of the town board. No other buildings or structures are to be constructed, installed, or used in the manufactured and mobile home community for living quarters, sleeping, lodging, or any habitation unless approved in writing by the town board.

H. The town reserves the right to place special charges or special assessments on the land where the manufactured and mobile home community is located to defray the costs to the town of services and materials furnished to the mobile home park.

2.11.080: Campgrounds

No person, after the effective date of this ordinance, may construct, install, operate, maintain, or cause the construction, installation, operation, or maintenance of, a campground without obtaining a Town Campground License. No Town Campground License shall be issued for a campground for which a permit has not been issued by the State of Wisconsin under s. 254.47, Wis. stats.

2.11.090: General License And Permit Provisions

A. No person may conduct or cause any activity or use enumerated in this ordinance without a license or permit required in this ordinance.

B. Application for a license or permit under this ordinance shall be made to the town clerk on a form furnished by the town. The application shall contain such information as may be required by the town board.

C. All license or permit fees imposed under this ordinance shall be collected by the town clerk and paid into the town treasury. If a license or permit is denied after payment of a license fee, the license or permit fee shall be returned to the applicant. The fees are listed on the Town of Lincoln fee schedule.

D. A license or permit under this ordinance may be issued by the town clerk, with the approval of the town board. If the town clerk has reason to believe that the applicant is not a fit person to be granted the license or permit, that the conduct, use or activity is not in compliance with federal or state law or regulations or any county, extraterritorial, or town ordinance, or that the parcel for the conduct, use, or activity is not suitable, the town clerk shall refer the license or

permit to the town board, or its designee, for investigation or inspection. If as a result of the investigation or inspection, the town clerk, with the approval of the town board, denies the license or permit, an appeal may be made by the applicant in writing to the town clerk within 5 days after the date of the denial. Upon receipt of a written appeal, the town clerk shall set a public hearing before the town board not less than 10 days after receipt of the written appeal and provide written notice of the hearing to the appellant. At the hearing the appellant is entitled to be represented by counsel. After hearing the evidence the town board may confirm or reverse the denial. The determination of the town board is final.

E. All annual licenses or permits issued under this ordinance shall expire on the succeeding June 30.

F. All licenses or permits issued under this ordinance shall be displayed upon the parcel or vehicle for which issued, or, if carried on the person, shall be displayed to any officer of the town upon request.

G. It is a condition of holding a license or permit under this ordinance that the licensee or permittee fully comply with all federal and state law or regulations and all county, extraterritorial, and town ordinances. Failure to do so is cause for revocation of the license or permit.

H. All licenses or permits issued under this ordinance are personal and are not transferable except by written approval of the town board.

I. Any license or permit issued under this ordinance may be revoked for cause by the town board. Any licensee or permittee whose license or permit is so revoked may apply within 5 days after the revocation for a public hearing before the town board. At the hearing, the licensee or permittee is entitled to be represented by counsel. The hearing shall be conducted upon publication of a Class 1 Notice under s. 985.07, Wis. stats., prior to hearing, with the costs for publication and public hearing paid by the licensee or permittee to the town clerk prior to publication. After hearing the evidence, the town board may confirm or reverse the revocation, or modify the revocation by imposing a limited period of suspension. The determination of the town board shall be in writing, shall state the reasons for the Board's action, and is final.

2.11.100: Penalty Provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$1,000.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

NON-METALLIC MINING ORDINANCE: Chapter 2.12

2.12.010: Title/Purpose

(1) The purpose of this Ordinance is to promote the health, safety, prosperity, aesthetics, and general welfare of the people and communities within the Town of Lincoln ("Town"), Eau Claire County, Wisconsin, and set forth the rules and procedures for this municipality regarding non-metallic mines within the Town which are not otherwise set forth in the Eau Claire County Code of Ordinances.

2.12.020: Authority

(2) This Chapter is adopted by the powers granted to the Town of Lincoln by the Town's adoption of Village powers under Wis. Stat. §§ 60.10 and 61.34, its authority under § 66.0415, and other authority under the statutes. Any amendment, repeal or recreation of the statutes relating to this Chapter made after the effective date of this Chapter is incorporated into this Chapter by reference on the effective date of the amendment, repeal or recreation.

2.12.030: Applicability and Scope

(1) This Chapter shall apply to all non-metallic mining operations and mine sites within the Town of Lincoln and as regulated under the Eau Claire County Code of Ordinances.

2.12.040: Definitions

All definitions set forth under Eau Claire County Non-Metallic Ordinance- are hereby incorporated into and made a part of this Ordinance. Other definitions are as follows:

(1) "Adjoining landowner" means any property within 1/2 mile of the proposed mine site boundaries regardless of whether there is a residence or structure on the property.

(2) "Town" means the Town of Lincoln.

(3) "Town Board" means the Town Board of the Town of Lincoln.

(4) "Financial Security" means but is not limited to financial assurances, bonds, letters of credit and methods of insurance.

2.12.050: Application Fee and Other Expenses

As of June 1, 2012 the application fee is \$1,500.00. The applicant shall also be responsible for the cost and expense incurred by the Town to hire engineers, hydrologists or other professionals and/or experts reasonably needed by the Town to adequately determine the impact of the applicant's non-metallic mining application on the health, safety and welfare of the people and communities within the Town. Any such fee or expense must be paid in full before final approval or action on the application is given.

2.12.060: Non-Metallic Mining

(1) Non-metallic mining in the Town shall be allowed only as provided for under Eau Claire County Code of Ordinances and as provided for in this ordinance.

(2) The applicant shall apply for a Town permit for a non-metallic mine prior to or contemporaneous with applying for a permit with Eau Claire County and prior to starting work

on any mining structure or facility and prior to operating any non-metallic mine in the Town. The application shall be submitted on a form provided to the applicant by the Town Clerk, a copy of which is attached hereto as Appendix A and at the time of application shall also provide a copy of the application required by Eau Claire County. At the time of submission the applicant shall also pay the appropriate application/permit fee.

(3) The Town Board shall be the sole determining body of whether to issue the permit, after review and recommendation by the Town Plan Commission, and after a public hearing has been held by the Town Board, with notice given by U.S. Mail to all adjoining landowners to the proposed non-metallic mine. The Town Board shall grant the permit, either with or without conditions, if it is determined that the development and operation of the non-metallic mine is in the best interests of the citizens of the Town, and will be consistent with the protection of public health, safety and general welfare.

(4) The Town permit shall be void if the permittee violates any conditions of the permit or any conditions of any required Federal, State or County permits.

2.12.070: Procedure

(1) The applicant shall complete a Town of Lincoln Non-metallic Mining Permit Application (Appendix A) and pay the required application fee.

(2) After receiving the application and the application fee, the Town Clerk shall mail a copy of the application to all adjoining landowners to the proposed non-metallic mining site with the date and time of the next Town Plan Commission Meeting.

(3) The Clerk shall then place the application on the agenda for the next Town Plan Commission meeting.

(4) The Plan Commission shall review and consider the application and make a recommendation to the Town Board. After a decision has been rendered by the Plan Commission, the application shall be placed on the agenda of the Town Board for a public hearing and decision.

(5) At the public hearing held by the Town Board, the Town Board shall consider the recommendation of the Plan Commission and take public comment on the proposed mine.

Before making a decision on the application, the Town Board shall determine whether the application is complete, and whether the applicant has applied for or received any required Federal, State, and County permits for the proposed mine.

(6) The Town Board shall grant the permit, either with or without conditions, if it is determined that the development and operation of the non-metallic mine is in the best interests of the citizens of the Town, and will be consistent with the protection of public health, safety and general welfare.

(7) The Town Board may conditionally approve the permit and may attach conditions to protect public health and safety and promote the general welfare of the Town. Such conditions may

include, but are not limited to, restrictive provisions and- proof of financial security for reclamation, restrictive provisions and proof of financial security for town road maintenance and repair, restrictions on hours of operation, restrictions on truck and traffic volume into and out of the mine site, restrictions to protect groundwater quantity and quality, restrictions to safeguard public and private drinking and agricultural wells, restrictions to control air emissions and dust from the mine and its operations, restrictions on blasting which are in addition to those provided in the Town's Blasting Ordinance, restrictions and/or financial security for protection of property values, and any other restrictions and/or financial security deemed necessary or appropriate by the Town Board to protect public health and safety and promote the general welfare of the Town and its citizens.

2.12.080: Effective Date

This ordinance shall take effect upon passage and publication.

2.12.090: Exceptions from Ordinance

A non-metallic mining permit is not required from the Town for non-metallic mines in existence prior to the effective date of this ordinance or for the activities listed in Wis. Admin Stat §295.16(4). However, if a pre-existing non-metallic mine is expanded after the effective date of this ordinance in a manner that requires a non-metallic mining reclamation permit from Eau Claire County; the expansion shall be subject to the permitting requirements of this ordinance.

2.12.100: Enforcement and Penalties

Any violation of this ordinance shall be punishable by a forfeiture of not less than \$1,000.00 or more than \$10,000.00 per day for every day in violation of this ordinance, plus the costs of prosecution for each and every violation. Each day of violation shall constitute a separate offense. The deposit is shown in the Deposit Schedule.

NOXIOUS WEED ORDINANCE: Chapter 2.13

2.13.010: Title/Purpose

This ordinance is entitled the Town of Lincoln Noxious Weed Ordinance. The purpose of this ordinance is to provide for the control of noxious weeds in the town.

2.13.020: Authority

The Town Board of the Town of Lincoln, Eau Claire County, Wisconsin, has the specific authority under ss. 66.0407 and 66.0517, Wis. stats., [and if applicable and has the general authority under its village powers under s. 60.22, Wis. stats.,] to adopt this ordinance.

2.13.030: Adoption Of Ordinance

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of noxious weeds in the town.

2.13.040: Designation Of Noxious Weeds

The following are designated as noxious weeds in the town:

- A. Canada thistle, leafy spurge, and field bindweed (creeping Jenny), as provided by s. 66.0407 (1) (b), Wis. stats.
- B. any weed designated as noxious by the Town Board, including Giant Ragweed
- C. The town chairperson shall include those weeds designated as noxious weeds in the Noxious weed notice given annually under s. 66.0407 (4), Wis. stats.

2.13.050: Town Weed Commissioner

The town chairperson having appointed a Town Weed Commissioner under s. 66.0517 (2) (a), Wis. stats., and the Weed Commissioner having the powers and duties to investigate and destroy noxious weeds in the town as provided in s.66.0517 (2) (a), Wis. stats., the following provisions are established in regard to the performance of the office of Weed Commissioner:

- A. The Weed Commissioner shall receive compensation for investigating the existence of and destroying noxious weeds, including any clerical or administrative activities performed in relation to the performance of those activities, at the rate of \$25.00 per hour upon presenting to the town treasurer an account of noxious weed investigation and destruction activities performed by the Weed Commissioner, verified by oath and approved by the town chairperson. The account shall specify by separate items (including mileage at the IRS rate), each activity of investigation and destruction performed and for each activity of destruction the amount chargeable to each piece of land, describing the land.

2.13.060: Penalty

The fee that the Town of Lincoln pays to the Weed Commissioner will be billed to the property owner. If not paid, the bill will be added to the real estate tax bill.

ROAD DESIGN CONSTRUCTION AND ACCEPTANCE ORDINANCE: Chapter 2.14

2.14.010: Title/Purpose

This ordinance is entitled the "Town of Lincoln Road Design Construction and Acceptance Ordinance". The purpose of this ordinance is to provide a standard for town road design and construction in the Town of Lincoln and to provide guidance to persons who may desire to design and construct roads in the Town of Lincoln for latter planned conveyance to the Town of Lincoln.

2.14.020: Authority

The Town Board of the Town of Lincoln has the specific statutory authority, powers and duties pursuant to Chapters 60, 66, 80 and 82 Wis. Stats.

2.14.030: Adoption of Ordinance

The Town Board of the Town of Lincoln hereby, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties in the specific sections of this ordinance and has established by these sections and this ordinance the regulations, controls and specific standards for persons that anticipate they may deed or convey a road to the Town of Lincoln.

2.14.040: General Provisions

A. Construction Requirements

(1) A person anticipating the construction of a road for possible latter deed or conveyance to the Town of Lincoln shall design and construct said road which shall meet the following design and construction minimum requirements:

a. Three (3) copies of a scale drawing of the proposed road indicating location, and showing relief of the area with two (2) foot contour elevations shall be submitted to the Town Board of the Town of Lincoln. Included in the drawing shall be the area that will be served by the road and how drainage from the area served is to be treated. If the road is not included in a subdivision, then a certified survey of said road will be provided; and a deed of all road right-of-ways will be offered for transfer to the Town of Lincoln.

b. The following shall be the minimum design and construction standards for road construction:

- | | |
|---------------------------------------|---------|
| 1) Road Right-of-Way | 66 feet |
| 2) Roadway width | 26 feet |
| 3) Traffic lanes (two surfaced areas) | 22 feet |
| 4) Maximum permitted grade | 6% |

- 5) Bridge and culvert widths 30 feet
- 6) Maximum grade-ditch
 - a) Drainage sodded 3%
 - b) Sodded check dams 6%
- 7) Road, ditch profile 10 to 1 or 10% minimum of 6 ft. from edge of base course to thalweg of ditch
- 8) Road construction materials:
 - a) Sand lift - all roads shall be constructed using a sand lift where needed
 - b) Minimum base course - all roads shall be constructed of four (4) inches of crushed gravel or crushed lime rock
 - c) Culverts- all culverts shall be approved by the Town Board of the Town of Lincoln to handle maximum vehicle loads expected and of size and diameter to adequately drain an area without subsequent ponding during heavy run-off. The Town Board of the Town of Lincoln may require drainage calculations on any culvert and placement costs shall be borne by the applicant.
 - d) Road Right-of-Ways- all parts of the right-of-way beyond the edge of the base course that are disturbed at the time of construction shall be properly seeded or sodded to prevent erosion. Erosion Control (silt fences, etc.) must use Best Management Practices to comply with County and State Regulations.
- 9) No road shall dead-end without a permanent or temporary cul-de sac with at least a sixty (60) foot radius.

(2) The road design and construction standards noted above are intended to be minimum design and construction standards. The Town Board shall have the discretion to impose higher design and construction standards where in the opinion of the Town Board, local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.

(3) Any person may apply to the Town Board to determine what design and construction standards should apply in a particular location, giving the description of the proposed highway and proposed design and construction standards being requested to be approved for any proposed highway being proposed to be built. No person shall commence construction of any highway anticipated to be turned over to the Town of Lincoln without having written approval of the proposed highway design and construction signed by the Town Board of the Town of Lincoln.

2.14.050: Performance Bond

In lieu of waiting until construction is complete to accept a road, the Town Board of the Town of Lincoln may accept a performance bond from a person desiring to convey a road. Said performance bond shall be a surety bond in a form approved by the Town Board of the Town of Lincoln. This bond would be so contracted as to guarantee, upon signing by both parties, that the road bonded would be completed to the specifications fore mentioned or, if not, the Town Board of the Town of Lincoln could then exercise said bond to complete the intended road improvements.

2.14.060: Acceptance

The Town Board of the Town of Lincoln or its designee shall visually inspect said road before acceptance and if the improvement passes inspection, the Town of Lincoln will issue a letter to that effect. The person desiring to convey to the Town of Lincoln will, within ten (10) days, submit the proper deed for the roadway property the Town Board of the Town of Lincoln. If said roadway or deed is not accepted by the Town Board of the Town of Lincoln, the person desiring to convey shall be required to correct the road conditions and/or correct the deed.

ROAD WEIGHT LIMIT ORDINANCE: Chapter 2.15

2.15.010: Title/Purpose

This ordinance is entitled the "Town of Lincoln Road Weight Limit Ordinance" The purpose of this ordinance is to enable the Town Board of the Town of Lincoln to control, regulate and license, where appropriate, heavy vehicles and/or traffic on town roads during the spring break-up season or at other such times limits are advisable in order to prolong the life of the Town of Lincoln town roads and to enforce against persons who fail to comply with this ordinance.

2.15.020: Authority

The Town Board of the Town of Lincoln has the specific statutory authority, powers and duties, pursuant to Chapters 60 and 66 and the specific sections in §346.02, §348.16, §348.17, §348.18, §348.21, §348.25, §348.26, §348.27, §348.28, §349.15 and §349.16,) Wis. Stats.

