

# TOWN OF VANDENBROEK ORDINANCES

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Town of Vandebroek  
Since 1902

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Town of Vandenbroek

## CHAPTER I – GENDERAL GOVERNMENT

### 1.01 FEE SCHEDULE ORDINANCE AND DESIGNATION OF OFFICIAL NEWSPAPER

#### TOWN OF VANDENBROEK FEE STRUCTURE

**Whereas**, the Town Board of Supervisors of the Town of Vandebroek deems it desirable, convenient and necessary in the administration of Town ordinances, resolutions and general governmental affairs to establish a fee schedule wherein all fee requirements in connection with permits and licenses are consolidated in a single ordinance; and

**Whereas**, pursuant to Section 985.06 Wis. Stats., the town Board of Supervisors of the Town of Vandebroek desires to designate the Times-Villager as its official newspaper for publishing official notices,

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. The following fee schedule shall apply in the Town of Vandebroek:

<b>Town of Vandebroek</b>		
<b>Fee Schedule</b>		
<b>Additions/Remodel (Plumbing, Electric, HVAC, Construction)</b>	<b>\$50 per permit type</b>	<b>Building Inspector</b>
<b>Alcohol Permit (to consume on town property)</b>	<b>\$5</b>	<b>Rental Coordinator</b>
<b>Address Permit</b>	<b>\$125</b>	<b>Clerk</b>
<b>Certified Survey Map (CSM) Application</b>	<b>\$250</b>	<b>Clerk</b>
<b>Certified Survey Map (CSM) Application with Road Dedication</b>	<b>\$400</b>	<b>Clerk</b>

<b>Commercial Electric</b>	<b>\$50 + \$1.20 per \$100 cost</b>	<b>Building Inspector</b>
<b>Commercial HVAC</b>	<b>\$50 + \$5 per \$1000 cost</b>	<b>Building Inspector</b>
<b>Commercial Plumbing</b>	<b>\$50 + \$5 per fixture</b>	<b>Building Inspector</b>
<b>Culvert Permit</b>	<b>\$125</b>	<b>Clerk</b>
<b>Decks</b>	<b>\$50</b>	<b>Building Inspector</b>
<b>Detached Garage or Storage</b>	<b>\$100 + \$3 per 100 sq ft over 2000 sq ft</b>	<b>Building Inspector</b>
<b>Dog License</b>	<b>\$7/\$12</b>	<b>Treasurer</b>
<b>Erosion Control</b>	<b>\$50</b>	<b>Building Inspector</b>
<b>Excavation Permit - Roads</b>	<b>\$300</b>	<b>Chairman</b>
<b>Excavation Permit - Subdivision</b>	<b>\$300</b>	<b>Chairman</b>
<b>Final Plat Review</b>	<b>\$250 + 5 per lot</b>	<b>Clerk</b>
<b>Hall / Pavilion Rental</b>	<b>\$100 Resident / \$100 Non-resident</b>	<b>Rental Coordinator</b>
<b>House Moving Deposit*</b> <b>*Full refund if no road damage</b>	<b>\$1,000</b>	<b>Chairman</b>
<b>Inspection Fee (per inspection, if needed)</b>	<b>\$50</b>	<b>Building Inspector</b>

Liquor Licenses: Class B Beer	\$100	Clerk
Class B Liquor	\$300	
Class C Wine	\$100	
Lock Box Fee	\$150	Chairman
New Commercial Building	\$500 + \$3 per 100 sq ft up to 20,000 sq ft	Building Inspector
New Construction Park Fee (any type of building)	\$600	Building Inspector
New Home	\$650 to 2500 sq ft, \$850 over 2500 sq ft	Building Inspector
NSF Fee	\$35	Treasurer
Operators Licenses (Bartender)	\$50	Clerk
Outdoor Wood burner	\$50	Building Inspector
Preliminary Plat Review	\$300 + \$10 per lot	Clerk
Pond or Permanent Pool Permit	\$100	Clerk
Raze / Building demo	\$25	Building Inspector
Rezoning Application	\$400	Clerk
State Seal	\$35	Building Inspector
Special Exemption Application	\$300	Clerk
Subdivision Plat	\$200	Clerk

<b>Title Inquires or Special Assessment Letters</b>	<b>\$25</b>	<b>Treasurer</b>
<b>Utility Permit - Including boring</b>	<b>\$150</b>	<b>Supervisor</b>
<b>Utility Permit - Roadway open cut</b>	<b>\$150</b>	<b>Supervisor</b>
<b>Variance</b>	<b>\$500</b>	<b>Clerk</b>

10% Administration fee for work done and billed through the Town on behalf of individuals or companies, i.e. legal or highways/roads

\$1.00 per page copy for reproduction of documents.

\*\*Updated March 14, 2024

2. The above established fees shall be in effect upon publication of this Ordinance and shall repeal and supersede any license or permit fee in any previously adopted ordinance or resolution.

IT IS FURTHER ORDAINED AS FOLLOWS:

The Times Villager is hereby designated as the official newspaper published official notices in the Town of Vandebroek.

## 1.02 AUTHORIZING ISSUANCE OF CITATIONS FOR VIOLATIONS OF ORDINANCES

The Town Board of Supervisors of the Town of Vandebroek, Outagamie County, Wisconsin, does ordain as follows:

### SECTION 1. AUTHORITY.

Pursuant to authority granted under Section 66.0113 of the Wisconsin Statutes, the Town Board of Supervisors of the Town of Vandebroek hereby authorizes the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.

### SECTION 2. FORM OF CITATION.

The citation shall provide for the following:

1. The name and address of the alleged violator

2. The factual allegation 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 which in essence informs the alleged violator:
  - 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 such a 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, a penalty assessment imposed by ss. 757.05, a jail assessment imposed by ss. 302.46(1), a crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer protection assessment imposed by ss. 100.261, and any applicable domestic abuse assessment imposed by ss. 973.055 (1) 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 sub. (3)(d), or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by ss. 757.05, the jail assessment imposed by s. 302.46(1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer protection assessment imposed by ss. 100.261, and any applicable domestic abuse assessment imposed by ss. 973.055(1).
  - 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.
8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subd. 7. and shall send the signed statement with the cash deposit.
9. Such other information as may be deemed necessary.

**SECTION 3. SCHEDULE OF DEPOSITS.** A schedule of cash deposits is established in each Town ordinance when adopted or corrected for use with citations issued under this ordinance along with the penalty assessment under Section 757.05 Wis. Stats.

**SECTION 4. ISSUANCE OF CITATIONS.** The Town Clerk and Town Chairman may issue citations pursuant to a resolution of the Town Board directing that such citation shall be issued.

**SECTION 5. VIOLATORS OPTIONS AND PROCEDURES.**

The options and procedures of Section 66.013(3) are hereby adopted and incorporated by reference.

**SECTION 6. NONEXCLUSIVITY.**

1. **Other Ordinance.** Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
2. **Other Remedies.** The issuance of a citation hereunder shall not preclude the Town Board or any other authorized office from proceedings under any other ordinance or law or by other enforcement method to enforce any ordinance, regulation or order.

**SECTION 7. SEVERABILITY.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall take effect upon its passage and publication as provided by law.

**1.03 REFUND OF CERTAIN OVERPAYMENTS AND DEMAND OF CERTAIN UNDERPAYMENTS**

**WHEREAS,** in the process of collecting payments of taxes, fees, and other obligations to the Town, the clerk/treasurer occasionally receives payment for more or less than the amount owed to the Town through error or inadvertence; and

**WHEREAS,** the Town Board recognizes that the cost to the taxpayers to process such refunds or demand payment often exceeds the amount to be refunded or collected; and

**WHEREAS,** the Town Board determined that it is not cost effective to process refunds or demand payment of amounts in error of \$5 or less; and

**WHEREAS**, the Town Board determined that it is in the best interest of the Town to establish a policy to retain nominal overpayments of \$5 or less absent demand by the payer for refund; and

**WHEREAS**, the Town Board determined that it is in the best interest of the Town to establish a policy not to demand payment for inadvertent underpayments of \$5 or less;

**NOW THEREFORE**, the Town Board of Supervisors of the Town of Vandebroek, Outagamie County, Wisconsin, does ordain as follows:

A "Nominal Overpayment" shall be the overpayment of any tax, fee, or other obligation to the Town in an amount which does not exceed \$5, and as an administrative convenience, the Town shall retain any nominal overpayment, not process a refund of the same, and credit the nominal overpayment to the general fund.

2. A "Nominal Underpayment" shall be the underpayment through inadvertence of any tax, fee or other obligation to the Town in an amount which does not exceed \$1, and as an administrative convenience, the Town shall not demand payment of the nominal amount be made.

3. This Ordinance shall be in effect upon publication.

Adopted this day of April, 2016.

#### 1.04 PAYMENT OR REIMBURSEMENT OF ADMINISTRATIVE COSTS INCURRED

**WHEREAS**, the Town of Vandebroek, Outagamie County, Wisconsin ("Town") anticipates a continuation of the current growth patterns within the Town;

**WHEREAS**, the continuation of growth within the Town has resulted in a significant increase in the number of meetings conducted by the Town Board, professional fees (including, but not limited to Legal and Engineering fees), inspection costs, office expenses and other related expenses (collectively referred to herein as "Administrative Costs");

**WHEREAS**, the Town deems it in its best interest to pass through the various Administrative Costs to the parties responsible for the Town incurring these expenses;

**NOW, THEREFORE, BE IT RESOLVED** that from the effective date of this Resolution all Administrative Costs incurred by the Town shall be paid to or reimbursed to the Town as follows:

1. Any person or entity requesting the Town Board, or any committee or commission of the Town to hold a special meeting shall be responsible for paying all applicable per diem fees, meeting fees and costs incurred by the Town for scheduling and conducting the special meeting. The above fees shall be paid in advance of the scheduling of the special meeting.
2. Persons or entities who cause the Town to incur Administrative Costs as a result of any project, development, rezoning or other administrative or governmental action shall pay the Town all Administrative Costs incurred by the Town before being entitled to the recording of a plat, certified survey map, issuance of a building permit or other applicable document.
3. In addition to the Town's Administrative Costs each person or entity shall also pay all fees required for state agency review.
4. The provisions of this Resolution shall become effective upon its adoption by the Town Board in accordance with applicable law.

#### 1.05 COOPERATIVE AGREEMENT WITH KAUKAUNA UTILITIES FOR COLLECTION OF DELINQUENT ELECTRIC UTILITY BILLS USING TAX COLLECTION PROCESS

**WHEREAS**, the Town Board of the Town of Vandebroek recognizes that a portion of the Town has electricity provided by Kaukauna Utilities; and

**WHEREAS**, the Town Board of the Town of Vandebroek recognizes that delinquent electric utility bills impose a burden upon all users of this public utility; and

**WHEREAS**, Wisconsin Statutes 66.0809(4) expressly grants authority to municipalities to enact such legislation; and

**WHEREAS**, the Town Board of the Town of Vandebroek wishes to cooperate with Kaukauna Utilities and the City of Kaukauna in providing another means to collect delinquent accounts to help protect all of the users of this public utility; and

**WHEREAS**, the City of Kaukauna Municipal Code includes provisions making delinquent electric utility service charges a lien upon real property, and allowing uncollected accounts to be placed on the property tax roll for the following year; and

**WHEREAS**, the City of Kaukauna has enacted an ordinance making electric utility service charges a lien upon real property, and allowing uncollected amounts to be placed upon the property tax roll for the following year and asks Town of Vandebroek to enact a similar ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Board of the Town of Vandebroek, that said Town Board does hereby create Ordinance Chapter 1.05 of the Vandebroek Ordinances as follows:

## **Chapter 1.05 Electric Utility Cooperation With Kaukauna Utilities**

### **Collection of delinquent electric utility accounts on behalf of Kaukauna Utilities**

- (1) The procedures set forth under Section 66.0809(3) of the Wisconsin Statutes may be used for the collection of arrearages for electric service provided to Vandebroek residents by Kaukauna Utilities
- (2) Kaukauna Utilities staff is responsible for creating an accurate billing file compatible with Outagamie County's requirements for special charges and special assessments
- (3) If the billing file is rejected by Outagamie County for any reason, it is the responsibility of Kaukauna Utilities to correct the file and resend it to Vandebroek
- (4) Any billing errors are the responsibility of Kaukauna Utilities to resolve
- (5) The Town of Vandebroek will not advance any funds for the delinquent account balances; amounts will be paid to Kaukauna Utilities only when fully collected by the Town of Vandebroek through the tax collection process.

## **1.06 ORDINANCE TO ADOPT THE WISCONSIN MUNICIPAL RECORDS SCHEDULE**

### **SECTION 1- TITLE AND PURPOSE**

This ordinance is entitled the Town of Vandebroek Ordinance to Adopt the Wisconsin Municipal Records Schedule. The purpose of this ordinance is to provide the legal custodian(s) of public records in the possession of the Town of Vandebroek with the authority to retain and destroy those records.

### **SECTION II: AUTHORITY**

The Town Board of the Town of Vandebroek, Outagamie County, Wisconsin, has the specific authority under ss. 60.83 and ss. 19.21(4), Wis. Stats., to adopt an ordinance to address the management and destruction of public records.

### **SECTION III: ADOPTION OF WISCONSIN MUNICIPAL RECORDS SCHEDULE**

The Wisconsin Municipal Records Schedule, as approved by the Public Records Board on August 27, 2018, attached hereto and incorporated herein by reference, is hereby adopted by the Town Board of Vandebroek as the Town's official record retention schedule.

### **SECTION IV: NOTIFICATION TO WISCONSIN STATE HISTORICAL SOCIETY**

When a record has met the terms of the retention period, the record may be destroyed by the legal custodian of the record, provided the custodian has complied with the notification requirement set forth in s. 19.21(4), Wis. Stats., to the Wisconsin State Historical Society.

**SECTION V: CONFLICT** In the event of any conflict between the terms of this ordinance and any applicable state statute, the applicable state statute shall control.

**SECTION VII: REVOCATION OF PRECEDING ORDINANCE**

This ordinance hereby revokes and supersedes any prior resolutions or ordinances adopted by the town board relating to the retention and/or destruction of public records of the Town of Vandenbroek.

**SECTION VIII: EFFECTIVE DATE**

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats.

**CHAPTER II - RESERVED**

Town of Vandenbroek

## CHAPTER III - THE GOVERNING BODY

### 3.01 FIRE PROTECTION

The Town Board shall provide fire protection for the residents of the Town through Inter-Municipal Agreement setting up the Vandebroek-Kaukauna Volunteer Fire Department. A copy of said Agreement is attached. In addition, thereto, the Vandebroek-Kaukauna Volunteer Fire Department may enter into mutual aid agreements with other municipalities and fire departments.

### 3.02 SPECIAL FEE FOR LEASE OF EQUIPMENT AT FIRE SCENE.

Should the Fire Chief or his designee of the Vandebroek-Kaukauna Volunteer Department determine at a fire scene that additional equipment over and above the fire-fighting equipment owned by the department is necessary to extinguish the fire or to save adjoining property, he is authorized to rent additional equipment. The cost of rental of such equipment shall be a charge to the property owner pursuant to Wisconsin Statute 60.55(2)(b). That upon receipt of an invoice for the cost of rental of said equipment, the Town Clerk shall forward a copy of said invoice to the property owner with a demand that payment be made to the Town for the amount of said invoice within 10 days. Failure to make payment within said 10 days the amount shall become a special charge under Wis. Stats. 66.60(16) and collected pursuant to that Chapter.

### 3.03 ESTABLISHING A PLAN COMMISSION

The Town Board of Vandebroek, Outagamie County, Wisconsin, does ordain as follows:

#### **SECTION 1. TITLE**

The short title of this ordinance is the "Town of Vandebroek Plan Commission Ordinance."

#### **SECTION 2. PURPOSE**

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

### **SECTION 3. AUTHORITY: ESTABLISHMENT**

The Town Board of the Town of Vandebroek, having been authorized by the Town meeting under Section 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under Section 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under Sections 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under Sections 236.02(13) and 236.45, Wis. Stats.

### **SECTION 4. MEMBERSHIP**

The Plan Commission shall consist of one (1) member of the Town Board who shall be the Town Board Chairperson, and not less than four (4) citizen members, who are not otherwise Town officials. Citizen members shall be persons of recognized experience and qualifications. The Town Board Chairperson shall be Chairperson of the Plan Commission. All other members shall be appointed by the Town Board Chairperson, subject to advisory approval of the Town Board. The Plan Commission may elect a Vice Chairperson to act in place of the Chairperson when the Chairperson is absent. The Plan Commission shall also elect a Secretary, or with the approval of the Town Board, designate the Town Clerk as Secretary. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment as provided in Sections 19.01 and 60.31 Wis. Stats.

