2020

City of Mondovi Municipal Code

August 6

Changes to this code from the last revision are highlighted in red text. Thank you for your understanding and patience as we update the City's Municipal Code as often as necessary.

Sincerely,
Bradley J. Hanson
City Administrator/Clerk

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CHAPTER 1. GENERAL GOVERNMENT

SECTION 1.01 FORM OF GOVERNMENT

The corporate authority of the City of Mondovi shall be vested in the Mayor and Common Council.

SECTION 1.02 CITY ALDERMANIC DISTRICTS

(Amended in 2011)

(1) There shall be four aldermanic districts with numbers and boundaries as set forth herein:
   a. The First Ward and the First Aldermanic District shall include all lands lying north of the centerline of Main Street and County Trunk "A" and west of the centerline of Eau Claire Street.
   b. The Second Ward and Second Aldermanic District shall include all lands lying south of the centerline of Main Street.
   c. The Third Ward and the Third Aldermanic District shall include all lands lying east of the centerline of Eau Claire Street and north of the centerline of Main Street.
(2) All said lands shall lie in Township 24 North, Range 11 West.

SECTION 1.021 DESCRIPTION OF LANDS

(Amended 09/1981, 10/1982, 02/1989)

(1) Lands owned by the City of Mondovi situate in the Town of Mondovi, Buffalo County, and contiguous to said City described as a tract of land bounded as follows:
   a. Commencing at the northwest corner of the Southwest Quarter of the Southwest Quarter of Section 13, in Township 24 North, Range 11 West, thence running due East 40 rods, thence South 20 rods, thence West 40 rods, thence north 20 rods to the place of the beginning.
   b. Also, commencing at a point 40 rods East of the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 13, Township 24 North, Range 11 West, thence South 16 rods, thence East 20 rods, thence North 16 rods, thence West 20 rods to the place of beginning; commonly known as the "Tourist Park".
   c. The North Half of the Southwest Quarter of the Southeast Quarter of Section 14, Township 24 North, Range 11 West; together with a right-of-way to and from said real estate across the following parcel of land, to-wit: Commencing at the Northwest corner of the Southeast Quarter of said Section 14, thence North 2 rods, thence West 53 1/3, thence Southerly and Westerly skirting along the top of the hill along the North side of old road as is now traveled to the North Half of the Southwest Quarter of the Southeast Quarter to a point which is 96 feet South of the Northwest corner of said North Half of Southwest Quarter of Southeast Quarter, thence South 3 rods, thence in a Northeasterly direction following a line on said roadway as now traveled 3 rods South of the North line thereof to a point narrowing said right-of-way to a 2 rod strip which is 40 rods directly West of the point of commencing, thence East to the point of beginning.
   d. Commencing at a point 17 rods North of Southwest corner of North One-Half of Southeast Quarter of Southeast Quarter of Section 14, Township 24 North, Range 11 West; thence running East 43 rods, thence North 15 rods, West 3 rods, thence North about 8 rods to roadway running in Easterly and Westerly direction to the City dumping grounds, for a place of beginning, thence Westerly along Southerly edge of said roadway 171 feet, thence South 60 feet, thence Northwesterly about 173 feet to the place of beginning; commonly known as "City Dump", are hereby detached from said Town of Mondovi and attached to and hereby made part of the City of Mondovi.
(2) The City Clerk is hereby ordered and directed to file four certified copies thereof in the office of the Secretary of State together with four copies of a plat showing boundaries of territory attached.

SECTION 1.022 ANNEXATION OF INDUSTRIAL PARK

(1) The City has purchased certain lands from Jasper C. Poff located in the Town of Mondovi and contiguous to the City for use as an industrial park.
(2) A petition by Jasper C. Poff and Virginia Poff has been filed asking that certain lands owned by said petitioners and contiguous to the City be annexed by the City.
(3) It is found to be in the best interest of the health, safety, and welfare of the residents of the City to annex said lands to the City.
(4) Wisconsin Statutes s. 66.025 permits municipalities to annex a municipally owned territory by ordinance. Further, s. 66.021 (12) allows the City to enact an ordinance without notice annexing territory to the City upon petition by all the electors residing in such territory and the owners of all the real property in such territory.
(5) The following described lands are hereby detached from the Town of Mondovi, Buffalo County, Wisconsin, and made part of the territory of the City of Mondovi:
   The W 1/2 of the SE 1/4 of Sec. 1 and E. 30 rods of the NW 1/4 of the NE 1/4 of Sec. 12, all in Twp. 24 N., Rge. 11 W.

SECTION 1.023 ANNEXATION OF CERTAIN LANDS TO THE CITY OF MONDOVI

(Amended 10/1982, 02/1989)

(1) The following described lands are hereby detached from the territory of the Town of Mondovi, Buffalo County, Wisconsin, and annexed to and made part of the Third Ward of the City of Mondovi:

N 1/2 of the NE 1/4 of the SE 1/4; N 1/2 of the NW 1/4 and the NW 1/4 of the NE 1/4 (except the E. 495 feet) of Sec. 12; and the E. 1/2 of the SW 1/4 of Sec. 1, all in Twp. 24 N., Rge. 11 W., Buffalo County, Wisconsin.

(2) The City Clerk is hereby directed to file immediately with the Secretary of State a certified copy of this ordinance, a certificate and plat and one copy to each company that provides any utility service in the area annexed plus one copy with the Register of Deeds and one copy with the Clerk of the School District of Mondovi describing the territory annexed and the associated population.

SECTION 1.03 ELECTED OFFICIALS

(Amended 10/1982, 03/1987, 02/1989)

(1) Eligibility: No person shall be elected by the people to a city office who is not at the time of his/her election a citizen of the United States and of the State, and an elector of the City, and in case of an aldermanic district office, of the aldermanic district and actually residing therein.

(2) Mayor:

a. The Mayor shall be elected for a two-year term and shall serve until his/her successor is elected and qualified as provided by statute.

b. The Mayor shall be the Chief Executive Officer of the City and shall perform such duties and have such power as is prescribed by law.

(3) Alderperson:

a. Two Aldermen shall be elected from the First, Second, and Third Aldermanic Districts for staggered two-year terms, so that one Alderman from each such district shall be elected each year. One Alderman shall be elected from the At Large District for a two-year term commencing with the candidate elected at regular spring election for the office of Alderman in April 1983. Each Alderman shall serve until his/her successor is elected and qualified by statute.

b. As members of the Common Council, Alderman shall exercise the legislative functions of the City and shall perform such duties and have such powers as is prescribed by law.

(4) The City of Mondovi, pursuant to s. 62.08 and s. 66.01 of the Wisconsin Statues, hereby elects not to be governed by those portions of s. 62.08 relating to the creation of aldermanic districts which are in conflict with this ordinance.

(5) This charter ordinance shall take effect sixty (60) days after its passage and publication subject to the provision of s. 66.01 of the Wisconsin Statutes.

SECTION 1.04 APPOINTED OFFICIALS

(Amended 10/1982, 03/1987, 08/1989, 09/1995)

(1) Eligibility:

a. In general, all appointive offices shall be filled by appointment by the Mayor with confirmation by the Common Council unless otherwise provided by law.

b. An appointee by the Mayor required to be confirmed by the Common Council, and who has been rejected by the Council, shall be ineligible to appointment to the same office for one year thereafter.

(2) City Clerk: The office of City Clerk shall be filled by appointment by the Mayor as provided herein, subject to confirmation by two-thirds vote of all the members of the Common Council, such office shall be for an indefinite term subject to termination at any time as provided in s. 17.12 (1) (c), Wis. Stats.

(2a) City Administrator: (Amended 03/2017)

The office of City Administrator shall be filled by the same person who is appointed as City Clerk. The City Administrator shall have the following duties and responsibilities:

a. Work with the Mayor and City Council to establish City goals and objectives and create a strategic plan. The plan will be communicated to citizens and stakeholders along with a periodic reporting on the progress of obtaining said goals and objectives.

b. Directs and coordinates the administration of city operations in accordance and consistent with all policies established by City Council and ensures that all City Ordinances, Resolutions, City Council motions and State Statutes are enforced by the City through the appropriated City staff.

c. Prepare a proposed annual City Budget by working in coordination with all department heads, the Mayor and the City Council and submitting the proposed budget pursuant to Section 3.04 of the Mondovi City Code and in accordance with guidelines as may be provided by the Common Council.

d. Manage all City budgets to assure that spending is consistent with appropriations and that all operations are subject to proper internal controls. Coordinate activities associated with the City's Annual Financial Report and audit. Responsible for all other financial reports including Tax Increment Financing (TIF) and bond reporting.

e. Perform accounting and bookkeeping activities including: enter or approve any journal entries as needed, reconcile all bank accounts, maintain general ledger, check register, receipt register and journal entry register, maintain machinery and equipment fund on a monthly basis.
f. Attend City Council meetings, finance meetings and any other committee meetings held for the City. Coordinate the preparation of an agenda with the Mayor, prepare supporting documentation, making presentations, and taking minutes of meetings. Review and recommend ordinance and policy amendments as necessary or directed. The City Administrator does not have the authority to limit or in any way prevent matters from being considered by the Common Council.
g. Act as purchasing agent by working with the City Engineer on major street and/or building projects, taking bids on vehicles and equipment, bidding out City employee health, life and disability insurance, bidding out liability, workers comp, property and auto insurance, purchasing capital items and equipment and selling surplus equipment and vehicles.
h. Serve as human resources officer for the City ensuring that all appropriate personnel records are kept, assisting with the negotiation of labor contracts, recommending wage adjustments for non-representing employees, conducting performance evaluations, review and update the City's Personnel Manual, including employee benefits, as needed.
i. Responsible for all City records including, licenses and permits, billings and collections, special assessments, contracts, insurance policies, cemetery and fixed assets.
j. Responsible as the City's economic development activities including marketing, financial packages, site development, sales of industrial park land, infrastructure needs and community information. Also, responsible for maintaining a positive working relationships and good communication with commercial and business sectors in the City and with prospective businesses interested in locating within the City.
k. Responsible as Zoning Administrator including: receive and review applications for planning / building and zoning variances, scheduling Zoning Board of Appeals meeting to hear variance requests, contacting neighbors of pending variance, sending information to Board members, sending letters to applicant after determination is made and issuing violations when someone violates zoning ordinance.
l. Serve as Residential Rehabilitation Program Administrator by: organizing and preparing the loan application process, meeting with applicant to gather and send out verifications of information for qualification, preparing documents for loan process to contractors, legal filings, insurance, distribute payments for work, correspond with contractors gathering documents and issue payments for work inspected, verify general ledger account balance, homeowner real estate taxes are paid and insurance is kept current on all loan holders throughout the year as policies change / renew / expire, prepare and send correspondence to loan holders for non-compliance, calculate fees and send billings to those who do not comply.
m. Monitors and researches availability of State, Federal and other funding sources for community projects. Determines capital needs and obtains financing through outside consultants as appropriate. Recommends and oversees the implementation of Tax Increment Districts.
n. Act as Emergency Government Director for the City by overseeing the planning and coordinating the activities for emergency programs and operations including disaster recovery programs.
o. Receive and evaluate communications from citizens and promptly direct appropriate responses to address and resolve issues presented.
p. Establish and administer procedures to facilitate communication between citizens and City operations.
q. Act as public information officer for the City. As such act as lead spokesperson on all matters within their authority.
r. Meet regularly with the Mayor to keep the Mayor informed about activities of City Hall.
s. Keep City Council informed of ongoing activities of the City.
t. Maintain City website, post agendas, minutes, City Ordinances, maintain calendar of events and any other updates as necessary.
u. Administer oaths and affirmations, commissioned as notary public.
v. Establish and maintain positive relationships with Federal, State and local officials. Complete and return surveys and questionnaires requested by State, Federal and other agencies to meet funding or reporting requirements. Serve as City representative on Buffalo County Recycling Commission.
w. Attend Board of Review as Certified Board of Review member.
x. Fill in for Utility Clerk and City Treasurer when needed.

(3) Chief of Police:

a. The Chief of Police shall be appointed by the Mayor as provided herein, subject to confirmation by two-thirds vote of all the members of the Common Council, and shall hold office for an indefinite term subject to termination at any time as provided in s. 17.12 (1) (c), Wis. Stats.;

b. Prior to any appointment of Chief of Police, all candidates for the office shall be examined by a committee appointed by the Mayor, subject to confirmation by two-thirds (2/3) vote of the Council. This committee shall be made up of five members consisting of one member who shall have a background in Law Enforcement and one member shall have background in Human Resources and/or hiring procedures as the Mayor and Council sees fit. The remaining three committee members shall be appointed by the Mayor subject to the two-thirds confirmation by the Council in their collective discretion. Each candidate shall file an application stating in detail his/her education, experience and qualification for the position and the committee shall ascertain the fitness of the individual candidate and prepare a recommendation of a minimum of two candidates. The recommendation shall report on the qualifications of each recommended candidate to the Mayor and the Common Council.

(Amended 01/2015)

c. The Chief of Police shall have command of the police force of the City under the direction of the Mayor. It is the duty of the Chief to obey all lawful written orders of the Mayor or Common Council. The Chief and each Policeman shall perform such duties and have such powers as prescribed by law.

(4) Fire Chief:

a. The Fire Chief shall be elected by a majority vote of the membership of the fire department, subject to confirmation by two-thirds vote by all the members of the Common Council, and shall hold office for a term of two years until his/her successor is elected and qualified.

b. No person shall be eligible for the office of Fire Chief whose entire time, both day and night are not ordinarily spent within the City limits and has not been a member of the fire department for at least two years.

c. The Fire Chief shall perform such duties and have such powers as a prescribed by law.

d. A vacancy in the office of Chief shall be filled by appointment by a majority vote of the membership of the fire department. Such person shall continue to hold office until the next regular date for electing a Fire Chief.

(5) Board of Health, Health Officer:

a. The entire Common Council shall constitute the City Board of Health. The City Clerk shall act as clerk of the Board of Health. The Board of Health shall elect, from its members, a chairman. The Board of Health shall appoint a City Health Officer who shall be a member of the board and its executive officer and take oath of office.

b. The Board of Health shall immediately report to the Wisconsin Department of Health and Social Services, the names, post office addresses and occupations of the officers thereof, and any changes therein.

c. The Health Officer shall receive an annual salary to be fixed by the Common Council and shall be reimbursed for actual and necessary expenses.

d. If the Health Officer is not a physician, the Board of Health shall arrange for and provide in addition such services of a physician as may be necessary on a part-time basis and provide reasonable compensation, therefore.

(6) Attorney, Building Inspector:

a. The City Officials hereinafter set forth shall be appointed at the first regular meeting of the Common Council in May of even numbered years by the Mayor, subject to confirmation by a majority vote of the members of the Common Council:

i. Attorney

ii. Building Inspector (66.23 (9) (a))

iii. Assessor

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

(7) Board of Review:

a. The Board of Review of the City of Mondovi shall consist of the Mayor, City Clerk-Assessor, and one member of the Common Council who shall be appointed by the Common Council.

b. The Board of Review shall have the powers prescribed by s. 70.47 of the Wis. Stats.

c. The Mayor and Council Members of the Board of Review shall receive compensation as shall be fixed by resolution of the Common Council.

(8) Board of Park Commissioners:

a. There shall be a Board of Park Commissioners consisting of five residents of the City appointed by the Mayor subject to confirmation of the Common Council.

b. The members of such Board shall be appointed for staggered five-year terms so that the term of one member of the Board shall expire each year.

c. The Board of Park Commissioners shall perform the duties and have the powers prescribed by Ch. 27 of the Wis. Stats.

(9) City Planning Commission:
   a. A City Planning Commission is hereby established. Its members shall consist of the Mayor, who shall be the presiding officer, the City Engineer, the Chairman of the Park Commission, a Building Inspector, and an Alderman and three residents of the City. Citizen members hall be a person of recognized experience and qualifications.
      i. The Alderman member of the commission shall be elected by a two-thirds vote of the Common Council, in April of each year.
      ii. The three Citizen members shall be appointed by the Mayor to hold office for a staggered three-year term and shall be appointed annually during April.
   b. The City Planning Commission shall perform the duties and have the powers prescribed by s. 62.23, Wis. Stats.

(10) Election Inspectors: Pursuant to s. 7.30 (1) of the Wisconsin Statutes, there shall be two sets of Election Inspectors totaling 14 in all and a maximum of seven alternate officials to Perform election duties as set forth in Ch. 5 to 12 of the Wisconsin Statutes.

SECTION 1.05 COMPENSATION

(Amended 01/1990, 09/2001, 10/2017)

(1) Salaries shall be paid to the Mayor and Aldermen as follows:
   a. Mayor: $400.00 per month. (Amended 09/2019)
   b. Alderperson: $100.00 per month, $50.00 per general meeting attended, and $20.00 per special meeting.

(2) Salaries set forth herein shall be effective with each regular term of office commencing on or after April 16, 2002.

(3) Salaries shall be paid at the end of each month unless the Council shall at any regular meeting by ordinance order payment at more frequent intervals.

SECTION 1.06 GENERAL REGULATIONS GOVERNING ALL CITY OFFICERS. (Amended 01/1990)

(1) The provision of this section shall apply to all officers of the City, regardless of time of creation of the office or selection of the officer unless otherwise specifically provided by ordinance or resolution of the Common Council.

(2) Oath of Office: Every officer of the City, including members of city boards and commissions shall before entering upon his/her selection or appointment take the oath of office prescribed by s. 19.01, Wis. Stats., and file said oath in the office of City Clerk. Any person re-elected or reappointed to the same office shall take and file an official oath for each term of service.

(3) Bond: Every officer shall, if required by law, upon entering upon the duties of his/her office, give a bond in such an amount as may be determined by the Common Council with such surety's performance of the duties of his/her office. When so approved, bond shall be filed within ten days after the officer executing the same shall have been notified of election or appointment with the City Clerk. The Common Council may at any time require a new and additional bond of an officer.

(4) Vacancies: Vacancies in elective officers shall be filled by appointment by a majority vote of the Common Council for the remainder of the unexpired term. Vacancies of appointive officers shall be filled in the same manner as the original appointment for the residue of the unexpired term unless the term for such an office is indefinite.

(5) Outside Employment: No full-time officer of the City shall engage in any other remunerative employment within or without the City; provided that the City Council approves such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his/her duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from such officer of any officer.

SECTION 1.06A RESIDENCY QUALIFICATION FOR CITY OFFICERS, MEMBERS OF COMMITTEES AND EMPLOYEES

(Amended 02/2015)

(1) The Police Chief, all full-time law enforcement, fire and emergency personnel shall live within 15 miles of the jurisdictional boundaries of the City of Mondovi.

(2) Full-time employees in the positions noted in Paragraph (1) above, who live more than 15 miles outside the jurisdictional boundaries of the City when this ordinance is adopted, shall be exempt from the residency requirement in Section 1.06 (1) above.