2.15.030: General Provisions

- A. Failure to Obtain License
(1) No person, pursuant to §348.17(1), Wis. Stats., shall cause allow or permit any person to move oversized or overweight vehicles or loads, contrary to this ordinance, on any town road in the Town of Lincoln except with a proper license issued by the Town Board of the Town of Lincoln or its designee and then only in compliance with the conditions of the license.
- B. Failure to Comply with Statute and Ordinance
(1) No person applying for and receiving a license shall fail to fully comply with §348.16, §348.17(2), §348.28, §349.15 and §349.16, Wis. Stats., and this ordinance.
- C. Failure to Comply With Weight Limits
(1) No person shall cause, allow or permit any person to move oversized or overweight vehicles or loads on a town road in the Town of Lincoln in violation of any road weight limits established by the Town Board of the Town of Lincoln or its designee.
- D. General Procedure Provisions
(1) No license shall be issued or re-issued by the Town Board or its designee unless the person agrees to fully and does fully comply with §348.16, §348.17, §348.18, §348.25, §348.26, §348.27, §348.28, §349.15 and §349.16, Wis. Stats., and this ordinance, where applicable, and with any reasonable conditions established by the Town Board or its designee. The Town Board or its designee may suspend or revoke, for good cause; any license issued on these sections or may decline to issue additional licenses after providing the applicant or licensee with a reasonable opportunity for a public hearing. The Town Board or its designee may, as a condition of issuing a license, require a bond, certificate of insurance or cashers check which, to the satisfaction of the Town Board or its designee, will save the Town of Lincoln from any claim, loss or damage that may result from issuing the license. In addition, the Town Board or its designee may require proof that personal injury and property damage insurance will be in force, sufficient to the satisfaction of the Town Board or its

designee, to cover claims from bodily injury or property damage which may occur as a result of the operation under the license and for which the licensee is legally responsible.

(2) The Town Board has, by this ordinance, established the license issuance fees noted in §348.25, Wis. Stats. The Town Board of the Town of Lincoln has, by this ordinance, designated the Town Chair as the Town of Lincoln Highway Authority to establish the rules, regulations and conditions related to issuance of any licenses required under Chapter 348, Wis. Stats. The Town Board establishes that the Town Chair shall be the Town of Lincoln Highway Authority designated to issue the licenses.

(3) The Town Board of the Town of Lincoln designates the Town Chair as the Town of Lincoln Highway Authority to impose special weight or seasonal limits pursuant to §346.16, Wis. Stats., on town highways, bridges or culverts, to order owners or operations, to suspend operations of a vehicles in the Town of Lincoln pursuant to §346.16, Wis. Stats., and to exempt certain operators pursuant to §346.16, Wis. Stats. The Town Chair or his or her designee shall erect the appropriate signs to comply with §346.02 and §349.16, Wis. Stats.

(4) The Town Board of the Town of Lincoln, pursuant to §348.16 and §349.16, Wis. Stats., shall be the Town of Lincoln Highway Authority to designate the Class "B" highways in the Town of Lincoln. The Town Board of the Town of Lincoln, pursuant to §348.16 and §349.16, Wis. Stats., shall designate any Town of Lincoln road to be Class "B" highways after consideration of factors related to weight load limitations of the road and factors related to providing necessary health, safety and welfare protections for persons in the Town of Lincoln.

(5) The Town Board of the Town of Lincoln, pursuant to §348.16 and §349.16, Wis. Stats., shall maintain and update a list of the Town of Lincoln roads designated as Class "B" highways and shall file this list with the Town Clerk of the Town of Lincoln.

E. Penalties

(1). Any person who shall violate subsection 2.15.030 (A) of this ordinance shall, upon conviction thereof, forfeit not less than two hundred fifty dollars (\$ 250.00) for the first offense and not less than five hundred dollars (\$500.00) nor more than one thousand five hundred dollars (\$1,500.00) for the second and subsequent conviction within one (1) year, together with the costs of prosecution and in default of payment of such forfeiture and costs or for the prosecution shall be imprisoned in the County of Eau Claire jail until said forfeiture and costs are paid, but not exceeding one (1) month. Each day of violation shall constitute a separate offense.

(2). Any person who shall violate subsection 2.15.030 (B) of this ordinance shall, upon conviction thereof, forfeit not less than two hundred fifty dollars (\$250.00) for the first offense and not less than five hundred dollars (\$500.00) nor more than one thousand

five hundred dollars (\$1,500.00) for the second and subsequent convictions within one (1) year, together with the costs of prosecution and in default of payment of such forfeiture and costs or for the prosecution shall be imprisoned in the County of Eau Claire jail until said forfeiture and costs are paid, but not exceeding one (1) month. Each day of violation shall constitute a separate offense.

(3). Any person who shall violate subsection 2.15.030 (C) of this ordinance shall, upon conviction thereof, be subject to the penalties established in §348.21(3)(a), (b) and §348.21(4), Wis. Stats., or their successor provisions, together with the costs of prosecution and in default of payment of such forfeiture and costs or for the prosecution shall be imprisoned in the County of Eau Claire jail until said forfeiture and costs are paid, but not exceeding six (6) months. Each day of violation shall constitute a separate offense.

ROAD WEIGHT OPTION “E” OPT- IN ORDINANCE (IOH): Chapter 2.16

2.16.010: Title/Purpose

This ordinance is entitled the "Town of Lincoln Road Weight Option “E” Opt-in (IOH) Ordinance”. It requires exempt Category B-Implements of Husbandry (IOH) to be issued, from the Town of Lincoln, a free overweight permit which limits the usage to certain roads.

Effect of this Option E:

Adoption of this ordinance pursuant to Sec. 348.15 (9)(f)2.a of Wis. Statutes (as provided by 2013 Wis. Act 377) means that the governing body of a municipality or county imposes on all highways or specified highways under its jurisdiction, the maximum single axle limits and maximum gross vehicle weight limits as established in Sec. 348.15 (3)(g) for all Category B implements of husbandry as defined in Sec. 340.01 (24) (a)1.b. (see Act 377). Sec. 348.15 (9)(f)1. provides that unless a municipality opts in by adopting a resolution or ordinance, there is no weight limit per wheel, axle, or group of axles, on Category B implements of husbandry as defined in Sec. 340.01 (24)(a)1.b. However, the maximum gross vehicle weight of 92,000 pounds applies to these described vehicles. All implements of husbandry are required to comply with seasonal and special postings and any postings on highway bridges or culverts under Sec.349.16 of Wis. Statutes.

2.16.020: Authority

2013 Wis. Act 377 under Sec. 348.15 (9) (f) 1. provides that there is no weight limitation per wheel, axle, or group of axles for Category B implements of husbandry as defined in Sec. 340.01 (24) (a)1.b., but does apply gross vehicle weight limitations to these vehicles, and

Wis. Stat.§ 348.15(9)(f)1. authorizes the municipality or county to require compliance with axle weight limitations established under Sec. 348.15 (3)(g) for Category B implements of husbandry defined in Sec. 340.01(24)(a)1.b. on all highways under its jurisdiction (f) of Wis. Statutes, all implements of husbandry (including Category B implements of husbandry defined in Sec. 340.01 (24) (a) Lb.) may not exceed the weight limits imposed by Chapter 348.15 (3) (g) of Wis. Statutes.

Ordinance to Opt-In for Category B-IOHs to Comply with the Table of Statutory Weight Limits under Sec. 348.15 (3) (g)

2.16.030: Permit required

Before Operators of Category B IOH's operate equipment that exceeds the length and/or weight limitations on highways under this jurisdiction a no-fee permit may be applied for from the municipal jurisdiction.

Pursuant to Sec. 348.27 (19)(b) 4m.a in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in Sec. 340.01 (24)(a)l.b., the municipal jurisdiction or county is required to provide an approved alternate route, which may include highways that are not under this jurisdiction if prior approval has been given by the jurisdiction over the alternate routes not under this entity's jurisdiction for operation of Category B implements of husbandry as defined in Sec. 340.01 (24) (a) l. b.

2.16.040: Effective Date

This this ordinance shall be in effect for the calendar year of 2018.

This ordinance shall remain in effect until rescinded by further action of the Town of Lincoln board or terminated by state law. Further, BE IT HEREBY ORDAINED that a copy of this ordinance shall be provided to the Wisconsin Department of Transportation to be posted on the state DOT website.

2.16.050: Publish with DOT and newspaper

This ordinance should be published in a newspaper or posted within 30 days of adoption pursuant to Sec. 60.80 of Wis. Statutes for towns or pursuant to Sec. 61.50 of Wis. Statutes for villages.

This ordinance shall also be forwarded to the Wisconsin Department of Transportation via email to AgVehicles@dot.wi.gov for posting on a state website. State of Wisconsin Town of Lincoln Eau Claire County

SILO BAG ORDINANCE: Chapter 2.17

2.17.010: Title/Purpose

This ordinance is entitled the "Town of Lincoln Silo Bag Ordinance". The purpose of the ordinance is to regulate and control the disposal of such.

2.17.020: Authority

The Town Board of the Town of Lincoln hereby, has the specific statutory authority, power and duties, pursuant to § 60.22 of the Wisconsin State Stats.

2.17.030: General Provisions

A. Disposal of Silo Bag(s)

(1.) No person(s) engaged in or in any way connected to farming, also known as an Agricultural Establishment (See definition section of this Code.), or any other use found for these bags, may allow used silo bags or pieces thereof to remain loose to create a public nuisance.

(2.) Neither shall any person allow unused silo bags or pieces thereof, to be at the mercy of the elements, left to blow into roadways or along fences to obstruct vision or to become an eye sore anywhere on the landscape.

(3.) All silo bag(s) no longer useful to their owner shall be disposed of in an acceptable manner. Those waiting disposal shall be stored in such a manner as to prevent their blowing away.

B. Failure to Comply

(1.) Any persons of adult age affiliated with an Agricultural Establishment, any other type of business using said bags, and allow these bags to become a public nuisance, obstruction or eye sore will be instructed by the Board of the Town of Lincoln, or it's law enforcement agency (Eau Claire County Sheriff's Department) to remove such public nuisance, obstruction or eye sore within a 10 day period. Failure to do so puts them in violation of this ordinance.

C: Penalty

(1.) Any person of adult age affiliated with an Agricultural Establishment, any other type of business using said bags and is in violation of this ordinance shall be issued a Citation. The violation and court date will be listed. If found to be in violation, a fine of up to \$1,000.00 per day, but not less than \$ 75.00 per day plus removal costs if the Town of Lincoln must do so to prevent bodily harm to persons and all court costs could be administered.

2.17.040: Effective Date

This section of the Code of Ordinance shall take effect from and after its passage and publication as provided by law. All Ordinances or part of ordinances inconsistent with or contrary thereto are hereby repealed, except nothing in this ordinance shall be interpreted so as to conflict with State Laws regulating silo bags or any of the requirements of any ordinance of the Town of Lincoln, not mentioned or be inapplicable by the express terms of the ordinance.

SPECIAL EVENTS: Chapter 2.18

2.18.010: Purpose. Special events are community events such as parades on Town of Lincoln streets, athletic events, charity walks and runs, music festivals, and other events that meet the definition in this chapter. Such events are allowed subject to the reasonable requirements of this chapter, and Town of Lincoln ordinances. The Town of Lincoln Board finds such requirements necessary to promote the equitable and efficient use, and continued protection of lands, to allow for the efficient use of limited Town of Lincoln staff resources through proper planning for such events, and to protect the public health, safety, and welfare.

2.18.020: Definition. A special event is defined as follows:

A. A special event shall mean a scheduled public gathering of persons, on Town of Lincoln property, to which the public is invited and one of the following:

1. over 100 persons are expected to attend in a single day; or
2. at which concessions are to be sold, such as food or beverages; or
3. at which merchandise or other items are to be sold, such as clothing or crafts; or
4. at which fireworks are to be discharged; or
5. at which an entry fee or admission is charged for participation or inclusion; or
6. at which over 2 half barrels of fermented malt beverage or wine are to be present; or
7. at which intoxicating liquor will be served; or
8. which will reasonably require, based on then existing Town of Lincoln policies and

procedures, the provision of Town of Lincoln support services to accommodate the event on public property.

B. A special event is open to the public at a predetermined location on public property, including, but not limited to, Town of Lincoln parks, streets, and sidewalks.

C. Marches and public assemblies held for the purpose of conducting activities protected by the First Amendment to the United States Constitution as defined and provided for in Ch. 9.60 are not special events.

2.18.030: Exceptions. This chapter shall not apply to any of the following:

- A. Any march, public assembly, or other activity protected by the First Amendment to the United States Constitution.
- B. Town of Lincoln sponsored events.
- C. Funeral processions.
- D. Events exempted by contract with the Town of Lincoln.

2.18.040: Permit required. A special event for special events that require review in section 2.18.050 shall have a special events permit. It is unlawful for these special event to take place without a special events permit. All other special events are not required to have a permit, but they must comply with all other sections of this ordinance.

2.18.050: Review and approval. Review and approval of special events permits shall occur as follows:

A. Town of Lincoln Board Approval. Town of Lincoln Board approval for a special event is required for special events:

1. at which 1,000 people or more are expected to attend; or
2. at which 6 or more half barrels of fermented malt beverage or wine are to be present or served over the duration of the special event; or
3. which will require the closing of a street; or

B. Permits may be approved, approved with conditions, or denied when necessary due to physical availability of the requested event space, the limited availability of Town of Lincoln staff, the compatibility of the proposed special event with park users and other previously scheduled special events, compliance with Town of Lincoln ordinances and Fee and License Schedule, potential damage

to the proposed facility, the ability to follow health department food regulations, to protect the public health, safety or welfare, or due to violation of this section, the Town of Lincoln code of ordinances, or applicable state or federal law.

C. The applicant shall be required to meet with the Board or the designee, to review the special event application for a first-time event; or for an event making a significant change from the previous year's event; or for an event for which the Town of Lincoln received a complaint or was in violation of Town of Lincoln ordinances in the previous year.

2.18.060: Permit application. Application for a special events permit shall be submitted to the community services department at least 60 days prior to the special event for events requiring Town of Lincoln Board approval and shall include at least the following information:

- A. Completed application form.
- B. Copy of a current tax exempt identification number, if applicable.
- C. A layout or map, which accurately depicts the proposed use of the public property requested.
- D. A non-refundable application fee, as stated in the Town of Lincoln Fees and Licenses Schedule.

2.18.070: Special event fees.

- A. The application fee shall be as stated in the Town of Lincoln Fees and Licenses Schedule.
- B. Fees for use of public property and services shall be as stated in the Town of Lincoln Fees and Licenses Schedule.
- C. The Town of Lincoln Board may approve an agreement with a special event permit holder that provides for actual cost recovery by the Town of Lincoln in lieu of the fees stated in the Town of Lincoln Fees and Licenses Schedule.

2.18.080: Alcohol sales. It is the responsibility of the special event permit holder to obtain a temporary Class "B" fermented malt beverage license per s. 9.76.100 if alcohol is to be sold at the special event. The license holder shall, in addition to all other requirements of the law, the Town of Lincoln liquor license, and this section, take reasonable steps to ensure that alcohol beverages are consumed only by persons who are of legal drinking age, and not by persons who are not of age or who are intoxicated. Reasonable steps shall include the use of wristbands to indicate individuals of legal drinking age, the use of clear cups to serve alcohol, the prohibition of consumption of alcohol by bartenders while on duty, prohibition of sales to anyone under 21 years of age even if accompanied by parent or guardian, and supervision of the area by security and staff personnel. Reasonable steps may also include, especially for larger or longer duration events, the following or other best practices to ensure lawful and safe use of alcohol, the use of barriers and fences to enclose the area where alcohol is to be consumed, and/or police services fee per the Town of Lincoln Fees and Licenses Schedule for events serving 6 or more half barrels of beer during the duration of the special event. Failure to take reasonable steps and use them at all times when alcohol is sold is grounds for termination of the event, issuance of a Town of Lincoln ordinance citation, or denial of the fermented malt beverage license or special events permit in the future.

2.18.090: Noise. The special events permit holder is subject to noise regulation under ch. 9.5 and shall not permit the sound of the event to be heard reasonably beyond the boundaries of the public property used for the special event at unreasonable levels. At midnight the decibel level must be less than 76db at the property line.

2.18.100: Liability and insurance.

- A. The special events permit holder agrees to indemnify, defend, save, and hold harmless the Town, its officers and employees, from and against any and all claims, liability, lawsuits, damages, and causes of action which may arise out of the special event.
- B. The special events permit holder shall provide proof of liability and property damage

insurance in the amount of at least \$1,000,000 per occurrence, with the Town of Lincoln named as an additional insured.