### **SECTION 5. TERM**

The Town Board Chairperson shall serve on the Plan Commission for a term of two years concurrent with his or her term on the Town Board. The initial terms for the other Plan Commission members shall be staggered as follows: one member for one year; one member for two years; and two members for three years. A person who is appointed to fill a vacancy shall serve for the remainder of the term. Successive appointments shall be for a term of three years ending April 30.

### **SECTION 6. COMPENSATION AND EXPENSES**

All Plan Commission members are entitled to receive per diem allowances and reimbursement for reasonable costs and expenses as are allowed for Town Board members.

### **SECTION 7. DISCHARGE OF DUTIES**

All members of the Plan Commission shall discharge their duties in accordance with, but not limited to, the provisions of the Wisconsin Statutes on Public Records, Section 19.21 et seq.; Code of Ethics, Section 19.42 et seq.; Open Meetings, Section 19.81 et seq.; and Private Interests in Public Contracts, Section 946.13.

### **SECTION 8. RULES AND RECORDS**

The Plan Commission shall comply with all rules adopted by the Town Board. The Plan Commission may adopt further rules as necessary to carry out its duties. No rules may be changed without the concurring vote of a majority of the Plan Commission. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Plan Commission shall keep a record of its resolutions, transactions, findings and determinations all of which shall be a public record. All actions or decisions shall be taken by resolution in which a concurring vote of a majority of the members shall be necessary.

## **SECTION 9. GENERAL POWERS**

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

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

## **SECTION 10. TOWN COMPREHENSIVE PLAN**

1. The Plan Commission may make and adopt a comprehensive plan under Sections 62.23 and 66.1001, Wis. Stats., which contains the elements specified in Section 66.1001 (2), Wis. Stats., and follows the procedures in Section 66.1001 (4), Wis. Stats.
2. The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan under Section 66.1001 (3), Wis. Stats.
3. In this section the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed by the Town by the Plan Commission,

another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

## SECTION 11. COMPREHENSIVE PLAN PROCEDURES

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

1. **Public participation verification.** Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, and information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.
2. **Resolution.** The Plan Commission, under Section 66.1001 (4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under Section 66.1001, Wis. Stats., namely that:
  - a. the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
  - b. the plan contains the nine (9) specified elements and meets the requirements of those elements;
  - c. the (specified) maps and (specified) other descriptive materials relate to the plan;
  - d. the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
  - e. the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in Section 66.1001 (4), Wis. Stats., and sub. (3) of this section.
3. **Transmittal.** One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:
  - a. Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
  - b. The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.

- c. The Wisconsin Land Council.
- d. After September 1, 2003, the Department of Administration.
- e. The regional planning commission in which the Town is located.
- f. The public library that serves the area in which the Town is located.

## SECTION 12. PLAN IMPLEMENTATION, ADMINISTRATION AND REFERRALS

1. **Ordinance Development.** If directed by resolution or motion of the Town Board, the Plan Commission shall prepare or make recommendations to the Town Board on the adoption or amendment of land use ordinances including but not limited to zoning, plat or land division review, site plan review, official mapping, and highway access.
2. **Ordinance Administration.** The Plan Commission shall review and make recommendations to the Town Board on County zoning map amendments and zoning conditional use permit applications, proposed subdivisions or land divisions and site plan submittals.
3. **Other Referrals.** The following additional matters shall be referred to the Plan Commission for recommendation and report pursuant to the Wisconsin Statutes.
  - a. The location and design of public buildings.
  - b. The location of statues or memorials.
  - c. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for any street or other public way; park or playground; airport; area for parking vehicles or other memorial or public grounds.
  - d. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
  - e. The location, character and extent of acquisition leasing or sale of lands for public or semi-public housing; slum clearance; relief of congestion; or vacation camps for children.
  - f. Applications for initial licensure of a child welfare agency or group home under Section 48.68(3), Wis. Stats.
  - g. Applications for initial licensure of a community-based residential facility under Section 50.03(4), Wis. Stats.
  - h. Matters relating to the establishment or termination of an architectural conservancy district under Section 66.1007, Wis. Stats., a reinvestment neighborhood under Section 66.1107, Wis. Stats., or a business improvement district under Section 66.1109, Wis. Stats.
  - i. A proposed housing project under Section 66.1211 (3), Wis. Stats.
  - j. Any other matter required by the Wisconsin Statutes to be referred to the
  - k. Plan Commission.
4. **Referral Period.** No final action may be taken by the Town Board or other Town officer or body having final authority on a matter referred to the Plan Commission until the Plan Commission has made its report, or within 30 days or such longer period as may be stipulated by the Town Board or other Town officer or body having final authority.

## SECTION 13. EFFECTIVE DATE

Upon adoption by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by Section 60.60, Wis. Stats.

Adopted this 7th day of February, 2007.

### 3.04 ADOPTING THE TOWN OF VANDENBROEK COMPREHENSIVE PLAN 2008-2028

**WHEREAS**, the Town Board of the Town of Vandebroek has deemed it in the best interests of the Town and its residents to prepare a comprehensive plan that will address the current needs of the Town; and,

**WHEREAS**, the Town Board requested the assistance of Martenson & Eisele, Inc., to prepare a comprehensive plan for the Town of Vandebroek; and,

**WHEREAS**, input was obtained from Town Board members, the Town Plan Commission, and interested residents of the Town of Vandebroek and;

**WHEREAS**, a document entitled the "Vandebroek Comprehensive Plan 2008-2028" was prepared, which addresses and complies with the nine elements identified in Wisconsin's Comprehensive Planning Legislation, § 66.1001, Wis. Stats.; and,

**WHEREAS**, the Town Board has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by §.66.1001 (4) (a), Wis. Stats; and,

**WHEREAS**, copies of the comprehensive plan document were made available to the residents of the Town of Vandebroek at the Little Chute Public Library and Town Hall: and,

**WHEREAS**, the Town Plan Commission, by a unanimous vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to the Town Board the adoption of the "Town of Vandebroek Comprehensive Plan 2008-2028"; and,

**WHEREAS**, a public hearing with a Class 1 notice published thirty days prior to the hearing was held on June 18, 2008, by the Town Board, as required by § 66.1001 (4) (d), Wis. Stats.; and,

**WHEREAS**, pursuant to SS. 61.35, 62.23, and 66.1001, Wis. Stats., the Town Board has authority to enact this ordinance in order for the Town to adopt the comprehensive plan and order its publication;

**NOW, THEREFORE**, the Town Board of the Town of Vandebroek does hereby ordain Adoption of Comprehensive Plan. The document entitled the "Vandebroek Comprehensive Plan 2008-2028" is adopted pursuant to § 66.1001 (4) (c), Wis. Stats.

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

**EFFECTIVE DATE.** This Ordinance shall take effect upon enactment.

Enacted this 1st day of October, 2008.

### 3.04 REQUIRING CERTAIN STRUCTURES TO HAVE A KEY LOCK BOX INSTALLED

1. **Intent.** The Town of Vandebroek recognizes the importance and need of providing the fire department rapid entry into locked buildings. Delays in the fire department gaining rapid entry reduces the occupants' chances of survival in a fire, the chances for substantial property damage increases because of delays in gaining entry to the structure and fire fighter safety and survival may be compromised because of said delays. Additionally, delays in providing prompt prehospital care to the sick and injured as a result of locked / secured structures may/will have a negative outcome on patient recovery.

To assist the fire department into gaining entry into locked/ secured facilities/ structures, the Town of Vandebroek hereby adopts a Rapid Entry System Ordinance utilizing the "Knox Box" rapid entry key box system.

#### 2. Key Lock Box System.

- a. The following structures shall be equipped with a key lock box at or near the main entrance or such other location approved by the fire chief effective March 1, 2012.
  - i. All commercial and industrial buildings. Commercial and industrial buildings shall mean buildings where any industry, trade or business is carried on or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on and where any person is employed by another for direct or indirect gain or profit.

- ii. Multi-family residential structures comprised of four (4) or more units in which access to the building or common areas or mechanical or electrical rooms within the building is denied through locked doors.
    - iii. Any building or facility containing a quantity of hazardous materials, which would require compliance with Title III of SARA (Superfund Amendment Reauthorization Act).
    - iv. Governmental structures.
    - v. Nursing care facilities
    - vi. Educational facilities.
    - vii. All places of assembly.
  - b. All newly constructed buildings subject to this ordinance shall have the key lock box installed and operational prior to final inspection and occupancy. All existing buildings subject to this ordinance shall have the key lock box installed and operational on or before March 1, 2012.
  - c. The fire chief shall designate the type of key lock box system to be implemented within the Town and shall have the authority to require all structures to use the designated system.
  - d. The owner or operator of a structure required to have a key lock box shall at all times, keep keys in the lock box that will allow for access to the following:
    - i. Keys to locked points of egress, whether on the interior or exterior of such buildings;
    - ii. Keys to locked mechanical equipment rooms;
    - iii. Keys to locked electrical rooms;
    - iv. Keys to elevator controls;
    - v. Keys to the other areas as directed by the Fire Department.
  - e. The fire chief shall be authorized to implement rules and regulations for the use of the lock box system.
- 3. Installation and Location.** All "Knox Boxes" (and or Knox Locking Vaults) shall be recess mounted into the building/ structure at a height of not less than 6' above the ground (surface grade) nor more than 8' above the ground (surface grade). The "face plate" of the "Knox" box shall be flush with the exterior facade of the structure/ building. All "Knox" boxes (and or Knox Locking Vaults) shall be located directly above (or as close as reasonably
- 4. Enforcement.** Enforcement of this ordinance shall be accomplished through citations issued by the fire chief or his/her designee.
- 5. Fine and Forfeiture.** Any violation of this ordinance shall be punishable by a forfeiture of not less than \$100.00 nor more than \$500.00 plus costs of prosecution, including reasonable attorneys' fees. Each day the violation exists/ continues shall be considered as a separate offense.

Adopted this 2<sup>nd</sup> day of March, 2011

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**3.04.1 AMENDING AN ORDINANCE REQUIRING CERTAIN STRUCTURES TO HAVE A KEY LOCK BOX**

**WHEREAS**, the Town Board of Supervisors of the Town of Vandebroek adopted an ordinance requiring certain structures to have a key lock box installed on the exterior of the structure for safety purposes on March 2, 2011; and

**WHEREAS**, the Kaukauna/Vandebroek Firemen & EMS has requested certain revisions regarding the installation and location requirements in the ordinance,

**NOW THEREFORE**, the Town Board of Supervisors of the Town of Vandebroek does ordain that Section 3 of the ordinance be and hereby is amended as follows:

**3. Installation and Location.**

Unless specifically authorized, all "Knox Boxes" (and or Knox Locking Vaults) shall be mounted on the exterior facade of the building/ structure at a height of not less than 3 feet nor more than 6 feet above the ground (surface grade) All "Knox" boxes (and or Knox Locking Vaults) shall be located directly above (or as close as reasonably possible to) the main entrance to the structure/ building.

This amendment shall take effect upon publication /posting.

Adopted this 2nd day of May 2011.

**3.05 SERVICE CHARGES FOR VANDENBROEK/KAUKAUNA FIRE DEPARTMENT FIRE SERVICE BILLS**

**WHEREAS**, the Town Board of Supervisors for the Town of Vandebroek acts pursuant to its village powers authority and fire administration powers granted under Wisconsin Statutes, including sec. 60.55(2)(b), sec. 66.0627, and sec. 26.14;

**WHEREAS**, the Town Board has contracted with the Town of Vandebroek/Kaukauna Fire Department to provide fire and emergency services to the Town of Vandebroek;

**WHEREAS**, the Town Board has determined that it is in the best interest of the Town to ensure that persons most directly benefited by the provision of emergency services contribute toward their expense and reduce the burden on the general taxpayer;

**WHEREAS**, the Town of Vandebroek has determined that the Vandebroek/Kaukauna Fire Department can most efficiently collect service charges for emergency fire and rescue services performed in the Town of Vandebroek;

**NOW THEREFORE**, the Town Board of Supervisors of the Town of Vandebroek, Outagamie County, Wisconsin, does ordain as follows:

1. That the Town Board of the Town of Vandebroek hereby authorizes the Vandebroek/Kaukauna Fire Department to collect for service charges for emergency fire and rescue services performed in the Town of Vandebroek;
2. That the Town Board for the Town of Vandebroek hereby authorizes the Vandebroek/Kaukauna Fire Department to charge for the administrative and other costs associated with the collection of service charges;
3. This Ordinance shall be in effect upon publication.

Adopted this 27th day of July, 2016.

### 3.06 MUTUAL AID BOX ALARM SYSTEM AGREEMENT

This Agreement made and entered into the date set forth next to the signature of the respective parties, by and between the units of local government subscribed hereto [hereafter "Unit(s)"] that have approved this Agreement and adopted same in manner as provided by law and are hereafter listed at the end of this Agreement.

**WHEREAS**, the parties hereto have determined because of geographical considerations it is important for Illinois units and Wisconsin units to coordinate mutual aid through the Mutual Aid Box Alarm System for the effective and efficient provision of Mutual aid; and

**WHEREAS**, it is recognized and acknowledged that emergencies, natural disasters, and man-made catastrophes do not conform to designated territorial limits and state boundaries; and

**WHEREAS**, the Wisconsin Statute 66.0301(2) authorizes any municipality to contract with other municipalities for the receipt or furnishing of services, such as fire protection and emergency medical services. Such a contract may be with municipalities of another state. (Wis.Stats. 66.0303(3)(b).)

**WHEREAS**, the State of Illinois has provided similar provisions under the "Intergovernmental Cooperation Act" of 5 ILCS 220/1 et seq.

**WHEREAS**, Wisconsin Statutes 66.03125 authorizes fire departments to engage in mutual assistance within a requesting fire department's jurisdiction; and

**WHEREAS**, 2005 Wis. Act 257 amended § 166.03(2)(a)3 of the Wisconsin Statutes relating to standards for local emergency management programs, and

**WHEREAS**, pursuant thereto the Adjutant General of the Department of Military Affairs of the State of Wisconsin is authorized to furnish guidance, develop and promulgate standards for emergency management programs; and

**WHEREAS**, pursuant thereto the standards for fire, rescue and emergency medical services shall include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System (MABAS) as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response; and

**WHEREAS**, pursuant to such authority, Wis. Admin. Code. Chapter WEM 8 was promulgated in order to establish standards for the adoption of MABAS by local governments as a mechanism to be used for mutual aid for fire rescue and emergency medical services; and

**WHEREAS**, the parties hereto have determined that it is in their best interests to enter into this Agreement to secure to each the benefits of mutual aid in fire protection, firefighting and the protection of life and property from an emergency or disaster; and,

**WHEREAS**, the parties hereto have determined that it is in their best interests to associate to provide for communications procedures, training and other necessary functions to further the provision of said protection of life and property from an emergency or disaster;.

**NOW, THEREFORE**, in consideration of the foregoing recitals, the Unit's membership in the Mutual Aid Box Alarm System (hereinafter 'MABAS') and the covenants contained herein,

**THE PARTIES HERETO AGREE AS FOLLOWS:**

**SECTION ONE**

**Purpose**

It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an individual Member Unit's personnel and equipment to perform functions outside the territorial limits of the Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other Member Unit's personnel and equipment to perform functions within the territorial limits of a Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is desirable for the effective and efficient provision of mutual aid.

**SECTION TWO**

**Definitions**

For the purpose of this Agreement, the following terms as used in this agreement shall be defined as follows:

- A. "Mutual Aid Box Alarm System" (hereinafter referred to as "MABAS"): A definite and prearranged plan whereby response and assistance is provided to a Stricken Unit by the Aiding Unit(s) in accordance with the system established and maintained by the MABAS Member Units and amended from time to time;
- B. "Member Unit": A unit of local government including but not limited to a county, city, village, town, tribe or band, emergency medical services district, or fire protection district having a fire department recognized by the State of Illinois, or the State of Wisconsin, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the MABAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of MABAS;
- C. "Stricken Unit": A Member Unit or a non-participating local governmental unit which requests aid in the event of an emergency;
- D. "Aiding Unit": A Member Unit furnishing equipment, personnel, and/or services to a Stricken Unit;
- E. "Emergency": An occurrence or condition in a Stricken Unit's territorial jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be adequately handled by the Stricken Unit, so that it determines the necessity and advisability of requesting aid.
- F. "Division": The geographically associated Member Units or Unit which have been grouped for operational efficiency and representation of those Member Units.

- G. "Training": The regular scheduled practice of emergency procedures during non-emergency drills to implement the necessary joint operations of MABAS.
- H. "Executive Board": The statewide oversight board of MABAS which is comprised of Division representatives.
- I. "MABAS or 'Mutual Aid Box Alarm System' region" means the WEM regional areas as identified by the Adjutant General under ss. 166.03(2)6.(b) 1., Stats.
- J. "Chief Officer" means the highest ranking officer within a fire, rescue or emergency medical services unit.
- K. "Incident Command System" has the meaning specified in s. 166.02(6m), Stats. and follows the guidelines of the National Incident Management System, also known as NIMS.