SECTION 1.06B ANTI-NEPOTISM POLICY FOR CITY OFFICERS AND EMPLOYEES. (Amended 10/2009)

(1) Definitions;
   a. Employee: any person who is hired to perform part- or full-time services on behalf of the City in exchange for wages or a salary but does not include independent contractors.
   b. Immediate Family: an Official's spouse, mother, father, child, sibling, nieces and nephews, and persons related to an Official's or Employee's spouse in the same capacities. Immediate family also includes other relatives by blood or marriage if such person receives, directly or indirectly, one-half or more of his or her support from the Official or Employee or if the Official or Employee receives one-half or more of his or her support from that person.

c. Nepotism: constitute the hiring of a person defined as a member of an Official's or an Employee's immediate family, in which hiring process the official or Employee in question participates.
d. Official: the City Clerk, a member of the Common Council or the Mayor.

(2) Hiring, Evaluation, and Discipline of Immediate Family Members Regulated: No Official or Employee of the City shall participate in the solicitation of applications from, interviews of, or other pre-employment analysis of the appropriateness of an individual identified as a member of that Official's or Employee's immediate family. No Official or Employee shall participate in any debate or discussion in a meeting, or in the voting for an offer of employment with the City of Mondovi to that person. In addition, such Official or Employee shall recuse him or herself from any post-employment evaluations or decision-making pertaining to that person, including, but not limited to, retention, discipline, reclassification, compensation, promotion or termination. For the purpose of this policy, all discussions, debate and decisions on this matter may be made by majority vote of a quorum of the Common Council members available, excluding the Official or Employee in question, consisting of a minimum of three members of the City Council. The Mayor may vote to break a tie but only where he or she is not the Official or Employee of the City whose immediate family member is the subject of the vote taken. The Official or Employee affected by those provisions shall leave the Council Chambers during any closed meeting consisting of that Official's or Employee's immediate family member.

(3) Supervision of Immediate Family Member: No Official or Employee subject to this Ordinance shall supervise an immediate family member in the performance of his or her job on behalf of the City. Should this conflict with other policies, ordinances, or directives of the City, this Ordinance, to the extent of such conflict, shall prevail.

SECTION 1.06C CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES. (Adopted 3/2018)

(1) Pursuant to Wisconsin Statute §19.59(1m) the common council enacts this ordinance to establish a code of ethics for public officials and employees of the City of Mondovi and candidates for elective offices. The council declares that high moral and ethical standards among City officials and employees are essential to the conduct of free government. This ordinance applies to all city officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City. The purpose of this chapter is to establish guidelines for moral and ethical standards of conduct and to prescribe penalties and sanctions if not exercised. The provisions and purposes of this chapter are declared to be in the best interest of the City.

a. No public official or employee may use their position to obtain any private, financial, economic, or other interests in matters affecting the City.
b. Actions from public officials and employees shall be for the benefits of the public. Such public officials and employees are to follow all laws and shall adhere to standards for their positions, including standards, established by any law, manual, handbook, and otherwise which are not prohibited by law.
c. No official or employee shall request or permit the unauthorized use of city-owned vehicles, equipment, materials or property for personal convenience or profit.
d. No official or employee shall grant any special consideration, treatment or advantage to any citizen, including family members, beyond that which is available to every other citizen.
e. No official or employee, whether paid or unpaid, shall engage in any business or transaction, nor shall such official or employee act in regard to financial or other personal interest, direct or indirect, when such engagements or actions are incompatible with the proper discharge of his or her official duties or when such actions impair his or her independence of judgment or action in the performance of his or her official duties.
f. No official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made and approved by the Common Council.
g. No official or employee shall disclose confidential information concerning the property, government or affairs of the city nor shall he or she use such information to advance the financial or other private interest of himself or herself or other. This prohibition includes disclosure of closed meeting information while the purpose of the closed meeting still exists.
h. Any employee, elected official, or any other official who has a financial or personal interest in any proposed legislative action of the council and who participates in discussion with or gives an official opinion or recommendation to the council shall

disclose on the records of the council the nature and extent of such interest. Additionally, the ethical official and employee should:

i. Properly administer the affairs of the City to the best of their ability.
ii. Promote decisions that only benefit the public interest.
iii. Actively promote public confidence in City government.
iv. Conduct and perform duties diligently.
v. Maintain a positive image to pass constant public scrutiny.
vi. Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
vii. Inject the prestige of office into everyday dealings with the public, employees and associates.
viii. Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
ix. Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the City.
x. Faithfully comply with all laws and regulations applicable to the City and impartially apply them to everyone.

(2) Penalties and Sanctions. Any violations of any provisions of this code of ethics may constitute a cause for suspension, removal from office or employment or censure. Additionally, any person who violates any provision of this code shall, upon conviction thereof, forfeit not less than five ($5.00) dollars, nor more than five hundred ($500.00) dollars. For any second and subsequent offenses, any person found guilty of violating this subsection who has previously been convicted of a violation within three (3) years of the date of a subsequent citation shall, upon conviction, forfeit not less than ten ($10.00) dollars, nor more than one thousand ($1,000.00) dollars for each offense.

SECTION 1.07 PUBLIC RECORDS

(Amended 12/1982, 01/1993, 07/2016)

(1a) Purpose. The purpose of this ordinance is to establish a city records retention schedule and authorize destruction of City records pursuant to the schedule on an annual basis. Any record not v=covered by this ordinance or any regulation or law shall be retained seven (7) years unless the record is added by amendment into the ordinance and the shorter time period approved by the State Public Records and Forms Board.

(1b) Definitions.

a. Authority: any of the following city entities having custody of a city record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and political created by constitution, law, ordinance, rule or order, or a formally constituted sub-unit of the foregoing.
b. Custodian: that officer, department head, division head, or employee of the city designated under sub. (3) or otherwise responsible by law to keep and preserve and city records or files, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
c. Record: any material on which written, draw, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to: handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely personal property of the custodian and have no relation to his or her office; material to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than public library which are available for sale, or which are available to inspection at a public library.

(2) Duty to Maintain Records.

a. Except as provided under sub. (7), each officer and employee of the city shall safely keep and preserve all records received from his or her predecessor other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer of employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
b. Upon the expiration of an officer's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the office or employee, who shall file said receipt with the City Clerk. If a vacancy

occurs before a successor is selected or qualifies, such records shall be delivered to and receipted by the Clerk, on behalf of the successor, to be delivered to such successor upon latter's receipt.

(3) Legal Custodian(s).

a. The City Clerk, or in his or her absence or disability or in the case of vacancy, the Deputy Clerk, is hereby designated the legal custodian of all city records.

b. The legal custodian shall have the full legal power to render decisions and to carry out the duties of an authority under sub. Ch. 11 of Ch. 19, Wis. Stats., and this section. The designation of a legal custodian does not affect the power and duties of an authority under this section.

(4) Public Access to Records.

a. Except as provided in sub. (6), any person has a right to inspect a record and to make or receive a copy of any record as provided in s. 19.35 (1) Wis. Stats.

b. Records will be available for inspection and copying during all regular office hours.

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

d. A requester shall be permitted to use facilities comparable to those available to city employees to inspect, copy or abstract a record.

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

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

i. The cost of photocopying shall be indicated on the Fee Schedule. Said cost has been calculated not to exceed the actual, necessary, and direct cost of reproduction. (Amended 08/2019)

ii. If the form of written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

iii. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio or video tapes, shall be charged.

iv. If mailing or shipping is necessary, the actual cost thereof shall be charged.

v. There shall be no charge for locating a record unless the actual cost therefore exceeds the amount indicated on the Fee Schedule, in which case the actual cost shall be determined by the custodian and billed to the requester. (Amended 08/2019)

vi. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds that which is indicated on the Fee Schedule. (Amended 08/2019)

vii. Elected and appointed officials of the City of Mondovi shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

viii. The legal custodian may provide copies of a record without charges or reduced charge where he or she determines that waiver or reduction of fee is in the public interest.

g. Pursuant to s. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the cost thereof. This subsection does not apply to members of the Common Council.

(5) Access Procedures.

a. A request to inspect or copy a record shall be made to the custodian. A request shall be deemed sufficient if it is reasonably described the requested record or the information requested. However, a request for a record without a reasonable limitation as to the subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commended under s. 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under a sub. (4) (f) 6. A requester may be required to show an acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or Federal Law or regulations so require.

b. Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny that request whole or in part and reasons therefore. If the legal custodian, after conferring with the city attorney, determines that a written request is so general as to be unduly time

consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.

c. A request of a record may be denied as provided in sub. (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of reasons denying the request is made by the requester within five (5) business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. If every written denial of a request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under s. 19.37 (1), Wis. Stats., or upon application to the Attorney General or District Attorney.

(6) Limitations of Right of Access.

a. As provided by s. 19.36, Wis. Stats., the following records are exempt from inspection under this section:

i. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;

ii. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;

iii. Computer programs, although materials used as input of a computer program or the material produced a product of the computer program is subject to inspection;

iv. A record or in portion of a record containing information qualifying as a common-law trade secret.

b. As provided by s. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.

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

i. Records obtained under official pledges or confidentiality which were necessary and given in order to obtain the information contained in them.

ii. Records of current deliberations after a quasi-judicial hearing.

iii. Records of a current deliberation concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any city officer, or employee, or the investigation of charges against a city officer or employee, unless such officer or employee consents to such disclosure.

iv. Records concerning current strategy for crime detection or prevention.

v. Records of current deliberations or negotiations on the purchase of city property, investing city funds, or other city business whenever competitive or bargaining reasons require nondisclosure.

vi. Financial, medical, social, or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

vii. Communications between legal counsel for the city and any officer, agent, or employee of the city, when advice is being rendered concerning strategy with respect to current litigations in which the city or any of its officers, agents, or employees is likely to become involved, or communications which are privileged under s. 905.03 Wis. Stats.

d. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when separating out the exempt material. If in the judgement of the custodian and the City Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of exempt material, the entire record shall be withheld for disclosure.

(7) Destruction of Records.

a. City officers may destroy the following nonutility financial records of which they are the custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit and auditor licensed under Ch. 442 of the Wis. Stats. But not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records board pursuant to s. 16.61 (3), and then after such shorter period:

i. Bank statements, deposit books, slips and stubs;

ii. Bonds and coupons after maturity;

iii. cancelled checks, duplicates and check stubs;
iv. license and permit applications, stubs and duplicates;
v. payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund or Unemployment Compensation Fund;
vi. Receipt forms;
vii. special assessment records after complete payment of special assessments;
viii. vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

b. City officers may destroy the following utility records of which they are legal custodians and of which are considered obsolete after completion of any required audit by the Bureau of Municipal Audits or any auditor licensed under Ch. 442 of Wis. Stats., subject to State Public Service Commission's regulations, but not less than seven (7) years after the record was effective unless a shorter period has been filed by the State Public Records Board pursuant to s. 16.61 (3) (e), Wis. Stats., and then after such shorter period, except that water stubs, receipts of current billings and customer's ledgers may be destroyed after two (2) years.
   i. Water and sewer stubs and receipts of current billings;
   ii. Customer ledgers;
   iii. vouchers and supporting documents pertaining to charges not included in plant accounts;
   iv. other utility records after seven (7) years with written approval of the State Public Service Commission.

c. City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven (7) years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to s. 16.61 (3) (e), Wis. Stats., and then after the shorter period.
   i. Assessment rolls and related records, included Board of Review minutes;
   ii. Contracts and paper relating thereto;
   iii. Correspondence and communications;
   iv. Financial reports other than annual financial reports;
   v. Insurance policies;
   vi. Court dockets;
   vii. Oaths of Office;
   viii. Reports of boards, commissions, committees and official duplicated in the office board minutes;
   ix. Resolutions and petitions;
   x. Voter record cards.

d. Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to destruction of any record as provided by s. 19.21 (4) (a), Wis. Stats.

e. Any tape recordings of governmental meeting of the city may be destroyed, erased or reused no sooner than 90 days after the minutes of the meetings having been approved and published, if the purpose of the recording was to make minutes of the meeting.

(8) Preservation through Microfilm. Any city officer, or the director of any department or division of city government may (subject to the approval of the Common Council) keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method, optical imaging or electronic formatting. Such records shall meet the standards for photographic reproduction set forth in s. 16.61 (7) (a) and (b), Wis. Stats., and shall be preserved along with other files by the department of division and shall be open to public inspection and copying according to the provisions of state law and subs (4) through (6) of this ordinance.

(9) Police Department Records Retention Schedule.

a. The following records shall be retained for a period of seven (7) years:
   i. Wisconsin Uniform Traffic Citations;
   ii. City of Mondovi Municipal Citations and Parking Tickets;
   iii. Motor Vehicle Accident Reports;
   iv. Citizen Complaints;
   v. Incident Reports;
   vi. Field Training Files (seven (7) years after departure from agency);
   vii. Interrogation Recordings Audio and/or Video;
   viii. Evidence Photographs;
   ix. Employee Files (seven (7) years after departure from agency).

b. The following records shall be retained for a period of five (5) months unless they have evidentiary value, in which case they shall be copied on CD and retained in the case file for seven (7) years after disposition of case:
   i. In car video and audio recordings;
   ii. Body camera recordings.

SECTION 1.08 POLL HOURS.

The poll hours at an election shall be open from 7:00 a.m. until 8:00 p.m.

SECTION 1.09 FEE SCHEDULE.

(Added 08/2019)

The City hereby establishes a Fee Schedule to be retained at the City Clerk's Office; amended time to time by the Common Council through a resolution, and to be effective September 1, 2019. The Fee Schedule shall have the following requirements:

(1) All fees or license costs shall be maintained;
(2) It shall contain the Ordinance chapter and section if necessary and the title of the code for each individual amount indicated;
(3) At least on a biannual review basis the Finance Committee shall review all fees shall by October 1 for recommendations to the Common Council for their consideration each odd numbered year;
(4) The Common Council may deliberate on the Finance Committee recommendations, and then must approve any and all changes through the passage of a resolution;
(5) All fees changed shall be published prior to January 1 of the following year the fee changed.
(6) All increase in fees shall become effective January 1 of the following year the resolution was passed;
(7) Any new implemented fee shall be added to the Fee Schedule in a logical order and the fee amount shall be implemented after passage and publication;
(8) Where any section of this Code refers to a fee, cost, or license all reference should be made to the biannually updated Fee Schedule, even if the Code indicates a different fee;
(9) If this Code refers to the Fee Schedule and there is no listed amount on the Fee Schedule, the previously published Code amount shall prevail.

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CHAPTER 2. GOVERNING BODY

SECTION 2.01 COMMON COUNCIL.

The Mayor and aldermen shall be in the Common Council. The Mayor shall not be counted in determining whether a quorum is present at a meeting.

SECTION 2.02 MEETINGS.

(1) Regular Meetings. Regular meetings of the Common Council shall be held on the second and fourth Tuesdays of each calendar month at 6:30 p.m. Any regular meeting falling on a legal holiday shall be held the next Tuesday at the same hour and place.

(2) Special Meetings.
   a. Special meetings of the Common Council may be called by the Mayor or any two Aldermen by written notice to each member delivered to him/her personally or left at his/her usual abode at least six hours before the meeting.
   b. Special meetings requested by an individual(s), which must be submitted in writing, must be addressed to the Mayor. If the Mayor agrees to call a Special meeting there shall be a fee imposed according to the Fee Schedule. (Amended 08/2019)

(3) Place of Meeting. All meetings of the Common Council, including special and adjourned meetings, shall be held in the City Hall building; unless the Common Council provides for a different location with prior notice as required under Wis. Stat. 19.84. (Amended 11/2019)

(4) Quorum. Two-thirds of the members shall be a quorum. A lesser may compel the attendance of absent members and adjourn. A majority of all the members shall be necessary for a confirmation.

(5) Meetings. Meetings shall be open to the public and the Council may punish by fine members or other persons present for disorderly behavior.

SECTION 2.03 PRESIDING OFFICER.

(1) Control of Meeting. The Mayor shall preserve order and conduct the proceedings of the meeting. A member may appeal from the decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.

(2) Absence of Mayor. If the Mayor is absent at any meetings, the President of the Council shall call the meeting to order and preside.

SECTION 2.04 Common Council Meeting Order of Business.
(Amended 03/2017, 04/2017, 07/2017, 01/2019)

(1) No item maybe added to the agenda after 12:00 p.m. the day before the scheduled meeting, except as provided in Section 4 of this ordinance whereby a minimum of two-hour notice of a topic may be given where 24-hour notice is impossible or impractical.

(2) The top of the agenda shall appear under City letterhead as below:

CITY COUNCIL AGENDA

The Common Council of the City of Mondovi will be meeting for their second meeting of the month in the City Hall Common Council Chambers, 156 S. Franklin St., Mondovi, Wisconsin on (day of week), (date).

Final subject matter on the Agenda is subject to change. The Final Agenda will be available by 5:00 p.m. on (day of week), (date).

All Agenda items are discussion topics and may be acted upon by Council and listed below is the proposed Agenda beginning at 6:30 P.M.:

(3) The order of business shall be determined by the Mayor, his designee or the presiding officer, and shall include the following items in the below order:
   a. Call to Order by Presiding Officer.
   b. Pledge of Allegiance.
   c. Roll Call (if quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date).
   d. Certification of Compliance with the State of Wisconsin Open Meetings Law.
   e. Citizen Comments.
   f. Consent Agenda:
      i. Accept the Agenda as Posted.
      ii. Approval of Minutes of Previous Common Council Meeting(s).
      iii. Approval of Committee Reports.
      iv. Mondovi Activity Chart (MAC).
   g. Items Removed from the Consent Agenda
   h. Regular Agenda:
      i. Items under consideration or for discussion and possible action.
   i. Reports of Mayor and Appointed Officials.
   j. Approval of License Applications.
   k. Council Communications.
   l. Set Next Meeting Date.
   m. Closed Session (if the topic meets State of Wisconsin allowable closed session material).
   n. Adjournment.

(4) The presiding officer may change the order of business from the posted agenda, if there are no objections from the Council during the meeting. However, no additional topics can be added during the meeting or 24-hours prior to the meeting's beginning time; not including Sundays and Holidays as part of that time period , except that if, for good cause, 24 hour advance notice of a topic is impossible or impractical, shorter

notice may be given, but in no case may the notice of the topic be less than two hours in advance of the meeting, as provided in Wis. Stat. 19.84 (3).

SECTION 2.05 ORDER OF BUSINESS.

No Ordinance or Resolution shall be considered unless presented in writing by an Alderman or City Attorney. All Ordinances shall be published as a class 1 notice, under Ch. 985, Wis. Stats., within 15 days of passage, and shall take effect on the day after publication or at a later date if expressly described. Resolution need not be published unless expressly authorized by the Common Council.