C. The special events permit holder shall provide to the director of community services, at least 15 days prior to the event, a certificate of insurance as evidence that the requirements set forth in this section have been met.

2.18.110: Appeal. A denial of a permit may be appealed by the permit holder to the administrative review board under the procedures specified in ch. 1.06.

2.18.120: Violation-Penalty.

A. Failure to obey provisions of this section, or any order, requirement, or condition imposed under this chapter by the director of community services or designee, shall be a violation of this chapter by the permit holder and may result in the termination of the event. A future permit may be denied based on a past violation of this chapter.

B. Any person violating any provision of this chapter, or any order, requirement, or condition imposed under this chapter by the Board, shall be subject to a forfeiture of not less than \$100 or more than \$500 per day for each violation, together with the costs of prosecution.

TOWN OF LINCOLN ENVIRONMENTAL ORDINANCE:

Chapter 2.19

2.19.010: Title/Purpose

This ordinance is entitled the "Town of Lincoln Environmental Ordinance" which relates to specific environmental concerns, specifically: waste management, commercial livestock facility management, metallic mining facility management, recycling and pollution abatement. The purpose of this ordinance is as follows:

- A. To protect the public health and safety of the residents and other persons in the Town of Lincoln.
- B. To protect the environment in the Town of Lincoln.
- C. To protect the public lands, buildings, equipment and public infrastructures in the Town of Lincoln.
- D. To protect private lands, buildings, equipment and the private infrastructures in the Town of Lincoln.
- E. To regulate, control and license certain facilities, uses, activities, businesses and operations by persons in the Town of Lincoln that if not regulated and controlled may endanger public health and safety, destroy or damage the environment, destroy or damage the public lands and public infrastructures or destroy or damage the private lands or private infrastructures in the Town of Lincoln.
- F. To fine or penalize those persons who violate this ordinance, including revocation, suspension or denial of the appropriate licenses.

2.19.020: Definitions

AGRICULTURAL ESTABLISHMENT means an establishment for beekeeping; feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payment in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446(d); and vegetable raising. Agricultural establishments are not commercial livestock sale barn or receiving station facility nor commercial livestock and animal growing facilities. Agricultural establishments may also include any additional agricultural facilities, uses, activities, businesses or operations as determined by the Town Board of the Town of Lincoln.

AIR CURTAIN DESTRUCTOR -means a solid waste disposal facility that combines a fixed wall open pit and mechanical air supply which uses an excess of oxygen and turbulence to accomplish the smokeless combustion of clean wood wastes and similar combustible

materials.

APPLICANT - means the person applying for a license under this ordinance. The applicant is the person, upon approval by the Town of Lincoln, to whom the license shall be issued.

AUTOMOBILE GRAVEYARD - means an establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. Ten or more such vehicles constitute an automobile graveyard.

ASBESTOS- means chrysotile, crocidolite, crocidolite, amosite, fibrous actinolite or fibrous anthrophophyllite

BOAT- means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and fishing raft

CAUSE- means a ground for legal action

CLASS 2 NOTICE- means all legal notices that require two (2) insertions in the official newspaper, pursuant to Sec. 985.07, (1991-1992) Wis. Stats.

COMMERCIAL LIVESTOCK FACILITY means any animal feed lot, stockyard, sale barn or other facility in the Town of Lincoln, except as noted in the exemption section, where any person who owns, operates or controls the below noted number or combined number of animal units has these animals fed, confined, maintained, housed or stabled at the establishment for a total of forty-five (45) consecutive days or more in any twelve (12) month period. Two or more feedlots or animal feeding facilities under common ownership are deemed by this ordinance to be a single commercial livestock facility if they are adjacent to each other or if they utilize a common area or system for disposal of animal manure and animal feed waste. For purposes of this ordinance, "an animal feedlot, stockyard, sale barn or other facility" shall have at least one of the following number of animals or combined animal units during the time period noted:

DAIRY CATTLE

700 Milking and Dry Cows
910 Heifers (800-1200 lbs.)
1670 Heifers (400-800 lbs.)
5000 Calves (up to 400 lbs.)

BEEF CATTLE

1000 Steers or Cows (1000 lbs. to Mkt)
1250 Steers or Cows (600-1000 lbs.)
2000 Calves (under 600 lbs.)
700 Bulls

SWINE

2500 Pigs (55 lbs. to Mkt)
10000 Pigs (up to 55 lbs.)
2500 Sows
2000 Boars

SHEEP

10000

HORSES

500

DUCKS

5000 Per Bird (Wet Lot)
100000 Per Bird (Dry Lot)

CHICKENS

100000 Layers
200000 Broilers

TURKEYS

55000

COMBINED ANIMAL UNITS

1000 Calculated Total Based on Animal Equivalency Factors Noted Below: ANIMAL TYPE	ANIMAL EQUIVALENCY FACTOR (COLUMN 1)	NUMBER ON OPERATION (COLUMN 2)	SINGLE ANIMAL UNITS (COLUMN 3)
DAIRY CATTLE			
Milking and Dry cows	1.40		
Heifers (800#-1200#)	1.10		
Heifers (400#0800#)	.60		
Calves (up to 400#)	.20		
SWINE			
Pigs (55# to Market)	.40		
Pigs (up to 55#)	.10		
Sows (each)	.40		
Boars (each)	.50		
BEEF CATTLE			
Steers or Cows (Over 1000#)	1.00		
Steers or Cows (600#-1000#)	.80		
Calves (Under 600#)	.50		
Bulls (each)	1.40		
SHEEP(each)	.10		
HORSES (each)	2.00		
DUCKS			
Per Bird (Wet Lot)	.20		
Per Bird (Dry Lot)	.01		
CHICKENSS			
Layers (Each)	.01		
Broilers (each)	.005		
		TOTAL COMBINED ANIMAL UNITS	

Calculation of animal equivalency units shall be as follows:

Enter the number of each animal type present on the operation for forty-five (45) days or more in any twelve (12) month period. The total of Column 3 is the total number of combined animal units present on the farm.

COMPOST- means a mixture of decaying organic matter such as leaves and manure used as fertilizers, a composition, and mixture.

DEMOLITION AND CONTRUCTION WASTE- means waste resulting from the construction, demolition or razing of buildings, roads and other structures. Demolition and construction materials typically consists of concrete, bricks, bituminous concrete, wood, glass, masonry, roofing, siding and plaster, alone or in combinations. It does not include hazardous waste, hazardous special waste, waste paints, solvents, sealers, adhesives or similar hazardous or

toxic material. It does not include waste tires, scrap metal, junk vehicles, and materials at automobile graveyards materials at auto wrecking yards or materials at salvage yards or junk implements of husbandry.

DILHR- means the Wisconsin Department of Industry, Labor- and Human Relations.

DISCHARGE (OF WASTE) means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping of waste

DISPOSAL (OF WASTES) -means the discharge, deposit, injection, spilling, dumping, leaking or placing of waste into land, air or water. Disposal of waste does not include generation, transportation, storage, treatment or recycling of waste.

DNR - means the Wisconsin Department of Natural Resources

EMERGENCY - means a situation in which property or human life are in jeopardy.

EXPANSION (OF WASTES FACILITY) - means to construct or develop a waste facility beyond the original area licensed or approved by the DNR or the Town of Lincoln.

FACILITIES means facilities established for waste and recyclable material disposal, storage, treatment and recycling. This shall include waste facilities, recycling centers and incinerators.

FEASIBILITY REPORTS - means a report submitted to the DNR or its successor agency regarding a specific waste facility that describes the facility, surrounding area and proposed operation in terms of land use, topography, soils, geology, groundwater, surface water, proposed waste quantities and characteristics, preliminary facility design concepts, environmental impacts, the need for the facility and waste reduction and recovery alternatives.

FERMENTED MALT BEVERAGE - means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume

FINAL CLOSURE (WASTES FACILITY) - means the date at which time no further waste is to be disposed in the active fill area of a waste facility.

FIREWORKS- means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

1. Fuel or a lubricant
2. A firearm cartridge or shotgun shell
3. A flare use or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle
4. A match, cigarette lighter, stove, furnace, candle, lantern or space heater

5. A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion
6. A toy snake which contains no mercury
7. A model rocket engine
8. Tobacco and tobacco product
9. A sparkler on a wire or wood stick not exceeding thirty six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate
10. A device designed to spray out paper confetti or streamers and which contains less than one quarter (1/4) of explosive mixture
11. A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight
12. A device that emits smoke with no external flame and does not leave the ground
13. a cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke
14. A cone fountain not exceeding seventy-five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke

FORFEITURE means any fine or penalty established for a violation of laws, regulations or ordinances, including Town of Lincoln ordinances.

GARBAGE-means discarded materials resulting from the handling, processing, storage and consumption of food.

GROUNDWATER- means any of the waters of the State of Wisconsin occurring in a saturated subsurface geological formation or permeable rock or soil.

HAZARDOUS- means dangerous, perilous or a major risk of loss of property or injury to persons.

HAZARDOUS WASTE- means any waste identified by the DNR by rule or regulation as a hazardous waste. These wastes shall not include waste oil, household hazardous waste and any other special waste excluded by the DNR as hazardous waste and if the special waste is approved by license by the Town Board of the Town of Lincoln for the disposal, storage, treatment, recycling or land spreading in the Town of Lincoln.

HAZARDOUS SUBSTANCE- means any substances or combination of substances, including any waste of a solid, semi solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating

reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the rules or regulations of the DNR.

HOUSEHOLD HAZARDOUS WASTE- means specific solid waste from household sources that are specifically excluded from being considered hazardous waste by rules, regulations and/or orders of the DNR.

INCINERATOR- means a processing facility designed and operated for controlled burning of waste primarily to achieve volume and weight reduction or to change waste characteristics. Facilities which use waste as a supplemental fuel where less than 30% of the heat input to the facility is derived from such supplemental fuel are not classified as incinerators. An incinerator does include a medical waste incinerator.

INFECTIOUS- means capable of causing infection, capable of being transmitted by infection without actual contact, caused by a microorganism, easily or readily communicated

INFECTIOUS WASTE- means waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure to a susceptible human or animal to the waste could cause the human or animal to contract an infectious disease.

INFRASTRUCTURE- means the permanent public installations in the Town of Lincoln, including but not limited to, public roads, public bridges, public water systems and public sewers

INITIAL SITE REPORTS- means a report submitted which describes a proposed waste disposal facility in sufficient detail to allow the DNR and/or the Town Board of the Town of Lincoln to give a written opinion or comments on whether or not a feasibility report should be prepared.

INTOXICATING LIQUOR- means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5% or more of alcohol by volume, which are beverages, but does not include "fermented malt beverages".

JUNK- means any old scrap metal, metal alloy, synthetic or organic material, or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery, or any part thereof.

JUNKYARD- means any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk, including automobile graveyards, scrap metal processors, auto wrecking yards, salvage yards, auto-recycling yards, used auto parts yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. The definition does not include solid waste, hazardous waste, litter, trash and other debris scattered along or upon the highway, or temporary operations and temporary storage of junk for a limited duration not exceeding four (4) months in any calendar year.

LONG TERM CARE- means the routine care, maintenance and monitoring of a solid waste facility, hazardous waste facility or recyclable material facility following closing of the facility.

LANDSPREADING-means the process where non-hazardous waste, including but not limited to, agricultural by-products, industrial or municipal sludge, commercial, industrial or residential septage and compost is discharged, deposited, placed or injected in thin layers onto the land surface, or the process where the waste is incorporated into the top several feet of the surface soil for agricultural, silvicultural or waste disposal, storage or treatment purposes authorized under this ordinance.

MANIFEST (FOR WASTE REGULATION)- means a written form used for identifying the quantity, composition and the origin, routing and destination of waste or wastes during its transport.

MEDICAL WASTES- means containers, packages and materials that contain infectious waste or that are from a medical treatment area and are mixed with infectious waste.

METALLIC MINING FACILITY- means facilities or activities where –all or part of a process involves the mining of metallic minerals, other than for exploration or prospecting, including commercial extraction, agglomeration, beneficiation, and construction of roads, removal of overburden and the production of refuse.

MOBILE HOME- means 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.

MOBILE HOME PARK- means any plot or plots of ground upon which two (2) or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

MOTOR VEHICLE- means a vehicle which is self-propelled.

NUCLEAR WASTE- means any radioactive substances or matter including source materials, special nuclear materials and by- product materials defined in Sec.-293.25, Wis. Stats., from the nuclear industry including, but not limited to, gloves, clothing, lubricating oils and scrap paper exposed to radioactive materials.

NUISANCE- means, unless otherwise noted, a public nuisance.

ORDINANCE- means a local ordinance of the Town of Lincoln duly enacted by the Town Board of the Town of Lincoln.

PARK- means a period of placement at any one (1} location longer than sixty (60) consecutive days in any calendar year.

PERSON- means any natural individual, firm, trust, partnership, association or corporation.

PLAN OF OPERATION- means a report submitted to the DNR or its successor agency for a waste facility that describes its location, design, construction, documentation, monitoring, sanitation, operation, maintenance, closing and long term care.

POLLUTION- means contaminating or rendering unclean or impure the waters, land and air of the State of Wisconsin, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

PREMISES- means an area designated in any license issued by the Town of Lincoln.

PUBLIC LAND- means lands in the Town of Lincoln owned, leased or controlled by the federal, state or local governments including the Town of Lincoln. This may include lands held in fee or held by easement.

PUBLIC NUISANCE- means an injurious effect on the safety, health or morals of the public or use of property which works some substantial annoyance, inconvenience or injury to the public and as a nuisance which causes hurt, inconvenience or damage to the public generally, or such part of the public as necessarily comes in contact with it in the exercise of a public or common right.

RECYCLING- means the transfer, transporting, processing, marketing and conversion of solid waste into usable materials or products and includes the stockpiling and disposal of non-usable portions of solid waste, but does not include the collection of solid waste.

RECYCLING FACILITY OR RECYCLABLE MATERIALS FACILITY- means a facility for the processing and conversion of solid waste into usable recyclable materials or products and includes the temporary stockpiling and disposal of non-usable portions of waste.

RECYCLABLE MATERIALS- means materials in waste for which there exists a commercially demonstrated processing or manufacturing technology which uses the materials as a raw materials.

REFUSE- means all matters produced from industrial or community life, subject to decomposition, not defined as sewage or combustible and non-combustible rubbish, including but not limited to, paper, wood, metal, glass, cloth and products thereof; litter and street rubbish, ashes; and lumber, concrete and other debris resulting from the construction or demolition of structures.

RESIDENT- means a person who occupies a dwelling or abode within the State of Wisconsin and, where applicable, within the Town of Lincoln, has a present intent to remain within the State of Wisconsin or Town of Lincoln, where applicable, for a period of time and manifests the genuineness of intent by establishing an ongoing physical presence in the State of Wisconsin and Town of Lincoln, where applicable.

RESIDENTIAL PROPERTY- means property occupied or suitable to be occupied for residential purposes and the property abutting that property for which the owner or renter is responsible for maintenance and care. An agricultural establishment shall be considered residential property

for purposes of this ordinance unless specifically noted otherwise.

RESPONSIBLE UNIT- means a municipality, county or solid waste management system under Sec.287.09 Wis. Stats.

ROAD- means the roadway, including the berm or shoulder area and any lands considered part of the road right-of-way.

ROADWAY- means that portion of a road between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm, or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.

SEPTAGE- means the scum, liquid, sludge, sewage or other wastes from a septic tank, soil absorption field, holding tank or privy. This term does not include the wastes from a grease trap.

SEPTIC TANKS- means and includes a septic toilet, chemical closet and any other "watertight" enclosure used for storage and composition of human excrement, domestic or industrial sewage waste.

SEWAGE-means water carried wastes created in and to be conducted away from domestic residences, industrial establishments and public facilities.

SLUDGE- means mud, mire, ooze, any heavy slimy deposit or sediment that is not septage.

SOLID WASTE- means any garbage, refuse, septage, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semi-solid or contained gaseous materials resulting from residential, industrial, commercial, mining and agricultural facilities and from community activities, but does not include, recyclable materials, scrap metal, junk vehicles, materials at automobile graveyards, materials at salvage yards, materials at auto wrecking yards, junk implements of husbandry, hazardous waste, hazardous substances or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to licenses under Chapter 289.61, Wis. Stats., or source, special nuclear or by-product materials as defined under Sec. 289.01(33) or 293.25, Wis. Stats. Solid waste shall also include the special wastes specifically defined in this ordinance unless specifically noted to the contrary.