### SECTION THREE

#### *Authority and Action to Effect Mutual Aid*

- A. The Member Units hereby authorize and direct their respective Chief Officer or his designee to take necessary and proper action to render and/or request mutual aid from the other Member Units in accordance with the policies and procedures established and maintained by the MABAS Member Units. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the Aiding Unit. The judgment of the Chief Officer, or his designee, of the Aiding Unit shall be final as to the personnel and equipment available to render aid.
- B. Whenever an emergency occurs and conditions are such that the Chief Officer, Incident Commander or his designee, of the Stricken Unit determines it advisable to request aid pursuant to this Agreement he shall notify the Aiding Unit of the nature and location of the emergency and the type and amount of equipment and personnel and/or services requested from the Aiding Unit.
- C. The Chief Officer, or his designee, of the Aiding Unit shall take the following action immediately upon being requested for aid:
  - 1. Determine what equipment, personnel and/or services is requested according to the system maintained by the MABAS
  - 2. Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the Stricken Unit;
  - 3. Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the Stricken Unit in accordance with the procedures of the MABAS;
  - 4. Notify the Stricken Unit if any or all of the requested equipment, personnel and/or services cannot be provided.

### SECTION FOUR

#### *Jurisdiction over Personnel and Equipment*

Personnel dispatched to aid a party pursuant to this Agreement shall remain employees of the Aiding Unit. Personnel of the Aiding Unit shall report for direction and assignment at the scene of the emergency to the Fire Chief or Incident Commander of the Stricken Unit. The Aiding Unit shall at all times have the right to withdraw any and all aid upon the order of its Chief Officer or his designee; provided, however, that the Aiding Unit withdrawing such aid shall notify the Incident Commander or his designee of the Stricken Unit of the withdrawal of such aid and the extent of such withdrawal.

## SECTION FIVE

### Compensation for Aid

Equipment, personnel, and/or services provided pursuant to this Agreement shall be at no charge to the Stricken Unit; however, any expenses recoverable from third parties and responsible parties shall be equitably distributed among Aiding Units. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing state and federal laws.

## SECTION SIX

### Insurance

Each part hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: comprehensive liability, personal injury, property damage, worker's compensation, and, if applicable, emergency medical service professional liability, with minimum limits of \$1,000,000 auto and \$1,000,000 combined single limit general liability and professional liability. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The obligations of the Section may be satisfied by a party's membership in a self-insurance pool, a self-insurance plan or arrangement with an insurance provider approved by the state of jurisdiction. The MABAS may require that copies or other evidence of compliance with the provisions of this Section be provided to the MABAS. Upon request, Member Units shall provide such evidence as herein provided to the MABAS members.

## SECTION SEVEN

### Indemnification Liability and Waiver of Claims

Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Agreement; provided, however, that such claim is not a result of willful or reckless misconduct by a party hereto or its personnel. The Stricken Unit hereby expressly agrees to hold harmless, indemnify and defend the Aiding Unit and its personnel from any and all claims, demands, liability, losses, including attorney fees and costs, suits in law or in equity which are made by a third party that may arise from providing aid pursuant to this Agreement.

All employee benefits, wage and disability payments, pensions and worker's compensation claims, shall be the sole and exclusive responsibility of each party for its own employees provided, however, that such claim is not a result of willful or reckless misconduct by a party hereto or its personnel.

## SECTION EIGHT

### *Non-Liability for Failure to Render Aid*

The rendering of assistance under the terms of this Agreement shall not be mandatory and the Aiding Unit may refuse if local conditions of the Aiding Unit prohibit response. It is the responsibility of the Aiding Unit to immediately notify the Stricken Unit of the Aiding Unit's inability to respond, however, failure to immediately notify the Stricken Unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.

## SECTION NINE

### *Term*

This Agreement shall be in effect for a term of one year from the date of signature hereof and shall automatically renew for successive one year terms unless terminated in accordance with this Section.

Any party hereto may terminate its participation in this Agreement at any time, provided that the party wishing to terminate its participation in this Agreement shall give written notice to the Board of their Division and to the Executive Board specifying the date of termination, such notice to be given at least 90 calendar days prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail. In Wisconsin, a copy of such notice shall also be deposited with the Fire Service Coordinator (FSC), Wisconsin Emergency Management, 2400 Wright Street, Room 213, P.O. Box 7865, Madison, WI 53700-7865, telephone (608) 220-6049.

## SECTION TEN

### *Effectiveness*

This Agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof. In Wisconsin, a copy of such agreement shall be deposited with the Fire Services Coordinator (FSC), Wisconsin Emergency Management, 2400 Wright Street, Room 213, P.O. Box 7865, Madison, WI 53700-7865, telephone (608) 220-6049.

## SECTION ELEVEN

### *Binding Effect*

This Agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this Agreement may not be assigned by a Member Unit without prior written consent of the parties hereto.

## SECTION TWELVE

### *Validity*

The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this Agreement may be enforced with that provision severed or modified by court order.

## SECTION THIRTEEN

### *Notices*

All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the MABAS mailing lists or, to other such addresses as shall be agreed upon.

## SECTION FOURTEEN

### *Governing Law*

This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Wisconsin.

## SECTION FIFTEEN

### *Execution in Counterparts*

This Agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document.

## SECTION SIXTEEN

### **Executive Board of MABAS**

An Executive Board is hereby established to consider, adopt and amend from time to time as needed rules, procedures, by-laws and any other matters deemed necessary by the Member Units. The Executive Board shall consist of a member elected from each Division within MABAS who shall serve as the voting representative of said Division on MABAS matters, and may appoint a designee to serve temporarily in his stead. Such designee shall be from within the respective division and shall have all rights and privileges attendant to a representative of that Member Unit. In Wisconsin, the Executive Board shall be constituted as set forth in the Wisconsin State Administrative Code Chapter referenced above.

A President and Vice President shall be elected from the representatives of the Member Units and shall serve without compensation. The President and such other officers as are provided for in the by-laws shall coordinate the activities of the MABAS.

### **SECTION SEVENTEEN**

#### **Duties of the Executive Board**

The Executive Board shall meet regularly to conduct business and to consider and publish the rules, procedures and by laws of the MABAS, which shall govern the Executive Board meetings and such other relevant matters as the Executive Board shall deem necessary.

### **SECTION EIGHTEEN**

#### **Rules and Procedure**

Rules, procedures and by laws of the MABAS shall be established by the Member Units via the Executive Board as deemed necessary from time to time for the purpose of administrative functions, the exchange of information and the common welfare of the MABAS. In Wisconsin, Member Units shall also comply with all requirements of WEM 8 currently in effect and as amended from time to time. In Wisconsin, MABAS policies and general operating procedures shall be available on request without charge from the Fire Services Coordinator (FSC), Wisconsin Emergency Management, 2400 Wright Street, Room 213, P.O. Box 7865, Madison, WI 53700-7865, telephone (608) 220-6049. MABAS policies and procedures may also be accessed from the Wisconsin Emergency Management webpage at <http://emergencymanagement.wi.gov>.

### **SECTION NINETEEN**

#### **Amendments**

This Agreement may only be amended by written consent of all the parties hereto. This shall not preclude the amendment of rules, procedures and by laws of the MABAS as established by the Executive Board to this Agreement. The undersigned unit of local government or public agency hereby has adopted, and subscribes to and approves this MUTUAL AID BOX ALARM SYSTEM Agreement to which this signature page will be attached, and agrees to be a party thereto and be bound by the terms thereof.

This Signatory certifies that this Mutual Aid Box Alarm System Agreement has been adopted and approved by ordinance, resolution, or other manner approved by law, a copy of which document is attached hereto.3.06.1 ADDENDUM A TO MUTUAL AID BOX ALARM SYSTEM AGREEMENT

### Non-Discrimination

In the performance of the services under this Agreement each party agrees not to discriminate against any employee or applicant because of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or student status. Each party further agrees not to discriminate against any subcontractor or person who offers to subcontract on this contract because of race, religion, color, age, disability, sex, or national origin.

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### 3.06.2 ADDENDUM C TO MUTUAL AID BOX ALARM SYSTEM AGREEMENT

**WHEREAS**, the Wisconsin Statute 66.0301(2) authorizes any municipality to contract with other municipalities and with federally recognized Indian tribes and bands in this state for the receipt or furnishing of services, such as fire protection and emergency medical services. Such a contract may be with municipalities of another state, as provided in Wisconsin Statute 66.0303(3)(b); and

**WHEREAS**, the Wisconsin Statute, 166.03(2)(a)3, provides that the standards for fire, rescue, and emergency medical services shall include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System (MABAS) as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response throughout Wisconsin and neighboring states; and

**WHEREAS**, the Attorney General of the State of Wisconsin must approve any agreement between a Wisconsin municipality and a municipality of another state, and said agreement was approved by the Attorney General of the State of Wisconsin on December 22, 2000; and

**WHEREAS**, said agreement was submitted to the governor of the State of Wisconsin for his concurrence, which was obtained and later adopted under Wisconsin Statute 66.0303(3) (a) and (b); and

**WHEREAS**, the Town of Vandebroek Town Bard believes that intergovernmental cooperation for purposes of public safety and protection should be encouraged and that the Mutual Aid Box Alarm System (MABAS) Agreement would afford these benefits to county residents by coordinating fire protection and emergency medical services, as recommended in Resolution; and

**WHEREAS**, it is in the best interest of the Town of Vandebroek to enter into the proposed MABAS Agreement to provide for the coordination of fire protection and emergency medical services in the event of a large scale emergency, natural disaster, or man-made catastrophe.

**NOW THEREFORE BE IT RESOLVED**, that the Mutual Aid Box Alarm System (MABAS) Agreement, a copy of which is attached hereto and incorporated herein by reference, is hereby approved and the Town Chairman and Town Clerk, be authorized to execute the same on behalf of the Town of Vandebroek.

Dated this 12th day of July, 2012.

### 3.07 AN ORDINANCE CREATING THE TOWN OF VANDENBROEK DISCHARGE OF FIREARMS REGULATION.

**WHEREAS**, Section 66.0409(3)(b) of the Wisconsin Statutes permits towns that have been authorized to exercise Village Powers under Section 60.22(3) of the Wisconsin Statutes to enact ordinances restricting the discharge of firearms; and,

**WHEREAS**, Section 29.038(3) of the Wisconsin Statutes permits a local governmental unit to enact an ordinance, adopt a regulation, resolution, or other restriction that has an incidental effect on hunting, fishing, or trapping, but only if the primary purpose is to further public safety; and,

**WHEREAS**, the Town of Vandebroek is authorized to enact ordinances in order to protect the public health, safety and welfare by Sections 60.22(1), 60.22(3), 61.32 and 61.34 of the Wisconsin Statutes; and

**WHEREAS**, the Town of Vandebroek has determined that it is reasonable and necessary to prohibit the use of rifles within the Town in order to protect the public health and safety;

**NOW, THEREFORE**, the Town Board of Vandebroek, Wisconsin, does ordain as follows:

**Section 1.** It shall be unlawful for any person to discharge a rimfire rifle larger than .22 caliber or any center-fire rifle .22 caliber or larger anywhere within the boundaries of the Town.

**Section 2.** Any person who shall violate this ordinance shall, upon conviction thereof be subject to a forfeiture of not less than \$250.00 nor more than \$1000.00. Each day that a violation is committed shall constitute a separate violation.

**Section 3.** Unless otherwise indicated, the prohibitions of this section shall not apply to:

- (a) Any peace officer(s) in the lawful performance of their duties.
- (b) Any member of the U.S. armed force or the National Guard in the lawful performance of their duties.

**Section 4.** This ordinance shall be effective on the day after its enactment and publication of this ordinance or an appropriate notice thereof as provided by law.

### 3.08 FENCE ORDINANCE

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

(a) Fence means an enclosed barrier consisting of wood, stone, metal or other solid material intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials that would lend a bighted or unkept appearance to the immediate area.

(b) Categorized. Fences shall be categorized into five classifications:

- (1) Boundary fence. A fence placed on or within three feet of the property lines of adjacent properties.
- (2) Protective fence. A fence constructed to enclose a hazard to the public health, safety and welfare.
- (3) Architectural or aesthetic fence. A fence constructed to enhance the appearance of the structure or the landscape.
- (4) Hedge. A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
- (5) Picket fence. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

(2) **Permit Required.** No person or entity may construct, place or allow to be constructed or placed on property within their ownership or control without first obtaining a permit therefore.

(a) The permit shall be submitted to the Town Clerk on a form provided by the Town and shall be accompanied by a sketch illustrating the fence and showing its proposed location. The applicant shall also submit a list of materials that the fence is or shall be constructed of.

(b) The permit fee shall be based on the cost of issuing the permit and shall be fixed by the Town Board on an annual basis

### (3) Fence Requirements.

(a) Height regulated. Unless otherwise provided in this section, fences, hedges and walls may be permitted in any required yard or along the edge of any required yard provided no such fence, wall shall exceed a height of 42 inches in any yard abutting a street, and shall exceed a height of six feet in any other required yard.

(b) Setback for residential fences. Boundary Fences in or adjacent to a residential property may be constructed along lot lines.

(c) Security fences. Protective Fences are not permitted in any required front yard in any district. Protective Fences are permitted on side and rear property lines in all districts except residential districts, but shall not exceed ten feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(d) Prohibited fences. No fence shall be constructed which is in a dangerous condition, or which is designed to electrically shock, or which uses barbed wire; provided, however, that may be used in agriculturally zoned areas if the devices securing the barbed wire to the fence are eight feet above the ground in height. Devices securing barbed wire attached to fences placed on a property line shall not project over said line.

(e) Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

(f) Temporary fences. Fences erected for the protection of planting or to warn of construction hazard, or

for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days.

(g) Nonconforming fences. Any fence existing on the effective date of the ordinance from which this section is derived may be maintained, but, subject to Section 62.23(7)(h) (hm) and (hc) of the Wisconsin Statutes, no alteration, modification or improvement of said fence shall conflict with this section.

(h) Culverts. Fences and other like obstructions shall not be permitted in any culvert located in the public right of way.

(4) **Enforcement and penalties.** Any person who violates the foregoing provisions shall be subject to a forfeiture of not less than \$5.00 and not more than \$200.00 for each offense. Each day a violation is allowed to continue to exist shall constitute a separate violation.

(6) **Nuisance Fences.** Nothing in this section is intended to prohibit the Town from using abatement procedures of Section 823.02 et. Seq and chapter X of this code for fences, that are public nuisances.

### 3.09 AN ORDINANCE AUTHORIZING ALL-TERRAIN / UTILITY TERRAIN VEHICLE ROUTES WITHIN THE TOWN OF VANDENBROEK

The Town Board of the Town of Vandebroek does ordain as follows:

**Section 1:** Section 5.17 of the Town of Vandebroek Code of Ordinances is deleted in its entirety and the following inserted in its place:

5.17 (1) **Purpose.** The Town of Vandebroek, Outagamie County, Wisconsin ("Town") hereby adopts the following all-terrain vehicle (ATV) and utility terrain vehicle (UTV) routes upon all Town roads. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and automobile traffic volume, these routes have been created.

5.17(2) **Authority.** The routes are created pursuant to town authority as authorized by §23.33(8)(b) of the Wisconsin Statutes. The applicable provisions of §23.33 regulating ATV/UTV operations pursuant to routes and trails are adopted.

5.17(3) **Routes and Trails.** The Town of Vandebroek reserves the right to close or modify routes at any time. Routes shall be subject to the following:

- a) Any restriction of routes shall be designated by majority vote of the Town Board and shall be marked accordingly.
- b) The Town or its designee shall maintain all route signs within the Town.
- c) All ATV/UTV routes should be signed in accordance with NR 64.12, and NR 64.12(7)(c).
- d) All Town roads within the Town are hereby designated as ATV/UTV routes.

- e) All county and state roadways located in the Town are not authorized ATV/UTV routes and subject to prosecution.
- f) The Town shall maintain a route map

5.17(4) **Conditions.** All ATV/UTV operators on Town routes must comply with the following condition:

- a) ATV/UTV operators shall observe posted roadway speed limits.
- b) ATV/UTV operators shall ride single file and cannot ride on the shoulder of the road.
- c) ATV/UTV operators shall observe all laws of this state pertaining to the use of an ATV/UTV.
- d) ATV/UTV operators must have a valid driver's license.
- e) ATV/UTV operators under the age of 18 must wear a helmet.
- f) ATV/UTV operators cannot ride on any route midnight to 5 a.m., unless they are engaged in snow plowing.
- g) ATV/UTV operators must have headlights and taillights on while operating on any Town route and must operate with a muffler that falls within the legal decibel limits.