SECTION 2.06 DELIBERATIONS OF THE COUNCIL.

(1) The deliberations of the Council shall be conducted in accordance with Parliamentary Rules contained in Roberts Rules of Order which is hereby incorporated in this Section by reference.
(2) No person other than a member shall address the Council except by a majority vote of the members present.
(3) The presiding officer may speak upon any questions or make any motion if he/she vacates the chair and designates an Alderman to preside temporarily.

SECTION 2.07 VOTING BY COUNCIL.

(1) The ayes and noes may be required by any member. On confirmation and on adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by ayes and noes. All aye and no votes shall be recorded in the minutes.
(2) The Mayor may vote in case of a tie. Where the Mayor does vote, his/her vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure.

SECTION 2.08 SUSPENSION OF RULES.

These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

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CHAPTER 3. FINANCIAL PROCEDURE

SECTION 3.01 PREPARATION OF TAX ROLL AND TAX RECEIPTS.

(1) Aggregate Tax Stated on Roll. Pursuant to Section 70.65 (2) of the Wis. Stats., the City Clerk shall, in computing the tax roll, insert only the aggregate amount of state, county, school and city taxes in a single column in the role opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person, firm, or corporation against whom the tax is levied.

(2) Rates Stamped on Receipts. Pursuant to Section 74.08 (1) of the Wis. Stats., in lieu of entering on each tax receipt the several amounts paid respectively for state, country, school, local and other taxes, the aggregate amount of such taxes shall be carried in a single column on the tax receipt issued by the Treasurer. The Treasurer shall cause to be printed or stamped on the tax receipt the separate proportion or rate of taxes levied for state, country, school, local and other purposes.

SECTION 3.02 APPOINTED OFFICIALS.

(1) City Treasurer Bond.

a. The City of Mondovi elects not to give the bond on the municipal treasurer provided for by Section 70.67 (1) of the Wis. Stats.

b. Pursuant to Section 70.67 (2) of the Wis. Stats., the City of Mondovi obligates itself to pay, in case the Treasurer thereof shall fail so to do, all taxes of any kind required by law to be paid by such Treasurer to the County Treasurer.

c. The Common Council may demand from the City Treasurer, in addition to the official bond required of all municipal treasurers, a fidelity or surety bond in an amount and upon such terms as may be determined by the Common Council. Such bond shall run to the Common Council and shall be delivered to the office of the City Clerk-Treasure.

d. This Ordinance shall remain in effect until a certified copy of its repeal shall be filed with the County Clerk and the County Treasurer.

SECTION 3.03 CLAIMS AGAINST CITY.

(1) Claims to be Certified. Prior to submission of any account, demand or claim to the Common Council for approval of payment, the City Clerk-Treasure shall certify or cause to be endorsed thereon or on attached papers, that the following condition have been complied with:

a. That funds are available therefore pursuant to the budget.

b. That the item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.

c. That the claim is accurate in amount and a proper charge against the Treasury.

d. The Treasurer may require the submission of such proof and evidence to support the foregoing as in his/her discretion he/she may deem necessary.

(2) Common Council to Audit Accounts. No account or demand against the City, except as provided in Subsection (3) of this section, shall be paid until it has been audited by the Common Council and on order drawn on the City Treasurer therefore. Every such account shall be itemized and certified as provided in Subsection (1) of this section.

(3) Payment of Regular Wages or Salaries. Regular wages or salaries of City officers and employees shall be paid by payroll, verified by the proper City official, department head, board of commission and filed with the City Clerk-Treasure in time for payment on the regular pay day.

SECTION 3.04 BUDGET SYSTEM.

(1) On or before October 1st of each year, each officer, department or Board shall file with the City Clerk an itemize statement of disbursements made to carry out he powers and duties of such officer or department during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer or department during such year, and of the condition and management of such funds; also detailed estimates of the same matters for the current fiscal year. Such statement shall be presented in the form prescribed by the City Clerk and shall be designated as the “departmental estimates” and shall be as nearly uniform as possible for the main divisions of all departments.

(2) The finance committee of the Common Council shall consider such departmental estimates in consultation with the department head, and shall then determine the total amount to be recommended on the budget for such department or activity.

(3) On or before the 20th day of October each year, the Finance Committee of the Common Council shall prepare and submit to the Common Council a proposed budget presenting a financial plan for conducting the

affairs of the City for the ensuing calendar year. The budget shall include the following information:

a. The expense of conducting each department and activity of the City for the ensuing year and corresponding items for the current year and the last preceding fiscal year with reasons for increases and decreases recommended as compared with appropriations for the current year.
b. An itemization of all anticipated income of the City from sources other than general property taxes and bond issues, with a comparative statement of the amounts received by the City from each of the same or similar sources from the last preceding and current fiscal years.
c. An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet proposed expenditures.
d. Such other information as may be required by the Common Council and by state law.
e. The Common Council shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens at the budget meeting.

(4) The finance Committee shall submit to the Common Council at the time the annual budget as a draft of appropriation ordinance proving for the expenditures proposed for the ensuing year. Upon the submission of the appropriation ordinance to the Common Council, it shall be deemed to have been regularly introduced therein. The Common Council shall hold a public hearing on the budget and proposed appropriation ordinance as required by law. Following the public hearing the proposed appropriation ordinance may be changed or amended and shall take the same course in the Common Council as other ordinances.

(5) <u>Fund Transfer.</u>

(Amended 01/2019)

a. The Mondovi City Treasurer, may transfer funds from one fund to another fund to ensure the payment of invoices in a timely manner, upon completing the following procedures:
   i. The proposed transfer is considered by the Finance Committee, the Treasurer and/or City Administrator explain to the Finance Committee the reason for the proposed transfer of funds, and the Finance Committee adopts a motion that includes a recommendation to the Common Council regarding Council action on the proposed fund transfer. If the Finance Committee fails to act on the proposed fund transfer, the proposed fund transfer will be forwarded to the Common Council without a Finance Committee recommendation; and
   ii. The Common Council considers the Finance Committee recommendation on the proposed fund transfer, if any, and the Council approves the proposed transfer of funds by a two-thirds vote of the entire membership of the Council; and
   iii. The transfer of funds is published within 15 days in a local publication. If no publication of the approved fund transfer is made within the allowable time the funds cannot be transferred as proposed.
b. For funds to be transferred from or to a Tax Incremental Financing District (TIF or TID), the involved TIFs must have been designated as a "Donee" and/or "Donor" TIF according to State of Wisconsin law and one of two of the following:
   i. the transfer is approved within the annual budget; or
   ii. all the procedures described in 3.04 (5) (a) above are completed.

(6) No money shall be drawn from the Treasury of the City nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance, or of such ordinance when changed as authorized in Subsection (5) of this Section. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to re-appropriation; but appropriations may be made by the Common Council, to be paid out of the income of the current year, in furtherance of improvements or other objects for works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

(7) <u>Line Veto by Mayor.</u>

a. The Mayor shall have the power to disapprove or veto any item or items in the annual budget under the control of the Common Council, and upon disapproving such item or items he/she shall return the budget to the Clerk with his/her reasons therefore. Immediately upon filing such veto with the Clerk, the Mayor shall issue a call for a special meeting to be held within two days of such filing for purposed of considering and acting upon item vetoed.
b. The Common Council shall vote on each item disapproved by the Mayor separately, and if the Mayor's disapproval is sustained, it shall affect only the items so disapproved and sustained. The Common Council may thereupon proceed, upon an affirmative vote of a majority of the Aldermen, to adopt a substitute for the item rejected which shall be submitted to the Mayor subject to his/her

approval. All items not disapproved by the Mayor and sustained by the Common Council shall constitute the budget and shall be in full force.

c. Such power of partial veto shall be in addition to the authority granted the Mayor under Sec. 62.09 (8) of the Wis. Stats. In so far as Sec. 62.09 (8) (c) or any other section of the Wis. Stats. Grants any limitation on the power of partial veto by the Mayor of items on the budget, election is hereby made, that such limitations shall not apply to the City of Mondovi. However, this Sec. shall not repeal any of the powers granted by 62.09 (8) (c).

SECTION 3.05 OF THE MUNICIPAL CODE OF THE CITY OF MONDOVI IS HEREBY REPEALED. (Repealed 12/1982)

SECTION 3.06 SIGNING CHECKS.

All checks for the disbursement of funds from the City Treasury shall be signed by the Clerk and Treasurer/Deputy Clerk, and countersigned by the Mayor or Council President. The Administrative Receptionist/Deputy Treasurer, may also sign checks in addition to the Clerk or Treasurer.

(Amended 11/2019)

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CHAPTER 4. POLICE AND CIVIL DEFENSE

SECTION 4.01 PERSONNEL.

The Police Department of the City of Mondovi shall consist of the chief of Police and such other police officers as the Common Council may prescribe from time to time.

SECTION 4.02 APPOINTMENT AND REMOVAL.

(Amended 03/1987, 09/2014)

Police officers, excluding reserve officers and the Chief, shall be selected by the Chief and Personnel Committee of the Common Council subject to approval of the Common Council. The Chief shall have full authority to hire reserve officers and demote, suspend temporarily or remove from the force any officer of the department, subject to the right of such officer to appeal to the Common Council for reinstatement.

SECTION 4.03 GENERAL POWERS OF POLICE OFFICERS.

The Chief of Police and all policemen of the City shall possess the powers, enjoy the privileges, and be subject to the liabilities conferred and opposed by law upon constables and be taken as included in all writs and papers addressed to the constables. Every member of the Police Department shall have full power and authority and it shall be his/her duty to:

(1) Arrest with or without process all persons in the City found violating any law or Ordinance of the State or City or aiding or abetting in such violation and take all persons in charge and confine them and within a reasonable time bring them before the appropriate court to be dealt with according to law.
(2) Familiarize themselves with the Ordinances of the City and attempt to the enforcement of such Ordinances by all lawful means.
(3) Help prevent crimes, misdemeanors, and violations of City Ordinances and protect the health, safety, public peace and order of the City and its inhabitants.
(4) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals and defective and dangerous streets and sidewalks to the City Clerk-Treasurer.
(5) Assist Fire Department in maintaining order at the scene of a fire.
(6) See that necessary permits and licenses issued by the proper authority of the State or City are in possession of or properly displayed by any person engaged in an activity or business within the City where such a permit or license is required and that the term of such permits or licenses are complied with.

SECTION 4.04 CHIEF OF POLICE.

(1) Appointment. See section 1.04 (4).
(2) Duties. In addition to the duties imposed upon him/her by section 4.03, the Chief of Police shall have the following duties:
   a. He/she shall keep in his/her office a record of all arrests made by members of the Department, traffic tickets or citations for other ordinance violations issued, the dates, hours and places thereof, names of persons arrested, arresting officers, offenses charged, actions taken and results.
   b. He/she shall not be absent from duty or leave the City without first reporting to the Mayor, providing he/she may leave without such report when discharging his/her official duties or when in pursuit of a person known to have violated any law or Ordinance in the State or City.
(3) Powers. The Chief shall have the command of the Police Force of the City of Mondovi under the direction of the Mayor and shall have the custody, care and control of the property and equipment of the Department.

SECTION 4.05 CIVILIANS TO ASSIST.

It shall be the duty of all persons in the City, when called upon by a police officer or peace officer, to promptly aid and assist him/her in the execution of his/her duty and whoever shall neglect or refuse to give such aid or assistance shall, upon conviction thereof, be required to forfeit not more than $10.00 (source 62.09 (13) (a)).

SECTION 4.051 FALSE SECURITY ALARMS.

It shall be unlawful to give, or cause to give, intentionally or unintentionally, a false security alarm whether by means of an automatic security alarm system or by any other means. Persons convicted of violation of this section shall be required to forfeit not more than $100.00

SECTION 4.06 REST DAY.

The Chief shall assign to each police officer in the service of the City one full day of rest of 24 consecutive hours during each 192 hours, except in cases of positive necessity by some sudden and serious emergency, which, is the judgment of the chief, demands that such day of rest not be given at such time. Arrangements shall be made so that each full rest day may be had at such time or times when it will not impair the efficiency of the department.

SECTION 4.07 SPECIAL POLICE OFFICERS.

Every Alderman shall have the powers of a City Policeman.

(1) A joint action ordinance of the Board of Supervisors of Buffalo County providing for a county-municipal joint action emergency government plan of organization adopted by said County Board on the 7th day of August, 1972, a copy of which is made a part hereof by reference and is hereby ratified and accepted by the City of Mondovi.
(2) The ratification and acceptance of the Joint Action Ordinance shall constitute a mutual agreement between the City of Mondovi and the County of Buffalo as provided by Section 7 of said Joint Action Ordinance.
(3) The County-Municipal Emergency Government Director, appointed and employed by the Buffalo County Board as provided in the above referred to Ordinance is hereby designated and appointed Emergency Government Director for the City of Mondovi, subject to the provisions and conditions as set forth in Wisconsin Statues and the Buffalo County Joint Action Ordinance.

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CHAPTER 5. FIRE DEPARTMENT

SECTION 5.01 RECOGNITION AND FUNDING.

(1) The volunteer fire department of the City of Mondovi presently existing, and its members are hereby recognized as the official volunteer fire department of said City and the duty of firefighting and the prevention of fire in the City of Mondovi is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this ordinance and by such by-laws adopted by the department as are approved by the Common Council, except as is otherwise proved by law and ordinance.

(2) The Mondovi Fire Department is hereby authorized and directed to adopt by-laws for the control, management, and government and for regulating the business and proceeding of the department, which by-laws, after adoption by the two-thirds vote of the members of the department shall not become effective and operative until presented to and approved by the Common Council. Amendments shall be adopted in the same manner.

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

(4) The officers and members of the fire department shall receive such compensation from the City as may from time to time be fixed by the Common Council.

SECTION 5.02 ORGANIZATION.

(1) The fire department shall consist of the following officers: one chief, a first and second assistant chief, a captain and lieutenant for each company, and a secretary-treasurer, together with one master mechanic, and as many drivers and firemen who are residents of the City of Mondovi as may be appointed by the chief; providing that at no time shall the department consist of less than 22 active members.

(2) Active membership in the department for members other than the chief shall cease at the age of sixty-five (65) years unless the City Council shall, by a majority vote, approve of the person continuing as an active member. Upon reaching the age of 65, active members shall become honorary members and be assigned to lighter task duties. (Amended 04/2020)

(3) Department Members.

a. Any person desiring to become a member of the fire department may file with the secretary an application in such form as the City Council may require. Each applicant shall also file a certificate of physical fitness from such physician as the chief may designate. The name of any applicant approved by the chief as provided in the by-laws shall be presented to the Common Council for confirmation.

b. All registrations from the department shall take the same course as applications for and appointments to membership.

(4) Officers.

a. A vacancy in the office of chief shall be filled by appointment by a majority vote of the membership of the fire department.

b. The chief shall be elected by a majority vote of the membership of the fire department and his/her election shall be subject to a two-thirds vote of the Common Council; the chief shall immediately assume office and hold the same for a term of two years, or until his/her successor is elected.

c. The first and second assistant chiefs, and the captains and lieutenants shall be appointed by the chief from membership of the department, subject to confirmation by a majority vote of the membership of the fire department.

d. No member of the department shall be eligible for the office of chief or assistant chief whose entire time, both day and night are not ordinarily spent within the city limits, and, except for the initial appointments under this ordinance, has not been a member of the department for at least two years.

(5) The election of the secretary-treasurer and such social officers as the by-laws may require shall be held at the annual meeting of the department in such manner as is provided in the by-laws. In case of any vacancy, the chief shall appoint a member in good standing to fill the office until the next annual election

SECTION 5.03 POWERS AND DUTIES OF CHIEF.

(1) The chief shall:

a. Have general supervision of the department; supervision which shall be subject to and not conflict with this ordinance and the by-laws of the department. He/she shall be responsible for the safety of the members of the department.

b. Preside at all meetings of the department, to call special meetings, to preserve order, to decide all points of order that may arise, and to enforce a rigid observance of this ordinance and the by-laws.

c. Preside at all fires, and to have complete command and entire responsibility of all firefighting operations, to plan control of the same, to direct the action of the companies when they arrive at the fire, to observe that every company does its duty, to grant leaves of absence a ta fire when he/she may deem it

proper, and to see that the fire apparatus is kept in proper condition at all times.

d. Have the power to demote or expel any officer or member of the department for neglect or refusal to perform his/her departmental duties. The by-laws may also provide expulsion for failure to participate in departmental activates, or for non-residence
e. No later than October 1st file with the City Clerk a detailed estimate of the appropriations needed for conduct of the department during the ensuing fiscal year.
f. Submit a written report to the Common Council not later than February 1st of each year, and at such other times as he/she may deem desirable, relating to the conditions of the various pieces of apparatus and appurtenances, the number of hydrants and the conditions of the same, the number of fires occurring since the previous report, and the date of same and loss occasioned thereby; and the total number of active members in the department, and resignations and expulsions from the department. He/she shall also report upon the drill and training program from the department, together with other pertinent information, including recommendations of such improvements as he/she deems proper and necessary for the operations of the department.
g. Enforce all fire prevention ordinances of this City, and state laws and regulations pertaining to fire prevention, and shall keep citizens informed of fire prevention methods, and on the activities of the fire department.
h. Keep a fire record book of every fire to which any company was called, and shall enter in such book the locality of the fire, time the alarm was received, cause of fire, where the fire started, cause of delay (if any) in responding, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of firemen responding and general remarks.
i. Keep an inventory of all apparatus and equipment, and an inventory of all hose showing dates and results of tests on each length, which shall be individually numbered.
j. Perform such other duties as are usually incumbent upon the commanding office of the fire department.

SECTION 5.04 CONTROL AND CARE OF APPARATUS.

The Chief shall have control of all apparatus used by the department, and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the chief.

SECTION 5.05 POLICE POWER OF DEPARTMENT.

(1) The Chief and his/her assistants or officers in command at any fires are hereby vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right of way to the fire department in responding to a fire.
(2) Admitted by order of any officer of the department shall not be permitted to come. The chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, or to prevent the presiding of fire, or to protect the adjoining property, and during the progress of any fire he/she shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. He/she will also have the power to cause the removal of all wires or other facilities and the running off of electricity or other services where the same impedes the work of the department during the progress of the fire.
(3) Firemen May Enter Adjacent Property. It shall be lawful for any fireman while acting under the direction of the fire chief or other officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire; and in case any person shall hinder, resist or obstruct any fireman in the discharge of his/her duty is hereinbefore provided, the person offending shall be deemed guilty of resisting firemen in discharge of their duty.
(4) Duties of By-Standards to Assist. Every person who shall be present at a fire shall be subject to the order of the fire chief or officer in command, and may be required to render assistance in fighting fire, or removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey such orders.
(5) Injury to Fire Apparatus. No person shall willfully inure in any manner any hose, hydrant or fire apparatus belonging to the City of Mondovi, and no vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, track or other place, to be used at any fire or alarm of fire, without the consent of the fire department official at hand.
(6) It shall be unlawful for the operator of any vehicle other than one in on official business to follow any fire apparatus in response to a call or alarm closer than 500 feet, or drive or park any vehicle within the area where fire apparatus has stopped in response to an alarm.