SPECIAL ASSESSMENT- means an amount entered in the tax roll as an assessment against real property to compensate for all or part of the costs of public work or improvements which benefit the property. "Special assessment" includes any interest and penalties assessed for nonpayment of the special charge before it is placed in the tax roll.

SPECIAL WASTE- means any of the following wastes:

1. non-hazardous waste containing free liquids
2. non-hazardous animal manure waste or feed waste from an industrial process or industrial system or any animal manure waste stored in any commercial livestock operation, animal sale barn, animal receiving facility or other commercial livestock and

animal growing facility unless exempted by the Town Board of the Town of Lincoln or unless exempted by this ordinance.

3. Non-hazardous waste from a pollution control process or system unless exempted by the Town Board of the Town of Lincoln
4. Non-hazardous waste from any state or federal approved pollution or waste discharge removal operation or from any other non-hazardous waste removal or non-hazardous waste remedial operation required by state or federal law, regulation or order
5. Non-hazardous waste and recyclable materials from a licensed waste disposal, storage or treatment facility or recycling facility, unless exempted by the Town Board of the Town of Lincoln
6. Asbestos waste and materials
7. Contaminated non-hazardous waste, including contaminated soils
8. Medical or bio-medical non-hazardous waste non-hazardous sludge
9. Demolition or construction non-hazardous waste and materials
10. Discarded tires and waste tires fireworks waste and materials
11. Non-hazardous ash from an incinerator or an air curtain destructor
12. Dead animals
13. Explosive non-hazardous waste and materials yard waste
14. Trees shrubs brush weeds
15. Vegetation
16. Vegetable, fruit and grain by-products animal manure waste
17. Dirt
18. Rocks
19. Bricks
20. Concrete blocks
21. Demolition and construction wastes
22. Human waste

STORAGE (WASTES)-means the holding of waste for a temporary period, at the end of which period the waste is to be treated or disposed. For purposes of this ordinance, the temporary period shall, unless noted otherwise, or unless extended by the approval of the Town Board of the Town of Lincoln, shall not be longer than four (4) consecutive weeks from date of receipt.

SUBPOENA- means a written legal order directing a person to appear in court to testify and/or bring documents.

SURFACE WATER- means waters following no defined course or channel and not gathering into any definite body of water but that diffuse themselves over the surface of the ground.

SUSPEND/SUSPENSION- means to withdraw and withhold from a person, employment, a license for a period of time and to withdraw and withhold all rights, privileges and authority previously conferred.

TEMPORARY STORAGE- means not exceeding four (4) consecutive weeks after initial deposit.

TOXIC - means any substance, other than a radioactive substance, which has the capacity to produce personal injury or illness to persons through ingestion, inhalation or absorption through any body surface.

TREATMENT (WASTES)-means any method, technique or process, including neutralization, which follows generation and which is designed to change the physical, chemical or biological character or composition of any waste so as to neutralize the waste or so as to render the waste non-hazardous, safer for transport, amendable for recovery, amendable for storage or reduced in volume. "Treatment" includes land spreading, composting, incineration, waste tire treatment sludge treatment or sewer treatment.

VESSEL-means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft.

VILLAGE POWERS- means powers granted by the electors of the Town of Lincoln at the annual Town meeting or special Town meeting, to the Town Board of the Town of Lincoln pursuant to Sec. 60.10 Wis. Stats.

WASTE- means any waste, including construction waste, household hazardous waste, liquid waste, special waste, medical waste, demolition waste, ash, sludge, septage, refuse, rubbish, garbage and discarded recyclable materials. It also includes recyclable material, scrap metal, junk vehicles, materials at automobile graveyards, materials at salvage yards, materials at auto wrecking yards, junk implements of husbandry or hazardous waste. It does not include nuclear waste or any by-product defined in Sec. 293.25, Wis. Stats., unless specifically noted in this ordinance.

WASTE DISPOSAL FACILITY- means a solid waste, hazardous waste, sludge, municipal sewage waste, demolition waste, waste tire or ash disposal facility. This does not include land spreading, composting and incineration.

WASTE STORAGE FACILITY- means a solid waste, hazardous waste, sludge, municipal sewage waste, and tire or ash storage facility. This does include facilities for recyclable materials, scrap metal, materials at automobile graveyards, materials at salvage yards or materials at auto wrecking yards.

WASTE TIRE- means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

WASTE TIRE FACILITY- means any waste tire disposal, storage or treatment facility or

operation in the Town of Lincoln, except as noted in the exemption section, where any person who owns, operates or controls the waste tire disposal, storage or treatment facility, has more than two hundred and fifty (250) waste tires at the establishment, operation or premises. Two or more operation premises under common ownership adjacent to each other are deemed by this ordinance to be a single waste tire facility or operation.

WASTE TREATMENT FACILITY- means a solid waste, hazardous waste, sludge, municipal sewage waste, demolition waste, construction waste, waste tire or ash treatment facility. For purposes of this ordinance, waste treatment shall include land spreading, composting and incineration. This does include facilities for recyclable materials, scrap metal, materials at automobile graveyards, materials at salvage yards and materials at auto wrecking yards.

WINE- means products obtained from the normal fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth cider, perry, mead, and sake, if such products contain 0.5% or more of alcohol by volume.

2.19.030: License Provisions

A. Licenses Required

(1) The Town of Lincoln has established that those persons owning, operating or controlling the below noted facilities, uses, activities, businesses or operations, unless exempt by provisions of this ordinance, shall apply for, obtain and maintain the appropriate licenses prior to commencing or continuing these facilities, uses, activities, businesses or operations located in the Town of Lincoln, specifically:

- a. Solid Waste Disposal Facility
- b. Solid Waste Storage Facility and/or Recyclable Material Facility
- c. Solid Waste Treatment Facility and/or Solid waste Incinerator Facility
- d. Commercial Livestock Facility
- e. Metallic Mining Facility
- f. Waste Tire Storage Facility
- g. Non-Hazardous Demolition/Construction Waste Disposal, Storage or Treatment Facility
- h. Non-Hazardous Municipal Sewage Disposal, Storage or Treatment Facility.
- i. Non-Hazardous Sludge Disposal, Storage or Treatment Facility
- j. Non-Hazardous Ash Disposal, Storage or Treatment Facility.
- k. Hazardous Waste Disposal, Storage or Treatment Facility (Including a Hazardous Waste Incinerator Facility)

B. Specific License Provisions

1. Waste or Recyclable Material Facility License

(a) No person, except as noted in the exemption section, shall dispose, store, treat or recycle or cause, allow or permit any other person to dispose, store, treat or recycle waste or recyclable materials in the Town of Lincoln on land, facilities, buildings or premises owned, operated or controlled by that person unless that person has obtained and maintains the appropriate Town of Lincoln Waste or Recyclable Material Facility License.

(b) The Town of Lincoln may, by this ordinance, Issue the following separate and distinct facility licenses for waste and recyclable material disposal, storage or treatment based on the type of facility, use, activity or operation of the person applying for the license. These licenses are:

1) Solid Waste Disposal Facility License (Does Include Authorized Recyclable Material Disposal and Authorized Waste Tire Disposal)

2) Solid Waste Storage Facility and/or Recyclable Material Facility License (Does Include Solid Waste Composting and Medical Waste Storage)

3) Solid Waste Treatment Facility and/or Solid Waste Incinerator Facility License (Does Include Waste Tire and Recyclable Material Incineration and Medical Waste Incinerator and Treatment)

4) Waste Tire Storage and Treatment Facility License (Does Not Include Waste Tire Incineration)

5) Non-Hazardous Demolition/Construction Waste Disposal, Storage or treatment Facility License (Does Not Include Waste Incineration or Hazardous Waste Disposal, Storage or Treatment)

6) Non-Hazardous Municipal Sewage Disposal, Storage or Treatment Facility License (Does Include Solid Waste Sewage Land spreading, Composting and Incineration but Does Not Include Hazardous Sewage Disposal, Storage or Treatment)

7) Non-Hazardous Sludge Disposal, Storage or Treatment Facility License (Does Include Sludge Land spreading, Composting and Incineration. (Does Not Include Hazardous Sludge Disposal, Storage or Treatment)

8) Non-Hazardous Ash Disposal, Storage or Treatment Facility License (Does Include Ash Land spreading, Composting and Incineration but Does Not Include Hazardous Ash Disposal, Storage or Treatment)

9) Hazardous Waste Disposal, Storage or Treatment Facility License (Does Include Hazardous Waste Land spreading, Hazardous Waste Composting and Hazardous Waste Incineration)

For purposes of this ordinance, a medical waste disposal, storage or treatment facility shall be required to obtain and maintain a Solid Waste Disposal, Storage or Treatment Facility License.

(c) No person, except as noted in the exemption section, shall dispose, store, treat or recycle, or cause, allow or permit any other person to dispose, store, treat or recycle any waste or recyclable materials on land owned, operated or controlled by that person, except under the conditions established in this ordinance and where a license has been issued by the Town Board of the Town of Lincoln, then only upon compliance with the written conditions established in the license.

(d) No person, except as noted in the exemption section, shall construct, own, operate or control any waste disposal facility or recyclable materials facility on any land or premises in the Town of Lincoln until the Town Board of the Town of Lincoln and other appropriate municipal bodies have approved any necessary negotiated agreement pursuant to Sec. 289, Wis. Stats., or until the Waste Facility Siting Board or its successor agency has issued an arbitration award pursuant to Sec.: 289.64, Wis. Stats., then only until the arbitration award issued by the Wastes Facility Sitting Board or its successor agency authorizes the construction of the wastes facility at the premises herein noted then only until the applicant(s) informs in writing the Town Board of the Town of Lincoln that the waste facility construction will commence at the premises by the date certain.

(e) The Town Board of the Town of Lincoln shall not issue any required facility license for disposal, storage, treatment or recycling of waste or recyclable materials at a waste disposal, storage or treatment facility or recyclable materials facility in any

residential zoning district, public purpose zoning district, commercial zoning, mobile home zoning or Agricultural zoning district or in any district that may authorize waste or recyclable material disposal, storage or treatment by district zone, by a conditional use permit or special exemption unless the waste or recyclable material facility is authorized by an order in an arbitration award by the Waste Facility Siting Board or unless the Town Board of the Town of Lincoln finds, after appropriate negotiations and one or more public hearings, that the requested issuance of a license would be in the public interest and that the conditions established in the license should protect the public health, safety and the environment in the Town of Lincoln.

(f) No person, except as noted in the exemption section, shall cause, allow or permit any person to burn or treat any type of waste or recyclable materials in any type of incinerator within the Town of Lincoln unless that person has a Town of Lincoln Solid Waste Treatment Facility and/or Solid Waste Incinerator Facility License or a Hazardous waste Disposal, Storage or Treatment Facility License.

(g) A residential, industrial or commercial heating stove or heating furnace located in a residential, commercial or industrial establishment or located in an accessory building adjacent to these establishments where the primary function is to provide heat or a residential solid waste burner where the primary function is to burn residential solid waste generated from any residential establishment in the Town of Lincoln shall not be considered incinerators for purposes of this ordinance.

(h) For purposes of this provision, a medical waste incinerator shall be considered an incinerator.

2. Commercial Livestock Facility License

(a) No person, except as noted in the exemption section, shall own, operate or control a commercial livestock facility located on land in the Town of Lincoln unless that person has obtained and maintains a Town of Lincoln Commercial Livestock Facility License.

(b) The Town Board of the Town of Lincoln shall only issue a license for a commercial livestock facility for those commercial livestock facilities located on lands zoned agricultural by the County of Eau Claire or by the Town of Lincoln or on other lands zoned to allow commercial livestock facilities, including those facilities allow to operate by a conditional use permit or by special exemptions as provided by the County of Eau Claire or Town of Lincoln for similar facilities in the Town of Lincoln.

(c) No person, except as noted in the exemption section, shall own, operate or control a commercial livestock facility located on land in the Town of Lincoln, except under the conditions established in this ordinance and where a license has been issued by the Town Board of the Town of Lincoln, then only upon compliance with the written conditions established in the license.

3. Metallic Mining Facility License

(a) No person, except as noted in the exception section, shall own, operate or

control a metallic mining facility located on land in the Town of Lincoln unless that person has obtained and maintains a Town of Lincoln Metallic Mining Facility License.

(b) The Town Board of the Town of Lincoln shall only issue a license for a metallic mining facility for those metallic mining facilities located on lands zoned for metallic mining facilities by the County of Eau Claire or by the Town of Lincoln or on other lands zoned to allow metallic mining facilities, including those facilities allowed to operate by a conditional use permit or by special exemptions as provided by the County of Eau Claire or Town of Lincoln for similar facilities in the Town of Lincoln.

(c) No person, except as noted in the exemption section, shall own, operate or control a metallic mining facility on land in the Town of Lincoln, except under the conditions established in this ordinance and where a license has been issued by the Town Board of the Town of Lincoln, then only upon compliance with the written conditions established in the license.

C. General License Provisions

1. License Issuance Requirements for Selected Facilities, Uses, Activities, Businesses or Operations

(a) Any person who will or now causes, allows or permits the above described facilities, uses, activities, businesses or operations to occur on lands located in the Town of Lincoln where these facilities, uses, activities, businesses or operations are operated or controlled by that person shall, prior to commencement or construction of these facilities, uses, activities, businesses or operations in the Town of Lincoln, apply for, to obtain and to maintain the appropriate license from the Town Board of the Town of Lincoln.

(b) The terms "license" or "permit" may be used in this Town of Lincoln Ordinance and by the Town of Lincoln, its officers, its employees and its agents interchangeably.

(c) The person responsible for the operation and control of the facility, use, activity, business or operation that requires a license shall be the person required to apply for, to obtain and maintain the license. The Town Board of the Town of Lincoln shall be the sole determinant of the person required to apply for, to obtain and to maintain the license or approval.

(d) This ordinance and its license provisions shall be considered a "local approval" for purposes of Chapter 289.33(3)(d), Wis. Stats. The licenses under this ordinance shall be issued by the Town Board of the Town of Lincoln unless noted herein to the contrary.

(e) The followings specific reasons may be considered, at minimum, by the Town Board of the Town of Lincoln in determining whether to initially issue or not issue a license:

1) A false statement was made by the applicant in the application filed with the Town Lincoln and/or a false statement was include in the materials attached to the application by the applicant(s).

2)The facility, use, activity, business or operations as proposed and delivered by the applicant(s) in the application filed with the Town of Lincoln; and/or as proposed in the materials attached to the application will be detrimental to the public peace, public health, public safety and general welfare of the public in the Town of Lincoln.

3) The facility, use, activity, business or operation as proposed by the applicant(s) in the application filed with the Town of Lincoln and/or as proposed in the materials attached to the application will likely cause a public nuisance in the Town of Lincoln and/or is contrary to County of Eau Claire or Town of Lincoln zoning.

4) The facility, use, activity, business or operation as proposed and delivered by the applicant(s) in the application filed with the Town of Lincoln and/or as proposed in the materials attached to the application will not U.ke1y conform to or meet the conditions of this ordinance or conform to or meet any specific state or federal law or any state or federal regulation.

5) The applicant(s), if a corporation, was not authorized to do business in the State of Wisconsin.

6) The applicant(s), as a natural person, was not of age.

7) The applicant(s), as a natural person, was not legally competent.

8) The applicant(s) did not or would not agree in writing to meet the specific written conditions established by the Town Board of the Town of Lincoln for issuance of a license.

9) The applicant(s) was not the person who would be owning, operating or controlling the facility, use, activity, business, practice or operation to be subject to the license.

2. Joint Applications

(a) If the person who shall be responsible for the operating and the controlling the above noted facilities, uses, activities, businesses or operations is not the same person or persons that owns the land in fee, then both persons shall be required to jointly apply for, to obtain and to maintain the license and to jointly re-apply for re-issuance. This license shall be known as a "Joint License". With any Joint License issued, if the Town Board revokes or fails to re-issue a Joint License, pursuant to this ordinance, the license, when revoked and/or not re-issued, shall be effective against both persons regardless of the reasons for revocation or for failure of the Town Board of the Town of Lincoln to provide re-issuance of the license.

3. Application Fees

(a) The Town of Lincoln has established and approved all of the noted required licenses and has established the initial license application fee each license as noted below or as changed on the annual fee schedule for the Town of Lincoln. The application for a license shall be processed, unless as noted herein, by the Town of Lincoln within forty-five (45) days of receipt of a completed and correct application form. The Town Board shall be the sole determinant of the completeness and correctness of the application.