5.17(5) **Enforcement.** This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

5.17(6) **Penalties.** Wisconsin state ATV/UTV penalties as found in §23.33(13)(a) of the Wisconsin Statutes are adopted by reference.

**Section 2:** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

**Section 3:** This ordinance becomes effective upon passage and publication/posting as required by law.

### 3.10 AN ORDINANCE TO APPOINT TOWN CLERK TO THE BOARD OF REVIEW

**WHEREAS**, pursuant to s. 70.46(1), Wis. Stats., the Board of Review is made up of the Town Board Supervisors and the Town Clerk; and

**WHEREAS**, s. 70.46(1m), Wis. Stats., prohibits appointed clerks, appointed treasurers, or appointed combined clerk/treasurers from serving on the Board of Review; and

**WHEREAS**, s. 70.46(1m)(b), Wis. Stats., requires the town board to fill the vacancy created by the appointed position with an elector of the town; and

**WHEREAS**, the Town Board desires to have the person holding the office of appointed clerk serve on the Board of Review as a voting member, provided the person is an elector of the town.

**NOW THEREFORE, BE IT ORDAINED** by the Town Board of the Town of Vandebroek, Outagamie County, that the person holding the office of appointed clerk be hereby appointed to serve on the Board of Review as a voting member, provided the person is an elector of the town; and

**BE IT FURTHER ORDAINED** that such appointment remain in effect until the person holding the office of appointed clerk is no longer an elector of the town.

### 3.11 AN ORDINANCE TO APPOINT ALTERNATE MEMBERS TO THE BOARD OF REVIEW

**Whereas**, Wis. Stat. § 70.47(6m)(c) authorizes the appointment of alternate members to serve on the board of review when standing members are removed from individual cases;

**Now, therefore**, the Town Board of Vandebroek, Outagamie County does ordain as follows:

#### 1. **ADOPTION**

Pursuant to Wis. Stat. §§ 70.47(6m)(c) and 70.46(1), the town board hereby provides for the appointment of alternates to serve on the Town Board of Review in the event a standing board member of the Board of Review is removed or unable to serve for any reason.

#### 2. **APPOINTMENTS**

The following electors of the Town of Vandebroek are hereby named as alternates, in the order indicated, to serve as alternate Board of Review members:

Alternate 1: Randy Vanevenhoven

Alternate 2: Johnna Van Deurzen

Alternate 3: Todd Knorr

Alternate 4: Bryan Zemple

#### 3. **EFFECTIVE DATE**

The appointments made in this ordinance are for the year 2025 and succeeding years until such appointments are rescinded by action of the town board and effective upon posting as provided by law.

### 3.12 FIRE CODES & FIRE INSPECTION

#### 1. Purpose

The purpose of this Ordinance is to provide for fire inspections of buildings and premises located in the Town of Vandebroek by the Vandebroek-Kaukauna Fire Department.

#### 2. Adoption of State and National Fire Codes and Authorization of Fire Inspections

- a. *Adoption Of Fire Code.* The Wisconsin state codes listed in this section are hereby adopted by reference and made a part of the Town of Vandebroek Fire Code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate community service inspectors. The Fire Inspectors shall have the authority to cite such violations on fire inspections.
  - i. Wisconsin Administrative Code Chapter SPS 314 – Fire Prevention
  - ii. Wisconsin Administrative Code Chapters SPS 375 to SPS 379 - Buildings Constructed Prior to 1914
  - iii. Wisconsin Administrative Code Chapter SPS 316 - Wisconsin State Electrical Code
  - iv. Wisconsin Administrative Code Chapters SPS 361 to SPS 366 - Wisconsin Commercial Building Code
  - v. Wisconsin Administrative Code Chapter SPS 318 – Elevators
  - vi. Wisconsin Administrative Code Chapter ATCP 93 – Flammable and Combustible Liquids
- b. *Chief As Fire Inspector.* The Chief shall hold the office of the fire inspector, with power to appoint one or more deputy fire inspectors as is deemed necessary who shall perform the same duties and have the same powers as the fire inspector.
- c. *Fire Inspections.* Fire inspectors shall inspect all buildings, premises and thoroughfares within the Town of Vandebroek that are covered by the state codes set forth in Section 1.02(A) above for the purpose of noting and causing the correction of any Code violations or hazardous conditions with potential to cause injury or loss of property, as well as identify conditions that will potentially obstruct the fire and emergency medical services department in the performance of its duties. The Fire Chief shall be responsible for determining those public buildings and places of employment that are to be inspected.
- d. *Scheduling of Inspections.* Fire prevention inspections shall be conducted at least once per calendar year, provided the interval between those inspections does not exceed 15 months, or more often if ordered by the Fire Chief, within the Town of Vandebroek.
- e. *Notice of Fire Hazards.* Whenever and wherever a fire inspection reveals a fire hazard, the fire inspector shall serve a notice in writing upon the owner of the property, giving such owner a reasonable time in which to remove or correct the hazard.
- f. *Enforcement.* The owner shall pay a reinspection fee, for each inspection violation that has not been corrected within the timeframe indicated on the notice of

violation, pursuant to Wis. Stat. § 101.14 and in accordance with Section 1.05 hereof.

g. *Reinspection Fees.* Reinspection of violations shall be subject to a fee as follows:

<b>Description</b>	<b>Amount</b>
Initial inspection where violation is found	No charge
First reinspection if violation still exists	No charge
Second reinspection (by Fire Chief) and violation still exists	\$100 per violation
Third and fourth reinspection (by Fire Chief) and violation still exists	\$150 per violation
Fifth or more reinspection's (by Fire Chief) and violation still exists	\$200 per violation

h. *Written Records of Inspections.* The Chief shall keep a written record of each property inspected which shall conform to the requirements set forth in Wisconsin Administrative Code § SPS 314.01(13).

i. *Free Access to Property.* No person shall deny the Chief or designee free access to any property within the Town of Vandebroek at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of duty or refuse to observe any lawful direction given.

### **3. Fire Investigations**

The Fire Chief, or his/her designee, shall investigate the origin, cause and circumstances of every fire occurring in the Town of Vandebroek. The Fire Chief shall take steps to obtain physical evidence, notify the proper law enforcement authorities and cooperate with other agencies as required for the investigation of the matter and any subsequent prosecution.

### **4. Occupancy of Structure After a Fire**

In the event of a structure fire, prior to returning control of the structure to the owner or occupants thereof, the Fire Chief, or his/her designee, shall inspect the structure and shall determine whether or not it is safe for occupancy or use. If, in the judgment of the Fire Chief, or his/her designee, the structure is not safe, the Fire Chief, or his/her designee, shall issue an order prohibiting occupancy or use of the structure until issuance of an occupancy permit by the Building Inspector. The Fire Chief, or his/her designee, shall also affix a notice of such order in a conspicuous place on the outside wall of the building

and no person shall remove or deface such notice. Any person who fails to comply with any such order shall be guilty of a violation of the Ordinance.

#### **5. Penalties**

If the owner fails to correct the violation or pay the fees, the owner will be deemed to have further violated this ordinance, and the Fire Chief is authorized to start procedures with the town legal counsel to have the violations corrected / fees collected via Wis. Stat. § 66.0114. The person subject to this forfeiture shall also be responsible for court costs, disbursements to the town for prosecution costs, and the actual and reasonable costs of prosecution, including reasonable attorney fees. Fees not paid by November 15th of the year will be added to the tax rolls as a special charge against the property or recoverable from the property owner through any other legal means.

#### **6. Severability**

If several sections of this ordinance are declared to be severable. Should any sub-section, clause, or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared invalid. The remainder of the ordinance shall remain in full force and effect.

#### **7. Effective Date**

Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. § 60.80.

## **CHAPTER IV TRAFFIC CODE**

### **4.01 SPEED LIMITS**

A traffic and engineering investigation having been made on the following described highways; the maximum permissible speed at which vehicles may be operated on said highways, which speed is herewith established as reasonable and safe pursuant to Section 349 .11 Wisconsin Statutes, shall be as set forth herein, subject to approval by the State Highway Commission, and upon the erection of standard signs giving notices thereof;

Town Roads, Town of Vandebroek, Outagamie County.

- a. Forty-five miles per hour for all vehicles on the following specified roads:
  - i. Holland Road
- b. Thirty-five miles per hour for all vehicles on the following specified roads:
  - i.

### **4.02 PARKING, STOPPING AND STANDING REGULATED**

- 1 **Parking.** Where specified by official signs giving notice thereof, no person shall park a vehicle in a no parking area or park a vehicle for longer than the period specified by such signs.
- 2 **Stop Sign.** Every operator of a vehicle approaching an official stop sign in the town shall cause such vehicle to stop before proceeding past said stop sign and entering the intersection, except when directed to proceed by a traffic officer or traffic control signal. Stops required by this ordinance shall be made in the following manner:
  - a. If there is a clearly marked stop sign, the operator shall stop his vehicle immediately before crossing such line.
  - b. If there is no clearly marked stop sign, the operator shall stop his vehicle immediately before entering the crosswalk on the near side of the intersection.
  - c. If there is neither a clearly marked stop sign nor a marked or unmarked crosswalk at the intersection, or if the operator cannot efficiently observe traffic on the intersecting roadway from the stop made at the stop sign or crosswalk, he shall, before entering the intersection, stop his vehicle at such point as will enable him to efficiently observe the traffic on the intersection roadway.

#### 4.03 WEIGHT LIMITS

- 1 **Designated Highways.** All highways maintained by the Town and designated as Town highways are hereby classified as "Class B" highways pursuant to Wis. Stats. 349.15, and, therefore, subject to the weight limitations set forth in Wis. Stats. 348.16.
- 2 **Special and Season Weight Limitations.** The Town Board shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway of any highway, bridge or culvert, and shall be responsible for erecting signs giving notice thereof in accordance with said Statute 349.16, Wisconsin Statutes.

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##### 4.03.1 SPECIAL WEIGHT LIMITATIONS ON EVERGREEN DRIVE

**WHEREAS**, Section 349.16 Wis. Stats., authorizes Towns to impose special or seasonal weight limitations on Town highways or portions of Town highways which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of such special limitations; and

**WHEREAS**, the Town of Vandebroek finds that the portion of Evergreen Drive between Cardinal Lane and Holland Road is becoming damaged and will become seriously damaged due to weakness of the roadbed and pavement in the absence of special weight limitations; and

**WHEREAS**, the Town of Vandebroek deems it necessary for the public health, safety and welfare to impose special weight limitations on that portion of Evergreen Drive described above,

**NOW THEREFORE BE IT RESOLVED** as follows:

1. There is hereby imposed a special weight limitation of 30,000 pounds (fifteen tons) gross weight for all motor vehicles using Evergreen Drive between Cardinal Lane and Holland Road except as provided in subparagraph 2.
2. The special weight limitation shall not apply to any motor vehicle where operation is pickup or delivery, including operation for the purpose of moving or delivering supplies or commodities to or from any place of business or residence that has an entrance on Evergreen Drive between Cardinal Lane and Holland Road.
3. The special weight limitation shall not apply when the motor vehicle is being operated pursuant to a contract with the Town of Vandebroek, which provides that the Town of Vandebroek will be reimbursed for any damage done to Evergreen Drive.
4. The Town Board shall order that the special weight limitation be posted by erecting signs along Evergreen Drive sufficient in number and placement to give reasonable notice that the special weight limitation is in effect.
5. This resolution shall be published as a Class 1 notice, pursuant to Chapter 985, Wis. Stats.

Dated this 8<sup>th</sup> day of August, 2013.

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#### 4.03.2 SPECIAL WEIGHT LIMITATIONS ON HOLLAND ROAD

**WHEREAS**, Section 349.16 Wis. Stats., authorizes Towns to impose special or seasonal weight limitations on Town highways or portions of Town highways which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of such special limitations; and

**WHEREAS**, the Town of Vandebroek finds that the portion of Holland Road between Broadway and Evergreen is becoming damaged and will become seriously damaged due to weakness of the roadbed and pavement in the absence of special weight limitations; and

**WHEREAS**, the Town of Vandebroek deems it necessary for the public health, safety and welfare to impose special weight limitations on that portion of Holland Road described above,

**NOW THEREFORE BE IT RESOLVED** as follows:

1. There is hereby imposed a special weight limitation of 30,000 pounds (fifteen tons) gross weight for all motor vehicles using Holland Road between Broadway and Evergreen except as provided in subparagraph 2.
2. The special weight limitation shall not apply to any motor vehicle where operation is pickup or delivery, including operation for the purpose of moving or delivering supplies or commodities to or from any place of business or residence that has an entrance on Holland Road between Broadway and Evergreen.
3. The special weight limitation shall not apply when the motor vehicle is being operated pursuant to a contract with the Town of Vandebroek, which provides that the Town of Vandebroek will be reimbursed for any damage done to Holland Road.
4. The Town Board shall order that the special weight limitation be posted by erecting signs along Holland Road sufficient in number and placement to give reasonable notice that the special weight limitation is in effect.
5. This resolution shall be published as a Class 1 notice, pursuant to Chapter 985, Wis. Stats.

Dated this 5<sup>th</sup> day of November, 2003

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#### 4.03.3 SPECIAL WEIGHT LIMITATIONS FOR BRIDGE ON BUCHANAN ROAD OVER APPLE CREEK

**WHEREAS**, Section 349.16 Wis. Stats., authorizes Towns to impose special weight limitations on Town bridges when, in the judgment of the Town, the bridge cannot safely sustain the maximum weights permitted by statute; and

**WHEREAS**, the Town of Vandebroek finds, in its judgment, that the bridge on Buchanan Road over Apple Creek in Section 3, Town of Vandebroek, cannot safely sustain the maximum weights permitted by statute; and

**WHEREAS**, the Town of Vandebroek deems it necessary for the public health, safety and welfare to impose special weight limitations for the bridge on Buchanan Road over Apple Creek in Section 3, Town of Vandebroek,

**NOW THEREFORE BE IT RESOLVED** as follows:

1. There is hereby imposed a special weight limitation of 20,000 pounds (ten tons) gross weight for all motor vehicles using the bridge on Buchanan Road over Apple Creek in Section 3, Town of Vandebroek except as provided in subparagraph 2.
2. The special weight limitation shall not apply to any motor vehicle where operation is pickup or delivery, including operation for the purpose of moving or delivering supplies or commodities to or from any place of business or residence that has an entrance on Buchanan Road north of Apple Creek.
3. The special weight limitation shall not apply when the motor vehicle is being operated pursuant to a contract with the Town of Vandebroek, which provides that the Town of Vandebroek will be reimbursed for any damage done to the bridge.
4. The Town Board shall order that the special weight limitation be posted by erecting signs along Buchanan Road sufficient in number and placement to give reasonable notice that the special weight limitation is in effect.
5. This resolution shall be published as a Class 1 notice, pursuant to Chapter 985, Wis.

Date this 5<sup>th</sup> day of November, 2003

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#### 4.03.4 SPECIAL WEIGHT LIMITATIONS FOR WEYERS BRIDGE ON WEYERS ROAD OVER APPLE CREEK

**WHEREAS**, Section 349.16 Wis. Stats., authorizes Towns to impose special weight limitations on Town bridges when, in the judgment of the Town, the bridge cannot safely sustain the maximum weights permitted by statute; and

**WHEREAS**, the Town of Vandebroek finds, in its judgment, that the bridge on Weyers Road over Apple Creek in Section 2, Town of Vandebroek, cannot safely sustain the maximum weights permitted by statute; and

**WHEREAS**, the Town of Vandebroek deems it necessary for the public health, safety and welfare to impose special Weight limitations for the bridge on Weyers Road over Apple Creek in Section 2, Town of Vandebroek,

**NOW THEREFORE BE IT RESOLVED** as follows:

1. There is hereby imposed a special weight limitation of 20,000 pounds (ten tons) gross weight for all motor vehicles using the bridge on Weyers Road over Apple Creek in Section 2, Town of Vandebroek except as provided in subparagraph 2.
2. The special weight limitation shall not apply when the motor vehicle is being operated pursuant to a contract with the Town of Vandebroek, which provides that the Town of Vandebroek will be reimbursed for any damage done to the bridge.
3. The Town Board shall order that the special weight limitation be posted by erecting signs sufficient in number and placement to give reasonable notice that the special weight limitation is in effect.
4. This resolution shall be published as a Class 1 notice, pursuant to Chapter 985, Wis. Stats.

#### 4.04 OFFICIAL TRAFFIC SIGNS AND SIGNALS

The Town Board is authorized to procure and erect signs and signals. The Town Board is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Highway Division giving such notice of the provisions of this ordinance as required by State Law. Signs shall be erected in

such locations and manner as the Town Board shall determine will best affect the purposes of this ordinance and give adequate warning to users of the street or highway.