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SECTION 5.06 FIRE INSPECTOR: DUTIES.

(1) The chief of the fire department shall hold the office of fire inspector, with power to appoint one or more deputy fire inspectors, who shall perform the same duties and have the same power as the fire inspector.
(2) It shall be the duty of the fire inspectors to inspect quarterly all buildings, premises, and thoroughfares within the fire limits of this City; and to inspect semi-annually all buildings, premises and public thoroughfares within the city limits, for the purpose of noting and causing to be corrected any condition liable to cause fire. Repairs or alternations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The inspector shall also investigate the storage and handling of explosives and flammable liquids within the City.
(3) The chief shall keep a written record card of each property inspected which shall confirm to the requirements of the industrial commission, and shall make the quarterly reports of inspections required by the industrial commission, and shall make summary reports of such inspections to the Common Council.
(4) Whenever or wherever in the City of Mondovi any inspection by the fire chief or his/her deputies reveals a fire hazard, the chief or his/her deputies are hereby invested with authority to serve a notice in writing, upon the owner of the property giving said owner a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed, it shall be deemed a nuisance and the fire chief or his/her deputy is authorized to have the same removed by the City, and the cost of removal shall be recovered in an action by the City against the owner of the property.
(5) No person shall deny the chief or his/her deputy's free access to any property within the City at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of his/her duty, or refuse to observe any lawful direction given by him/her.

SECTION 5.07 USE OF RED WARNING LIGHTS AND SIRENS.

The city clerk-assessor is hereby authorized, ordered and directed to issue permit cards authorizing the use by volunteer firemen of the fire department of a red warning light and siren on privately owned vehicles when responding to but not upon returning from fire alarm.

SECTION 5.071 FALSE FIRE ALARMS.

(Amended 01/1987)

It shall be unlawful to give, intentionally or unintentionally, a false fire alarm whether by means of a fire alarm system or by any other means.

SECTION 5.08 FORFEITURE FOR VIOLATION.

(1) Any person, firm or corporation convicted or violation of any of the provisions of this chapter, except s. 5.071, shall forfeit not more than $100.00 together with the cost of prosecution. Each day's violation of the provisions of this ordinance shall constitute a separate offense.
(2) Any person, firm or corporation convicted of violation of s. 5.071 of this chapter shall forfeit not more than $300.00 together with the cost of prosecution.

SECTION 5.09.

This section is intentionally left blank.

SECTION 5.10 SPECIAL CHARGE FOR FIRE CALLS.

(Adopted 01/2011)

(1) Statement of Purpose. In recognition of the cost for providing for fire fighters and equipment to respond to fire calls, and in further recognition that such service aids are a benefit to the community, the Common Council chooses to exercise the authority under s. 66.0627, Wis. Stats., to charge a user fee directly related to the cost of fire protection services.
(2) General Service Fee Structure. For all fire calls by the Fire Department to properties located within the City limits, an hourly charge shall be established by the Common Council and placed on file with the City Clerk, representing the hourly charge for wages and benefits paid to firefighters. Said amount, calculated by the number of fire fighters responding to a fire call, shall be used for purposes of assessing a fee as described under (3). For fire calls made by the Fire Department to properties located outside the City limits but within its jurisdiction, in addition to utilizing the same hourly charge fee structure for wages and benefits paid to firefighters, a per call chare for the use of equipment, machinery and vehicles shall be established by the Common Council and placed on file with the City Clerk, to be used for assessing a fee under (4).
(3) Fee for Fire Calls in the City. For each fire call to properties located within the City limits, a fee shall be charged to the owner of the property, calculated upon the basis of the hourly wages and benefits fee structure established under (2), above. Such fees assessed under this paragraph shall be paid in full as a special charge for current services rendered and shall be paid within thirty (30) days of the date of billing. Fees remaining

unpaid as of the due date shall be handled as described under (5).

(4) Fee for Fire Calls Outside of the City. For each fire call to properties located outside of the City limits, a fee shall be charged to the owner of the property, calculated upon the basis of the hourly wages and benefits fee structure and per call charge for equipment, machinery, and vehicles established as described under (2). Such fees assessed under this paragraph shall be paid in full as a special charge for current services within thirty (30) days of the date of billing. Fees remaining unpaid as of the due date shall be handled as described under (5).

(5) Procedure for Collecting Overdue Special Charges. Each special charge for a fire call that remains unpaid in whole or in part, as of the due date therefor, shall be collected in the manner contemplated under Section 66.0627 (4), Wis. Stats. To this effect, the City Clerk shall certify to the Common Council on or immediately after October 1st of each year, a list of unpaid special charges for fire calls as of October 1st, noting the amount of each unpaid special charge, its due date and the property to which the fire call was made. Upon order of the Common Council each unpaid special charge as of October 1st shall be included in the next tax roll for collection and settlement under Ch. 74, Wis. Stats., as a lien upon the property. Notice the City Clerk in the official newspaper at least one week prior to the meeting at which the Common Council decides to place the unpaid charges on the tax roll. The procedure for collecting fees for services rendered outside of the City limits shall be managed on a case-by-case basis. The City retains the right to either refer to a collection agency or direct he city attorney to file a claim in Circuit Court for recovery.

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CHAPTER 6. TRAFFIC

(Amended 10/2015)

SECTION 6.01 STATE TRAFFIC LAWS ADOPTED.

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

(2) General References. General references in this chapter to Wisconsin Statutory sections or chapters describing or defining procedures or authority for enactment for enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of Wisconsin Legislature describing or defining such procedures or authorities.

SECTION 6.02 OFFICIAL TRAFFIC CONTROL DEVICES: PROHIBITED SIGNS, SIGNALS, AND MARKERS.

(1) Duty of Chief of Police to Erect and Install Uniform Traffic Control Device. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in s. 6.01, require the erection of traffic control devices for enforcement, the Chief of Police shall procure, erect, and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever state law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as in the judgement of the Chief of Police will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the City of Mondovi.

(2) Prohibited Signs and Markers in Highways. No Person, other than an Officer authorized by this chapter to erect and maintain Official Traffic Control devices or his or her designee, shall place within the limits of any street or highway maintained by the City of Mondovi any sign, signal, marker, mark of monument, unless permission is first obtained from the Chief of Police or State Highway Commission. Any sign, signal, marker, mark, or monument placed or maintained in violation of this subsection shall be subject to removal as provided in subsection (4).

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

SECTION 6.03 SPEED LIMITS.

The common council hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe, and imprudent, and modifies such speed limits as follows:

(1) Speed Limit Increased. Speed Limits are increased as follows upon the following designated streets and portions thereof:

a. 30 Miles per Hour on State Trunk Highway 37 from the western limits of the City east to the intersection of East Main Street with the east curb line of Monroe Street; and on U.S. Highway 10 from the western limits of the City to the intersection of East Main Street with the east curb line of Monroe Street; and on County Trunk Highway H from the northeast corner of lot 11 and the northwest corner of lot 598, both of the 1940 assessor's plat of the City of Mondovi, south to its intersection with the south curb line of Riverside Avenue.

b. 35 Miles per Hour on County Trunk Highway H from its intersection with the south curb line of Riverside Avenue south to the City limits.

c. 40 Miles per Hour on County Trunk Highway A from its intersection with U.S. Highway 10 west to the corporate limits of the City; and on County Trunk Highway H from the northeast corner of lot 11 and the northwest corner of lot 598, both of the 1940

assessor's plat of the City of Mondovi, north to the corporate limits of the City.

d. 45 Miles per Hour on U.S. Highway 10 and on State Trunk Highway 37 from the conjunction of said highways on the east side of the City to the intersection of each of said highways with the northern and eastern corporate limits, respectively, of the City.

SECTION 6.04 THROUGH HIGHWAYS AND CONTROLLED INTERSECTIONS.

(1) Definitions.

a. Heavy Traffic: For the purpose of this section, is defined as all vehicles not operating completely on pneumatic tires, and all vehicles or combination vehicles, other than motor buses, designed for transporting property of any nature having a gross weight of more than 15,000 pounds.

b. Thru Truck: As regulated herein, is defined as a heavy traffic vehicle driven or used for transporting of goods, materials, or property of any nature on a street, road, or highway within the corporate limits of the City of Mondovi that does not have a point of destination on the street on which the vehicle is traveling.

c. A heavy traffic vehicle with a point of origin or point of destination in which the sole access is by way of a street on which "NO THRU TRUCKS" signage has been posted in accordance with this chapter is not considered a "thru truck" for the purpose of enforcement.

(2) Thru Truck Traffic Limited.

a. No person shall operate a thru truck, as defined herein, on any street, road, or highway within the corporate limits of the City of Mondovi that has been posted with appropriate "NO THRU TRUCKS" signage.

b. The "NO THRU TRUCKS" signage shall be installed and the prohibition enforced only after adoption of an ordinance by the City Council designating the section of street, road, or highway on which heavy vehicles are prohibited.

c. The following streets shall be designated "NO THRU TRUCKS" and the Street Superintendent or his designee is authorized and directed to cause the appropriate signs to be erected giving notice thereof:

i. State Street from West Main Street to West Riverside Ave.

ii. North Washington Street from East Main Street to Industrial Drive.

(3) In the interest of public safety and pursuant to authority granted by Wisconsin law, the following highways or portions thereof are declared to be through highways:

a. Main Street from the east line of the city limits to the dividing point of West Main Street with U.S. Highway "10".

b. West Riverside Avenue from the west line of the city limits to the east curb line of South Eau Claire Street.

c. Hudson Street from its western terminus to the west curb line of State Street; and from the east curb line of State Street to the west curb line of South Eau Claire Street; and from the east curb line of South Eau Claire Street to the eastern end of said Hudson Street.

d. South Eau Claire Street from the north curb line of West Riverside Avenue to the south curb line of Main Street.

e. North Eau Claire Street from the north line of the city limits to the north curb line of Main Street.

f. Jackson Street from the north curb line of Columbia Avenue to the north curb line of Main Street.

g. Franklin Street from the south curb line of Columbia Avenue to the north curb line of Main Street.

h. South Washington Street from the south curb line of Main Street to the south end of said Washington Street.

i. North Washington Street from the junction with State Trunk Highway #47 on the north end to the north curb line of Main Street.

j. West Mill Street from the west curb line of Jackson Street to the east curb line of North Harrison Street.

k. North State Street from the north curb line of West Main Street to the south curb line of Mill Street.

l. South State Street from the south curb line of West Hudson Street to the north curb line of Riverside Avenue.

m. North Harrison Street from the north curb line of West Main Street to the south curb line of Parker Avenue.

n. Parker Avenue from the west curb line of Jackson Street west to its termination point.

o. Madison Street from the south curb line of Main Street to the termination of said Madison Street.

p. Monroe Street from the south curb line of Main Street to the termination of said Monroe Street.

q. Water Street from the west curb line of South State Street west to the end of said street; and from the east curb line of South State Street to the west curb line of South Eau Claire Street; and from the east curb line of South Eau Claire Street to the west curb line of South Washington Street.

r. Oak Street from the east curb line of North Washington Street to the west right of way line of S.T.H. #37.

s. Jefferson Street from the north curb line of Oak Street at Blocks 1 and 3 of Bollinger's 1st and 2nd

Additions to the north curb line of Oak Street at Blocks 1, 3 and 4 of the Heike Addition.

t. Cloverleaf Lane from its easternmost limits westerly to its intersection with State Trunk Highway #37.

u. Ness Drive from the north curb line of Cloverleaf Lane north to the south curb line of Washington Street.

v. Washington Street from its easternmost limits westerly to its intersection with State Trunk Highway #37.

(4) Designation of Location of Stop Signs. In the interests of public safety, stop signs shall be installed at the following locations to control traffic on the highways over which the City of Mondovi has exclusive jurisdiction.

a. McKinley Street at its intersection with West Main Street.

b. Cleveland Street at its intersection with West Main Street.

c. Harrison Street at its intersection with Mill Street; and its intersection with West Main Street; and at its intersection with Hudson Street.

d. Kennedy Street at its intersection with Parker Avenue.

e. Eisenhower Street at its intersection with Parker Avenue.

f. State Street at its intersection with West Mill Street; at its intersection with West Main Street; at its intersection with Hudson Street; and at its intersection with Riverside Avenue.

g. Vernon Street at its intersection with West Mill Street and at its intersection with Vine Street.

h. Jackson Street at its intersection with Main Street.

i. Union Street at its intersection with Water Street; and its intersection with Riverside Avenue.

j. Franklin Street at its intersection with West Main Street; at its intersection with West Hudson Street; at its intersection with Water Street; at its intersection with West Mill Street; and at its intersection with Columbia Ave.

k. Eau Claire Street at its intersection with Main Street; and at the northwest corner of the intersection of Eau Claire Street with Riverside Avenue for traffic on South Eau Claire Street continuing south on Eau Claire Street.

l. Howard Street at its intersection with Main Street; at its intersection with East Hudson Street; and at its intersection with East Water Street.

m. Lakewood Drive at its intersection with Oak Street.

n. Washington Street at its intersection with East Main Street.

o. Jefferson Street at its intersection with Oak Street.

p. Madison Street at its intersection with East Main Street.

q. Monroe Street at its intersection with East Main Street.

r. Joel Street at its intersection with East Main Street.

s. Columbia Ave at its intersection with North Eau Claire Street.

t. Parker Avenue at its intersection with Jackson Street.

u. Glen Avenue at its intersection with Franklin Street and at its intersection with North Eau Claire Street.

v. Oak Street at its intersection with North Washington Street and at its intersection with State Highway 37.

w. Mill Street at its intersection with North Harrison Street; at its intersection with Jackson Street; at its intersection with North Franklin Street; and at its intersection with North Eau Claire Street.

x. Vine Street at its intersection with North Harrison Street; at its intersection with North State Street; at its intersection with Jackson Street; at its intersection with North Franklin Street; and at its intersection with North Eau Claire Street.

y. Hudson Street at its intersection with South Eau Claire Street; and at its intersection with South Eau Claire Street.

z. Cottage Avenue at its intersection with South Washington Street; its intersection with Madison Street; and its intersection with Monroe Street.

aa. Water Street at its intersection with South State Street; at its intersection with South Eau Claire Street; at its intersection with South Washington Street; at its intersection with Madison Street; and at its intersection with Monroe Street.

bb. Gilman Street at its intersection with South State Street.

cc. Lincoln Street at its intersection with Water Street.

dd. North Harrison Street at its intersection with Parker Avenue.

ee. Buffalo Street at its intersection with Memorial Drive.

ff. Morningside Drive at its intersection with Cloverleaf Lane.

gg. Evergreen Court at its intersection with Cloverleaf Lane.

hh. Cloverleaf Lane at its intersection with State Trunk Highway 37.

ii. Ness Drive at its intersection with Cloverleaf Lane and its intersection with North Washington Street.

jj. Nordic Circle at its intersection with Ness Drive.

kk. North Washington Street at its intersection with State Trunk Highway 37.

ll. Industrial Drive at its intersection with North Washington Street.

mm. Gaylord Drive at its intersection with Industrial Drive.

nn. Jackson Street at its intersection with West Mill Street.
oo. Mirror Lake Drive at its intersection with North Washington Street.
pp. North Creek Lane at its intersection with Mirror Lake Drive.
qq. North Creek Lane at its intersection with Badger Avenue.
rr. Peeso Creek Lane at its intersection with Mirror Lake Drive.
ss. Peeso Creek Lane at its intersection with Badger Avenue.
tt. Cattail Lane at its intersection with Mirror Lake Drive.
uu. Cattail Lane at its intersection with Peeso Creek Lane.
vv. Badger Avenue at its intersection with Industrial Drive.
ww. Commercial Avenue at its intersection with Badger Avenue.
xx. Commercial Avenue at its intersection with Dell Drive.
yy. Dell Drive at its intersection with Industrial Drive.
zz. Poeden Place at S. Eau Claire St.
aaa. Parkview Av. At S. Eau Claire St.
bbb. Van Buren St. at W. Water St.
ccc. Van Buren St. at Gilman St.
ddd. Highland Av. At Oak St.
eee. Canal St. at E. Water St.
fff. Hehli Way at Monroe St.

(5) Yield Signs to be Erected. The Chief of Police is authorized to erect yield right of way signs conforming to Wisconsin Official Traffic Control Device Manual at the following intersections on highways in the exclusive jurisdiction of the City of Mondovi provided that if the intersected highway is part of a through highway designated under subsection (1), the provisions of s. 349.07(7) (a), Wis. Stats., apply on:
a. Memorial Dr. at Highland Ave
b. Joel St. at Highland Ave.
c. Komro Ct. at Oak St.
d. Jefferson St. at Oak St.

SECTION 6.05 U-TURNS PROHIBITED.

U-turns are prohibited at the following locations:
(1) On Main Street at its intersection with Jackson Street and its intersection with Howard Street.
(2) On Eau Claire Street at its intersection with Vine Street and at its intersection with Water Street.

SECTION 6.05B MOTOR VEHICLES ON SIDEWALK PROHIBITED.

No Person shall operate or park any motor vehicle on any sidewalk, pedestrian way, or pedestrian overpass within the City of Mondovi except for travel on a clearly marked alley or permanent driveway. Municipal and County maintenance and emergency vehicles shall be exempt from this provision.

SECTION 6.06 WEIGHT LIMITS.

(1) All highways within the City of Mondovi are hereby designated Class A highways subject to the weight limitations imposed on Class A highways by the Wisconsin Statutes adopted by reference in s. 6.01 of this chapter.
(2) The Chief of Police shall have the authority to impose special or seasonal weight limits on any highway, bridge, or culvert maintained by the City to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting uniform traffic control devices giving notice thereof.

SECTION 6.07 PARKING REGULATIONS.