(b) The Town Board of the Town of Lincoln, upon completion of the application process, shall establish a date for public hearing on the license request, unless the hearing is mutually waived by the applicant(s) and the Town Board of the Town of Lincoln. Notice of a hearing shall be by a Class 2 notice pursuant to §985.07(2), Wis. Stats. The applicant(s) will pay the cost of publication which shall be paid at time of application for the license. The hearing will be held at the Town Hall or at any other location determined by the Town Board of the Town of Lincoln. The initial and annual license application fees for each license are as noted below, unless reduced or increased, pursuant to subsection 10 of this section, by order of the Town Board of the Town of Lincoln:

- 1) *Solid Waste Disposal Facility License/\$25,000.00*
- 2) *Solid Waste Storage Facility and/or Recyclable Material Facility License/\$1,000.00*
- 3) *Solid Waste Treatment Facility and Solid Waste Incinerator Facility License/\$25,000.00*
- 4) *Commercial Livestock Facility License/\$5000.00*
- 4) *Metallic Mining Facility License/\$25,000.00*
- 5) *Waste Tire Storage and Treatment Facility License/\$5,000.00*
- 6) *Non-Hazardous Demolition/Construction Waste Disposal, Storage or Treatment Facility License/\$5,000.00*
- 7) *Non-Hazardous Municipal Sewage Disposal, Storage or Treatment Facility License/\$5,000.00*
- 8) *Non Hazardous Sludge Disposal, Storage or Treatment Facility License/\$5,000.00*
- 9) *Non-Hazardous Ash Disposal, Storage, Treatment Facility License/\$5,000.00*
- 10) *Hazardous Waste Disposal, Storage or Treatment Facility License (Including Hazardous Waste Incineration)/\$25,000.00*

(c) The public hearing will request, at minimum, information from the applicant(s) and from the general public regarding the following:

- 1) The need for the license by the applicant(s).
- 2) The probability of reasonable compliance by the applicant(s) with this

ordinance, with any proposed license conditions required to the license or with state and federal law or state or federal regulations.

3) The conditions, if any, that should be established, if a license is to be issued to the applicant(s) by the Town Board of the Town of Lincoln.

4) Any appropriate county ordinance, state or federal laws or state or federal regulations that must be complied with by the applicant(s).

(d) The licenses shall be issued by the Town Board on an annual basis unless a special monthly or weekly license is requested by the applicant(s) and the license is authorized by the Town Board of the Town of Lincoln. The appropriate license shall be issued by the Town Clerk of the Town of Lincoln prior to any person constructing, maintaining, operating or controlling any waste facility, recyclable materials facility, commercial livestock facility or metallic mining facility or prior to the collecting, transporting, disposing, storing or treating waste or recyclable materials as noted herein or prior to the recycling of any waste or recyclable materials in the Town of Lincoln. No license in this ordinance shall be issued by the Town Clerk, the Town Supervisors or the Town Chair of the Town of Lincoln without Town Board approval.

(e) The Town Board may, without a public hearing, authorize the Town Clerk to re-issue the licenses herein noted up to one (1) year if the licensee is in full compliance with the license and if the licensee has fully paid the license application fee and has complied fully with the other ordinance requirements and license conditions therein.

(f) The Town Board may, at its discretion, charge, as noted herein, additional fees, beyond the initial license application fee to the applicant(s), for processing the application, if the administrative costs, including any hearing and investigative costs projected by the Town Board of the Town of Lincoln, so warrant. These total license application fees for any one (1) license shall not exceed one hundred and fifty thousand dollars (\$150,000.00) per application.

(g) The Town Board of the Town of Lincoln shall use the initial license application fee amounts received and any additional license application fee amounts received, as established by the Town Board of the Town of Lincoln, to reimburse the Town of Lincoln for any probable or real municipal administrative and legal costs incurred by the Town of Lincoln in reviewing the application, conducting any necessary investigation and for processing the license, including the cost of a public hearing, if any, and the costs of any other public meetings.

(h) The Town Board of the Town of Lincoln shall have the sole right to determine the number of applications to be received and the number of licenses issued and re-issued for any particular facility, use, activity, business or operation in the Town of Lincoln. The factors to be considered in determining the number of applications to be received and the number of licenses to be issued or re-issued, annually or otherwise, shall not include any desire to limit competition on the part of the Town Board of the

Town of Lincoln for certain facilities, uses, activities, businesses or operations in the Town of Lincoln.

(i) The license application fee payment required for each application for license shall be attached to the application by the applicant(s) or licensee. The payment may be made by the applicant or licensee by cash, certified check, cashier's check or any other legal tender of payment acceptable to the Town Board of the Town of Lincoln.

(j) The Town Board of the Town of Lincoln shall prepare and approve, within thirty (30) days after the effective date of this ordinance, an application form for the licenses required in this ordinance. The application form shall, at a minimum, contain the following below noted questions, unless specifically waived by the Town Board of the Town of Lincoln. The applicant(s) or licensee shall completely, correctly and truthfully answer the questions asked by the Town of Lincoln in the application. Failure to completely, correctly and truthfully answer the questions as determined by the Town Board of the Town of Lincoln shall deem the application, when received and reviewed by the Town of Lincoln as incomplete and unacceptable for further processing by the Town Board of the Town of Lincoln.

(k) The application, at minimum, shall include:

- 1) The name of the applicant or applicants (if joint license).
- 2) The address of the applicant(s) and the address of any proposed facility, use, activity, business or operation.
- 3) The business and residential telephone number of the applicant(s), if any.
- 4) The type of license requested, the license application fee required, if any, and the bond required, if any.
- 5) The application date.
- 6) The general dates, if any, requested by the applicant(s) for hearing and for the issuance of the license. Any specific request for a waiver of hearing.
- 7) Age of any natural applicant(s), if under eighteen (18).
- 8) The agent of any applicant(s), if any.
- 9) The designated premises or area in the Town of Lincoln for the facility, use, activity, business or operation, including the legal description or real estate tax parcel number and the current zoning or land use ordinances applicable to the facility, use, activity, business or operation, if any. The premises or area shall be described by an ASCS aerial photo or similar aerial photo.
- 10) The proposed plan of operation for the facility, use, activity, business or operation, including plans for construction, operation, maintenance, closure and

long term care of the facility, use, activity, business or operation. This should include a detailed statement by the applicant(s) on the need for the license and a statement describing any alternatives to the proposed facility, use, activity, business or operation. This statement shall include any precautions or actions to be taken to reduce or mitigate potential damage or injury to persons, property, plants and animals in the Town of Lincoln.

11) The type and amount of equipment to be used in the facility, use, activity, business or operation.

12) If a collector, transporter or facility, the proposed plan for public health and safety control, public nuisance control and environmental protection, including the anticipated health, safety and environmental impact upon persons, property, plants and animals in the Town of Lincoln are to the proposed facility, use, activity, business or operation.

13) If a facility, the time line for construction, if any, the time line for operation and the time line for closure for the facility, use, activity, business or operation.

14) The amount, type and source of waste or recyclable material or other material and the type of facility, use, activity, business or operation requested.

15) The likely routes of travel to and from and the hours of travel in the Town of Lincoln for the facility, use, activity, business, or operation.

16) The past experience of the applicant(s) and past licenses in the facility, use, activity, business or operation.

17) Copies of any initial site reports, environmental reports, feasibility studies or reports or any Plan of Operation submitted or to be submitted to any state and federal agencies.

18) If a facility, the names, addresses and telephone numbers of third parties likely to use the facility.

19) If any facility, the likely hours and days of operation.

20) If a disposal facility, the likely maximum depth below surface topography and the likely maximum height above surface from commencement of operation at closure.

21) If a disposal facility, the likely active fill area to be requested for disposal.22) If a disposal facility, the auxiliary uses at or near the waste facility, if any.

23) If a waste or recyclable material facility, the proposed plan, if any, to provide physical and personnel security at or near the premises.

24) If a waste facility, the proposed plan, if any, for environmental testing and

monitoring, including well testing.

25) If a facility, the proposed need for additional and improved public services, including roads and roadways, sewers and water.

26) If a facility, the proposed closure plans and use for the premises after closure.

27) If a facility, the proposed expansion plans at or near the premises.

28) If a facility, the projected need for the facility, business or activity in the Town of Lincoln, County of Eau Claire and within one hundred (100) miles of the proposed premises.

29) If a facility, any prior discussions and responses from adjacent land owners or occupants.

30) If a collector, transporter or facility, the proposed plan, if any, to provide financial, environmental, and legal protections for the Town of Lincoln, its officers, its employees and its agents, along with persons residing near the proposed premises.

31) If a collector, transporter or facility, use, activity, business or operation, the proposed plans for any emergency occurring as a result of the facility, use, activity, business or operation.

32) If the collector or transporter collects or transports hazardous waste that requires a license under this ordinance, if the person stores, treats or disposes hazardous waste at a facility that requires a license under this section or if the person owns, operates or controls a solid waste facility or hazardous waste facility that requires a license under this ordinance, then if the collector, transporter or facility is owned, operated or controlled by a corporation, copies of the financial statements and federal tax returns for the last five (5) years of the corporation, any parent corporation and subsidiary corporations, and if the collector, transporter or facility is owned, operated or controlled by an individual, copies of the financial statements and federal tax returns for the last five (5) years.

33) If a collector, transporter or facility, the proposed insurance coverage, if any, is to be provided by the applicant(s) or licensee for the benefit of the Town of Lincoln, its officers, its employees and its agents, along with other persons in the Town of Lincoln.

34) If a collector or transporter, the type, amount and location of waste transported to any recyclable materials facilities on an annual basis and the recyclable materials facilities where waste and recyclable materials will be processed.

35) If a collector or transporter, the type, amount and location of waste transported to disposal, storage or treatment waste facilities in the Town of Lincoln on an annual basis.

36) If a collector or transporter, the proposed plan, if any, to prevent discharge and littering in the Town of Lincoln. -

37) If the applicant(s) believes any rezoning must occur or any conditional use permit must be issued, then the type of rezoning or conditional use permit that must be obtained.

38) Any criminal violations charged or convictions received by applicant(s) in the United States of America within the last three (3) previous years related to the facility, use, activity, business or operation.

39) Any civil suits filed in any United States Court against the applicant(s) or its parent or subsidiary corporations, if applicable, within the last three (3) years related to the facility, use, activity, business or operation.

40) If a collector, transporter or facility, any wastes or materials exempt under this ordinance and the type, amount and source of the exempt waste.

41) Any three (3) business references.

42) Any three (3) financial references.

(l) The Town of Lincoln requires that the application for any license under this ordinance shall be in writing to the Town of Lincoln. The application shall be filed with the Town Clerk of the Town of Lincoln by the applicant(s), licensee or by the appropriate agents. The Town Clerk of the Town of Lincoln shall prepare and shall then forward, when approved by the Town Board of the Town of Lincoln, the appropriate written application form to the applicant(s). The application form for any licenses from the Town of Lincoln shall contain the appropriate requests for relevant information as required by this ordinance or as otherwise required by order of the Town Board of the Town of Lincoln. The Town Board of the Town of Lincoln shall approve the form and contents of the application form prior to distribution. All license application fees are to be paid to the Town Clerk of the Town of Lincoln upon submittal of the completed and correct application form by the applicant(s) or licensee or by the appropriate agent.

(m) The application form, when completed and corrected by applicant(s) or licensee and prior to submittal to the Town Clerk, shall by the applicant(s), be subscribed and properly SWORN, before and authorized notary public, as to the accuracy, and truthfulness of the answers provided by the applicant(s) in the application. The person required to take the oath shall be the applicant(s) (if a natural person), a general partner (if a partnership) or a principal officer of the corporation (if a corporation).

(n) The Town of Lincoln requires that all license application fees are to be made payable

by the applicant(s) to the Town Treasurer of the Town of Lincoln. The application for license, when submitted to the Town Clerk of the Town of Lincoln by the applicant(s), shall contain the appropriate license application fee amount attached. If the license is issued, a receipt for payment of the license application fee for the license shall be issued by the Town Clerk of the Town of Lincoln. If the license is not issued, then the license application fee amount, minus the proper Town of Lincoln administrative costs and publication costs, shall be returned with the written denial letter by the Town Clerk of the Town of Lincoln. No refunds, unless by order of the Town Board of the Town of Lincoln, shall be refunded to the applicant(s) or licensee by the Town Treasurer at the Town of Lincoln unless the license is denied by the Town Board of the Town of Lincoln. The Town Board shall be the sole determinant of the amount for any refund or partial refund is due.

(o) The Town of Lincoln requires that the Town Clerk of the Town of Lincoln, upon receipt of any application for any license, if he or she has reason to believe the applicant(s) is not legally eligible for the license, if he or she has reason to believe the applicant(s) is not fit for any reason to be issued or re-issued a license or if he or she has reason to believe the premises to be licensed or re-licensed are not suitable for the facilities, uses, activities, businesses or operations contemplated by the applicant(s), shall refer the matter immediately to the Town Chair of the Town of Lincoln for further investigation and inspection. If, as a result of the investigation, and prior to public hearing, the Town Chair believes the person shall be denied a license or the license should be delayed, he or she shall forward these recommendations to the Town Board of the Town of Lincoln. Any investigation report shall be in writing and shall be filed with the Town Clerk of the Town of Lincoln.

(p) The Town of Lincoln requires that any public hearing notice for the initial applications for the issuance of a license shall be published with a Class 2 Notice pursuant to §985.07(2), Wis. Stats.

(q) Any applicant(s) or licensee for a license can request a public hearing by the Town Board of the Town of Lincoln prior to the final public decision of the Town Board regarding the issuance, re-issuance or denial of a license application. The request by the applicant(s) or licensee for public hearing shall be filed with the application with the Town Clerk of the Town of Lincoln. The Town Board of the Town of Lincoln shall be require to provide a public hearing if a public hearing is requested by the applicant(s) or licensee in writing at the time of application, if the application is deemed complete and correct by the Town Board of the Town of Lincoln and if the Applicant(s) or licensee provides the proper license application fee and publication fee payment amounts as required by this ordinance.

(r) To allow proper time for Town Board deliberation and action on re-application, all applications for re-issuance and renewal of any licenses will be filed by the applicant(s) or licensee with the Town Clerk of the Town of Lincoln within ninety (90) days of the expiration-date but not less than forty-five (45) days before the

expiration date of the previous license. This provision can be waived by the Town Board of the Town of Lincoln by majority vote of the Town Board.

(s) Unless the facilities, uses, activities, businesses, operations, land, premises or buildings have materially changed since initial issuance, the Town Board may waive the personal inspection provision upon re-issuance of a license.

(t) The Town of Lincoln requires that the Town Clerk of the Town of Lincoln shall keep a record of the applications received and the licenses issued by him or her and the amount of the fees collected for each license.

(u) The applicant(s) or licensee, upon acceptance in writing of the written or operation would involve a violation of any Town of Lincoln zoning laws, other Town of Lincoln Ordinances, any County of Eau Claire zoning laws or any other County of Eau Claire Ordinances.

(w) No license shall be issued or re-issued for any facility, use, activity, business or operation if the use, activity, business or operation would be a nuisance in fact or if the facility, use, activity, business or operation would violate any statute or federal law or state or federal regulation.

(y) The Town Board of the Town of Lincoln may waive any one or all of the requirements noted in this subsection upon a show of "good cause" for waiver by the applicant or licensee, including annual license application fees.

(z) Unless otherwise noted by order of the Town Board of the Town of Lincoln, the Town Clerk of the Town of Lincoln shall be the officer of the Town of Lincoln responsible for administration of the Town of Lincoln licenses.

4. Specific Additional License Requirements

(a) The Town of Lincoln requires that the license must be dated and signed by the Town Clerk and by the Town Chair of the Town of Lincoln. The license shall contain the date of issuance and the date of expiration. The license must be exhibited for public view in: a conspicuous location by the licensee on the premises or in the vehicle, wherever the licensed facility, use, activity, business or operation will occur.