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#### 4.04.1 PLACE STOP SIGNS ON BONNIE LANE

**WHEREAS**, Section 349.07.(8) Wis. Stats., authorizes the governing body of a town to provide for the installation of stop signs at intersections on highways over which it has exclusive jurisdiction; and

**WHEREAS**, the Bonnie Lane and Buchanan Road intersection is located in the Town of Vandebroek, and

**WHEREAS**, the Town Board of Supervisors of the Town of Vandebroek deems it necessary for the promotion of the public health, safety and general welfare that a stop sign be placed on the west side of the intersection of Bonnie Lane and Buchanan Road,

**NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:**

1. That a stop sign be placed on Bonnie Lane at the intersection with Buchanan Road on the west side, so there are stop signs for both eastbound and westbound lanes.
2. That this ordinance take effect upon adoption and posting or publication as provided by law, as soon as the stop signs are in place.

Adopted this 6th day of June, 2007.

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#### 4.04.2 ENACT A SPEED LIMIT ON VANDENBROEK ROAD

**WHEREAS**, Section 349.11 (3)(c) Wis. Stats., authorizes the governing body of a town to reduce speed limits in certain circumstances; and

**WHEREAS**, portions of Vandebroek Road is located in the Town of Vandebroek in Outagamie County, and

**WHEREAS**, the Town Board of Supervisors of the Town of Vandebroek deems it necessary for the promotion of the public health, safety and general welfare that the traffic speed limit be reduced to 45 miles per hour on Vandebroek Road between Evergreen Drive and Elm Street in the Town of Vandebroek,

**NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:**

1. That 45 mile per hour speed limit signs be placed on Vandenbroek Road (near its intersections with Evergreen Drive and Elm Street) for both northbound and southbound lanes.
2. That this ordinance take effect upon adoption and posting or publication as provided by law, as soon as the speed limit signs are in place.

Adopted October 2007

#### 4.05 REMOVAL OF UNOFFICIAL SIGNS AND SIGNALS

The Town Board shall have the authority granted by Section 349.09, Wisconsin Statutes, and is hereby directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this ordinance of Section 346.471, Wisconsin Statutes. Any charge imposed on a premises for removal of such an illegal sign, signal or device shall be reported to the Town Board at its next regular meeting for review and certification as a special charge to be collected as are other special taxes.

#### 4.20 PENALTY

1 The penalty for violation of any provision of this ordinance shall be a forfeiture as hereinafter provided together with the costs of prosecution imposed as provided in ss. 345.20 to 345.53, Wisconsin Statutes.

2 **Special Local Regulations.**

The forfeiture for violation of Sections 4.01, 4.02, 4.04 and 4.05 of this ordinance shall not be less than \$5.00 nor more than \$500.00

Town of Vandenbroek

## CHAPTER VI RESERVED

## CHAPTER VII ALCOHOL BEVERAGE LICENSES AND PERMITS

### 7.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

1. **State Statutes Adopted.** The provisions of Chapter 125 of the Wisconsin Statutes relating to the sale of intoxicating liquor and fermented malt beverages, except Sections 125.09(6), 125.11, 125.20(6), 125.66(3), and 125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said Statutes, the penalty for commission of such offenses limited to a forfeiture imposed under this statute are hereby adopted and made part of this ordinance by reference.
2. **Licenses.**
  - a. **When Required.** No person, except as provided under 7.01(1), shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any intoxicating liquor, or( fermented malt beverage, or cause the same to be done, without having procured a license or permit as provided in this section nor without complying with all of the provisions of this section and all statutes, ordinances and regulations of the state and the town applicable thereto.
3. **License Fees.** There shall be the following classes and denominations of licenses, which, when issued by the Town Clerk under the authority of the Town Board after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages.

a. Class "A" Fermented Malt Beverage Retailer's License -	\$100.00
b. Combination Class "B" Fermented Malt Beverage Retailers License and Liquor License -	\$400.00
c. Beverage Operator's License -	\$50.00
d. Retail Class "A" Liquor License -	\$100.00

e. Retail Class "B" Liquor License -	\$300.00
f. One-Day Malt Beverage License -	\$3.00
g. Wine	\$150.00

\*Updated November 2018

Town of Vandenbroek

4. **License Restrictions.**

- a. **Tax Delinquencies.** In the event of a licensed tavern business being sold during the license year, the Town Clerk may not issue a license to the new owner until the Town Clerk is furnished receipts showing that there are no delinquent real estate taxes, delinquent personal property taxes, and the sewer and water services, if any, are all paid. An estimated amount for personal property taxes shall be provided by the Town Treasurer and an amount sufficiently escrowed pending issuance of the final personal property bill.
- b. **Location of Premises.** No retail Class “A” or “B” malt beverage license or liquor license shall hereafter be issued for premises less than 300 feet from any established public or parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the boundary of such school, church or hospital to the closest entrance to such premises.
- c. **Delinquent Taxes, Assessments.**
  - i. **Premises:** No initial or renewal of alcoholic beverage license shall be granted for any premises for which taxes, assessments or other claims to the Town are delinquent or unpaid.
  - ii. **Persons:** No initial or renewal of alcoholic beverage license shall be granted to any person:
    - 1. Delinquent in payment of any taxes, assessments or other claims owed to the Town;
    - 2. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Town.
    - 3. Delinquent in payment to the State of any State taxes owed

5. **Search of Licensed Premises.** It shall be condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any law enforcement official employed by the Town of Vandebroek without any warrant and the application for a license hereunder shall be deemed consent of this provision. Any refusal to permit such inspection shall constitute grounds for revocation of any license issued hereunder and shall be deemed a violation of this section.

6. **Posting License.** Licenses or permits issued under this section shall be posted and displayed as provided in ss. 125.04(10) of the Wisconsin Statutes and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

7. **Regulation of Licensed Premises.**

- a. **Restrictions on Sales.** Provisions of Section 125.07 of the Wisconsin Statutes relating to the sale of alcohol and malt beverages to minors and intoxicated persons and all under provisions thereunder are specifically adopted as part of this ordinance.

- b. **Safety and Sanitation Requirements.** Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

8. **Revocation and Suspension of Licenses.**

- a. **Procedure.** Except as hereinafter provided, the provisions of Section 125.12 of the Wisconsin Statutes shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this section.

Revocation or suspension proceedings may be instituted by the Town Board upon its own motion by adoption of a resolution.

9. **Closing Hours.**

- a. No premises for which a retail Class "B" license has been issued shall be permitted to remain open at any times in violation of Wisconsin Statute 125.32(3)
- b. It shall be unlawful for any person to remain in such licensed premises during any of the time during which said premises are required to be vacated and closed as herein provided. In the event the owner or operator of any licensed premises desires to be present upon such premises for the purpose of making repairs or performing work incidental to the care or maintenance of said premises, during that time when the same is required to be vacated and closed, he may make application for such permission specifying the date, time and purpose for which the same is desired, to the Town Constable and said Town Constable, after investigating the application, shall issue a permit for the purpose to be indicated upon such permit, after having concluded that the application and purpose designated are bona fide; and it is further provided that during the time the owner or operator, specified in said permit, are upon such licensed premises during the time when same would otherwise be required to be vacated and closed, said premises shall be fully lighted and such owner, operator, or employees shall, upon demand of any police officer, immediately admit such officer for the purpose of making an investigation upon such licensed premises as such officer in his discretion may determine.

10. **Semi-Annual Licenses.** Licenses may be granted which shall expire on the 30th day of June of each year, upon payment of such proportion of the annual license fee as the number of months or fraction of a month remaining until June 30 of each year bears to twelve. Licenses may also be issued at any time for a period of six months in any calendar year for which  $\frac{3}{4}$  of the annual license fee shall be paid. Such six months licenses shall not be renewable during the calendar year in which issued.

## 7.02 REGULATION OF ATTIRE, CONDUCT AND ENTERTAINMENT ON LICENSED PREMISES

1. **Attire and Conduct.** The following acts or conduct on licensed premises are deemed contrary to public welfare and morals and therefore no license for sale of intoxicating liquors or malt beverages for consumption on the premises shall be held at any premises where such conduct or acts are permitted.
  - a. To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast, below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
  - b. To employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (a) above.
  - c. To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
  - d. To permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.
2. **Entertainment and Conduct.** Live entertainment is permitted on a licensed premises except that the following acts or conduct is deemed contrary to public welfare and morals, and therefore shall be prohibited on any premises licensed for the sale of intoxicating liquor or malt beverages and the consumption on premises:
  - a. No licensee shall permit any person to perform acts of or acts which simulate:
    - i. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts prohibited by law.
    - ii. The touching, caressing or fondling on the breasts, buttocks, anus or genitals.
    - iii. The displaying or exposing to view any portion of the pubic hair area, anus, vulva or genitals, or any female to expose to view any portion of the breasts below the top of the areola, or any simulation thereof.
  - b. No licensee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in Section 7.02(2)(a).
  - c. No licensee shall permit any person to remain in or upon the licensed premises who exposes in public view any portion his or her genital or anus.
3. **Visual Displays.** The showing of film, still pictures, electronic reproduction, or other visual reproductions depicting conduct prohibited, if performed by a live entertainer

under Section 7.02(b) above is also deemed contrary to welfare and morals and, therefore, not permitted on premises licensed for the sale of intoxicating liquor or malt beverages to be consumed on the premises.

### 7.03 PROVISIONAL LICENSE ORDINANCE (BARTENDERS)

Whereas, the Town of Vandebroek Board of the Town of Vandebroek, Outagamie County, Wisconsin, will adopt Wisconsin state statute 125.17 (5) Provisional License. The statute states the municipal governing body may by ordinance designate a municipal official (clerk) the authority to approve and issue a provisional operator's license.

Passed and adopted this 17th day of August 2006.

### 7.20 PENTALTIES

1. The penalty for violation of any provision of this Chapter shall be forfeiture as hereafter provided plus court costs permitted under Wis. Statutes.
  - a. **STATE FORFEITURE STATUTE.** Forfeitures for violation of any subparagraph of 6.01 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.
  - b. **STATE FINE STATUTES.** The forfeiture for violation of any statute adopted by reference hereunder for which a penalty is a fine shall not exceed the maximum fine permitted under such statute.
  - c. **LOCAL REGULATIONS.** Then penalty for violation of any other section of this Chapter, unless specified otherwise, shall be a fine not less than \$10.00 nor more than \$500.00.
  - d. In the case of a juvenile, the penalty provisions may include a disposition which is hereby incorporated by reference from Wisconsin Statutes 48.344.
  - e. In addition to any penalty imposed under this Chapter, any violation may be used in any proceedings regarding the suspension, non-renewal or revocation of any license issued under this Chapter.

## 7.21 AN ORDINANCE REGULATING ALCOHOL BEVERAGES ON TOWN PROPERTY

The Town Board of the Town of Vandebroek, Outagamie County, Wisconsin, does ordain as follows:

1. No official, employee, agent or service provider of the Town shall consume alcohol beverages on Town property in connection with, related to, or arising from the performance of Town related business or services, except as authorized by the Town Board.
2. No other person shall consume alcohol beverages on any Town property except as follows:
  - a. Within a Town building pursuant to a written rental agreement expressly authorizing the consumption of alcohol beverages.
  - b. On Town property outside of a Town building pursuant to a permit expressly authorizing the consumption of alcohol.
3. Alcohol beverages include beverages defined in Section 125.02(1) Stats. (Fermented malt beverages and intoxicating liquor) and 125.02(22) (wine).
4. Any person violating this Ordinance shall forfeit not less than \$50.00 or more than \$100.00 upon conviction.

Adopted this 21day of March, 2007.

## CHAPTER VIII RESIDENTIAL LOT REGULATIONS

### 8.01 SETBACKS

All residences and outbuildings constructed shall be positioned as follows:

1. Not less than 55 feet from any State or County road right-of-way.
2. Not less than 42 feet from any Town right-of-way.
3. At least as far from the rear and side of the property as said building is high (to where the roof starts) or eight feet whichever is greater, so as not to shut out the sun's rays on the adjoining property.

### 8.02 SIZE OF RESIDENTIAL LOTS

1. The size, shape and orientation of lots within the Town of Vandebroek but outside of the boundaries of the Vandebroek Sanitary District #1 shall be appropriate for the location of any subdivision within which the lot is located and conform to the type of development in use contemplated, and in any event, no lots served by a private sewage disposal facility shall be less than one acre in size.
2. Residential lots to be served by private sewage disposal facilities shall comply with the rules of the Division of Health, State Department of Health and Social Services.

### 8.03 NUMBER AND SIZE OF OUTBUILDINGS ON LOTS UNDER SIX ACRES IN SIZE:

1. Principal use to be present. An outbuilding shall not be established prior to the principal use or structure being present or under construction.
2. The requirements of this section shall comply with all outbuildings / accessory structures, including:
  - a. Outbuildings / accessory structures consisting of tubular frames and canvas outer skin or any type of frame and any type of covering.
  - b. Outbuildings / accessory structures placed on wheels, skids, etc., except for the purpose of agricultural use, such as a chicken tractor.
3. Permitted structures are incidental to residential use, and include such structures as the following:
  - a. Private detached garages.
  - b. Gardening, tool and storage sheds.
  - c. Greenhouses.
  - d. Poultry houses.
  - e. Other similar structures.
4. The use of semitrailers, freight containers, or other types of similar storage containers as accessory structures is prohibited.
5. Outbuildings / accessory structures shall not be occupied as a dwelling unit.
6. Size standards:
  - a. A maximum of two outbuildings or accessory structures shall be permitted per property, subject to the size limitations outlined below. Any additional

structures or deviations from these size limitations must be approved through a formal variance process.

- i. The maximum square feet of the outbuildings / accessory structures for parcels six acres or less in size shall be as follows:
  1. On parcels two acres or less in size; 1,200 square feet per outbuilding, 1350 square feet combined total
  2. On parcels over two acres but less than four acres in size: 1,500 square feet per outbuilding, 1650 square feet combined total
  3. On parcels four acres to six acres in size: 2,000 square feet per outbuilding, 2,150 square feet combined total

#### 8.04 ENFORCEMENT

1. The Building Inspector shall not issue a building permit in violation of this ordinance.
2. Any structure in violation of this ordinance shall constitute a public nuisance. The Town Board may proceed to abate the nuisance pursuant to the Town Public Nuisance Ordinance.

#### 8.05 PARK / OPEN SPACE DEDICATION OR FEES IN LIEU

1. **Purpose.** The purpose of this ordinance is to provide funding for park site acquisition, park and recreation development and other park related capital improvements commensurate with new residential development.
2. **Applicability.** To ensure that adequate park, playground and recreational open space is provided in the Town of Vandebroek to serve the additional need created by the subdivision and division of land for residential development, the Town of Vandebroek requires the dedication of land for park and open space purposes or payment of fees in lieu of dedication in connection with plat and land division review and approval.
3. **General Provisions.** All new residential development shall contribute equally to the provision of future recreational facilities in the Town of Vandebroek by application of the following provisions:
  - a. **Land dedications.** Whenever a proposed park, playground or recreational open space is designated in an adopted regional, county or local comprehensive or recreation plan is embraced, all or in part, in a tract of land to be subdivided, such proposed public lands shall be made a part of the plat or land division and shall be either dedicated to the public or reserved for acquisition at undeveloped land costs for a period not to exceed 5 years from the date of recording unless extended by mutual agreement between the subdivider and the Town of Vandebroek. The size and location of dedications shall be subject to the approval of the Town Board. The Town Board shall retain the right to refuse any dedication found to be unsuitable.

- b. **Fee in Lieu.** In the event dedication is not possible or unsuitable as determined by the Town Board, for each dwelling unit constructed in the plat or land division, a \$600 fee in lieu of dedication shall be collected prior to the issuance of a residential building permit.
- c. **Exemptions.** Dwelling units constructed prior to the; effective date of this ordinance shall be exempt from the in lieu fee. Also, dwellings constructed within approved plats that have included an approved dedication of land to the public shall be exempt from the in lieu fee.
- d. **Park Escrow Account.** All in lieu payments received by the Town as a result of this ordinance shall be deposited in a segregated, non-lapsing fund to be used for park and recreation area development, including site acquisition and related improvements.

## 8.06 DWELLING AND BUILDING CODE

The Town Board of Vandebroek, Outagamie County, Wisconsin, does ordain as follows:

### 1. INTRODUCTION

- a. **Authority.** This ordinance is adopted under authority granted by Section 101.65, Wisconsin Statutes and Chapter 60, Wisconsin Statutes.
- b. **Purpose.** This code establishes minimum standards regulating the construction and alteration of buildings and structures in order to promote the health, safety and general welfare of the citizens of the Town of Vandebroek.
- c. **Scope.** This code shall apply to new buildings or structures and additions or alterations hereafter erected or undertaken in the Town of Vandebroek.