(1) Parking Prohibited at All Times. Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property or while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle, upon any of the following highways or parts of highways:
a. On the east side of Vernon Street.
b. On the north side of Hudson Street from Franklin Street to State Street.
c. In the alleyway in the block bounded by Howard Street, Main Street, Eau Claire Street, and Hudson Street except for vehicles involved in official police business.
d. On the east side of State Street from its intersection with the north line of Riverside Avenue north to the south line of the existing driveway on Lot 330 of the 1940 assessor's plat of the City of Mondovi.
e. On the north side of Buffalo Street from its intersection with the east line of Short Street east 75 feet between the hours of 7:00 a.m. and 3:00 p.m., Monday through Friday of each week.
f. Except for official police business, on the south side of Main Street, from the northwest corner of Lot 480 of the 1940 assessor's plat of the City of Mondovi east to the west end of the bridge over Mirror Creek.
g. On the west side of Memorial Drive from its intersection with the north line of Main Street to its intersection with the south line of Buffalo Street.
h. On the south side of Main Street from the east line of Monroe Street east to the west line of Marten Street.

i. On the north side of Main Street from the west line of Lot 577D as identified by the official street map of the City, east to the intersection of State Highway 37 and U.S. Highway 10.

j. On either side of a portion of Komro Court and a portion of Highland Avenue described as follows: No parking along the northerly and westerly side of said streets adjacent to the northeasterly 64 feet of Lot 4 and southeasterly 67 feet of Lot 5 of Heike's Hillside addition; and no parking on the southerly and easterly side of said streets adjacent to the northwesterly 19 feet of Lot 17 and southwesterly 87 feet of Lot 16 of Heike's Hillside addition.

k. On either side of Riverside Avenue, also known as State Highway 37, from the intersection of said Riverside Avenue and South Eau Claire Street and running southwesterly to the City Limits.

l. On the east/south side of Oak St. from the east side of Lot 611 of the 1940's assessor's plat of the City of Mondovi, west/south to E. Mill St. excluding the designated parking area.

m. On the north side of E. Mill St. from N. Eau Claire St. to Oak St.

n. On the south side of E. Mill St. from the east side of Lot 634 of the 1940's plat of the City of Mondovi to Oak St.

o. On the east side of Memorial Dr. starting at a point 127 feet north of the north line of Buffalo St. and ending 167 feet north.

(2) Parking Prohibited During Certain Periods.

a. No person shall park or leave standing any vehicle upon any of the following highways or parts of highways for more than two continuous hours between the hours of 8:30 a.m. and 5:30 p.m. except Sundays and holidays:

i. On both sides of N. Franklin Street from Vine Street to Main Street.

ii. Eau Claire Street from Vine Street to Hudson Street and Main Street from Franklin Street to Mill Creek.

iii. City Hall located at 156 South Franklin Street from the northern edge of the building to the intersection of S. Franklin St. with West Hudson St. (Added 02/2020)

iv. Library located at 146 West Hudson Street from the alley between S. Franklin St and S. Eau Claire St in the 100 block to the intersection of W. Hudson St with S. Franklin St. (Added 02/2020)

b. No person shall park or leave standing any vehicle upon any of the following highways or parts of highways during those periods of time when the Mondovi Public Schools are in session unless the vehicle is attended by a licensed driver:

i. On the north side of Mill Street along its entire boundary with the south line of Lot 39 of the 1940's assessors' plat of the City of Mondovi.

ii. On the west side of Jackson Street along its entire boundary with the east line of Lot 39 of the 1940's assessors' plat of the City of Mondovi.

c. No person shall park of leave standing any vehicle upon any of the following highways or parts of highways between the hours of 3:00 a.m. and 5:00 a.m. on Tuesdays and Fridays from May 1st through October 31st:

i. On both sides of Main Street between the west line of Franklin Street and the east line of Howard Street.

ii. On both sides of Eau Claire Street between the south line of Mill Street and the north line of Riverside Avenue.

d. No person shall park or leave standing any vehicle upon any of the following highways or parts of highways for more than 30 continuous minutes during such times when Mondovi Public Schools are in session.

i. On the east side of Jackson Street from its intersection with the north line of Mill Street to its intersection with the north line of Lot 103 of the 1940's assessor's plat of the City of Mondovi.

ii. On the south side of Mill Street from its intersection with the west line of Jackson Street west to its intersection with the west line of Lot 58 of the 1940's assessor's plat of the City of Mondovi.

(2a) Parking Reserved for Vehicles of Disabled. When official traffic signs, indicating such restriction have been erected in accordance with s. 6.02, no person shall park, stop, or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

(3) Parking of Oversized Vehicles.

a. For the purpose of this subsection "oversized vehicle" shall mean any motor vehicle, except a motor home or dual-purpose motor home, which exceeds 24 feet in overall length and 8 feet in width at its widest part.

b. Except for the purpose of loading and unloading an oversized vehicle, provided that such loading activities take place at reasonable hours of the day and do not extend for an unreasonable length of time, no person shall park an oversized vehicle on

any street or alley within the City limits except the following areas:

i. On both sides of Main Street from the east line of Coolidge Court east to a point 50 feet west of the west line of Eau Claire Street.

ii. On both sides of Main Street from a point 50 feet east of the east line of Eau Claire Street east to the west side of the next alleyway east of Howard Street.

c. No person shall park a motor home or dual-purpose motor home on any street within the City limits for more than 27 continuous hours or any other motor vehicle or a trailer of any kind in any one place on any street, alley or highway within the City for a period exceeding 72 hours on said thoroughfare without moving the vehicle at least 200 feet.

(4) Angle Parking. Angle parking of vehicles shall be required on Eau Claire Street from the south curb line of Mill Street to the north curb line of Water Street.

(5a) All Night Parking During Winter Months. When signs have been erected at or reasonably near the corporate city limits or the city as provided in s.349.13, WIS STATS., no person shall park any vehicle on the following streets within the corporate limits of the city between the hours of 2:00 am and 6:00 am on any day from November 1st through April 30th:

a. State Hwy. 37 along its entire route through the city.
b. U.S. Hwy. 10 along its entire route through the city.
c. Eau Claire St. from Mill St. to Water St.
d. Hudson St. from Franklin St. to the farthest point east.
e. Vine St. from Franklin St. to the farthest point east.
f. S. Franklin St. from W. Main St. to W. Hudson St.
g. Howard St. from E. Main St. to E. Hudson St.

(5b) Alternate side parking during winter months. Between November 1st and April 30th inclusive, alternate side parking regulations shall be in effect on all streets in the City of Mondovi. Such regulations shall apply as follows:

a. On odd-numbered days, vehicles shall only be parked, stopped or left standing on that side of the street having odd-numbered addresses.
b. On even-numbered days, vehicles shall only be parked, stopped or left standing on that side of the street having even-numbered addresses.
c. The provisions of this section shall only be in effect between 2:00am and 6:00am.
d. This section shall not affect any other parking or related regulation that may also be in effect.

(6) Street Maintenance. Whenever it is necessary to clear or repair a City roadway or any part thereof, the City Street department shall post such highways or parts thereof with signs bearing the words "No Parking-Street Maintenance Work". Such signs shall be erected at least two hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

(7) Parking in Driveway. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

(8) Unlawful Removal of Parking Citations. No person other than the owner or operator thereof shall remove a City parking citation from a motor vehicle.

(8a) Removal of Illegally Parked Vehicles.

a. Hazard to Public Safety. Any vehicle parked, stopped, or standing upon a highway in violation of any of the provisions of this section or s. 6.01 of this code is declared to be a hazard to traffic and public safety.
b. Removal by Operator. Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
c. Removal by Traffic Officer. Any traffic officer, after issuing a citation for illegal parking, stopping, or standing of an unattended vehicle in violation of this code, is authorized to remove such vehicle to a position where parking is permitted.
d. Removal by Private Service. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
e. Towing and Storage Charges. In addition to other penalties provided by in this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage directly to the towing company before reclaiming the vehicle.

(9) Registration Record of Vehicle as Evidence. When any vehicle is found upon a street or highway in violation of any provision of this code regulating the stopping, standing, or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purpose of enforcement of this section and s. 6.01 of this code and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Wis. Stat. s.

346.485(5)(b) shall be a defense for an owner charged with such violation.

(10) Blocking Street. No person shall block or obstruct, partially or wholly, any street, alley, or sidewalk with a motor vehicle that is not legally parked.

SECTION 6.09 ADMINISTRATIVE CODE PROVISIONS ADOPTED.

(1) Administrative Regulations Adopted. The following administrative rules and regulations adopted by the secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative code, exclusive of any provisions therein relating to penalties to be imposed, are hereby adopted by reference and made part of this code as if fully set forth herein.
   a. Wis. Trans Code 146: Vehicle Registration & Fuel Trip Permits (Penalties of Wis. Stats. S. 341.04 apply)
   b. Wis. Adm. Code – MVD4: Lettering on Vehicles, Display of Evidence of Registration and Dual Permit
   c. Wis. Trans Code 304: Slow Moving Vehicle Emblem
   d. Wis. Trans Code 305: Standards for Motor Vehicle Equipment
   e. Wis. Trans Code 325: Motor Carrier Safety Regulations
   f. Wis. Trans Code 326: Motor Carrier Safety Requirements for Transportation of Hazardous Materials
   g. Wis. Trans Code 327: Motor Carrier Safety
   h. Wis. Trans Code 330: Motor Bus Equipment and Inspection
   i. Wis. Adm. Code – MVD17: Transportation of School Children

SECTION 6.10 MISCELLANEOUS TRAFFIC PROVISIONS.

(1) Compression (Jake) Braking Prohibited.
   a. Definition: A compression brake, commonly referred to as a "Jacobs" brake, "Jake" brake, engine brake, or dynamic braking device, means a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of or in addition to wheel brakes.
   b. Use Prohibited: No Person shall use a motor vehicle within the city limits where the compression brake in in any way engaged or activated on such motor vehicle or any unit which is a part thereof except for the aversion of imminent danger.

SECTION 6.12 NEIGHBORHOOD ELECTRIC VEHICLES.

(1) The common council finds that when operating according to state and local rules of the road, Neighborhood Electric Vehicles are a reasonably safe form of transportation, compatible with other users of certain streets with moderate speed limits. Therefore, by authority granted in Section 349.26, Wis. Stats., limited use of these vehicles is permitted as provided in this section.

(2) Definitions: Neighborhood Electric Vehicles (NEV) means a self-propelled, electrically-powered motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the Federal Department of Energy and conforms to the definition and requirements for "low speed" vehicles as adopted in the Federal Motor Vehicle Safety Standards for "low speed" vehicles adopted under 49 C.F.R. State Statute 571.3(b) and 571.500, and Section 340.01(27h), Wis. Stats. NEW does not include an electric golf cart.

(3) NEV shall also be 4-wheeled and have a speed range of at least 20 miles per hour on a paved surface and not more than 25 miles per hour on a paved surface and have a gross vehicle weight of less than 3,000 pounds. An NEV shall be equipped with the following features:
   a. Headlamps, which shall be on at all times during operations;
   b. Front and rear turn signals;
   c. Stop lamps;
   d. Reflex reflectors: one red on each side as far to the rear as practicable; and one red on the rear.
   e. An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
   f. A parking brake;
   g. A slow-moving vehicle sign on the backside of the vehicle;
   h. A windshield that conforms to the requirements of the Federal Motor Vehicle Safety Standard on glazing materials (49 C.F.R. S.S. 571.205);
   i. A Vehicle Identification Number ("VIN") that complies with federal law under 49 C.F.R. S.S. 565; and
   j. A Type 1 or Type 2 seatbelt assembly conforming to 49 C.F.R. S.S. 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position.

(4) Permitted Use on City Streets.
   a. Operation. Any individual, subject to the other requirements in this Ordinance, may operate an NEV on the streets and sections of streets lying entirely within the City having a posted speed limit of 35 miles per hour or less.
   b. Other Laws and Ordinances. The operation or use of NEV's shall, in all other respects not specifically enumerated in this Ordinance comply with all

applicable state laws and the City of Mondovi's Code of Ordinances.

(5) Permitted Users.

a. Operator's License. No person may operate an NEV on any street, as set forth above, unless the person has a valid regular or probationary operator's license pursuant to Section 343.05, Wis. Stats.

b. Insurance. Any person operating an NEV shall be covered by any insurance as required by state law to operate a motor vehicle and have proof of such insurance while operating the NEV.

(6) NEV License. NEV's shall be registered and licensed by the Wisconsin Department of Transportation in accordance with Section 341.25, Wis. Stats. The license shall be displayed in the rear window of the NEV and if no rear window then in a clear plastic waterproof holder hung from the rear of the NEV top.

(7) Title. NEV Owners shall be required to obtain a certificate of title from the Wisconsin Department of Transportation.

(8) Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 6.13 PENALTIES.

(Amended 02/2020)

In addition to all penalties, any person who violates any of the provisions of this chapter shall, forfeit $10.00. In addition to other penalties provided in this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage directly to the towing company before reclaiming the vehicle. A separated offense shall be deemed committed on each day on which a violation of any provision of this section occurs of continues.

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CHAPTER 7A. SNOWMOBILE

(Amended 02/2017)

SECTION 7A.001 STATEMENT OF POLICY.

Snowmobile operators have unlawfully caused numerous and repeated invasions of privacy, unnecessary and unlawful noise and have frequently endangered the personal safety of individuals in the City of Mondovi. Enforcement of prior ordinances regulating snowmobile operation is not reasonably possible without the voluntary cooperation of every snowmobile operator. Snowmobile operators have not in the past cooperated with law enforcement personnel and there is no reasonable expectation that they will do so in the future. In order to protect the public safety and welfare, the council has determined that snowmobile operation within the City shall be prohibited except as provided in this chapter.

SECTION 7A.01 STATE SNOWMOBILE LAWS ADOPTED

(1) Except as otherwise specifically provided in this ordinance, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this ordinance.
   - 350.01 (Definitions)
   - 350.02 (Operation of Snowmobiles on or in the vicinity of the Highway)
   - 350.03 (Right of Way)
   - 350.04 (Snowmobile races, derby's, and routes)
   - 350.045 (Public Utility Exemption)
   - 350.05 (Operation by Youthful Operators Restricted)
   - 350.055 (Safety Certificate Program Established)
   - 350.06 (Firearms and Bows)
   - 350.07 (Driving Animals)
   - 350.08 (Owner Permitting Operation)
   - 350.09 (Headlamps, Tail lamps and Brakes)
   - 350.10 (Miscellaneous Provisions for Snowmobile Operation)
   - 350.12 (Registration of Snowmobiles)
   - 350.13 (Uniform Trail Signs and Standards)
   - 350.15 (Accidents and Accident Reports)
   - 350.17 (Enforcement)
   - 350.02(10) (Applicability of Rules of the Road to Snowmobiles)

(2) The adoption of s. 346.02 (10) of the Wisconsin Statutes by reference is intended to include the rules of the road therein enumerated which are as follows: 346.04, 346.06, 346.11, 346.14 (1), 346.18 to 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46 to 346.48, 346.50 (1) (b), 346.51 to 346.55, 346.87 to 346.91, 346.92 (1) and 346.94 (1), (6), (6) (m) and (9).

SECTION 7A.02 SNOWMOBILE ROUTES AND TRAILS DESIGNATED.

(1) No person shall operate a snowmobile upon any public right-of-way, in any public park or on any other public municipal property in the City of Mondovi except upon the following designated snowmobile routes and trails:
   a. Routes and Trails – Unrestricted hours of operation on the following streets:
      i. The entire length of Water Street connecting Trail #22.
      ii. Howard Street from E. Water Street to E. Hudson Street.
      iii. E. Hudson Street from Howard Street west to the alley bounded by S. Eau Claire St. and Howard St.
      iv. The alley bounded by S. Eau Claire St. and Howard St. from E. Main St. to E. Hudson St.
      v. The alley bounded by S. Eau Claire St. and S. Franklin St. from W. Water St. to W. Main St.
      vi. Commerce Ct. from W. Main St. to a point 104 ft. north.
      vii. S. Franklin St. from W. Water St. to W. Main St.
      viii. N. Franklin St. from W. Main St. to a point 130 ft. north.
      ix. Trail #33 and #22
      x. The northern trail bypass between Trail #22 and #33.
   b. Streets – Restricted hours of operation. CITY RESIDENTS may use city streets (except Hwy 10, Hwy 37, and County Rd H) to access routes / trails and return home by the shortest distance possible. All snowmobile operation in the City of Mondovi on private land, public land, and public highways is restricted {except as listed in 7.02 (1) (a)} to the following hours of operation: 7:00 a.m. to 10:00 p.m. Sunday to Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday.

(2) The chief of police is directed and authorized to oversee procurement, erection and maintenance of appropriate snowmobile routes, trails, limit and mark signs as approved by the State Department of Natural Resources under s. 350.13, Wis. Stats.

(3) No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this ordinance.

(4) Snowmobiles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.

(5) Snowmobiles are to be operated in single file.
(6) Headlights shall be on at all times.
(7) Snowmobile operators shall yield the right-of-way to other vehicular traffic and pedestrians.

SECTION 7A.03 ADDITIONAL REGULATIONS.

(1) The City of Mondovi reserves the right to close or modify routes at any time.
(2) The Snowmobile Club (Mondovi Gilmanton Snoblazers) shall pay the cost of, installation of and maintenance of all route signs and posts within the City of Mondovi in accordance with Wis. Stats. 350, or directed by the City. Failure to fulfill this obligation will cause the City to close all routes.
(3) Speed: No person shall operate a snowmobile upon any private property, public property, or public highway within the City of Mondovi at a speed in excess of fifteen (15) miles per hour.
(4) Unattended Snowmobiles: No person shall leave or allow a snowmobile to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.
(5) Operation on Sidewalks and Malls Prohibited: No person shall operate a snowmobile on any sidewalk, pedestrian way, or mall within the City except for the purpose of crossing to obtain immediate access to an authorized area of operation.
(6) Parking: No snowmobile parking shall be allowed on city streets.

SECTION 7A.04 PENALTY.

Any person who shall violate any part of this Chapter not covered in Wis. Statute 350, shall be subject to a forfeiture of not less than $25.00 and not more than $100.00 for the first offense within a twelve (12) month period of time and not less than $25.00 and not more than $200.00 for the second (2nd) and additional offenses within a twelve (12) month period of time plus the cost of prosecution. For any violations of Wis. Statute 350, the State of Wisconsin Uniform Traffic Deposit Schedule applies.

SECTION 7A.05 ORDINANCE TO BE FILLED.

The Clerk shall file a copy of this ordinance upon its enactment and publication with the Wisconsin Department of Natural Resources.

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CHAPTER 7B. ALL-TERRAIN VEHICLE OR UTILITY TASK VEHICLE

(Adopted 07/2016, Amended 02/2019)

7B.00 STATEMENT OF POLICY.

(Amended 06/2019)

(1) Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes have been created pursuant to municipal authority under Wis. Stat. Chapter 23.33, including, but not limited to s. 23.33 (8) (b) and 23.33 (4)(b) and (d) 4. Wisconsin Statutes Chapter 23.33 are incorporated herein by reference.

(2) The adoption of s. 346.02 (11) of the Wis. Stats. By reference is intended to include the rules of the road therein enumerated which are as follows: 346.04, 346.06, 346.11, 346.14 (1m), 346.18 to 346.21, 346.215 (3), 346.26, 346.27346.33, 346.35, 346.37, 346.39, 346, 40, 346.44, 346.46, 346.48, 346.50 (1)(b) 346.51 to 346.55, 346.71, 346.87 to 346.91 and 346.94 (1) and (9), as these may be amended from time to time.