(b) Any license issued by the Town of Lincoln under this ordinance are to be deemed non-exclusive unless otherwise so stated by the Town Board of the Town of Lincoln. No special privileges, franchises or agreements are intended or to be inferred by the issuance of any license by the Town of Lincoln other than those specifically prescribed privileges noted in the license. Any license issued by the Town of Lincoln shall not be issued for the purpose of any restraint of trade or commerce nor issued for the purposes of establishing any type or form of monopoly. No Town of Lincoln official, employee or agent shall refuse to issue or re-issue a license under this ordinance solely because of the belief of the Town of Lincoln official, employee or agent that there are

sufficient licenses in the Town of Lincoln unless the State of Wisconsin has established a quota or fixed amount of licenses. In each case where a license is refused for issuance or re-issuance, the Town Board shall do so based upon rational reasons which shall be conveyed by the Town Clerk to the applicant(s) or licensee in writing. The following licenses shall require an annual performance review by the Town Board of The Town of Lincoln prior to re-issuance of a license:

- 1) Solid Waste and/or Recyclable Material Storage License
- 2) Solid Waste Treatment and/or Solid waste Incineration Facility License
- 3) Solid Waste Disposal Facility License
- 4) Metallic Mining Facility License
- 5) Hazardous Waste Disposal, Storage or Treatment Facility License

5. Reasonable Compliance

(a) The Town Board of the Town of Lincoln shall not approve and issue any license or re-approve and re issue any license unless the Town Board of the Town of Lincoln is fully satisfied that the applicant(s) or licensee has been and/or will remain in reasonable compliance with the provisions of this ordinance, with the license; and any written conditions established by the Town Board of the Town of Lincoln in the license.

6. Designated Locations

(a) The completed application and license, prior to issuance or re-issuance, shall contain and designate the person or persons issued or to be issued the license including any persons issued joint licenses, the specific location in the Town of Lincoln wherein the facilities, uses, activities, businesses or operations shall occur and the specific license requested for issuance or issued.

7. Conditions on License

(a) The license shall contain any and all conditions established by the Town Board of the Town of Lincoln for issuance and continuance of the license. No person shall be issued or re-issued a license under this ordinance if the applicant or licensee:

(1) Fails to agree in writing to the general conditions established by the Town Board of the Town of Lincoln in any proposed license or fails to comply with any written agreement or conditions related thereto in any issued license.

(2) Fails to agree in writing to specific conditions established by the Town Board of the Town of Lincoln in any proposed license which relate to the applicant(s) providing appropriate and reasonable financial and legal security to the Town of Lincoln, its officers, its employees and its agents, as determined by the Town Board of the Town of Lincoln or fail to comply with any written agreement or conditions related thereto in any issued license.

(3) Fails to agree in writing to specific conditions established by the Town Board

of the Town of Lincoln in any proposed license to require applicant(s) to correct and public hazards or public nuisances at the facility, use, activity, business or operation in a timely manner upon written notice by the Town Board of the Town of Lincoln or fails to comply with any written agreement or conditions related thereto in any issued license.

(4) Fails to agree in writing to specific conditions established by the Town Board of the Town of Lincoln in any proposed license to require the applicant(s) to maintain a complaint system and an investigative system to receive oral and written complaints and to investigate these complaints from residents or the Town of Lincoln regarding any facility, use, activity, business or operation or fails to comply with any written agreement or conditions related thereto in any issued license.

(5) Fails to agree in writing to specific conditions established by the Town Board of the Town of Lincoln any proposed license to have the applicant(s) provide reasonable physical access to any land, premise, building, facility or vehicle owned, operated or controlled by the applicant(s) and related to the facility, use, activity, business or operation in the Town of Lincoln for inspection purposes to the Town Board of the Town of Lincoln or to its designee or fails to comply with any written agreement or conditions related thereto in any issued license.

(6) Fails to agree in writing to specific conditions established by the Town Board of the Town of Lincoln in any proposed license to have the applicant(s) provide, in a timely manner, reasonable financial records regarding any waste disposal, storage or treatment facility or recyclable material facility owned, operated or controlled by the applicant(s) in the Town of Lincoln or fails to comply with any written agreement or conditions related thereto in any issued license.

(7) Fails to agree in writing to specific conditions established by the Town Board of the Town of Lincoln in any proposed license to have the applicant(s) provide, in a timely manner, reasonable records regarding source, amount and type of waste, recyclable materials or other materials involved with the facility, use, activity, business or operation in the Town of Lincoln or fails to comply with any written agreement or conditions related thereto in any Issued license.

(8) Fails to agree in writing to specific conditions established by the Town Board of the Town of Lincoln in any proposed license to have the applicant(s) provide, in a timely manner, the names and addresses of any collectors or transporters authorized to transport any waste, recyclable materials or other materials to and from the facility in the Town of Lincoln or fails to comply with any written agreement or conditions related thereto in any issued license.

(9) Fails to agree in writing to specific conditions established by the Town Board of the Town of Lincoln in any proposed license to have the applicant(s) only operate on certain hours and days for the facility, use, activity, business or operation in the Town of Lincoln or fails to comply with any written agreement or conditions related thereto in any

issued license.

(10) Fails to agree in writing to specific conditions established by the Town Board of the Town of Lincoln in any proposed license, to have the applicant(s) disclose immediately to the Town of Lincoln any intentional or unintentional discharges by the applicant(s) of solid waste, hazardous waste, ash, tires, sludge, sewage, demolition waste, construction waste or any other wastes or materials at any unauthorized locations in the Town of Lincoln or fails to comply with any written agreement or conditions related thereto in any issued license.

(11) Fails to agree in writing to specific conditions established by the Town Board of the Town of Lincoln in any proposed license to have the applicant(s) immediately disclose to the Town of Lincoln any groundwater, surface water or air pollution occurring on land owned, operated or controlled by the applicant(s) or on any adjacent land by another person where pollution was or was not caused by applicant(s) in the Town of Lincoln or fails to comply with any written agreement or conditions related thereto in any issued license.

(12) Failure to agree in writing to specific conditions established by the Town Board of the Town of Lincoln in any proposed license to have the applicant(s) disclose to the Town of Lincoln future expansion plans, if any, for the facility, use, activity, business or operation in the Town of Lincoln or fails to comply with any written agreement or conditions related thereto in any issued license.

(13) Fails to agree in writing to specific conditions established by the Town of Lincoln in any proposed license to have the applicant(s) comply with a closure plan, long term care plan and the use of the land, premises, buildings or facility after closure or fails to comply with any written agreement or conditions related thereto in any issued license.

(b) In addition, no person shall be issued or re-issued a license under this ordinance unless the person agrees in writing to fully comply with all other written conditions that may be established by the Town Board of the Town of Lincoln in the license and to fully comply with this ordinance. The person must agree in writing, as a condition of licensure, to obey all reasonable written requests of the Town Board of the Town of Lincoln consistent with this ordinance that are related to the facility, use, activity, business or operation.

(c) Failure to fully comply with the written conditions in the license, failure to fully comply with the reasonable written requests of the Town Board of the Town of Lincoln noted above and failure to comply with this ordinance may allow the Town Board of the Town of Lincoln to suspend or revoke the license or may allow the Town Board of the Town of Lincoln to take or request whatever other appropriate and necessary legal actions may be available under the ordinance or that may be available under state and federal law and regulations.

(d) Written conditions or other provisions in the license may be amended to the license,

deleted from the license or added to the license during the license term by the Town Board of the Town of Lincoln, only upon the written petition by the Town Board of the Town of Lincoln, the licensee or by any other person and then only after a public hearing is established to address the requested and proposed amendments, deletions or additions.

(e) Notice of the public hearing shall be based on the petition and shall be by a Class 2 public notice pursuant to §985.07(2), Wis. Stats. The Town Board of the Town of Lincoln shall have the sole discretion to accept or not accept such petition, the sole discretion to act upon such petition and the sole discretion to accept or refuse and proposed amendments, deletions or additions to the license. The Town Board shall not unreasonably reject such petitions, deny any such amendments, deletions or additions that may be proposed.

(f) The Town Board of the Town of Lincoln may, upon submittal of the petition, require pre-payment to the Town of Lincoln from the petitioner for any public hearing notice publication costs prior to the publication of the notice and may require pre-payment for any other reasonable administrative costs likely to be incurred by the Town of Lincoln with payment for these cost due to the Town of Lincoln prior to publication of the notice.

(g) The Town of Lincoln requires that any person, once issued the license by the Town Clerk of the Town of Lincoln, upon the acceptance of the license by that person and upon the acceptance by that person of the conditions attached thereto, consents to the entry of the Town Board of the Town of Lincoln or its designee upon the licensed lands, premises, buildings and facilities, at reasonable hours with hours noted within this ordinance or with hours noted by the license, for regulatory inspections. The person issued or re-issued a license under this ordinance shall comply with the conditions of the license and this ordinance, with all applicable federal and state laws, with all applicable federal and state regulations and with any other applicable Town of Lincoln Ordinances. Failure to comply with these laws and regulations may be grounds by the Town Board of the Town of Lincoln for temporary suspensions or permanent revocations of a license issued.

8. Joint Applications for Certain Facilities, Uses, Activities, Businesses or Operations

(a) Any such person who may apply for any particular license under this ordinance may request, in the written application for licensure, that certain facilities, uses, activities, businesses or operations requiring other licenses under this ordinance be placed before the Town Board of the Town of Lincoln for consideration at the same time as a "joint application" for multiple license issuance. The Town Board of the Town of Lincoln has the sole discretion to accept, reject or accept on condition any joint applications for multiple license issuance.

9. Different Location/Transfer of License

(a) Any person issued a license under this ordinance may not, under the license,

change the location of the facility, use, activity, business or operation outside or beyond the land location originally designated in the license. The person shall apply for and obtain a new license for such facility, use, activity, business or operation at the new land location. Any person issued a license under this ordinance may not transfer any such license to any other person, without written approval or written approval upon conditions established by the Town Board of the Town of Lincoln. The Town Board of the Town of Lincoln shall provide such a written approval or written approval on conditions only upon written petition of the licensee or any proposed new licensee and then only after a public hearing established to address the requested and related to the proposed transfer of the license (including any conditions).

(b) Notice of the public hearing shall be through a Class 2 public notice pursuant to §985.07(2), Wis. Stats. The Town Board of the Town of Lincoln shall have the sole discretion to accept or not accept such petition, the sole discretion to act upon such petition and the sole discretion to accept or refuse any proposed transfer of a license. The Town Board shall not unreasonably deny approval for any such transfer.

(c) The Town Board may require pre-payment over and above the initial license application fee to the Town of Lincoln from the applicant or licensee for the public hearing notice publication costs prior to publication of the notice and for any other reasonable administrative costs likely to be incurred by the Town of Lincoln with payment due to the Town of Lincoln prior to publication of the notice and for any other reasonable administrative costs likely to be incurred by the Town of Lincoln with payment due to the Town of Lincoln prior to publication of the notice.

10. License Fee and Bond/Other Requirements

(a) No person shall be issued or re-issued any license established by this ordinance by the Town of Lincoln until the appropriate license application fee has been paid to the Town Clerk of the Town of Lincoln and the appropriate bond, if any. Has been received by the Town Clerk of the Town of Lincoln. The Town Board of the Town of Lincoln shall establish the minimum license application fees and performance bonds or other financial security acceptable to the Town Board of the Town of Lincoln on or before May 1 of each year. These minimum amounts for license and bond shall be provided to the applicant(s) at receipt of the application form or within thirty (30) days thereafter. The Town Board of the Town of Lincoln shall establish the type, source and bond amount required of the licensee to assure the Town of Lincoln that the applicant (s) or licensee will comply with this ordinance, the requested license and any potential or likely conditions to be attached to the license and to assure that the bond amount will serve, at least in part, to save harmless, indemnify or to provide proper reimbursement of any municipal administrative or legal costs and expenses incurred by the Town of Lincoln, its officers, its employees and its agents as a result of the action of the applicant(s) or licensee or as a result of the facility, use, activity, business or operation licensed.

(b) No person shall be issued or re-issued a license who has failed to properly, truthfully and fully complete and to submit to the Town Clerk of the Town of Lincoln the application form delivered and provided to the Town of Lincoln, including payment to the Town of Lincoln of the appropriate license application fee, and who has failed to submit the other costs and fees and the appropriate bonds or other financial security required by and acceptable to the Town Board of the Town of Lincoln.

(c) No person shall be re-issued a license who has failed to timely pay the license application fee, any appropriate and necessary special Town of Lincoln assessments, any Town of Lincoln administrative special fees or any Town of Lincoln property taxes where these assessments, fees or taxes are directly related to the license or are directly related to the facility or the land wherein the facility is located. In addition, pursuant to §66.117, Wis. Stats., the Town Board may refuse to issue any license under this ordinance if the applicant has not paid any overdue forfeiture resulting from a violation by that person or any Town of Lincoln Ordinance.

2.19.040: General Ordinance Requirements

A. Roadway Use

(1) No person, except as noted in the exemption section, shall use and traverse on any Town of Lincoln road or roadway with a motor vehicle for purposes of waste or recyclable materials collection or transportation in the Town of Lincoln unless that road or roadway, pursuant to §60.54, Wis. Stats., is established and authorized by the Town Board of the Town of Lincoln as a designated waste or recyclable materials road or roadway for travel by motor vehicle to and from any waste disposal, storage or treatment facility or recyclable materials facility in or outside the Town of Lincoln and/or unless that road or roadway is designated as a collection roadway for the collection of waste or recyclable materials by a motor vehicle from any residents of the Town of Lincoln and, in either case, the person must have an appropriate waste or recyclable material collector or transporter license issued by the Town of Lincoln, unless waived by this ordinance.

(2) This provision shall not apply to residents the Town of Lincoln who collect and transport their own waste or recyclable materials on any road or roadway in the Town of Lincoln without receipt: of consideration, fee or charge of any kind or amount to a waste disposal, storage or treatment facility or recyclable materials facility in the Town of Lincoln.

B. Containment

(1) No person, except as noted in the exemption section, shall cause, allow or permit any person to use any Town of Lincoln road or roadway with a motor vehicle for purposes of any waste, recyclable materials or metallic material collection or transportation in the Town of Lincoln, unless the motor vehicles and the vehicle containment devices on the motor vehicles are properly constructed and properly maintained by the person to prevent any portion of the waste, recyclable materials or metallic material from depositing, spilling, falling, escaping or discharging from the motor vehicle onto public or private lands in the Town of Lincoln.

2) The Town Board of the Town of Lincoln, or its designee, shall approve, for every waste or recyclable materials collector and transporter licensed by the Town of Lincoln, and such vehicle waste or recyclable materials containment device to be used by any licensed collector or transporter prior to its use by any licensed person for the collection, removal and transportation of waste and recyclable materials in the Town of Lincoln and prior to its use by any person in the transportation of waste or recyclable materials in any motor vehicle on any Town of Lincoln road or roadway. No licensed collector or transporter shall cause, allow or permit any person to use any motor vehicles in the Town of Lincoln for the above stated purposes without proper approval as noted.

C. Waste Disposal, Storage, Treatment or Recycling List

(1) No person, except as noted in the exemption section, shall cause, allow or permit, for any consideration, fee or charge of any kind or amount, any disposal, storage, treatment or recycling of any waste or recyclable materials by any other person at any waste disposal, storage or treatment facility or recyclable materials facility in the Town of Lincoln unless that person causing, allowing or permitting such facility, use, activity, business or operation has provided to the Town Clerk of the Town of Lincoln a list of the names and addresses of the persons who have been specifically authorized by that person to transport to and from, dispose, store, treat or recycle the waste or recyclable materials at the waste disposal, storage or treatment facility or recyclable materials facility in the Town of Lincoln. This list with names and addresses shall be provided to the Town Clerk by March 1st of each year and once received by the Town Clerk shall not be treated as confidential information, shall be a public record and shall be subject to public view.

D. Reporting Requirement

(1) No person, except as noted in the exemption section, shall, knowing of any of the below noted occurrences in the Town of Lincoln, cause, allow or permit any other person to fail to orally report these occurrences related to uses or activities at the below noted facilities to the Town Clerk of the Town of Lincoln. The oral report shall be within twenty- four (24) hours of receipt of a notice by that person of the below noted occurrence:

a. Any hazardous waste entering or exiting any licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln unless approved in writing by the Town Board of the Town of Lincoln.

b. Any fire, explosion or other emergency hazardous condition at or near any licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln.

c. Any groundwater pollution, surface waste pollution or air pollution occurring at or near any licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln.

d. Any permanent, emergency or temporary closing of any licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln.

"Near", for purposes of this provision, shall mean an area within one (1) mile of the outer perimeter of the waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln.