### 2. GENERAL PROVISIONS

- a. **Interpretation.** The provisions of this code shall supplement any laws and regulations of the State of Wisconsin and orders, rules and regulations of the Department of Safety and Professional Services relating to buildings. Where the requirements of the state code, the orders, rules and regulations of the Department and the provisions of the code conflict, the stricter requirements shall govern.
- b. **Legal responsibility.** The Town of Vandebroek shall not assume legal responsibility for the design, construction or modification of any building or structure. The purpose of the inspections under this chapter is to improve the quality of structure in the Town of Vandebroek. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guaranty. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily

apparent at the time of the inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

- c. **Relief from personal responsibility.** The Building Inspector, officer or employee charged with the enforcement of the Building Code, while acting for the Town of Vandebroek, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties under the provisions of the Building Code shall be defended by the Town of Vandebroek Attorney until the final termination of the proceedings. In no case shall the Building Inspector or any of his subordinates be liable for cost in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Building Code, and any officer of the Town, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions of by reason of any act or omission in the performance of his official duties in connection therewith.

### 3. BUILDING PERMITS

- a. **Building Permit Required.** All buildings or structures, or any part thereof, that are erected, or enlarged, altered, repaired, moved, demolished, razed or used within the Town of Vandebroek, except as provided in this chapter, shall require a permit be obtained by the owner, or their authorized agent, from the Building Inspector. Any structural changes or major changes to mechanical systems that require extensions shall require permits.
- b. **Exemptions.** Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempt from building permit requirements. Re-siding, re-roofing and finishing of interior surfaces shall be exempt from permit requirements.
- c. **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector.
- d. **Submission of plans.** The applicant shall submit plans at the time the building permit application is filed.
- e. **Lapse of Building Permit.** The building permit shall expire two years after issuance.
- f. **Permit Fees.** Building permit fees shall be determined by resolution of the Town Board and shall be paid at the time of building permit application.
- g. **Suspension or Revocation.** The Town may suspend or revoke any building permit where it appears that the permit or approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order or where the Building Inspector is denied access to the premises. No construction shall take place after suspension or revocation of the permit.

### 4. VIOLATIONS, PENALTIES AND APPEALS

- a. **Violations.** No person shall construct or alter any building in violation of any of the provisions of this ordinance or the code.
- b. **Injunctive relief.** When violations occur, the Town Board may bring legal action to enjoin any violations.
- c. **Penalties.** Any person in violation of this ordinance or the code shall, upon conviction, forfeit not less than \$25.00 nor more than \$500.00 for each violation. Each day that the violation continues, after notice, shall constitute a separate offense.
- d. **Appeals.** Appeals of any order or determination made under this ordinance, including denials of building permit applications, shall be made in accordance with the procedures set forth in Chapter 68, Wisconsin Statutes. Appeal of any final determination made by the Town shall be made to the Wisconsin Department of Commerce after the procedures of Ch. 68 have been exhausted. All appeals to the Department shall be in writing stating the reason for the appeal. All appeals shall be filed with the Department within 10 business days of the date the final determination is rendered by the Town under Chapter 68.

**5. Adoption of Administrative Code Provisions.**

- a. The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal administration and enforcement by the Building Inspector: § SPS 302.31, Plan Review Fee Schedule; Chapter SPS 305, Credentials; Chapter SPS 316, Electrical Code; Chapters SPS 320 through 325, Uniform Dwelling Code; SPS 327, Camping Units; Chapters SPS 361 through 366, Commercial Building Code; Chapters SPS 375 through 379, Buildings Constructed Prior to 1914; and Chapters 381 through 387, Uniform Plumbing Code.
- b. All buildings except Commercial Buildings must satisfy the requirements of the Wisconsin Administrative Code Chapters SPS 320 through SPS 325 (Uniform Dwelling Code). For the purposes of this section, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:
  - i. All alterations/additions for homes built after Before June 1, 1980.
  - ii. All accessory buildings over 200 square feet in size.

**6. Enforcement**

- a. **Certified inspector to enforce.** The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of this chapter and the Building Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under § SPS 305, Wis. Adm. Code
- b. **Duties.** The Building Inspector shall administer and enforce all provisions of this chapter and the Building Code.
- c. **Inspection powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to

permit access to any such premises by the Building Inspector or his agent while in performance of his duties.

- d. **Notice to correct.** If an inspection reveals a noncompliance with this chapter and the Building Code, the Building Inspector shall notify the applicant or the owner of the violation to be corrected in writing and prior to continuation of any other work.
- e. **Stop-work order.** If after notification, the violation is not corrected, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied and the cited violation has been corrected.

Adopted this 1<sup>st</sup> day of May 2024.

## 8.07 RESTRICTIONS AND RESPONSIBILITIES FOR DRAINAGE FACILITIES IN TOWN ROAD RIGHT -OF-WAY

**SECTION 1. AUTHORITY.** This ordinance is adopted by the Town of Vandebroek, Outagamie County, Wisconsin, pursuant to authority conferred by Chapters 60 and 86 of the Wisconsin Statutes.

**SECTION 2. PURPOSE.** The purpose of this ordinance is to provide for the protection and maintenance of roadside drainage ditches within Town road rights-of-way, to preserve their functions of draining the road base and subgrade of water; to stop surface water from outside of the right-of-way from collecting on the road; and to provide snow storage below the elevation of the road surface.

**SECTION 3. PROHIBITED ACTIVITIES.** The following activities are hereby prohibited:

1. Plowing, cultivating or otherwise working any lands within a Town road right-of-way
2. Interfering with or obstructing the drainage of any Town roadside drainage ditch within a Town road right-of-way.
3. Encroaching upon, under or over any Town road right-of-way by any fence, stand, building or any other structure or object.
4. Discharging sump pump water or roof drains or downspouts into any roadside ditch or upon any Town road right-of-way that adversely affects drainage, maintenance or safety, as determined by the Town Board.
5. Planting, cultivating or maintaining any tree, shrub or hedge within the Town road right-of-way without a permit from the Town of Vandebroek.
6. Filling, excavating, installing any culvert or making any alteration within any Town road right-of-way, including alterations to the roadside ditch line, grade or elevation without a permit from the Town of Vandebroek.

**SECTION 4. OWNER MAINTENANCE RESPONSIBILITIES.** Owners of property zoned for residential, commercial or industrial use located adjacent to roadside ditches in Town road rights-of-way shall be responsible for the general maintenance of the roadside ditch. General maintenance shall include mowing, weed removal, brush removal and driveway culvert cleaning and maintenance. Grass or weeds shall not exceed a height of three (3) feet as measured from the bottom of the ditch. Town of Vandebroek authorized exceptions shall be provided by written resolution where the depth or slope of the roadside ditch makes maintenance hazardous or dangerous, or where the bottom of the ditch is consistently saturated with water.

**SECTION 5. ENFORCEMENT AND REMEDIES.**

1. Compliance with the provisions of this ordinance shall be enforced by appropriate fines and penalties. Compliance may also be enforced by injunction. The Town may recover the cost to remediate any violation of this ordinance by imposing a special charge pursuant to Section 66.0627 Wis. Stats.
2. Any person who violates any provision of this ordinance, or any order made hereunder, shall upon conviction- forfeit not less than \$250.00 for each offense, together with the costs of prosecution. Every day that a violation continues to exist shall constitute a separate offense.

## CHAPTER IX HOTEL AND MOTEL ROOM TAX

### 9.01 AGREEMENT

The Town Board may enter into an agreement with surrounding municipalities to promote convention and tourism business. A copy of said agreement is attached hereto.

### 9.02 ROOM TAX

- A. Definitions. In addition to the terms defined in this Section, the terms used in this Ordinance shall have the definitions, if any, set forth in the Room Tax Act (as defined below).
- a. "CVB" shall mean the Fox Cities Convention & Visitors Bureau, Inc. a Wisconsin nonstock corporation, and its successors.
  - b. "Gross Receipts" means the sale price, as defined in Wisconsin State Statutes, §77.51(15b) insofar as applicable.
  - c. "Hotel" and "Motel" means a building or group of buildings in which the public may obtain accommodations for a consideration including, without limitation, such establishments as inns, motels, hotels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanitoriums or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations incurred to benefit of any private shareholder or individual.
  - d. "Operators" shall mean hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public, which are located in the Town and are obligated to pay Room Taxes under this Ordinance.
  - e. "Quarterly Payment Date" shall mean each January 31, April 30, July 31, and October 31, each of which is the last day of the month next succeeding the end of a calendar quarter.
  - f. "Room Tax" shall mean a tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by the Operators, pursuant to the Room Tax Act.
  - g. "Room Tax Act" shall mean Section 66.0615 of the Wisconsin Statutes, as amended from time to time.
  - h. "Transient" means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public.

- B. Imposition of Room Tax. Pursuant to the Room Tax Act, there is hereby imposed a 3% Room Tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients, by the Operators. Operators shall remit all Room Taxes to the Town's Clerk and/or Treasurer. Such 3% Room Tax shall be allocated as follows:
- a. The Treasurer shall direct 1% to the general fund, with the balance of the proceeds directed to the CVB to be used for the promotion of the Fox Cities as a convention location and tourist area.
- C. The Town shall forward the Room Taxes it has received, to be used as described above, to the following parties:
- a. The CVB Room Tax to the CVB, Collection and Administration of Room Tax: Operator Reports.
  - b. This Ordinance shall be administered by the Town's Clerk.
  - c. The Room Tax imposed by this Ordinance shall be payable on each Quarterly Payment Date to the Town. A report shall be filed by each Operator with the Town's Clerk and/or Treasurer on or before each Quarterly Payment Date. Such report shall show the gross room receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of Room Tax imposed for such period, and such other information as the Town deems necessary.
  - d. Every Operator required to file such quarterly report shall, with its first report, elect to file an annual report based on either the calendar year or its fiscal year. Such annual report shall be filed within 90 days after the close of each such calendar or fiscal year. The annual report shall summarize the quarterly reports, shall reconcile and adjust for errors in the quarterly reports, and shall contain certain such additional information as the Town requires. Such annual reports shall be signed by a representative of the Operator or its duly authorized agent, but need not be verified by oath.
  - e. The Town may, for good cause, extend the due date for filing any report, but in no event shall such extension be longer than one month after the due date.
- D. Operator Permit Required. Every Operator is required under this Ordinance to file with the Town's Clerk an application for a permit for each place of business that is required to pay Room Tax hereunder. Every application for a permit shall be submitted to the Town's Clerk using a form prescribed by the Town and shall set forth the name under which the Operator transacts or intends to transact business, the location of its place of business, and such other information as the Town requires. The application shall be signed by the owner of the Operator if a sole proprietor and, if not a sole proprietor, by an authorized representative of such Operator. Together with the permit application, each Operator shall pay the Town an initial fee of \$100.00 for each permit. A permit issued hereunder is nontransferable.
- E. Penalty for Violations. In addition to the Schedule of Forfeiture described in subsection hereof, any Operator in violation of the terms of this Ordinance by failing to obtain a permit shall be subject to a penalty not to exceed \$200.00 for each violation. Each room or unit separately rented or offered for rent, and each day of such rental or offer for rental of such unit shall be a separate violation. In addition, injunctive relief is hereby authorized to discontinue any violation of this Ordinance.

Any Operator deemed to have violated any of the provisions of this Ordinance shall be obligated to pay the costs of prosecution, in addition to actual attorney fees expended in the course of said enforcement. The Town may revoke or suspend any permit issued hereunder for failure to comply with the provisions hereof.

- a. Liability for Room Tax on Sale or Transfer of Business. If any Operator sells or transfers all or substantially all of its interest in its hotel, motel or other lodging accommodation, its successors or assigns shall withhold sufficient amounts from the purchase price to pay any amount of Room Tax liability due through the sale or transfer date until the Operator produces a receipt from the Town's Treasurer that its liability has been paid in full or a certificate stating that no Room Tax amount is due. If a successor Operator fails to withhold such amount from the purchase price as required, such successor Operator shall become liable for payment of the Room Tax amount it is required to withhold.
- F. Schedule of Forfeiture. In addition to paying the Room Taxes due hereunder, any Operator that has failed to pay any Room Tax when due shall be required to pay a forfeiture in an amount equal to 25% of the Room Tax due from the Operator to the Town for the previous year and unpaid, or \$5,000, whichever is less, for failure to pay the Room Tax due hereunder.
- G. Confidentiality of Information. To the extent permitted under the law, the information provided to the Town under Section 66.0615 (2) of the Wisconsin Statutes shall remain confidential; provided, however, that the Town or any employee thereof may use such information in the discharge of duties imposed by law or of the duties of their office or by order of a court. Persons violating the provisions of this subsection may be required to forfeit not less than \$100 nor more than \$500.
- H. Enforcement. The Town shall enforce this Ordinance in accordance with the Room Tax Act.

## CHAPTER X PUBLIC NUISANCE

### 10.01 PUBLIC NUISANCE PROHIBITED

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

### 10.02 PUBLIC NUISANCE DEFINED

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

- a. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- b. In any way render the public insecure in life or in the use of property;
- c. Greatly offend the public morals or decency;
- d. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

### 10.03 PUBLIC NUISANCES AFFECTING HEALTH

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace, health and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace, health or safety coming within the definition the town.

- 1) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the ordinances of the town relating to materials and manner of construction of buildings and structures within the town.
- 2) **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- 3) **Unsafe Structures.** All signs, billboards, awnings and other structures that are improperly, illegally, or unsafely installed or maintained near public highways, roads, streets, sidewalks, parks, public buildings, public premises or other public places in a condition and location to cause a danger to public safety to persons.
- 4) **Trees.** All trees and limbs of trees that are in a condition and location to cause a menace or danger to public safety to persons.
- 5) **Obstructions.** All structures, hedges, trees, weeds, fences, signs, billboards, buildings or equipment that are installed or maintained near a public highway, road, street, alley, or railroad crossing and due to the condition and location block a clean view of traffic and thus causes a menace or danger to public safety of persons.
- 6) **Spite Fences.** All fences, hedges, or other structures in the nature of a fence unnecessarily exceeding six feet in height which is erected or maintained for the purpose of annoying the owner or occupant of adjoining property.

- 7) **Noise.** No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof. The presence of noise at the following decibel levels, as measured from a distance of no more than 100 feet from an enclosure for persons or property, shall be considered prima facie evidence that the peace has been unreasonably disturbed as prohibited in this Section.
- b. Eighty-five (85) decibels or more between the hours of 7:00am and 12:00am
  - c. Sixty-five (65) decibels or more between the hours of 12:00am and 7:00am

Noise created between the hours of 7:00am and 8:00pm by normal yard maintenance, timber harvesting, emergency vehicles, and construction activities shall be exempt from this Section. Activities normally associated with farming are exempt from these noise restrictions.

\*\*Amended May 9, 2011.

- 8) **Storage of Junk.** The storage of junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, unrepairable equipment, house trailers, or other unsightly debris which substantially depreciate property values except in an enclosure which houses such property from public view and upon proper permit from the Town Board.

#### 10.04 ABATEMENT OF PUBLIC NUISANCES

**ENFORCEMENT.** Public Officials, the Building Inspector and Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does in fact exist.

#### 10.05 COST OF ABATEMENT

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

#### 10.20 PENALTY

Any person, partnership, corporation, or other entity, convicted of a violation of this chapter shall be fined not less than \$50.00, nor more than \$500.00 together with costs of

prosecution of each offense. Every calendar day of violation shall be deemed to be a separate offense.

Town of Vandenbroek

## CHAPTER XI STREET AND ROAD CONSTRUCTION

### 11.01 ACCEPTANCE OF STREETS AND ROADS

- 1) No road or street shall be accepted by the Town Board of the Town of Vandebroek unless it meets the Town specifications as set forth hereinafter or that an owner or sub-divider executes a surety bond or provides other security and enters into a specific agreement to insure that he will bring the street or road to Town specification in accordance with the time limit as set forth in said agreement. The cost of new roads and streets shall be the responsibility of the developer.
- 2) No roadway shall be laid out or widened until the right-of-way is deeded to the Town.
- 3) The roads in the Town are assigned road names as shown on the present Town highway map. Prior to acceptance, the Town Board shall assign a name to the street or the road pursuant to Wisconsin Statute 81.01(11).

### 11.02 DEFINITIONS

- 1) Roadbed is the whole material laid in place and ready to travel.
- 2) Roadway is the traveled part of the road.
- 3) Highway is the property or way over which the public generally has a right to pass.
- 4) Right-of-Way is the entire highway laid out or deeded to the Town. Right-of-Way includes roadway, shoulder, ditch, etc.
- 5) Base Course is the supporting part of road or bottom.
- 6) Surface Course is the supporting part of the roadway or traffic course.
- 7) Drainage is the process of making property dry by trenches, channels, etc. Grade is the rate of ascent or descent of a road.
- 8) Approach is that portion of road extending 100 feet on each side of a culvert or bridge.