7B.01 STATE ATV AND UTV LAWS ADOPTED.

(1) Except as otherwise specifically provided in this ordinance, the statutory provisions describing and defining regulations with respect to ATVs & UTVs in chapter 23.33 Wis. Stats. Are adopted and made part of this ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this ordinance.

(2) The adoption of s.346.02(11) of the Wis. Stats. By reference is intended to include the rules of the road therein enumerated which are as follows: 346.04, 346.06, 346.11, 346.14 (1), 346.18 to 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.48, 346.50 (1) (b), 346.51 to 346.55, 346.71, 346.87, to 346.91 (1) and 346.94 (1) and (9).

(3) All other applicable words or phrases defined within Chapter 340.01 of the Wis. Stats. Are incorporated within this ordinance.

7B.02 ATV & UTV TRAILS & ROUTES DESIGNATED.

(1) All ATV and UTV operation must be done single file on the extreme right side of the roadway except when making a left-hand turn. Then the operator shall move to the farthest point left in the lane which is lawfully available for traffic moving in the direction of travel of the vehicle about to turn left.

(2) No person shall operate an ATV or UTV upon any public right-of-way, in any public park (except on sharps Point park road and its parking lot, the Tourist park road (also known as East Parkview Ave), and the Joseph T. Peterson Recreational Park and Arboretum parking lot), on any public sidewalk (except for crossing to obtain immediate access to an authorized area of operation), or on any other public municipal property in the City of Mondovi except upon the following designated ATV & UTV trail and routes:

a. TRAIL – Buffalo River Trail
b. ROUTES – the following streets in their entirety:
   i. Avenues in their entirety – Badger, Columbia, Cottage, Gaylord, Glen, Highland, Parker, Parkview, E. Riverside;
   ii. Courts in their entirety – Commerce, Coolidge, Evergreen, Komro, Lambeau;
   iii. Drives in their entirety – Commercial, Countryside, Dell, Golf View, Industrial, Lakewood, Memorial, Milomere, Mirror Lake, Morningside, Ness;
   iv. Lanes in their entirety – Cattail, Cloverleaf, Creek, North Creek;
   v. Streets in their entirety – Buffalo, Canal, Cleveland, Eisenhower, Franklin, Garfield, Gilman, Harrison, Howard, Hudson, Jackson, Jefferson, Joel, Kennedy, Lincoln, McKinley, Madison, Marten, Mill, Monroe, Oak, State, Union, Van Buren, Vernon, Vine, Washington, Water;
   vi. Other roadway names in their entirety – Hehli Way, Valley Estate Road, Nordic Circle, Countryside Parkway, Poeden Place;
   vii. North Eau Claire St from the southern lot line of Lot 181 of the 1940s Assessors Plat of the City of Mondovi.
   viii. South Eau Claire St from the southern edge of the intersection with West Riverside Ave (Wisconsin State Highway 37) to the southern corporate boundaries of the City of Mondovi.
   ix. All unmarked alleys.

(3) Special Routes. (Added 06/2019)

Pursuant to Wis. Stat. 23.33 (11) (am) 4, Operation of ATV/UTVs shall be authorized on the following state trunk highways or portions thereof: West Riverside Avenue/Wisconsin State Highway 37; including the 300 block of S. Eau Claire Street/County Road H, from the western boundary of 715 W Riverside Avenue east to the intersection with Water Street with the following conditions:

a. Must be and have in their possession a valid driver's license from any of the 50 states of the United States of America, or
b. Be accompanied by a family member, that meets the above criteria, as a passenger of the same ATV/UTV if

there are additional seats or within 50 feet if the operator's ATV/UTV is a single seat vehicle, and

c. Must exit W. Riverside Avenue at the nearest side street or recognized ATV/UTV trail.
d. The ATV/UTV club must attach a "Caution: ATV/UTV Moving Vehicles" with the following details and locations:
   i. In high visibility yellow color, diamond reflective material with letters at least three inches high and one and a half inches wide.
   ii. The beginning of trail access on any portion of State Highway 37; including 715 W. Riverside Avenue western property line.
   iii. On all roads leading into the City at its corporate boundary lines.

7B.03 STREET AND ROADWAYS DESIGNATED AS NO ATV & UTV TRAVEL.

(Amended 06/2019)

(1) 100 through the 300 block of S. Eau Claire Street/Wisconsin State Highway 37 from its intersection with Water Street north to the City's boundaries;
(2) East & West Main Street, and US Hwy. 10 in their entirety;
(3) North Eau Claire Street from its intersection with Main Street (U.S. Highway 10) north until the southern lot line of Lot 181 of the 1940s Assessors Plat of the City of Mondovi.
(4) South Eau Claire Street from its intersection with Main Street (U.S. Highway 10) south until the northern border of the intersection with West Riverside Ave.
(5) Tower Lane in its entirety.

7B.04 ATV & UTV PARKING REGULATIONS.

(1) ATV or UTV parking shall be allowed on city streets designated according to Section 7B.02 (2) and only from 7:00 a.m. until 10:00 p.m.
(2) No person shall leave or allow an ATV/UTV to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.

7B.05 ADDITIONAL REGULATIONS.

(1) The City of Mondovi reserves the right to close or modify routes at any time.
(2) The ATV/UTV Club (Buffalo County Trial Riders) shall pay the cost of, installation of and maintenance of all route signs and posts within the City of Mondovi in accordance with NR 64.12 and NR 64.12 (7) (c) or ad directed by the City. Failure to fulfill this obligation will cause the City to close all routes.
(3) No person shall fail to obey any route sign, marker, or limit erected in accordance with this ordinance.
(4) The City hereby declares that all ATV/UTV speed limits shall be that which is indicated for vehicles traveling upon City roads that have been designated as a trail route in accordance with Wisconsin State Statute Chapter 23.33 (3) (g). It will continue to be the responsibility of the ATV/UTV Club to post the speed limit signage according to Section 7B.05 Additional Regulations (2). (Amended 08/2019)
(5) No person shall operate an ATV/UTV within the City of Mondovi between the hours of 10:00 p.m. and 7:00 a.m.

7B.06 PENALTY.

Any person who shall violate any part of this Chapter not covered in Wis. Statute 23, shall be subject to a forfeiture of not less than $25.00 and not more than $100.00 for the first offense within a twelve (12) month period of time and not less than $25.00 and not more than $200.00 for the second and additional offenses within a twelve (12) month period of time. For any violations of Wis. Statute 23, the State of Wisconsin Uniform Traffic Deposit Schedule applies.

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CHAPTER 8. STREETS AND SIDEWALKS

SECTION 8.01 OFFICIAL MAP.

(Amended 06/1990)

(1) Purpose: In order to conserve and promote the public health, safety, convenience and general welfare, it is hereby adopted and established the "official map" Street Development Plan of the City of Mondovi in accordance with s. 62.23 (6) of the Wis. Stats. It is the further purpose to show the width and location streets, highways, and parkways in order to promote the efficient and economic development of the City of Mondovi. The map revised January 1990 by Short, Elliot, Hendrickson, Inc., shall be deemed the official map of the City.

(2) Certificate to be Filed with Register of Deeds: Immediately upon the adoption of this ordinance, the City Clerk shall file with the Register of Deeds of Buffalo CO. a certificate showing that the City of Mondovi has established the "Official Map" (Street Development Plan) as described in subsection (1) above, and shall do likewise to any change or addition to said Official Map.

(3) Authority of City Plan Commission: The City Plan Commission, when considering land subdivision plat referred to it by the Common Council, shall not recommend such plat for approval unless it conforms to the Official Map.

(4) Building Permits, Plot Plan: For the purpose of preserving the integrity of the official map, no permit shall hereafter be issued for any building in the bed of any street, highway or parkway, shown or laid out on such map except as provided in s. 62.23 (6) (d) and (g) Wis. Stats. The proper official authorized to issue building permits for the City of Mondovi shall require ach applicant to submit a plot plan for approval. Such plot plan shall show accurately the location of any proposed building with reference to any streets as shown on the official map.

(5) Amendments: The Common Council, whenever it determines that public interest requires, may amend or add to the official map of the City in conformance with s. 62.23 (6) (c), Wisconsin Statutes.

(6) Official Map Confirmed: All streets, highways, and parkways made a part of the official map on or after September 5th, 1950, are herewith confirmed and continue to be included as port of such Official Map.

(7) Penalty: Any person convicted of violation of any provision of this section shall be punishable by a fine of not less than $25.00 nor more than $200.00. Each day that a violation continues to exist shall constitute a separate offense.

SECTION 8.011 STREET NAME: HEIKE HILLSIDE ADDITION.

(1) It is hereby found that the name of the street in the Heike Hillside Addition to the City of Mondovi is not clear according to the plat approved by the Commons Council on March 8th 1983.

(2) The street located in the Heike Hillside Addition to the City of Mondovi shall be named as follows:

a. From its intersection with the South line of Oak Street Southeasterly to its intersection with the Southeast corner of Lot 5 and the Southwest corner of Lot 17 of said Heike Hillside Addition, the name of the street shall be Komro Court.

b. From its intersection with the Southeast corner of Lot 5 and the Southwest corner of Lot 17 of said Heike Hillside Addition South and West to the end of said plat, the name of the street shall be Highland Avenue.

SECTION 8.012 2019 STREET DEDICATIONS THROUGHOUT CITY. (Added 11/2019)

(1) During the 2017 through 2019 calendar years, City staff discovered roads that were incorrectly reported to the State of Wisconsin for funding purposes in their length or existence, and this section is created to correct those errors. Due to some roads being one-way and only 33' in width right of way, each of these road lengths are as if the width were 66 feet right of way. The roads that are to be correctly reported to the Buffalo County Register of Deeds, and the State of Wisconsin for future funding of transportation dollars are as follows:

a. West Parkview Avenue. Formerly known as Parkview Avenue with a total distance of approximately 1,405 linear feet or 0.27 of a mile. This street begins at the intersection with S. Eau Claire Street to its termini within the City's Recycle Center/Landfill.

b. Short Street. Partially developed road and existing remaining right-of-way with a total distance of approximately 260 feet or 0.01 of a mile. This street right-of-way begins at the intersection with Buffalo Street and ends at the intersection with Highland Avenue.

(2) In early 2019 the Common Council commissioned a survey for new roads within the City's Tourist Park, of which two are developed and two others are to be developed. These roads are to be dedicated, added to the City's OFFICIAL MAP as indicated in Section 8.01 and reported to the State of Wisconsin for future funding of transportation dollars. These roads are as follows:

a. East Parkview Avenue. A total distance of approximately 1,045 feet or 0.20 of a mile; of which 220 feet or 0.04 of a mile is 66 feet wide and is two-way traffic, and 825 feet or 0.16 of a mile is 33 feet wide one-way traffic. The entrance portion of this road is a two-way road that begins at its intersection with South Eau Claire Street, and the two-way ends just west of the Tourist Park Cabin. The road then continues east as a one-way road and forms a loop through the Tourist Park to the east, curves back towards the west, and continues west as a one-way street until it connects back with the entrance portion of the street just west of the Tourist Park Cabin.

b. Cabin Loop. A total distance of approximately 200 feet or 0.04 of a mile and is 33 feet wide and one-way traffic only. This road begins southeast of the Tourist Park Cabin at intersection with E. Parkview Ave. one-way eastbound traffic and reconnects at the intersection with E. Parkview Ave. one-way westbound traffic northwest of the Tourist Park Cabin.

c. Forest Loop. A total distance of approximately 580 feet or 0.11 of a mile. This road right-of-way begins at the intersection with E. Parkview Ave. eastbound traffic near the southeast corner of the Tourist Park and runs from northwest to southeasterly directions. After approximately 170 feet it splits into a loop for one-way traffic in a southerly direction and reconnects to itself for northbound traffic. This road will be developed at a date yet to be determined.

d. Olson Place. A total distance of approximately 370 feet or 0.07 of a mile. This road right-of-way begins at the intersection with eastbound E. Parkview Ave. just south of the Tourist Park Cabin and is a two-way road north and southbound traffic that ends at the southern property line of the City owned Olson property (parcel number 026-00268-0000). This road will be developed at a date yet to be determined.

(3) In 2020 the City shall begin construction of its new Waste Water Treatment Plant (WWTP), which necessitates a new access road. Further, the development of an Industrial Park adjacent to the WWTP requires this road to continue and connect with Buffalo County Road A. This road is new in two different sections, to be dedicated, are to be added to the City's OFFICIAL MAP as indicated in Section 8.01, and reported to the State of Wisconsin for future funding of transportation dollars. These roads are sixty-six feet in width as follows:

a. Schmidtknecht Road. A total distance of approximately 3,850 feet or 0.73 of miles. This road begins at the intersection with Wisconsin State Highway 37 at a 90° angle, approximately directly south of where Garfield Street current terminates, and continues in a northwesterly direction. It then turns west bound at the northern property line of the Joshua and Samantha Odegard property; 564 W. Riverside Avenue. This road continues west until it reaches the designated floodplain boundary of Harvey Creek, and then heads northwest until it reaches the western property line of the Schmidtknechts' Farms, LLP parcel number 251-00562-0010, where it heads northbound until it connects with Buffalo County Road A. Southbound traffic on Schmidtknecht Road will have no left turn signs at both of Garfield Street's (see section (b) below) intersection points.

b. Garfield Street. A total distance of approximately 623 feet or 0.12 of mile, of which 353 is existing and 270 feet is added from the acquisition of the Odegard property to complete the connection to State Highway 37/W. Riverside Avenue. At Garfield Street's current termini point, it becomes a divided street with one-way one lane of traffic in the north and south bound lanes. The northbound lanes will have "No Truck Traffic" signs at its intersection with Schmidtknecht Road. The southbound lane will have a stop sign at its intersection with Schmidtknecht Road and shall intersect at a 90° angle.

SECTION 8.02 WIDTH OF SIDEWALK.

(Amended 05/1983, 08/1983, 04/1987, 06/1990)

(1) The property owner may construct, repair, or replace the public sidewalk abutting said owner's property only upon obtaining a permit from the City Clerk. The permit application shall include a sketch showing the proposed location and dimensions of the sidewalk and the applicant's pledge to conform to the City sidewalk construction specifications. The City Clerk shall provide each applicant with a copy of the current sidewalk specifications. The cost of each permit shall be according to the Fee Schedule. (Amended 11/2019)

(2) The Common Council shall determine the need for and location of all new public sidewalks and for repair or replacement of existing public sidewalks. The cost of all new construction, repair, or replacement of sidewalks shall be assessed against the abutting property owner pursuant to Chapter 20 of the Municipal Code.

(3) The property owner may construct, repair, or replace the public sidewalk abutting said owner's property only upon obtaining a permit from the City Clerk. The permit application shall include a sketch showing the proposed location and dimensions of the sidewalk and the applicant's pledge to conform to the City sidewalk construction specifications. The City Clerk shall provide

each applicant with a copy of the current sidewalk specifications. The cost of each permit shall be according to the Fee Schedule. (Amended 11/2019)

(4) All public sidewalks shall be constructed, repaired, or replaced in accordance with specifications as determined from time to time by the Common Council after consultation with the City Engineer.

(5) Any person convicted of violating the provisions of this subsection shall be punishable by a forfeiture of not less than $25.00 nor more than $200.00. Each day that violation continues to exist shall constitute a separate offense.

SECTION 8.03 OBSTRUCTION OF SIDEWALKS.

(1) All sidewalks shall be for the use of persons on foot and, except as provided herein, shall be kept clear for such use.

(2) No person shall, without a permit, place or cause to be placed on a sidewalk facing or abutting the streets listed herein any substance or material including but not limited to wood, stone, boxes, crates, baskets, excluding trash cans placed there by the City), merchandise or other substance or material, more than four feet from any building abutting such sidewalks nor less than eight feet from the curb edge, to wit:

a. Eau Claire Street between Water Street and Vine Street.
b. Franklin Street between Water Street and Vine Street.
c. Howard Street.
d. Main Street from the City limits on the east to the City limits on the west.
e. Hudson Street between Franklin Street and Howard Street.
f. Vine Street between Franklin Street and Howard Street.

(3) Any substance placed on a public sidewalk in conformity with subsection (2) shall be removed between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

(4) The City Clerk shall issue a permit to place items on designated sidewalks pursuant to this section upon the following terms and conditions:

a. Proof of the applicant of liability insurance in force of the permit period covering the premises supplied for with minimum limits of $500,000.00 for property damage and $500,000.00 for personal injury.
b. Payment by the applicant of initial fee of $10.00 or renewal fee of $5.00.
c. The permit shall be issued to the applicant for the specified premises and shall not be transferable either as to permittee or premises.
d. The permit period shall be for one year from July 1st to June 30th.

(5) Any person convicted of violating any provision of this section shall be punishable by a fine of not more than $75.00.

SECTION 8.04 REMOVAL OF SNOW AND ICE FROM SIDEWALKS.

(Amended 04/1987, 02/2020)

(1) Purpose. This ordinance is amended and recreated for the safety of all residents who use city sidewalks.

(2) Definitions.

a. Measurable Snowfall: is accumulated snow on the ground of 1/8" or ¼" or more in at least a 24-hour period, whether it is freshly fallen or blown snow.
b. Multipurpose Trail/Path: trails or paths that have been designated for use by bicycles and/or pedestrians.
c. Path: a trail that has been improved through paving, crushed rock/asphalt/concrete, wood, or other long-lasting material, and range in width from six to ten feet wide or more.
d. Pedestrian: an individual walking or standing upon a provided route of pedestrian transportation route or along the opposite side of the roadway, also known as the shoulder – where there is no form of non-motorized transportation, and/or crossing traffic within a roadway.
e. Sidewalk: the portion of paved pedestrian transportation, one edge usually runs along the property line between the City owned right-of-way and the adjacent property owner, and between the curb of the street.
f. Trail: an area designated through natural use by pedestrians and/or natural wildlife, usually unimproved, and may be used by small motorized vehicles. Widths of these trails vary from less than two to more than ten feet.

(3) The City of Mondovi Police Department shall enforce any violation of this code, and as soon as possible notify the City Clerk to have the snow and ice removed from the documented sidewalk.

(4) The owner or occupant of lots abutting sidewalks shall, no later than 24 hours after the last measurable snowfall, remove all snow and ice which may have fallen or accumulated upon such sidewalk, provided that:

a. When ice or packed snow has so formed that it cannot be removed, the owner or occupant shall keep the sidewalk sprinkled with a nonskid material which will prevent the sidewalk from being dangerous to pedestrians.

b. This requirement shall also apply to the main sidewalk as it extends from a corner lot to the curb line of an intersecting street and to pedestrian ramps which shall be cleared to the full width of said ramp.
c. Property owners adjacent to alley ways shall be required to clean the sidewalk to the middle ground of the alley.