E. Facility Maintenance Requirements

(1) No person, except as noted in the exemption section, shall construct, own, operate, control, close or provide long term care of a licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln in such a manner to cause a public nuisance in the Town of Lincoln nor shall any person construct, own, operate, control, close or provide long term care of any licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in such a manner to endanger public health and safety or to cause any damage or injury to persons or property in the Town of Lincoln or to damage the environment. To that end, the Town of Lincoln, in addition, requires specifically the following:

a. No person shall own, operate or control a licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln without the maintenance of adequate personnel to aid daily operations and without the maintenance of sufficient physical security to reduce vandalism, environmental degradation or disturbance at the waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility. This provision shall apply during the period the waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility is operational, during the term the facility is receiving or exporting waste, recyclable materials, livestock or metallic mining materials in the Town of Lincoln and then also for ten (10) years thereafter.

b. No person shall own, operate or control a licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln without the maintenance of at least one (1) attendant at the waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility during the daily operations and without the maintenance of at least one (1) attendant "on call" during the period when the waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility is closed. This provision shall only apply during the period the waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining

facility is operational and during any term the facility is receiving or exporting waste, recyclable materials, livestock or metallic mining materials the Town of Lincoln.

c. No person shall cause, allow or permit any open burning at any licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln, including authorizing any open burning in and within three hundred (300) feet of the licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility. This provision shall apply during the period the waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility is operational and during any term the facility is receiving or exporting waste, recyclable materials, livestock or metallic mining materials in the Town of Lincoln.

d. No person shall own, operate or control a licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln without the timely reimbursement to the Town of Lincoln for appropriate and necessary public expenses and costs, including taxes, forfeitures and special assessments, incurred by or due the Town of Lincoln directly associated with the licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln. Without receipt of timely and proper reimbursement of the expenses and costs by the person, the Town of Lincoln may charge these appropriate and necessary public costs and expenses as a special assessment on any real property owned by the licensed person in the Town of Lincoln. This provision shall apply during the period the licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility is operational and during any term the facility is receiving or exporting waste, recyclable materials, livestock or metallic mining materials in the Town of Lincoln and then also for ten (10) years thereafter.

e. No person shall cause, allow or permit any person to dispose, store, treat or recycle hazardous waste at any licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln, except a hazardous waste facility licensed for the disposal, storage or treatment of particular hazardous wastes approved for disposal, storage or treatment by the Town Board of the Town of Lincoln. This provision shall apply during the period the licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility is operational, during the term the facility is receiving or exporting waste, recyclable materials, livestock or metallic mining materials in the Town of Lincoln and then also for ten (10) years thereafter.

f. No person shall cause, allow or permit any person to discharge or litter dust, debris, dirt, litter, waste or recyclable materials from a licensed waste disposal, storage or treatment facility, recyclable material facility, commercial livestock facility or metallic mining facility in the Town of Lincoln beyond the licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic

mining facility in the Town of Lincoln. This provision shall apply during the period the licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility is operational and during any term the facility is receiving or exporting waste, recyclable materials, livestock or metallic mining materials in the Town of Lincoln and then also for ten (10) years thereafter.

g. No person shall own, operate or control a licensed solid waste disposal facility in the Town of Lincoln without requiring every day, within a reasonable time after termination of the disposal of solid waste into any active fill area, that a suitable cover of clay and other suitable soil materials be placed and deposited fully over the deposited solid waste or recyclable materials. In any inclement weather, in compliance with any requirements of the Department of Natural Resources, this provision may be waived in writing by the Town Board of the Town of Lincoln or its designee. This provision shall apply during the period the licensed solid waste disposal facility is operational and during any term the facility is receiving or exporting solid waste for disposal in the Town of Lincoln and then also for ten (10) years thereafter. In addition, this provision may apply to demolition or construction waste if made applicable by Town Board order or resolution.

h. No person shall own, operate or control a licensed waste disposal, storage or treatment facility, recyclable material facility, commercial livestock facility or metallic mining facility in the Town of Lincoln without complying fully with any conditions and requirements established by the Town Board of the Town of Lincoln related to facility maintenance issues regarding landscaping, screening, fencing, top soil maintenance, soil erosion abatement, non-point source pollution abatement and odors and noise reduction protections established in the license conditions by the Town Board of the Town of Lincoln.

i. No person shall own, operate or control a licensed waste disposal, storage or treatment facility, recyclable material facility, commercial livestock facility or metallic mining facility in the Town of Lincoln without complying fully with conditions and requirements established by the Town Board of the Town of Lincoln related to preserving the value of the land and the future physical conditions and uses of the land after closure of the facility operations established in the license conditions by the Town Board of the Town of Lincoln. The Town Board may require, prior to issuance of the license, a full reclamation or restoration plan along with a non-cancelable bond or cash security to insure compliance with the plan before or after closure.

j. No person shall own, operate or control a licensed waste disposal, storage or treatment facility, recyclable material facility, commercial livestock facility or metallic mining facility in the Town of Lincoln without complying fully with conditions and requirements established by the Town Board of the Town of Lincoln related to compliance with any Town of Lincoln building code, the installation and maintenance of necessary safety equipment, and the enactment and enforcement of operational

controls, the enactment and enforcement of environmental protection controls, including litter, run-off controls, drainage controls and discharge controls, the enactment and enforcement of operational public health and security controls and the enactment and maintenance and update of any emergency plan for any disaster at or near the facility.

k. No person shall own, operate or control a licensed waste disposal, storage or treatment facility, recyclable material facility, commercial livestock facility or metallic mining facility without complying fully with the time and dates for daily operation as established in the license conditions by the Town Board of the Town of Lincoln.

(2) No person shall cause, allow or permit any person to own, operate or control any licensed waste disposal, storage or treatment facility or recyclable materials facility for the disposing, storing, treating or recycling of waste or recyclable materials owned, operated or controlled by that person in the Town of Lincoln unless that person has been issued an appropriate waste or recyclable material facility license by the Town Board of the Town of Lincoln and unless that person owning, operating or controlling the licensed waste disposal, storage or treatment facility or recyclable materials facility maintains a proper written manifest of the source, amount and type of waste or recyclable materials disposed, stored, treated or recycled at the licensed waste disposal, storage or treatment facility or recyclable materials facility and unless the person operating or maintaining the licensed waste disposal, storage or treatment facility or recyclable materials facility maintains the proper names and addresses of the persons disposing, storing, treating or recycling the waste or the recyclable materials at the licensed waste disposal, storage or treatment facility or recyclable materials facility.

(3) The person owning, operating or controlling the licensed waste disposal, storage or treatment facility or recyclable materials facility shall, on a quarterly basis, provide, at no cost to the Town of Lincoln, to the Town Clerk of the Town of Lincoln, within sixty (60) days after each January 1, April 1, July 1 and October 1, copies in writing of the above noted written manifests from the previous calendar year. The form for such manifest shall be approved by the Town Board of the Town of Lincoln prior to submittal.

(4) The above facility maintenance requirements shall apply to any person that owns, operates or controls a facility, use, activity, business or operation where the person must be licensed under this ordinance but where the person does not currently hold, for whatever reason, a proper license as required under this ordinance.

F. Insurance/Bond

(1). No person, except as noted in the exemptions section, shall construct, own, operate, control, close or provide long term care of any licensed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility in the Town of Lincoln without providing the Town Clerk of the Town of Lincoln a General Liability Insurance policy, including environmental impairment/pollution liability insurance, covering all potential liability for injury or damage, costs, expenses, judgments and fines related to the facility and related to the waste, recyclable materials, livestock or metallic mining materials to be transported to and from, disposed, stored, treated or recycled in the Town of Lincoln, acceptable to the Town Board of the Town of Lincoln. Any policy to be issued by an insurance company

licensed to do business in the State of Wisconsin with the minimum amount of insurance coverage, to be one million Dollars (\$1,000,000.00) per occurrence unless the Town Board of the Town of Lincoln, after public hearing, increases this amount. The Town Board of the Town of Lincoln shall also require that the licensee provide a cash bond or a non-cancellable bond to the Town of Lincoln in an amount equal to the reclamation or closure of the site. This provision shall apply during the period the waste or recyclable materials facility, commercial livestock facility or metallic mining facility is operations and during any term the facility is receiving or exporting waste, recyclable materials, livestock or metallic mining materials in the Town of Lincoln and then also for ten (10) years thereafter.

(2) The Town Board of the Town of Lincoln can increase this insurance, bond or proof of financial security amount above one million Dollars (\$1,000,000.00) after a public hearing assuring financial security protection to the Town of Lincoln and its residents.

Discharge and Litter

G. Discharge and Litter

(1) No person. Except as noted in the exemption section. shall discharge, litter or deposit or cause, allow or permit any other person to discharge, Litter or deposit any waste recyclable materials, metallic mining materials or special wastes (as defined by this ordinance) on any public land or private land owned, operated or controlled by that person in the Town of Lincoln or on lands owned, operated or controlled by third persons, except in proper locations and containers authorized for discharge or deposit by this ordinance, except in proper locations or containers authorized by license, by order or by written agreement of the Town Board of the Town of Lincoln or except in waste facilities, recyclable materials facilities or metallic mining facilities licensed or by the Town Board of the Town of Lincoln.

(2) No person, except as noted in the exemption section, shall transport, in any manner, on any public sidewalks, public roads, public roadways, public streets, public alleys or other public lands in the Town of Lincoln any waste, including recyclable materials, livestock manure waste, metallic mining materials or special wastes where the method or means of transportation is likely to lead to the intentional or unintentional discharging, emptying or blowing of the waste, recyclable material, metallic mining material or special wastes from the vehicle or from other means of transportation onto public sidewalks, public roadways, public streets, public alleys or other public lands in the Town of Lincoln.

(3) No person, except as noted in the exemption section, who owns, operates or controls land in the Town of Lincoln shall fail to collect, remove and transport, in a timely and proper manner, from any residential, commercial, industrial or other establishments owned, operated or controlled by that person in the Town of Lincoln any discharged, disposed, stored or treated waste, including recyclable materials, metallic mining materials or special wastes not authorized for disposal, storage or treatment by this ordinance or any waste, recyclable materials, metallic mining materials or special wastes not authorized for disposal, storage or treatment by order of the Town Board of the Town of Lincoln. The person shall be responsible to act in a timely manner to reasonable keep all lands owned, operated or controlled by that

person in a clean, safe, neat and orderly condition and to avoid causing any private or public nuisance in the Town of Lincoln.

(4) No person, except as noted in the exemption section, shall discharge, litter or deposit without proper authorization by this ordinance or without authorization by license or written approval of the Town Board of the Town of Lincoln any waste, including recyclable materials, metallic mining materials or special wastes in or along any public water in the Town of Lincoln, on or along the ice of any public waterway in the Town of Lincoln or on or along any other public land in the Town of Lincoln. "Near" for purposes of this provision shall be seventy-five (75) feet from the public water.

(5) The prohibitions noted above in the previous paragraphs of this subsection against discharging or depositing waste, including recyclable materials, metallic mining materials or special wastes do not apply to any person who places or deposits any waste, recyclable materials, metallic mining materials or special wastes in a proper waste container or receptacle as authorized by order of the Town Board of the Town of Lincoln for waste, recyclable materials or metallic mining materials collection, removal and transportation along any public sidewalk, public road, public roadway, public street, public alley, public waterway or other public land in the Town of Lincoln. This provision does not also apply to any person who properly stores, disposes, treat, deposits, discharges or recycles any waste, recyclable materials, metallic mining materials or special wastes in conformity with, § 30, 31, 293, or 289 Wis. Stats., in conformity with any regulation, license, order or other approval by the Department of Natural Resources or any other state agency or by the Waste Facility Siting Board and in conformity with any license or written agreement issued or obtained by the Town Board of the Town of Lincoln pursuant to this ordinance.

(6) No person, except as noted in the exception section, shall cause, allow or permit any person to discharge, litter or deposit any wastes, including recyclable materials, metallic mining materials or special wastes or except where authorized by the Town Board of the Town of Lincoln, upon any public sidewalk, public roadways, public streets, public alleys, public beach, public rest way or other public lands in the Town of Lincoln.

(7) If these wastes noted in subsection (6) are not removed by the person that discharged or deposited the waste within twenty-four (24) hours of that person receiving written notice from the Town Clerk of the Town of Lincoln, then the Town of Lincoln will have the right to have the above items removed from the public sidewalk, public roadway, public street, public alley, public beach, public rest way or other public land in the Town of Lincoln and shall have the right to charge the cost incurred for removal by the Town of Lincoln to that person. If the total amount is not paid within sixty (60) days of the person receiving a bill for the removal services from the Town of Lincoln, then the Town Board has the right to place a special assessment charge on the real property of the person in the Town of Lincoln, pursuant to § 30, 31, Wis. Stats., The Town Chair shall be the person responsible to identify and to charge the person or persons that allegedly discharged or deposited the items This provision does not apply to a public or private compost facility approved by the Town Board of the Town of Lincoln. This provision does not apply to wastes deposited, stored or treated on private lands as authorized

by this ordinance. This provision shall not apply to "temporary storage" of special wastes as determined by the Town Board of the Town of Lincoln.

(8) No person, except as noted in the exemption section, shall cause, allow or permit any person to deposit or discharge any waste, including any toilet or human waste, from any motor boat or other vessel into the public waterways in the Town of Lincoln.

(9) No person, except as noted in this subsection or in the exemption section, shall cause, allow or permit any person to deposit or discharge or allow any such deposit or discharge of any waste, including recyclable materials, metallic mining materials or special wastes on land owned, operated or controlled by that person wherein such waste, including recyclable material, metallic mining materials or special wastes will naturally flow or will, by aid of an artificial structure, flow into the public waterways in the Town of Lincoln or onto the ice in the public waterways in the Town of Lincoln .

(10) No person, except as noted in the exemption section, shall cause, allow or permit any person to deposit or discharge any waste, including recyclable materials, metallic mining materials or special wastes onto the public waterways in the Town of Lincoln or which may, due to the initial deposit or discharge, be washed onto the waters in the Town of Lincoln and which may then hinder, obstruct or destroy navigation by boats or other vessels in the public waterways in the Town of Lincoln.

(11) No person, except as noted in the exemption section, shall cause, allow or permit any person to maintain, operate or control any dilapidated structure or dilapidated building near the shores of public waterways in the Town of Lincoln where such structure or building, due to its condition and proximity to shore, may be then likely washed into the public waterways in the Town of Lincoln and which may then likely hinder, obstruct or destroy navigation by boats or other vessels in the waters in the Town of Lincoln. For purposes of this section, "near the shores" shall mean within seventy-five (75) feet from the shoreline of the waters in the Town of Lincoln.

(12) No person, except as noted in this subsection or in the exemption section, shall, without written approval of the Town Board of the Town of Lincoln, cause, allow or permit any person to construct, operate or control any drain pipe, culvert, sewer, ditch or any other artificial waterways in the Town of Lincoln to collect water, waste and materials from surface water point sources, such as roads, structures or other public infrastructures and which then allows the discharge of this water into any public waterways in the Town of Lincoln. This Provision shall have no application to any person who constructs, operates or controls the above noted with approval, permit or license of an appropriate federal or state agency, the County of Eau Claire or other lawful authority or for any person in compliance with state and federal laws and state and federal regulations.

(13) No person, except as noted in this subsection and in the exemption section, shall cause, allow or permit any person to construct, operate or control any drain, pipe, culvert, sewer, ditch or other outlet to deposit or discharge onto a public road, alley, street, other public land or public waterways any infectious waste, hazardous waste, hazardous substance, toxic waste or

noxious matter in the Town of Lincoln. This provision shall have no application to any person who constructs, operates or controls the above noted with approval, permit or license of an appropriate federal or state agency, the County of Eau Claire or other lawful authority or for any person in compliance with state and federal laws and state and federal regulations.

(14) No person, except as noted in the exemption section, shall cause, allow or permit any person to deposit or discharge, by any means, untreated domestic sewage into surface water or into any drainage ditch governed by Chapter 88, Wis. Stats., in the Town of Lincoln. This provision shall have no application to any person who constructs, operates or controls the above noted with approval, permit or license of an appropriate federal or state agency, the County of Eau Claire or other lawful authority or for any person in compliance with state and federal laws and state and federal regulations.