### 11.03 SPECIFICATION

- 1) **Right of Way:** All roads and streets shall have a minimum of a 66-foot right-of-way with a roadway of 27 feet and a blacktop surface course width of 22 feet. The Town Board may increase or decrease right-of-way requirements.
- 2) **Grade:** The establishment of a grade will be provided by the Town Board.

- 3) **Ditching**: Ditching of roadway must be complete and have proper elevation to provide for the removal of water. Where it becomes necessary to make a lateral trench leading from main ditch; then the additional land necessary for the removal of accumulated water, must be provided and deeded over to the Town along with the necessary land for the highway. The additional land conveyed to the Town for drainage, will be under the supervision of the Town Board at all times.
- 4) **Base Course\***: The base course must be of a quality and composition suitable for the location. In low or swampy areas, the base course must have a sandy composition, to provide necessary drainage of roadbed. Any muck holes encountered before and during construction of roadbed, must be removed and filled with sandy lift to provide solid base. The base course shall consist of 18 inches of gravel and geo-grid.
- 5) **Surface Course\***: Surface course shall consist of a minimum of 3-1/2 inches of Town approved, hot, compact blacktop mat. Developer will pay 100% of the cost.
- 6) **Culverts**:
  - a) Any culverts necessary for proper drainage shall be provided and installed after elevation and location is obtained from the Town Board. The minimum length of any culvert installed in roadbed shall be 36 feet in length, however, the diameter and length of said culvert will be subject to the approval of the Town Board, after the amount of flowage is determined. Any secondary culverts installed in any lateral trenches will be of a size and length as determined by the Town Board. Installation: of culverts, bridges, railings, street markers and initially required road signs shall be the responsibility of or at the cost of the property owner or owners.
  - b) If at any time it is decided by the Town Board, that the construction of a culvert or bridge would be of a size and cost; that it would create a hardship to the owner or owners of land, required to build said culvert or bridge; then the Town Board will proceed to accept road, complete as required by above rules and regulations, except that part extending 100 feet on each side of said culvert or bridge. The portion of road extending 100 feet on each side of culvert or bridge will hereafter be known as the approach. The approach will be accepted incomplete, with the reservation that the Town will bill back to the owner or owners a portion of the cost of construction of bridge or culvert. The Town will then proceed to build said culvert or bridge and approach with the help of bridge aid, if available, the balance of cost of construction not covered by aid, will be charged to the owner or owners of land abutting road.
- 7) **Storm Sewers**: The Town Board reserves the right to require the installation of storm sewers. The storm sewer shall be installed in accordance with the specifications and under guidance of the Town Board. The cost of said storm sewer shall be the responsibility of the developer.
- 8) **Construction**:

- a) No person, company or corporation shall build or place either a fence or any permanent or temporary structure on the Town right-of-way.
  - b) The installation of any sanitary sewer lateral, storm sewer laterals, drainage tile or other accomplished by boring under said roadways. The cost of repairing any damage to the road pavement as a result of any damage to the road pavement as a result of said boring shall be charged to the developer.
- 9) **Inspection:** The Town Board, or its representatives, shall check the roadway as it is being installed. A final inspection will be performed prior to acceptance of a deed to the road. All incurred inspections fees will be the responsibility of property owner.

**\*Amended 05/05/21**

#### 11.04 CONSTRUCTION OF NEW DRIVEWAYS AND CULVERTS ON TOWN RIGHT-OF-WAY

- 1) **Permit Required.** No construction for driveway for the purposes shall be done on Town right-of-way nor shall a culvert be installed without first obtaining a permit.
- 2) **Procedure:** A culvert or driveway permit shall be issued in writing by a Town Official.
- 3) **Specifications\*:**
  - a. No concrete driveway apron or structure shall be permitted on Town right-of-way unless the Town road has curb and gutter at which time the Town Board may permit concrete to the curb line.
  - b. All culverts shall have flared ends.
  - c. The minimum size of any culvert shall be 15 inches round or 13 inches by 17 inches squash pipe with a maximum length shall be 30' unless approved by variance.
  - d. The pipe shall be either steel or AASHTO-DOT Grade PVC, subject to approval.
- 4) **Change in Use:** The use of any culvert shall not be changed (e.g., field access to residential driveways) without obtaining a permit from the Town Board. No building permit shall be issued unless a culvert permit has been issued or has been determined that no culvert permit is necessary.
- 5) **Repair and Maintenance:** All property owners shall maintain culverts on the Town right-of-way adjoining their property. Should a culvert fall into disrepair or become inadequate to handle the drainage of surface water the owner of the adjoining property shall have said culvert repaired or replaced. Should the owner of the adjoining property indicate that the need for field access or

driveway is no longer necessary; a culvert in disrepair may be removed without it being replaced.

**\*Revised February 8, 2021**

### 11.05 CUL-DE-SACS OR DEAD-END STREETS

All streets or roads designed to have one end permanently closed shall terminate with a turnaround of not less than 120 feet in diameter of right-of-way and a roadway turnaround of not less than 90 feet in diameter.

### 11.06 ENFORCEMENT

1. The Town Board upon being advised of a violation of this ordinance shall issue an order to the owner of the land setting forth corrective action required to insure compliance.
2. Failure of the property owner to follow corrective action of the Town Board within the time set shall result in the Town being authorized to perform the corrective action. All costs incurred by the Town to obtain compliance shall be charged against the land as a special charge under Wis. Stats. 66.60(16)

### 11.07 UTILITY INSTALLATION

**SECTION 1. AUTHORITY.** This ordinance is adopted by the Town of Vandebroek, Outagamie County, Wisconsin, pursuant to authority conferred by Sections 86.07, 86.16 and 61.34 of the Wisconsin Statutes.

**SECTION 2. PURPOSE.** The purpose of this ordinance is to ensure that Town roads, right-of-ways and drainage facilities are reconstructed and restored to the condition that existed prior to the utility installation and/ or repair.

**SECTION 3. APPLICABILITY.** This ordinance applies to all utilities as defined in Section 196.01 (5) Wis. Stats., and telecommunication carriers as defined in Section 196.01 (8m) Wis. Stats.

#### **SECTION 4. DEFINITIONS.**

1. "Town right-of-way" means any right-of-way owned or controlled by the Town of Vandebroek.

2. "Transmission or distribution facilities" means any utility pipe, pipeline, wire, cable, duct, conduit, fiber optic or radio signal transmission equipment and associated utility plant and equipment, whether underground or above ground in a Town right-of-way.
3. "Financial guarantee" means a performance bond, cash bond or irrevocable letter of credit in favor of the Town of Vandebroek.

#### **SECTION 5. UTILITY PERMIT.**

1. **Permit Required.** No utility or its agent shall install, relocate, replace or repair any transmission or distribution facilities in a Town right-of-way without first obtaining a utility installation permit from the Town of Vandebroek Building Inspector or Town Clerk.
2. **Exemptions.** No utility permit is required prior to any emergency replacement or repair of a transmission or distribution facility in connection with restoring existing service.

#### **SECTION 6. RECONSTRUCTION AND RESTORATION REQUIREMENTS.**

1. **Town Roads.** All open cuts on Town roads shall be reconstructed and restored as follows:
  - a. The trench or open excavation shall be back filled with solid clay or any equivalent type of back fill. Every six inches of fill shall be compacted with a vibratory compactor. The gravel base shall be replaced with 3/4 inch aggregate also compacted by a vibratory compactor.
  - b. Asphalt surfaces shall be replaced with a minimum of 2 % inches of blacktop after compaction.
  - c. All roadbed surfaces shall be restored to their prior elevation, slope and profile.
2. **Town Ditches and Drainageways.** All excavations in Town ditches and drainageways shall minimize erosion and sedimentation by the use of silt fences and rip rap as necessary. All excavations shall be seeded and mulched as soon as practical after excavation. All ditch lines shall be restored to their prior elevations, profiles and cross-sections.
3. **Damages.** The utility shall be responsible for any damages which occur during the progress of the work or as a result thereof.

**SECTION 7. RESTORATION GUARANTEE.** All reconstruction and restoration work shall be guaranteed by the utility as meeting the reconstruction and restoration requirements and standards contained in this Ordinance.

#### **SECTION 8. ADMINISTRATION.**

1. **Issuance of Permit.** The Town Building Inspector or Town Clerk may issue utility installation permits on a form attached hereto.
2. **Permit Fees.**
  - a. The fee for a utility installation permit involving an open cut on Town Roads shall be \$250.00 to defray the costs of administration including the issuance of the permit and inspection expenses.
  - b. The fee for a utility installation permit that does not involve an open cut on Town Roads shall be \$150.00 to defray the costs of administration including the issuance of the permit and inspection expenses.
3. **Inspection.** The Town shall inspect all utility reconstruction and restoration within three business days of written notification by the utility that the reconstruction and restoration has been completed. No inspection shall be deemed to be or constitute acceptance of the reconstruction or restoration by the Town of Vandebroek.
4. The Town of Vandebroek reserves the right to complete or undertake reconstruction and restoration work inadequately performed by the utility or repair any damages which occurred during the progress of the work and recover Town costs from the utility after providing the utility 30 days written notice and opportunity to complete or correct the work and repair damages.
5. The Town of Vandebroek may require a financial guarantee for the estimated cost of reconstruction and restoration as a condition of a permit in the event the Town has reasonable grounds to question the financial ability or compliance ability of the utility.

## **SECTION 9. VIOLATIONS AND PENALTIES.**

1. **Work without a Permit.** It shall be a violation of this Ordinance to install, relocate, replace or repair any transmission or distribution facility in a Town right-of-way without a Town permit, except in an emergency to restore existing service. The burden is on the utility to establish an emergency situation.
2. Any person or firm who violates this Ordinance shall be punished by a fine of \$500.00 or by imprisonment not exceeding 6 months or both, together with the costs of prosecution.

Adopted August 3, 2005

## 11.08 RURAL ADDRESS

The Town Board of the Town of Vandebroek, Outagamie County, does ordain as follows:

**AUTHORITY.** This ordinance is adopted pursuant to authority conferred by Sections 59.94(4) and 60.23(5) Wis. Stats.

**PURPOSE.** The purpose of this ordinance is to establish uniform requirements for the placement and maintenance of street address signs to enhance the timely location of citizens and properties in need of emergency services.

**ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Ordinance to repeal, abrogate, impair or interfere with any existing ordinance, rules or regulations. This Ordinance is intended to be consistent with the Outagamie County Uniform Property Numbering System Ordinance, Chapter 8.08 of the Outagamie County Code, provided, however, where the provisions of this Ordinance impose greater restrictions, the provisions of this Ordinance shall apply.

### **GENERAL PROVISIONS.**

1. **Placement of Address Signs.** The rural address sign shall be placed by the Town according to the following standards:
  - a. The sign shall be installed so that the numbers are perpendicular to the road on which the property is located.
  - b. The post shall be located on the left side of the driveway when facing the front of the principal building.
  - c. The post shall be located not more than 10 feet within the road right-of-way and not more than 10 feet from the edge of the driveway serving the building. The sign shall not be less than 3.5 feet nor more than 4.5 feet from ground level.
  - d. The Town may select an alternative placement option where topography, road maintenance requirements, or other circumstances require.
2. **Maintenance of Address Signs.** Each property owner shall maintain the area around the sign free from obstructions including but not limited to trees, shrub, bushes, or accumulations of snow or ice.
3. **Repairs and Replacements.** Each property owner shall be required to order, from the Town, a replacement sign if the sign is destroyed or if the sign is damaged such that its visibility is materially diminished,
4. **Multiple Properties.** In the case of a private driveway or private access serving multiple properties, a sign indicating the range of addresses served by the access shall be placed as provided in subparagraph 1 above.

**ENFORCEMENT.** Compliance with this Ordinance shall be enforced by appropriate forfeitures and penalties. Each day that a violation occurs shall be considered a separate offense.

Adopted this 12th day of March, 2008.

Town of Vandenbroek

## CHAPTER XII MOBILE HOME

### 12.01 DEFINITIONS

Whenever used in this ordinance, unless a different meaning appears from the context:

1. **Mobile Home:** A vehicle or structure 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, collapsible construction, which has an overall length in excess of 45 feet. "Mobile Home" includes the mobile home structure, plumbing, heating, air-conditioning and electrical systems and all appliances and all other equipment carrying the manufacturer's warranty. For purposes of this ordinance, all "Manufactured Homes" and "One and Two Family Dwellings" which do not meet the standards as set forth in 12.02(7) shall be considered a mobile home.
2. **Manufactured Home:** A manufactured home is defined as one of the following:
  - a. A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
  - b. A structure which meets all the requirements of par.(a) except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 54012 to 5425.
3. **One and Two Family Dwellings:** A structure which is intended for use as a dwelling for one and two families which does not qualify under the definition of "Mobile Home" or "Manufactured Home".
4. **Standards for all Dwellings outside Mobile Home Park or Mobile Home Subdivision:** All structures intended for use as dwellings located outside of a mobile home park or mobile home subdivision, whether a mobile home, manufactured home or one and two family dwellings shall meet the following construction standards:
  - a. Shall have a permanent foundation meeting the requirements of the State and Town Uniform Dwelling Code which foundation surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade.
  - b. Shall have a non-metallic, wood shake, asphalt or fiberglass singled roof with a minimum slope of 4: 12.
  - c. Shall have a core area of with a minimum width of 24 feet and a minimum length of 24 feet. The core area is that area including, but not limited to kitchen, living room, dining room/family room, and bathroom.
5. **"Mobile home park"** means any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
6. A **"space"** means a plot of ground within a mobile home park of not less than Three Thousand Five Hundred (3,500) square feet, designed for the accommodation of one auto and/or one mobile home unit.

7. **Mobile Home Subdivision:** Premises where more than two mobile homes are located for non-transient living purposes and where lots are set aside and offered for sale for use by mobile homes for living purposes.
8. The word "**person**" shall be constructed to include an individual, a partnership, a firm, a company, a corporation, whether tenant, owner, lessee, licensee or their agent, heir or assign.
9. "**Licensee**" means any person licensed to operate and maintain a mobile home park under this ordinance.
10. "**Park**" means mobile home park.

## 12.02 LOCATION OUTSIDE PARK

1. It shall be unlawful, except as provided in this ordinance, for person to park any mobile home on any street, alley, highway or town road, other public place, or on any tract of land owned by any person within the Town of Vandebroek.
2. Emergency or temporary stopping or parking is permitted on any street, alley, highway or town road for no longer than one (1) hour, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, highway or town road.
3. No person shall park or occupy any mobile home on any premises which is situated outside an approved mobile home park, except under special permit as provided in Section 12.03 of this ordinance. The parking of only one unoccupied mobile home in any accessory private garage building or in a rear yard is permitted providing no living quarters shall be maintained or any business practiced in said mobile home while such mobile home is so parked or stored.

## 12.03 PERMIT FOR LOCATION OUTSIDE OF MOBILE HOME PARK

1. The Town Board may issue special written permits allowing the location of a mobile home outside of a mobile home park. A permit shall be granted only if the mobile home owner;
  - a. Owns the land upon which the mobile home is situated;
  - b. The mobile home is connected to utilities;
  - c. The mobile home is set upon a foundation, i.e., it is off its wheels and is set upon some other support;
  - d. The mobile home qualifies as an improvement to real estate pursuant to Wisconsin Statute 70.043(1).
2. Application for the permit shall be made to the Town Clerk and shall be accompanied by an inspection fee of \$25.00, and shall state the name and permanent address of the occupants of the mobile home; the license number of the mobile home and towing vehicle; place of last stay; intended purpose of stay at requested location; the exact location of the premises on which the mobile home will be located; a statement of the nature and location of the sanitary facilities, a

statement that all waste from mobile home occupancy will be disposed of in a sanitary manner, the type of connection for water and other utilities.

3. All occupants of any mobile home located outside of a mobile home park shall register with the Town Clerk as provided for in Section 12 of this ordinance. All provisions of this ordinance covering the location, use and sanitation of mobile homes located in a licensed mobile home park shall, so far as they are applicable, apply to any mobile home located outside of such mobile home park.
4. Any mobile home owner granted a special written permit to locate outside of a mobile home park prior to the adoption of this ordinance, shall be subject to the parking permit fee as provided in Section 14 of this ordinance.

#### 12.04 PERMANENT OCCUPANCY

1. Mobile homes shall not be used as permanent place of abode or as a permanent dwelling, or for indefinite periods of time except as provided in Section 12.12; provided that any non-dependent mobile home properly connected with the public water supply and sanitary sewer systems may be permitted on any premises if such mobile home shall be constructed and located in compliance with all requirements of the building, plumbing, health, sanitary, electrical and zoning ordinances of the Town.
2. Any action toward the removal of wheels except for temporary purposes or repair, or other action to attach the mobile home to the ground by means of posts, piers, or foundations shall subject the mobile home to the requirements of the building code as well as the mobile home ordinance.