(5) This code is primae facia evidence of notification to all property owners within the boundaries for the City of Mondovi of this time requirement and no further notification shall be required.

(6) Whenever the owner or occupant of lots abutting such sidewalks shall fail to comply with this Section 8.04, the City shall cause the snow and/or ice to be removed or sprinkled as required above. The cost thereof shall be charged and billed to the property owner as provided in subsection (6).

(7) The City shall document the condition of the sidewalk before and after City cleaning, with preference being visual documentation of said conditions. This information shall be delivered to the City Clerk, who shall keep an accurate account of the evidence documenting such removal.

(8) The City Clerk shall invoice the adjacent property owner, for failure to comply with this ordinance in the following manner:
a. At least one hour, or the actual time of work – whichever is greater, for personnel at the rate indicated on the Fee Schedule. Any fraction of an hour will be charged a full hour's worth of City time.
b. At least one hour, or the actual time used – whichever is greater, for the equipment used at the rate indicated on the Fee Schedule. Any fraction of an hour will be charged a full hour's worth of City time.
c. Any and all actual repairs to damages incurred to any City equipment during the cleaning of the sidewalk.
d. Actual costs for the use of any environmentally friendly ice melt used by the City while removing said snow and ice.

(9) If the City is not paid prior to October 1 of each year, the unpaid amount shall be assessed as a special charge against said lot or parcel of land on the tax roll and shall be collected in the matter provided in Wis. Stat. §66.0627.

SECTION 8.05 REGULATIONS REGARDING DRIVEWAY CONNECTIONS TO CITY ROADS. (Added 08/2020)

Construction and connection of a driveway to any City road must comply with the following standards:

(1) Existing Driveways Shall be Exempt. Existing driveways constructed prior to the adoption of this ordinance shall be allowed to be maintained at their existing location.

(2) Driveway Permit Required. Property owners wishing to construct and connect driveways to a city road shall apply for and receive a driveway permit prior to construction of such driveway. Applications for driveway permits shall be filed with the City Clerk. All driveway construction shall comply with approved City standards after grades and alignments have been set by the City Engineer. The application fee for a driveway permit shall be established by Council and shall be included in the City's Fee Resolution.

(3) Standards for developments or properties where less than 50% of the lots, properties, or parcels along no more than a one mile stretch of City road are less than 0.75 of an acre:
a. Shared driveways are hereby prohibited from attaching to City roads due to maintenance and repair collaboration issues of property owners; and
b. minimum of six feet must be maintained between adjacent driveways; and
c. Each driveway must be paved by concrete within the City right-of-way and, the first twenty (20) feet of the driveway from the paved edge of the City right of way must be paved by concrete or asphalt.
d. Twin homes are exempt from this section.

(4) Standards for developments or properties where 51% or greater of the lots, properties, or parcels along a stretch of City road of any length, are 0.75 of an acre or more:
a. Shared driveways are hereby prohibited from attaching to City roads due to maintenance and repair collaboration issues of property owners.
b. A minimum of 20 feet must be maintained between adjacent driveways.
c. Only one driveway per parcel or per at least 200 feet of frontage of the road if the parcel is greater than 90 feet frontage on the city road to be connected to.
d. Each driveway must be at least 20 feet from side property lines.
e. Each driveway must be at least 40 feet from a same side of the road of each neighboring driveway.
f. Each driveway must be paved by concrete within the City right-of-way, but if there is no curb and gutter it may be asphalt, and the first twenty (20) feet from the paved edge of the City right of way must be paved by concrete and/or asphalt.
g. Twin homes are exempt from this section, so long as each half of the twin home is on a separate lot.

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CHAPTER 9. ORDERLY CONDUCT

(Amended 01/2016)

SECTION 9.01 OFFENSES ENDANGERING PUBLIC SAFETY.

(1) Discharge and Possession of Uncased Firearms Prohibited.

a. No person shall within the city of Mondovi, except a sheriff, police officer, or their deputies, or any law enforcement personnel of the State of Wisconsin, in the exercise of their official duties, discharge a firearm of any description.

b. No person, except a sheriff, police officer, or their deputies, or any law enforcement personnel of the State of Wisconsin, in the exercise of their official duties, fire a bow or crossbow of any description on public or private lands except for the following;

i. For the purpose of hunting on private lands.

ii. Not within 100 yards of a building on private lands.

iii. The arrow or bolt must be fired toward the ground on private lands.

c. No person shall within the city of Mondovi, except a sheriff, police officer, or their deputies, or any law enforcement personnel of the State of Wisconsin, in the exercise of their official duties, place, possess, or transport a firearm, bow, or crossbow in or on a vehicle or motor boat, unless one of the following applies:

i. The firearm is unloaded (see WIS. STAT. 167.31(1)(g) or is a handgun.

ii. The bow does not have an arrow nocked.

iii. The crossbow is not cocked or is unloaded.

d. This subsection shall not be construed to prohibit the maintenance of duly supervised rifle or ranges or shooting galleries or ranges authorized by the Common Council.

(1a) Possession of Firearms in Public Buildings and on Public Land Prohibited.

a. No person shall within the city of Mondovi, except a sheriff, police officer or their deputies, or any law enforcement personnel of the State of Wisconsin, in the exercise of their official duties, have in his possession any bow, crossbow, or firearm within any city owned building or on any city owned land except as permitted by subparagraph (c) of this subsection.

b. This subsection shall not prohibit the sale, purchase or trade of firearms, bows or crossbows and related devices by retail business establishments doing so in the course of their regular business, nor hinder the prospective customer in his or her attempt to buy, sell or trade such firearm, bow or crossbow or related device to or from said retailer.

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

(3) Sale and Discharge of Fireworks Restricted.

a. Private Use and Sale: No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers, and toy snakes within the limits of the City unless he/she is authorized by a firework permit and hereinafter provided. The term “fireworks” as used in this section shall be defined as provided in s. 167.10 (1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.

b. Fireworks Permits: Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and pond by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the mayor. All applications shall be referred to the fire chief for investigation and no permit shall be granted unless the mayor from the report of the fire chief determines that the application will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regards to the protection of the lives and property of all persons, that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permits, the mayor shall require the applicant to post indemnity bond in the sum of $5,000.00 for the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit.

(4) Obstruction of Streets and Sidewalks Prohibited: No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City in such a manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

(5) Open Bottle: No person shall have possession of any open container of fermented malt beverage or intoxicating liquor while such person is in or upon any of the streets, alleys, sidewalks or public places in the City of Mondovi in the area south of Vine Street and

north of Water Street and from Franklin Street east of Mill Creek.

(6) Snow Removal and Prohibition of Depositing Debris or Waste Material on Public or Private Property. (Amended 01/2016)

a. No person shall deposit or cause to be deposited any snow or ice taken and removed from his/her premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the city. No person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon the public or private property located across the street, alley, or parkway from the person's lot or parcel of land.

b. No person shall throw or deposit, or cause to be thrown or deposited, any type of debris or waste material on or along any highway or on any other public property or private property owned by others. This Ordinance is not meant to restrict or limit the removal of snow from the roads or public thoroughfares by the City or other governmental units, which activity is meant to facilitate commerce and transportation.

c. The deposit of any snow, ice, waste or debris material upon any sidewalk, alley or street of the City contrary to the provisions of the Chapter shall be and is declared to be a nuisance, and in addition to the penalty provided for violation of this section, the City may similarly remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner of occupant of the property from which said snow or ice has been removed.

SECTION 9.02 OFFENSES ENDAGERING PEACE AND GOOD ORDER.

(1) Disorderly Conduct Prohibited: No person shall within the City of Mondovi:

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

b. Intentionally causing, provoking or engaging in any fight, brawl, and riot of noisy altercation other than a bona fide athletic contest.

c. Indecently expose his or her person.

d. Defecate or urinate outside of designated sanitary facilities, upon any sidewalk, street, alley, parking lot, park playground, cemetery or other public areas within the city or upon private property in open view of the public, or in the halls, rooms without restroom facilities, stairways elevators of public or commercial buildings or to indecently expose his or her person.

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

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

(4) False 911 calls: No person shall make fraudulent or otherwise improper calls to the 911 emergency telephone system.

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

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

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

(8) Excessive and Unnecessary Acceleration: No driver of any vehicle shall cause by excessive and unnecessary acceleration, the tires of such vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by or any unnecessary acceleration any loud noises as would disturb public peace.

(9) Unsafe Operation of Vehicles: No person shall operate a motor vehicle in such manner as could endanger the safety of the occupants of such vehicle or could endanger other persons or property in the vicinity of such unsafe operation. Unsafe operation shall include, but not be limited to, operation of a motor vehicle in such a manner that said vehicle darts or travels into the opposing lane of traffic and then returns to its proper lane, rapid acceleration of vehicle, rapid deceleration of vehicle, or fishtailing or other side-to-side movement of the rear of the vehicle while the vehicle is proceeding forward.

SECTION 9.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY.

(1) All forms of gambling, lotteries (except as authorized by the Wisconsin Legislature), and fraudulent devices and practice are prohibited within the limits of the City. Any peace officer or policeman of the City is hereby authorized to seize anything devised solely for gambling or found in actual use of gambling within the City and to dispose thereof after a judicial

determination that said device was used solely for gambling or found in the actual use of gambling.

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

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

(4) Curfew: No child under the age of 16 years shall loiter, idle or remain and no parent or guardian shall knowingly permit his child or ward of such age, to loiter, idle, or remain in or upon any of the streets, alleys or public places in the City of Mondovi between the hours of 10:00 p.m. and 6:00 a.m. Sunday nights through Thursday nights and between the hours of 12:00 a.m. and 6:00 a.m. Friday and Saturday nights unless the child is accompanied by a parent, guardian, or some person of lawful age, having legal custody of such child. This subsection shall not be constructed to prohibit such child from performing an errand or duty, if directed by his parent or guardian, or of urgent necessity, or from pursuing the duties of his employment in an expeditions or orderly manner, or from going to or from places of business, or amusement, or private homes.

SECTION 9.03A NUDE DANCING IN LICENSED ESTABLISHMENTS.

(1) Authority and Purpose: The City Council of the City of Mondovi has explicit authority under s. 125.10 (1), Wis. Stats., to adopt regulations governing the sale of alcoholic beverages which are in addition to those set forth in Ch. 125, Wis. Stats., and has authority under its general police powers set forth in s. 62.11 (5), Wis. Stats., to act for the good order of the municipality and for the health, safety, and welfare of the public and may carry out its powers by regulation and suppression. The City Council recognizes its lack of authority to regulate obscenity in light of s. 66.051 (3), Wis. Stats., and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, and declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns.

The City Council finds that bars and taverns featuring live, totally nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities, and to negatively affect the quality of life of the communities, and such secondary effects are detrimental to the public health, safety, and general welfare of citizens. The City Council recognizes that the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the first amendment of the United States constitution and therefore entitled to some limited protection under the first amendment, and the city council further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of these rights.

The City Council is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs do generate secondary effects which the City Council believes are detrimental to the public health, safety, and welfare of the citizens of the City of Mondovi, namely the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses; the potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist; health risks associated with the spread of sexually transmitted diseases; and the potential for infiltration by organized crime for the purpose of unlawful conduct. The City Council thus desires to minimize, prevent and control these adverse effects and thereby protect the health, safety, and general welfare of the citizens of the City of Mondovi; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight. Therefore, the City Council has determined that enactment of this chapter prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to serve alcoholic beverages promotes the goal of minimizing, preventing and controlling the negative, secondary effects associated with such activity.

(2) Definitions: For purposes of this ordinance, the term “licensed establishment” means any establishment licensed by the City Council of the City of Mondovi to sell alcoholic beverages pursuant to Ch. 125, Wis. Stats. The term “licensee” means the holder of a retail “Class

A", "Class B", or "Class C" license granted by the City Council of the City of Mondovi pursuant to Ch. 125, Wis. Stats.

(3) Nude Dancing in Licensed Establishments Prohibited: It is unlawful for any person to perform or engage in, or for any licensee, manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition the premises of a licensed establishment which:
   a. Shows his or her genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than fully opaque covering.
   b. Shows any portion of the female breast below a point immediately above the top of the areola.
   c. Shows the covered male genitals in a discernibly turgid state.

(4) Exemptions: The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(5) Penalties: Any person, partnership, or corporation who violates any of the provisions in this ordinance shall be subject to a forfeiture of not less than $25.00 and not more than $1,000.00 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. IN addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under s. 125.12, Wis. Stats.

SECTION 9.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY.

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

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

SECTION 9.04A PENALTIES.

(1) Any person who shall violate any part of these sections, shall be subject to a forfeiture of not less than $25.00 and not more than $100.00 for the first offense within a 12-month period of time and of not less than $25.00 and not more than $200.00 for the second and additional offenses within a 12-month period of time. Each act of violation and every day upon which a violation occurs or continues constitutes a separate offense.

(2) In addition to any penalty imposed for violation of s. 9.04(1) of this chapter, any person who shall cause physical damage or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property.

(3) The parent or parents having legal custody of a non-emancipated minor child found guilty of violation of s. 9.04 (1) of this chapter shall be held liable for damages to property attributable to a willful, malicious, or wanton act of the child not to exceed $100.00 in addition to taxable costs and disbursements directly attributable to any willful, malicious, or wanton acts of the child pursuant to s. 895.035 of the Statutes which statute is hereby adopted by reference and made a part thereof.

SECTION 9.05 ISSUANCE OF WORTHLESS CHECKS.

(1) In Regards to the Wisconsin Statutes
   a. The statutory provisions of s. 943.24 of the Wisconsin Statutes, describing and defining regulations with respect to prohibition of issuance of worthless checks, exclusive of any regulations for which the statutory penalty is a fine or a term of imprisonment are hereby adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions, or modifications of the statutory regulation in s. 943.24 incorporated herein are made part of this code.
   b. Whenever this section incorporates by reference specific sections of the Wis. Stats., such references shall mean the Wis. Stats., of 1991 as from time to time amended, repealed or modified by the Wisconsin Legislature.

(2) Whoever issues any single check or other order for the payment of money which, at the time of issuance, he or she intends shall not be paid, is guilty of a violation of this ordinance.

(3) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment, intended it should not pay:
   a. Proof that, at the time of issuance, the person did not have an account with the drawee; or
   b. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five days after receiving notice of non-payment or dishonor to pay the check or other order; or
   c. Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five days after receiving of nonpayment or dishonor to pay the check or other order.

(4) This section shall not apply to a postdated check or to a check given for a past consideration, except a payroll check.

(5) In addition to other penalties provided for violation of this section, a judge may order a violator to pay restitution. A victim may not be compensated under this section and s. 943.245, Wis. Stats.

SECTION 9.05A PENALTIES.

(1) If the amount of the check or other order does not exceed $25.00, a forfeiture of not more than $25.00 together with the costs of prosecution.

(2) If the amount of the check or other order does not exceed $100.00, a forfeiture of not more than $100.00 together with the costs of prosecution.

(3) If the amount of the check or other order exceeds $100.00 and is less than $500.00, a forfeiture of not more than $200.00 together with the costs of prosecution.

(4) If the amount of the check or other order exceeds $500.00, a forfeiture of not more than $500.00 together with the costs of prosecution.

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CHAPTER 9A. LIBRARY MATERIALS

(Amended 01/1984, 01/2016, 10/2019)

CHAPTER 9A.01 PURPOSE.

The purpose of this chapter is to ensure compliance with Wisconsin State Statutes and ensure appropriate handling of Mondovi Public Library (hereinafter referred to as Library) materials by individual employees or patrons, and the timely return of any and all items checked out by Library patrons.

CHAPTER 9A.02 DEFINITIONS.

In this chapter, the below terms have the following meaning:

(1) Archives: a place in which public or institutional records are systematically preserved.
(2) Library: any public library; library of an educational, historical, or eleemosynary institution, organization or society; archives; or museum.
(3) Library material: includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

SECTION 9A.03 FAILURE TO RETURN LIBRARY MATERIALS; REMOVAL OF MATERIALS

(1) No person shall fail to return any library material belonging to or in the charge of the Library the date the item is due, or within fourteen (14) days thereafter.
(2) No person shall fail, on demand, to return any library material belonging to or in the charge of the Library, or in any of its branches according to the rules and regulations duly made and adopted by the library board, and no person shall remove from the library or any of its branches any library material without first having it charged as provided by such rules and regulations.
(3) No person shall mar, deface, or in any other way damage or mutilate any library material belonging to or in the charge of the library, or any of its branches.

CHAPTER 9A.04 THEFT OF LIBRARY MATERIALS.

(1) Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent, or employee and with intent to deprive the library of possession of the material may be penalized as provided in Section 9A.06.
(2) CONCEALMENT BEYOND LAST CHECKOUT STATION. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken without consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

CHAPTER 9A.05 UNAUTHORIZED OR FRAUDLENT ACCESS TO LIBRARY SERVICES

Any person who is ineligible for a library card shall be prohibited from fraudulently using the library card of another person for the purpose of borrowing any library material or utilizing any library service and no person possessing a valid library card shall permit its use for any such purpose. No person shall make or file any false statement or information for the purpose of fraudulently obtaining a library card.

CHAPTER 9A.06 PENALTY

Any person convicted of a violation of the provisions of this chapter is guilty of and shall forfeit the following along with the cost of prosecution as follows:

(1) For violations of Section 9A.03 Section 9A.04, and Section 9A.05, if the value of the library materials does not exceed $2,5000, the penalty shall be a forfeiture of between $50.00 and $2,500 plus appropriate restitution;
(2) Alternatively, if the value of the library materials does not exceed $2,500.00, the City may refer violations of Section 9A.04 to the District Attorney's office for prosecution as a Class A misdemeanor pursuant to Wis. Stat. 943.61 (5) (a);
(3) For violations of Section 9A.04, if the value of the library materials exceeds $2,500, the matter shall be referred to the District Attorney's office for prosecution as a Class H felony pursuant to Wis. Stat. 943.61 (5) (c).

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CHAPTER 9B. TRUANCY AND HABITUAL TRUANCY

(Amended 10/2002, 01/2016)

SECTION 9B.01 PROHIBITION AGAINST HABITUAL TRUANT.

Any person attending school, within the boundaries of the City of Mondovi, between the ages of six (6) and eighteen (18) years, is prohibited from being a truant or becoming a habitual truant as the term is defined in this ordinance. Any law enforcement officer in the City of Mondovi is authorized to issue a citation to any individual who is determined to be a truant or a habitual truant under the terms of this ordinance.

SECTION 9B.02 DEFINITIONS.