(15) No person, except as noted in the exemption section, shall cause, allow or permit any person to discharge waste including recyclable materials, metallic mining materials or any special wastes, by any means whatsoever, from any waste disposal, storage or treatment facility or recyclable material facility, septic tank, dry well holding tank or cesspool into any surface water or into any drainage ditch governed by Chapter 88, Wis. Stats., in the Town of Lincoln. This provision shall have no application to any person who constructs, operates or controls the above noted with approval, permit or license of an appropriate federal or state agency, the County of Eau Claire or other lawful authority or for any person in compliance with state and federal laws and state and federal regulations.

(16) No person, except as noted in the exemption section, shall cause, allow or permit any person to land spread any waste, including recyclable material, metallic mining material or special wastes, including septage, sludge or ash, upon public or private lands in the Town of Lincoln without complying with all state laws and regulations and without complying with all applicable County of Eau Claire or Town of Lincoln appropriate licenses or written agreements.

H. Scavenging Prohibited

(1) No person, except as noted in the exemption section, shall cause, allow or permit any person to collect, scavenge, remove and transporting any waste, including recyclable materials, metallic mining materials or special wastes in the Town or Lincoln where these wastes, including recyclable materials, metallic mining materials or special wastes have been deposited in proper collection locations, pursuant to this ordinance, near or at the curbside, street, alley, road or roadway in the Town of Lincoln by the person who owns, operates or controls the land and where the collection site is located for the intent and purpose of collection, removal and the transportation of the waste, including recyclable materials, metallic mining materials or special wastes by specific licensed waste collectors or transporters or by other specific persons authorized in writing by the Town Board of the Town of Lincoln. All waste, including recyclable materials, metallic mining materials or special wastes, for purposes of this ordinance, placed or stored by any person on the land of that person for later collection removal or transportation of the waste, including recyclable materials, metallic mining materials or special wastes shall

be deemed to be the responsibility of the person owning, operating or controlling the land where the waste, including recyclable material, metallic mining materials or special wastes are located and these waste, including recyclable materials, metallic mining materials or special wastes shall be deemed the property of that person until collection occurs by a licensed or authorized waste collector or transporter and until possession actually transfers to the licensed or authorized waste collector or transporter.

I. Collection Containers

- (1) Unless by permission of the appropriate licensed waste or recyclable materials collector or transporter or unless by written order of the Town Board of the Town of Lincoln, no hazardous wastes, special wastes or contaminated recyclable materials shall be placed or deposited by any person in the solid waste containers or recyclable materials containers or receptacles in the Town of Lincoln for the intent and purpose of waste or recyclable materials collection, removal and transportation by the licensed collector or transporter.
- (2) Unless by permission of the appropriate licensed waste or recyclable materials collector or transporter or unless by written order of the Town Board of the Town of Lincoln, no person shall cause, allow or permit any person to place or deposit any waste, including recyclable materials or special wastes in the waste or recyclable materials containers or receptacles at any waste, including recyclable materials or special wastes collection location in the Town of Lincoln unless the waste or recyclable materials placed in the waste or recyclable materials containers or receptacles by the person was waste, recyclable materials or special waste as originated at or was generated by persons at the residential, commercial, industrial or any other type of establishment in the Town of Lincoln. Residential establishment for purposes of this provision shall include agricultural establishments.

J. Closed Facilities or Operation

- (1) Unless with permission of the person owning, operating or controlling the land or facility or unless by order of the Town Board of the Town of Lincoln, no person shall cause, allow or permit any third person to have waste, including recyclable materials or special wastes deposited, discharged, stored or treated by any person at or near any licensed waste disposal, storage or treatment facility or recyclable material facility in the Town of Lincoln at any time when these waste disposal, storage or treatment facilities or recyclable materials facilities are temporarily or permanently closed for operation in the Town of Lincoln. "Near" for the purposes of this provisions shall be within three hundred (300) feet of the transfer station, waste facility or recyclable materials facility. Placement for longer than twenty-four (24) hours of the above noted waste, including recyclable

materials or special wastes shall be presumed to be a deposit, discharge, storage or treatment.

- (2) No person shall cause, allow or permit any person to close or provide long term care for any closed waste disposal, storage or treatment facility, recyclable materials facility, commercial livestock facility or metallic mining facility without fully complying with all Town of Lincoln ordinances, all state and federal laws and all state and federal regulations. This shall include, but not be limited to any orders, licenses, permits, reports, design standards, required management plans and practices, required plans for closure and required plans for long term care. For purposes of this provision, "closed" shall mean the permanent closure of a waste disposal storage or treatment facility, recyclable material facility, commercial livestock facility or metallic mining facility with no intent to reopen the waste disposal, storage or treatment facility, recyclable material facility, commercial livestock facility or metallic mining facility by the licensed operator at the current location.

K. **Burning of Waste and Recyclable Material**

(1). No person, except as noted in the exemption section, shall cause, allow or permit any person to burn any waste, including recyclable materials or special wastes in any incinerator, furnace, stove, barrel or air curtain destructor that will endanger persons or property in the Town of Lincoln or will adversely affect the public health or safety of any person in the Town of Lincoln.

(2) No person, except as noted in the exemption section, shall cause, allow or permit any person to burn any waste, including recyclable material or special wastes where the burning of such waste, recyclable material or special wastes would not be in full compliance with state and federal laws and state and federal regulation.

2.19.050: Exemptions

(A) Any person who owns, operates or controls the following facilities, uses, activities, businesses or operations shall be exempt from compliance with this ordinance and shall be exempt from obtaining and maintaining any Town of Lincoln license under this ordinance unless so specifically noted herein this ordinance in a specific section or specific provision of this ordinance:

1) Facilities, uses, activities, businesses or operations in the Town of Lincoln under the municipal ownership, municipal operation or direct municipal control of the Town of Lincoln, its Town Board, its officers, its employees or its designee. This exemption shall not include any facilities, uses, activities, businesses or operations owned, operated or controlled by any persons licensed by the Town of Lincoln.

2) Facilities, uses, activities, businesses or operations of an agricultural establishment where the person who owns, operates or controls the agricultural establishment disposes, stores or treats animal manure waste and/or owns, operates or controls an animal manure waste disposal, storage or treatment facility or operation in the Town of Lincoln and where the animal manure waste received, collected, transported or exported to or from the agricultural establishment is from animals owned, operated or controlled by that person. This exemption on animal manure waste disposal, storage or treatment shall include land spreading by the owners or occupants on public or private lands in the Town of Lincoln. This exemption shall not apply to any collectors or transporters of animal manure waste who transport the animal manure waste, for consideration, to and from any exempt agricultural establishment, other agricultural establishment or any other facility in the Town of Lincoln.

3) Facilities, uses, activities, businesses or operations in the Town of Lincoln for waste, including recyclable material and special waste storage, except hazardous waste storage, where the person who owns, operates or controls the storage establishment stores the waste, including recyclable materials or special wastes at the establishment less than four (4) consecutive weeks in any calendar year. This exemption shall not apply to any collectors or transporters of waste, including recyclable material or special wastes who transport the waste, recyclable materials or special wastes, for consideration, to and from any exempt facility or other locations in the Town of Lincoln.

4) Facilities, uses, activities, businesses or operations in the Town of Lincoln for hazardous waste storage where the person who owns, operates or controls the storage establishment stores the hazardous waste at the establishment for less than four (4) consecutive weeks in any calendar year. Facilities, uses, activities, businesses or operations in the Town of Lincoln for household hazardous waste storage where the person stores this waste pursuant to state and federal laws and regulations. This exemption shall not apply to any collectors or transporters of hazardous waste who transport waste to and from any exempt facility or other location in the Town of Lincoln, with or without consideration.

5) Facilities, uses, activities, businesses or operations in the Town of Lincoln for specific or individual human waste disposal, storage or treatment facilities, namely sanitary privies, seepage beds, holding tanks, mound systems or septic tanks. This exemption shall not apply to persons who collect or transport human waste to and from these facilities, systems or other locations in the Town of Lincoln, for consideration, unless these persons are exempt under § 145.20, Wis. Stats.) as a result of the enactment and maintenance of a county ordinance. This exemption shall not apply to any municipal facility, municipal use, municipal activity, municipal business or municipal operation for human waste disposal, storage or treatment, including the transporting, collection and/or municipal land spreading of sewage, septage or sludge, owned, controlled or operated by any other municipality, other than the Town of Lincoln, without written approval of the Town of Lincoln.

6) Facilities, uses, activities, businesses or operations the Town of Lincoln for a solid waste disposal facility or a hazardous waste facility made not applicable to this ordinance by reason of a negotiated agreement under Chapter 289.33, Wis. Stats. This exemption shall not apply to collectors or transporters of solid waste who transport either of these wastes, for consideration, to and from the exempt facility or any other location in the Town of Lincoln.

7) Facilities, uses, activities, businesses or operations in the Town of Lincoln for a solid waste disposal facility or hazardous waste facility made not applicable to this ordinance by reason of an arbitration award issued by the waste Facility Siting Board under Chapter 15.105 (12), Wis. Stats. This exemption shall not apply to collectors or transporters of solid waste or hazardous waste who transport, for consideration, waste to and from the exempt facility or any other location in the Town of Lincoln.

8) Facilities, uses, activities, businesses or operations in the Town of Lincoln for a metallic mining facility made not applicable to this ordinance by reason of a negotiated agreement under Chapter 289.33, Wis. Stats. This provision includes the collectors and transporters of metallic mining material who collect or transport, with or without consideration, metallic mining material to or from any exempt facility or other location in the Town of Lincoln.

9) Facilities, uses, activities, businesses or operations in the Town of Lincoln for nuclear waste disposal, storage or treatment. This exemption includes the collectors or transporters of nuclear waste who collect or transport, with or without consideration, to and from any exempt facility or any other location in the Town of Lincoln.

10) Facilities, uses, activities, businesses or operations in the Town of Lincoln for dairy product processing and fruit, grain or vegetable processing by-products or waste disposal, storage or treatment. This exemption shall include the processed waste or by-products that are to be stored or treated for future use by the owners of these wastes or by-products. This exemption shall include the land spreading of these wastes. This exemption shall not apply to collectors or transporters of these wastes or by-products who collect or transport, for consideration, to and from any exempt facility or any other location in the Town of Lincoln.

11) Facilities, uses, activities, businesses or operations in the Town of Lincoln for solid waste composting by the Town of Lincoln. This exemption shall not apply to the collectors or transporters of the waste or recyclable material who transport, for consideration, to and from the exempt facility or any other location in the Town of Lincoln.

12) Facilities, uses, activities, businesses or operations in the Town of Lincoln permanently or previously closed for waste, including recyclable material or special waste disposal, storage or treatment prior to the effective date of this ordinance. This exemption shall include waste storage or treatment facilities only when the waste has been fully and properly removed from the Town of Lincoln or they have been properly

disposed, stored or treated in the Town of Lincoln as required by the Department of Natural Resources.

13) Facilities, uses, activities, businesses or operations in the Town of Lincoln permanently or previously closed for metallic mining facilities prior to the effective date of this ordinance.

14) Facilities, uses, activities, businesses or operations in the Town of Lincoln permanently or previously closed for waste tire disposal prior to the effective date of this ordinance.

15) Facilities, uses, activities, businesses or operations in the Town of Lincoln permanently closed as a commercial livestock facility prior to the effective date of this ordinance.

16) Facilities, uses, activities, businesses or operations in the Town of Lincoln for a commercial livestock facility where the number of animals at the establishment remains less than the number of animals required for an establishment to be a licensed commercial livestock facility under this ordinance. This exemption shall apply to collectors or transporters of livestock who collect or transport, with or without consideration, to and from any exempt agricultural facility, other agricultural facility or any other location in the Town of Lincoln.

17) Facilities, uses, activities, businesses or operations in the Town of Lincoln for a waste tire disposal, storage or treatment where the number of tires at the establishment remains less than the number of tires required for the establishment to be a licensed waste tire disposal, storage or treatment facility or any tire disposal, storage or treatment facility where one of the following factors are applicable:

a) The retail business premises where the waste tires are sold if no more than 500 waste tires are kept on the premises at one time.

b) The premises of a waste tire retreading business if no more than 500 waste tires are kept on the premises at one time.

c) A premises where waste tires are removed from motor vehicles in the ordinary course of business if no more than 500 waste tires are kept on the premises at one time.

d) A solid waste disposal facility where no more than 500 waste tires are stored above ground at one time if all tires received for storage are processed, buried or removed from the facility within one year after receipt.

e) A site where no more than 500 waste tires are stored for agricultural uses.

f) A site where a recovery activity, as defined in §289.55(3)(f) Wis. Stats.,

is carried on if no more than a 6-month inventory of waste tires is kept on the site.

g) A site where waste tires are stored for use in constructing artificial reefs in waters of the state.

h) An artificial reef constructed of waste tires.

l) A solid waste disposal facility where waste tires are buried in compliance with rules promulgated by the Department of Natural Resources.

This exemption does include collectors or transporters of waste tires who collect or transport, with or without consideration, to and from any exempt facility or any other location in the Town of Lincoln.

18) Facilities, uses, activities, businesses or operations in the Town of Lincoln for any collector or transporter of metallic mining material who collect or transport, with or without consideration, to and from any exempt facility or any other location in the Town of Lincoln.

19) Facilities, uses, activities, businesses or operations in the Town of Lincoln for scrap metal, junk vehicles or junk implements of husbandry as long the total area of stored scrap/junk and its operation are not greater than one (1) acre. This exemption includes the collectors or transporters who collect or transport, with or without consideration, to and from any exempt facility or other location in the Town of Lincoln. This exemption includes materials at automobile graveyards, materials at salvage yards and materials at auto wrecking yards. This exemption does not include solid waste or hazardous waste facilities, including demolition and construction waste facilities, refuse facilities, garbage dumps, waste tire facilities and recyclable material facilities.

20) Facilities, uses, activities, businesses or operations in the Town of Lincoln approved to operate for a designated period of time by written order of the Town Board of the Town of Lincoln.

21) Facilities, uses, activities, businesses or operations in the Town of Lincoln used for recyclable, scrap or junk storage as long as the total area of stored recyclables and its operation are not greater than one (1) acre.

(B) The above noted exemptions for facilities, uses, activities, businesses or operations shall not apply to any person who causes, allows or permits any person to conduct or to create a public nuisance, in violation of Section 5(E) of this ordinance, in the Town of Lincoln at any facility or by any use, activity, business or operation owned, operated or controlled by that person in the Town of Lincoln.

2.19.060: Penalties

Any person who shall violate any provision of this ordinance shall, upon conviction thereof,

forfeit not less than one thousand dollars (\$ 1,000.00) nor more than ten thousand dollars (\$ 10,000.00), together with the costs of prosecution and in default of payment of such forfeiture and costs or for the prosecution shall be imprisoned in the County of Eau Claire jail until said forfeiture and costs are paid, but not exceeding six (6) months. Each day of violation shall constitute a separate offense.

Town of Lincoln Fees, Deposit, Violations/Penalty:	License or Reimbursement Fees
Animal Control Ordinance (Dog License)(2.02)	2.02.050 Dog fees: Unneuterd/unspayed dogs- \$20 Neutered/spayed dogs- \$10 Kennel fee (6 or more dogs) \$120 Dogs born after Feb 2 nd - 50% of above fees. Dog license late fee: As per state statutes
Animal impound Fee	Established by the Animal Shelter
Blasting permit	
Copy Cost	\$2.00 per copy
Driveway (2.06)	2.06.040: \$30 plus costs including per diem charge and Engineering fees
Fire Protection Fee (2.08)	2.08.040 Reimbursement from County (\$250) and from State (\$500) 2.08.020 (property owners) Engine \$150/hr Tanker \$125/hr Equipment Truck \$85/hr Hazard Material Van \$85/hr Command Vehicle \$85/hr Brush Buggy \$125/hr Portable Pumps on trailer \$100/hr Boat \$50/hr Ambulance (standby) \$35/hr Rescue Sqad(standby) \$35/hr Cascade system \$2.00/bottle filled Manpower included (except Eau Claire Fire Dept, personnel cost to be added). Stand by states is charde at ½ of the hourly rate. Minimum hourly charge will be for two(2) hours Materials and supplies will be charged at cost plus 15%
Liquor	2.10.040C(1): Intoxicating liquor license \$250/yr Fermented Malt license \$100/yr Bartender License: \$10/yr
Non Metallic mining (2.12)	2.12.050: Application fee of \$1,500 plus expenses
Noxious Weeds	\$25 per hour plus expenses and mileage
Road Weight Option E opt in	2.16.030 Free permit
Special events (2.18)	2.18.070: Application Fee \$250 plus expenses incurred, including per diem of the Board