#### 12.05 MOBILE HOME PARKS

1. **Administration.**
  - a) **Intent.** It is the intent of this ordinance to permit mobile home parks as a means of providing balance and variety dwelling types available while still maintaining the integrity of existing and proposed residential neighborhoods. Moreover, the location of a mobile home park may have an effect on commercial and industrial establishments in the immediate vicinity.
  - b) **Permits.**

**Permit required.** It shall be unlawful for any person to construct, alter or extend any mobile home development within the Town unless said person holds a valid permit issued by the Town Board in the name of such person for the specific construction, alteration or extension proposed.
2. **Permit Applications.** All applications for permits shall contain the following:
  - a. The name and address of the applicant
  - b. The location and legal description of the mobile home development.
  - c. Statement as to the suitability of the mobile home location as it relates to the surrounding area ( 1, 000 feet on each side)

- d. Complete engineering plans and specifications of the proposed development showing at a minimum the following:
    - i. The area and dimensions of the tract of land.
    - ii. The number, location, and size of all mobile home lots.
    - iii. Location and width of roadways and walkways.
    - iv. The location of water and sewer lines as well as the easement areas for electrical, telephone and natural gas if provided.
    - v. Plans and specifications of the water supply and refuse and sewage disposal facilities.
    - vi. The plans and specifications of all buildings, constructed or to be constructed within the mobile home development.
    - vii. The location and details of lighting and electrical systems if provided.
  - e. The applicant shall provide a letter of credit from a financial institution or a net worth statement prepared by the applicant in accordance with acceptable accounting practices showing financial ability to construct and develop a mobile home park in accordance with the plans provided.
3. **Review process of permit application:**
- a. The permit application shall be reviewed by the Town Board.
  - b. The Town Board shall hold a public hearing regarding the permit application.
4. **Issuance of permit.** When, upon review of application, the Town Board is satisfied that the proposed plan meets the requirements of this chapter and that the location of said mobile home park is suitable in light of the uses being made of the property in the immediate vicinity, a permit shall be issued.
5. **Denial of a Permit.** Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Town Board under the procedures set forth in 12.05(l)(g)
- a. **License.**
    - i. **License Required.** It shall be unlawful for any person to administer any mobile home park in the town unless said person holds a valid license issued annually by the Town Board in the name of such person for the specific mobile home community. All applications for licenses shall be made to the Town Clerk who shall forward the same to the Town Board.
    - ii. **Application.** Application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and shall contain the following: The name and address of the applicant, the location and legal description of the mobile home community showing all mobile home stands, structures, roads and other service facilities.
    - iii. **Renewal Applications.** Applications for renewal of licenses shall be made in writing by the holders of the licenses and shall contain any change in the information submitted since the original license was issued for the latest renewal granted.

- iv. **Transfer of License.** Upon application in writing for transfer of license, a license shall be transferred if the mobile home park is in compliance with the provisions of this ordinance. Should there have also been a transfer

of ownership of part or all of the mobile home park, the application for transfer of license shall list all of the new owners and be accompanied by a letter of credit from a financial institution or a net worth statement prepared by the new owner in accordance with acceptable accounting practices indicating financial responsibility sufficient to operate said mobile home park.

- v. **Denial of License.** Any person whose application for a license under this chapter has been denied may request and shall be granted a hearing on this matter before the Town Board under the procedure provided by Section 12.05(1)(g).
- vi. **Additional Tenants within Park.** Licensees of mobile home parks shall furnish information to the Town Clerk and Assessor on such mobile home units leased within the park within 5 days after their arrival on forms furnished by the Town Clerk.

b. **Fees.**

- i. **Permit.** All applications for a permit shall be accompanied by the deposit fee of \$250.00
- ii. **License.** All applications for a permit shall be accompanied by the deposit of the proper fee as listed below:
  - 1. Original License \$100.00 for each 50 spaces or fraction thereof.
  - 2. Renewal License \$100.00
  - 3. Transfer of License \$10.00
- iii. **Parking Permit.** There is hereby imposed on each occupied non-exempt mobile home located in the Town a parking permit fee, such amount as determined in accordance with Sec. 66.058, Wis. Stats. Said fees shall be paid to the Town Treasurer on or before the 10th day of the month following the month for which such fees are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied non-exempt mobile home therein and to remit such fees to the Town Treasurer. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Chapters 70 and 74 of the Wisconsin Statutes.

- c. **Inspection.** The Town Board through its city employees and officials are authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this section of the Code of Ordinances. Said officials shall have the power to enter at reasonable times upon any private or public property within the mobile home park for the

purpose of inspecting and investigating conditions relating to the enforcement of this section of the code.

- d. **Notices.** Whenever the Town Board determines there are reasonable grounds to believe that there has been a violation of any provision of this section of the zoning code, the Town Board shall give notice of such alleged violation to the person to whom the permit or license was issued which notice shall be as follows:
  - i. Be in writing.
  - ii. Include a statement of the reasons for issuing the notice.
  - iii. Be served upon the owner or agent. The notice shall be deemed to have been properly served if a copy has been sent by certified mail to the last known address as set forth in the permit or license application.
  - iv. Contain on outline of remedial action which, if taken, will bring the mobile home into compliance with this section of the zoning code including time limits when said remedial action is to be completed.
- e. **Revocation/Suspension.** Any person affected by any notice shall take the remedial action required. In event such action is not taken, the license or permit shall be subject to revocation or suspension pursuant to Wisconsin Statute 66.058(2)(d). The holder of a license or permit shall be entitled to a public hearing on the issue of revocation or suspension; shall be given 10 days' notice in writing of such hearing, and shall be entitled to appear and be heard as to why such license or permit shall not be revoked.
- f. **Exemption.** Whenever the Town Board finds that compliance with provisions of this section of the zoning code would result in undue hardship, an exemption may be granted by the Town Board without impairing the intent and purpose of this chapter. The Town Board may set deadlines as to when an exemption granted herein is to be brought into compliance with this chapter of the Town of Vandebroek Code of Ordinances.
- g. **State Statutes Adopted by Reference.** 66.058, Wisconsin States, and the definitions therein reference.

## 6. Development Standards.

### a) General Requirements.

1. All mobile homes shall be located in a licensed mobile home park unless by special permit under 12.03 of the code
2. No part of any mobile home park shall be used for non- residential purposes, except such uses that are required for the correct servicing and well-being of park residence and for the management and maintenance of the mobile home park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to the pertinent utilities.
3. Each mobile home park shall be suitable for the development proposed recognizing and preserving to the maximum extent possible outstanding natural features.

4. Every mobile home park shall be located on a well-drained area and be properly graded so as to prevent the accumulation of storm or other waters.
5. Each mobile home park shall have a tract of area of not less than 5 contiguous acres under single ownership or unified control.

b) **Density.**

1. Maximum overall density shall not exceed six dwelling units per acre.
2. The minimum site for each mobile home unit shall be 6,000 square feet with a minimum site width of 50 feet.
3. No mobile home unit shall be located closer than 25 feet to the right-of-way line of a public highway. Each mobile home unit shall have a minimum front yard of 25 feet, side yards of 5 feet, and back yard of 10 feet.
4. Maximum site coverage of the mobile home unit shall not exceed 25 % of the individual mobile home lot and the mobile home unit including all accessory structures shall not occupy more than 35 % of the individual mobile home lot.
5. No structure shall be located within 25 feet of any exterior boundary of the mobile home park tract and such area shall be landscaped.
6. All mobile home units shall be a minimum of 14 feet by 60 feet in size.
7. A minimum of 250 square feet per mobile home lot, of that provided for individual mobile home lots, shall be required express purpose of providing open space and recreational area for the of the mobile home park.

c) **Highway.** Each mobile home park shall have direct access to a public highway. All individual mobile home lots shall abut upon a public or private roadway.

1. A roadway in a mobile home park must be width. All roadways shall be paved with asphalt or concrete, condition; adequately lighted and provided with adequate include standard curb and gutter.
2. All driveways shall be graveled or paved, maintained in good condition, and have natural drainage.

d) **Public Utilities.** When public utilities are available to a mobile home park, connection and use is required.

1. All private water systems shall meet the requirements of Chapter NR 112 Wisconsin Administrative Code.
2. Private sanitary sewer systems shall be located on premise and be designed and constructed in accordance with applicable Wisconsin Administrative Code regulations. Sufficient area of suitable soils for the initial soil absorption system and one replacement system, of adequate size to serve the ultimate number of sites to be provided, shall be available in the park.
3. All plumbing shall meet those requirements specified in Chapter H62 Wisconsin Administrative Code for mobile home parks.

**7. Maintenance Regulations.**

- i. Responsibilities of Management.

1. The licensee of the mobile home park shall provide adequate supervision to maintain the mobile home park in compliance with of this section of the zoning code and to keep its facilities and equipment in good repair and in a clean and sanitary condition.
2. Maintain a register with the names of all mobile home park residents identified by lot number or roadway address which register shall be available at all reasonable times for inspection by appropriate state and local officials.
3. Cooperate with local health officers in all cases of persons or animals infected or suspected of being infected with any communicable diseases.
4. Supervise the placement of each mobile home on the mobile home lot which includes securing its stability and installing all utility connections.
5. Notify all residents of the mobile home park of all applicable provisions of these regulations · including posting copies of the regulations in one or more conspicuous places in the mobile home park where they can be easily seen by the mobile home park residents and visitors.
6. It shall be the responsibility of the licensee of the mobile home park to collect the monthly parking permit fees for the municipality.

ii. Responsibilities of Residents.

1. Maintain their mobile home lot, its facilities and equipment in good repair and in a clean, orderly and sanitary condition at all times.
2. Abide by all applicable state and local regulations and the rules established by the park management.
3. Pets, if permitted in the mobile home park, shall be governed by appropriate town ordinance.
4. Storage beneath a mobile home is prohibited.
5. All garbage shall be stored and disposed of in a clean, sanitary and safe manner. The garbage containers shall be roach proof, insect proof, and water tight.
6. First aid fire extinguishers per Class A, B, and C fires shall be kept at the premises and maintained in working condition at all times.

**8. General Regulations.**

- a. All mobile home units shall be owner-occupied. There will be no renting or subletting of a mobile home in a mobile home park.
- b. Wrecked, damaged or dilapidated mobile home shall not be kept or stored in a mobile home park or upon any premises in the Town. The Building Inspector shall determine if a mobile home is damaged or dilapidated to a point which

makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Building Inspector so determines, he shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him giving the bindings upon which his determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary or wholesome condition of occupancy within a reasonable time, but not more than 30 days.

#### 12.20 PENALTIES FOR VIOLATION OF ORDINANCE

Any person violating any provision of this ordinance shall, upon conviction thereof, forfeit not less than Ten Thousand (\$10,000) Dollars nor more than Five Hundred (\$500.00) Dollars and the cost of prosecution.

## CHAPTER XIII DRAINAGE

### 13.01 RIGHT-OF-WAY AND ROADWAY DITCH MAINTENANCE, ALTERATIONS AND IMPROVEMENTS

**SECTION 1. AUTHORITY.** This ordinance is adopted by the Town of Vandebroek, Outagamie County, Wisconsin, pursuant to authority conferred by §§ 60.22(3), 60.22 and 86.07, Wis. Stats.

**SECTION 2. PURPOSE.** It is the purpose of this chapter to promote the public health, safety, convenience and general welfare by establishing rules and regulations relating to drainage that will preserve and protect Town highways; preserve and protect property values; enhance aesthetics; promote the economical use of Town resources; and promote a healthy living environment.

#### **SECTION 3. PERMIT REQUIRED.**

No person shall make any excavation, or fill, or install any culvert, or make any other alteration in any right-of-way or roadway ditch; or in any manner disturb any right-of-way or roadway ditch, without a permit from the Town of Vandebroek.

#### **SECTION 4. RESTORATION OF UNAUTHORIZED ALTERATIONS**

Any property owner that has made unauthorized alterations to the road right-of-way or roadway ditch shall restore the right-of-way or roadway ditch to its pre-alteration condition within 30 days of written notice by the Town. Upon failure of the property owner to restore, the Town may restore the right-of-way or roadway ditch and recover the cost from the property owner as a special charge.

#### **SECTION 5. REMOVAL OF UNAUTHORIZED IMPROVEMENTS OR ENCROACHMENTS**

Any property owner that has made unauthorized improvements or encroachments to any right-of-way or roadway ditch shall remove such improvement or encroachment within 30 days of written notice by the Town. Upon failure of the property owner to remove, the Town may remove improvements or encroachments and recover the cost from the property owner as a special charge.

#### **SECTION 6. CULTIVATION PROHIBITED WITHIN RIGHT-OF-WAY**

No property owner shall plow, cultivate or otherwise work any portion of the road right-of-way, or plow, cultivate or otherwise work any adjacent land in any manner as to interfere with or obstruct any roadway ditch.

#### **SECTION 7. TOWN RIGHT-OF-WAY AND ROADWAY DITCH MAINTENANCE**

##### **1. Maintenance by property owner.**

The right-of-way and roadway ditch adjacent to all occupied residential, commercial and industrial properties shall be maintained by the property owner. Maintenance shall include mowing, brush removal, removal of litter and debris, and cleaning,

maintenance and replacement of driveway culverts with no changes to existing grades. No vegetation shall be allowed to exceed a height of three feet. Maintenance exemptions may be granted by the Town in the following situations: A. The depth or slope of the roadway ditch makes maintenance hazardous. B. The bottom of the ditch is consistently saturated or filled with water (maintenance is required up to the zone of saturation).

**2. Maintenance by Town.**

The right-of-way and roadway ditches adjacent to unoccupied residential, commercial and industrial property, and all agricultural property shall be maintained by the Town. The right-of-way may be left in a natural state or mowed by the Town in the Town's sole discretion. The Town shall be solely responsible for cleaning, maintaining and replacing culverts under Town roads.

**SECTION 8. RIGHT-OF-WAY AND DITCH ROAD ALTERATIONS AND IMPROVEMENTS**

**1. Alterations or improvements by property owner.**

Any property owner aggrieved by any right-of-way or roadway ditch condition may make application to the Town for alterations or improvements. The application shall include the date, name and address of the owner, and the nature of the condition. The application shall be reviewed by the Town Department of Public Works, and an investigation and inspection of the condition shall be made by the Department of Public Works. The inspection and investigation may include conditions on adjacent or neighboring properties.

**2. Town approval.**

The Town may approve improvements deemed necessary or desirable to ameliorate the condition, subject to the following guidelines and limitations:

- a) There shall be no ditch filling or use of drain tile or drainpipes within one foot of any driveway or roadway culvert.
- b) The extent of ditch filling, use of ditch liners, or use of rocks in ditches shall be limited as far as practicable because of impacts on water quality management. The Town may consider alterations and improvements previously made by adjacent property owners.
- c) Any alteration or improvement in the right-of-way or roadway ditch shall require Town approval of detailed plans and shall require a Town permit. Any alteration or improvement inconsistent with the approved plan is unauthorized.
- d) The approved alteration or improvement shall be made by the property owners at their expense.

**3. Town funding of alterations and improvements.**

The Town will only fund right-of-way and roadway ditch alterations and improvements which meet the following criteria:

- a) There is a condition which poses an immediate threat (emergency) to public health and safety.
- b) There is a condition which could pose a threat to public health and safety if left unresolved.

- c) There is a condition which, when ameliorated, would benefit the area as a whole, rather than just one or a small group of property owners.
- d) There is a condition which constitutes a material detriment to quality of life, that will continue to affect residents if not abated.
- e) There is a condition which a property owner was required to ameliorate or abate, but failed to do so. The Town may seek cost recovery from the property owner.
- f) There is a condition recognized as having a direct benefit to property owners, but which is an alteration or improvement that should be coordinated by the Town. The Town may seek full cost recovery from the property owners.

## **SECTION 9. ENFORCEMENT AND PENALTIES**

### **1. Violations and penalties.**

The forfeiture amount for violations shall be as set from time to time by ordinance in the Fine and Forfeiture Schedule of the Town of Vandebroek. Compliance may also be enforced by injunction.

### **2. Notice of violation.**

If the Town finds that any of the provisions of this chapter are being violated, it shall notify the owner, in writing, by registered or certified mail, indicating the nature of the violation and ordering the action necessary to correct the violation. Whenever a person shall have been notified in writing, such person shall commence correcting within 10 days and shall correct all violations within 30 days. If such corrections are not commenced within 10 days or corrected within 30 days of notice, each day that a violation continues shall be considered a separate offense.