(1) Truant means a pupil who is absent form school without an acceptable excuse for part or all of any day on which school is held during a school semester.
(2) Habitual truant means a pupil who is absent from school without an acceptable excuse for part or all of five (5) or more days on which school is being held during a school semester.
(3) Truancy means any absence of part or all of one (1) or more days from school during which the school attendance officer, principal, or teacher has not been notified of the legal cause of such absence by the parent or legal guardian of the absent pupil. Intermittent attendance carried on for the purpose of defeating this ordinance shall be considered truancy.
(4) Acceptable excuse means permission of the parent/guardian/legal custodian of a pupil, within limits of policies on truancy established by the school in which the pupil is enrolled. Except in emergencies or unforeseeable circumstances, such permission is expected to be communicated in writing from the parent/guardian/legal custodian to the school, prior to the absence. In emergencies or unforeseeable circumstances, such communication is expected to be as soon as practicable following the absence.
(5) Dropout means a child who is ceased to attend school, does not attend a public or private school, technical college, or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse.

SECTION 9B.03 PRECONDITIONS TO ISSUANCE OF CITATION.

(Rescinded 08/27/2013)

SECTION 9B.04 FORM OF CITATION.

Any citation issued shall be returnable in Court in the same manner as all ordinance citations are returnable. The citation is to state on its face that this is a “must appear” citation and the forfeiture amount is to be written on the face of the citation in compliance with the forfeiture section of this ordinance.

SECTION 9B.05 TRUANCY DISPOSITION.

Upon finding the juvenile is in violation of this ordinance, the following dispositions are available to the Court:

(1) School Attendance: Ordered to attend school.
(2) Forfeiture: A forfeiture of $25.00 plus costs for a first violation, or a forfeiture of $50.00 plus costs for any second violation and a fine of $100.00 for subsequent violations committed within twelve (12) months of the first. All or part of the forfeiture plus costs may be assessed against the pupil, the parents or guardians of the pupil, or both.

Offense	Deposit
1st	$25.00
2nd	$50.00
3rd	$100.00

a. Exceptions to Forfeitures:
   i. Juveniles under the age of 14 may not be assessed a forfeiture.
   ii. Witness fees may not be included in assessed costs.
(3) Teen Court: At the discretion of the Judge or juvenile intake worker, a juvenile may be placed in the teen court program.

SECTION 9B.06 HABITUAL TRUANCY DISPOSITION.

Upon finding the juvenile is in violation of this ordinance, the following dispositions are available to the Court.

(1) School Attendance: Ordered to attend school.
(2) Forfeiture: A forfeiture as prescribed by 9B.05 (2)
(3) Suspension of Operating Privileges: Suspend the juvenile’s motor vehicle operating privileges for not less than thirty (30) days nor more than three hundred sixty-five (365) days.
(4) Counseling, Service, or Work Program: Order the juvenile to participate in counseling, community service, or a supervised work program as provided in ss. 938.342 (1g) (b) and 938.34 (5g), Wis. Stats.
(5) In-House Restraint: Order the juvenile to remain at home except for the hours in which the juvenile is attending religious worship or at a school program including travel time required to get to and from the school program or place of worship. The order may permit a juvenile to leave home if the juvenile is accompanied by a parent or legal guardian. An order may be issued for a time period not to exceed 30 days.

(6) Educational Programs: Order the juvenile to attend an educational program pursuant to ss. 938.34 (7d), Wis. Stats.
(7) Revocation of Work Permits: Oder the Department of Workplace Development to revoke a work permit issued to a juvenile.
(8) Other Conditions: Order the person to comply with any other reasonable conditions that are consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other juveniles or adults.
(9) Supervision: Place the person under formal or informal supervision, as outlined in ss. 938.34 (2), Wis. Stats., for up to (1) year.
(10) Parental Counseling: The Court may, in addition to or instead of the dispositions under subsection 9B.05 (1) – (3), order the person's parents, guardian, or legal custodian to participate in counseling at the parent's, guardian's, or legal custodian's own expense or to attend school with the person, or both.
(11) Teen Court: At the discretion of the judge or juvenile intake worker, a juvenile may be placed in the teen court program.

SECTION 9B.07 CONTRIBUTING TO TRUANCY.

(1) Any person eighteen (18) years of age or older, who, by an act or omission, knowingly encourages or contributes to the truancy, as defined in the subsection 9B.02 (3), of a juvenile shall be subject to the forfeiture in subsection 9B.05 (7).
(2) Subsection 9B.04 (1) does not apply to a person who has under his or her control a juvenile who has been sanctioned, pursuant to ss. 49.26 (1) (h), Wis. Stats.
(3) An act or omission contributes to the truancy of a child, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the juvenile to be a truant.

SECTION 9B.08 PARENT OR LEGAL GUARDIAN LIABILITY FOR TRUANCY.

(1) Any person having under his or her control a juvenile who is between the ages of six (6) and eighteen (18) years shall cause the juvenile to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the juvenile should be enrolled is in session until the end of the school term, quarter, or semester of the school year in which the juvenile becomes eighteen (18) years of age.
(2) Additionally:
   a. A person found to have violated this ordinance shall be subject to a forfeiture pursuant to subsection 9B.05 (2).
   b. This section does not apply to a person who has under his or her control a juvenile who has been sanctioned under ss. 49.26 (1) (h), Wis. Stats., nor does it apply if a Court having jurisdiction determines that he or she is unable to comply with subsection 9B.05 (1) because of the disobedience of the juvenile.

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CHAPTER 9C. SEXUAL OFFENDER RESIDENCY RESTRICTIONS

(Amended 03/2012, 01/2016)

SECTION 9C.01 TITLE.

This chapter shall be known, cited, and referred to as the "Sexual Offender Restrictions Ordinance".

SECTION 9C.02 FINDINGS AND INTENT.

(1) Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence to repeat their offenses; and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
(2) It is the intent of this ordinance not to impose a criminal penalty but rather to serve the City's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by designating locations where children regularly congregate wherein certain sexual offenders and sexual predators are prohibited from entering as well as zones around such locations in which such persons are restricted from establishing temporary or permanent residences.

SECTION 9C.03 DEFINITIONS.

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning.

(1) Child: A person under the age of 16 for purposes of this ordinance.
(2) Designated Offender: Any person who is required to register under ss. 301.45, Wis. Stats., for any sexual offense against a child or any person who is required to register under ss. 301.45, Wis. Stats., and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to ss. 301.46 (2) and (2m), Wis. Stats.
(3) Minor: A person under the age of 17.
(4) Permanent Residence: A place where the person abides, lodges, or resides for 14 or more consecutive days.
(5) Temporary Residence: A place where the person abides, lodges, or resides, for a period of 14 or more days in the aggregate during any calendar year and which is not the persons permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

SECTION 9C.04 SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS.

(1) Prohibited Locations of Residence: It is unlawful for any designated offender to establish a permanent residence or temporary residence within 500 feet of any school, licensed day care center, park, trail, playground, place of worship or any other place designated by the City as a place where children are known to congregate.
(2) Prohibited Activity: It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Clause costume or wearing an Easter Bunny costume. Holiday or costumed events in which the offender is the parent of guardian of the children involved and no non-familiar children are present, are exempt from this paragraph.
(3) Measurement of Distance:
   a. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of a school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the City where children are known to congregate.
   b. The City Clerk shall maintain an official map showing prohibited locations as defined by this ordinance. The Clerk shall update the map at least annually to reflect any changes in the locations of prohibited zones. These shall be designated on the map as child safety zones.
(4) Penalties: A person who violates this section shall be punished by a forfeiture not exceeding $500.00. Each day a given offense continues constitutes a separate violation. The City may also seek equitable relief.
(5) Exceptions: A designated offender residing within a prohibited area as described in Section (2) (a) does not commit a violation of this section if any of the following apply:
   a. He or she established the permanent residence or temporary residence and reported and registered the residence pursuant to section 301.45, Wis. Stats., before the effective date of this ordinance. Any offender renting, leasing, or otherwise occupying a

permanent or temporary residence under this subsection shall vacate the premises located within a child safety zone at the expiration date of the current term of the lease and where there is no lease, within 60 days of the enactment of this ordinance.

b. He or she is a minor and is not required to register under section 301.45 and section 301.46, Wis. Stats.

c. The school, licensed day care center, park, trail, playground, place of worship or any other place designated by the City as a place where children are known to frequent or congregate within 500 feet of the designated offender's permanent residence was opened after he or she established the permanent residence or temporary residence and reported and registered the residence pursuant to section 301.45, Wis. Stats.

d. The residence is also the primary residence of the designated offender's parents, grandparents, siblings, spouse or children provided that such parent, grandparent, sibling, spouse or child established the residence at least two years before the designated offender established residence at the location.

e. Notwithstanding these exceptions, designated offenders shall obey the requirements of G., below, which prohibit them from loitering in a zone of 66 feet from the exterior boundary of one or more of the identified places where children are known to frequent or congregate.

SECTION 9C.05 PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES.

(1) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this ordinance, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in section (3) (a).

(2) A property owner's failure to comply with provisions of this section shall constitute a violation of this section and shall subject the property owner to the code enforcement provisions and procedures as provided in this ordinance.

SECTION 9C.06 PROPERTY OWNERS AND SALES AGENTS PROHIBITED FROM SELLING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES.

(1) It is unlawful for any owner, real estate broker, or real estate sales person to participate in the sale of any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a temporary or permanent residence by a person prohibited from establishing such a permanent or temporary residence pursuant to this ordinance, if such place, structure, part thereof, trailer or conveyance is located within a prohibited location zone described in section (3) (a).

(2) Failure to comply with the provisions of this chapter shall constitute a violation of this section and shall subject the person violating this section to the penalties and other relief as provided in this ordinance.

SECTION 9C.07 ACCESS TO COMMUNITY FACILITIES RESTRICTED; LOITERING PROHIBITED.

Designated offenders subject to this ordinance shall be prohibited from having access to all City parks, trails or pathways, playgrounds, licensed day care centers, athletic fields, schools and school grounds and places of worship in the City which are recognized as places where children congregate or frequent. This restriction shall apply not only to the properties specified but shall include all sidewalks abutting or adjacent to the same.

No designated offender shall loiter within 66 feet of the boundary of any of the places identified in section (3) (a) above. For purposes of this paragraph, "loiter" shall be defined as meaning to linger in an apparently meaningless manner, idling, walking or moving slowly and indolently with frequent stops or pauses or not moving at all.

SECTION 9C.08 APPEAL.

The above requirement may be waived with the approval of the City Council upon appeal by the affected party. Such appeal shall be made to the City Clerk, who shall forward the request to the City Council, which shall receive report from the Police Department on such appeal. After deliberation, the City Council shall issue its decision.

SECTION 9C.09 SEVERABILITY.

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

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SECTION 9D. POSSESION AND USE OF MARIJUANA

(Amended 01/2016)

SECTION 9D.01 POSSESION OF MARIJUANA PROHIBITED.

(1) It is unlawful for any person to possess 14 grams or less of marijuana as defined in s.961.01(14), Wis. Stats., unless the marijuana was obtained directly from, or pursuant to a valid prescription or order of, a practitioner who is acting in the course of his or her professional practice as provided in s.961.41(3g)(intro.), Wis. Stats., or unless the person is otherwise authorized by Chapter 961, Wis. Stats., to possession marijuana.

(2) EXCEPTIONS: Any person who is charged with possession of more than 14 grams of marijuana shall not be charged under this section. Any person who was previously or is currently charged with the possession of any amount of marijuana or drug paraphernalia in the State of Wisconsin or any other jurisdiction that prohibits the possession of marijuana, tetrahydrocannabinol or drug paraphernalia shall not be charged under this section. Any person convicted of any offense under Chapter 961 of the Wisconsin Statutes or in any other jurisdiction relation to controlled substances, including marijuana or any local ordinances regarding possession of controlled substances shall not be charged under this section.

(3) Pursuant to Wis. Stat.§§ 961.01 (14), Wis. Stat. 961.01 (3r), and Wis. Stat. 94.55 (1), Cannabidiol (CBD) as defined in Wis. Stat. 961.01 (3r) is no longer within the definition of marijuana and is not defined as marijuana, and thus is not subject to enforcement under this section. (Added 02/2020)

SECTION 9D.02 POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.

No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body marijuana. “Drug paraphernalia” means all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repacking, storing, containing, concealing, injection, ingesting, inhaling or otherwise introducing into the human body marijuana.

SECTION 9D.03 PENALTY.

Any person, firm, or corporation violating any provision of this Ordinance shall, upon conviction, be required to forfeit not less than $250.00 and not more than $500.00, together with the costs of the action.

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CHAPTER 10. PUBLIC NUISANCES

SECTION 10.01 ABANDONED OR INOPERABLE VEHICLES; REMOVAL, IMPOUNDMENT AND DISPOSAL.

(1) Definitions: In this ordinance, the following terms shall have these definitions:

a. General public view: capable of being seen from a location on any public street, highway or property or on private property from a point adjacent to the property on which a motor vehicle is parked, stored or placed.

b. Impoundment: removal by a duly authorized employee or agent of the City of an abandoned or inoperable motor vehicle from its location in violation of this Ordinance to a suitable place of custody pending its reclamation or sale under (4), below.

c. Inoperable motor vehicle: a motor vehicle:

i. That is partially dismantled or wrecked;

ii. That is not operable;

iii. That is unlicensed;

iv. That could not safely or legally be operated on a highway;

v. That has become a habitat for rodents, varmint, or insects; and

vi. That in any other way constitutes a threat to the public health or safety.

d. Junked motor vehicle: any motor vehicle or part thereof accumulated for storage or stored outside of any building, but shall not include the temporary storage of motor vehicles no longer than required for the making of accident settlements, where no salvage, dismantling, demolition, or abandonment of such motor vehicles occurs, they are ultimately transferred to a junk dealer, or to another entity for repair.

e. Motor vehicle: any automobile, truck, motorcycle, trailer, semi-trailer, travel trailer, snowmobile, bus, all-terrain vehicle or any other motorized vehicle including but not limited to those defined under section 340.01, Wis. Stats.

(2) Abandoned Motor Vehicle.

a. No person shall leave any motor vehicle unattended on any public street, highway, property or on private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned.

b. Except as otherwise provided in this section, whenever any motor vehicle has been left unattended for more than 72 hours on any public street, highway or property or on private property without permission of the owner or lessee, the motor vehicle is deemed under this ordinance to be abandoned and constitutes a public nuisance. A motor vehicle is not abandoned if it is in an enclosed building, or appropriate storage place or depository maintained in a lawful place and manner authorized by the City or parked in a paid lot or parking space where the required fee has been paid or is out of the ordinary public view.

(3) Inoperable Motor Vehicle: No person shall leave any junked or inoperable motor vehicle on any public street, highway or property or in general public view upon private property within the City for more than 7 days unless it is in connection with an automotive sales, repair or salvage business enterprise located in a properly zoned area, subject to the regulations under the Zoning Code.

(4) Impoundment and Sale:

a. Any motor vehicle in violation of this section shall be impounded until lawfully claimed or disposed of in accordance with the provisions of section 342.40, Wis. Stats. Prior to its sale under this subsection, the lawful owner of any impounded motor vehicle may reclaim it upon payment of a storage fee as indicated on the Fee Schedule for each day it has remained in storage. (Amended 08/2019)

b. The City may sell impounded motor vehicles after notice is provided in section 342.40 (3) (c), Wis. Stats., by sealed bid or auction sale. The procedure for such sale shall be provided in 342.40 (3) (c), Wis. Stats.

c. The purchaser of any motor vehicle by sealed bid or auction sale shall have 10 days to remove the motor vehicle from the storage area upon payment of a storage fee as indicated on the Fee Schedule for each day it has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the motor vehicle and it shall be deemed to be abandoned and may again be sold.

(Amended 08/2019)

(5) Forfeiture: Any person violating this section shall be subject to a forfeiture not to exceed $25.00. Each day that the violation continues shall constitute a separate offense. In addition, the owner shall be responsible for all costs of impoundment and disposal of the motor vehicle in question. The forfeiture shall be in addition to the cost of impounding and disposing of the vehicle. Failure to pay for such forfeiture may result in imprisonment in the county jail for not more than 30 days. (Amended 08/1998)

SECTION 10.02 ANIMAL FECES ON PUBLIC RIGHT OF WAY OR OTHER PUBLIC PROPERTY.

(1) Definition: In this section, "public right of way" includes streets and bridges and includes the entire width between boundary lines of every way open to the use of public matter of right for the purpose of travel including the sidewalk and the boulevard area located between the sidewalk and traveled portion of the right of way.
(2) No person shall cause or permit any animal under his or her control to excrete feces upon a public right of way, other public property, or private property of another, without the owner's permission, within the city. Any such excreted feces shall be immediately removed or caused to be removed by such person and shall be deposited in a receptacle or other place where such deposit is permitted.

SECTION 10.04 USE OF DEVICES OR APPARATUS WHICH INTERFERE WITH TRANSMISSION RECEPTION OR COMMUNICATION BY RADIO.

(1) It shall be unlawful for any person, firm or corporation to operate in the City of Mondovi any electrical apparatus, device, machine or equipment which needlessly and unnecessarily causes interference with radio reception between the hours of 8:00 a.m. and 11:00 p.m. when such interference can be reasonably prevented by means of repairs, adjustments, shielding the installation of corrective appliances, or other practicable operations.
(2) Any device or apparatus such as violet ray machines, machines using tesla coil or principle, x-ray machines and diathermy machines which interfere with the intelligibility of reception under the following conditions shall be considered as coming within the terms of this section:
   a. The radio receiving equipment interfered with shall be operated at a volume comparable to a person speaking in a normal tone of voice.
   b. The broadcasting station whose program is being received when interference occurs must have a proper output of at least one kilowatt and must be located not more than 150 miles from the receiving set.
(3) This section shall not apply to radio stations either broadcast, commercial or amateur, licensed by the federal government or which are under the supervision of the Public Service Commission of the State of Wisconsin.
(4) The building inspector or his/her authorized deputy shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the installation and working of all apparatus coming within the terms of this ordinance, and it shall be unlawful for any person, firm or corporation to interfere with the inspector in making said inspection or to refuse to permit the said inspection to enter the premises for such purpose.
(5) When an inspection or test shall have been made by the building inspector or his/her deputy and it is found that equipment or apparatus coming within the terms of this section is being operated in violation of this section, the person or persons responsible for the operation of such equipment shall be notified in writing to discontinue the use of such machine or to make additions, repairs or modifications thereof in order that the same may be operated in a manner which complies with the provisions of this section. The mailing of a registered letter addressed to the owner or operator of the machine at the premises where the machine is located shall constitute a sufficient notice for the purpose of this ordinance. In the event that owner or operator of such machine does not, within 10 days after receipt of notice, repair or discontinue the use of the machine either entirely or discontinue the use of such machine during the hours of use of such machine is prohibited by this ordinance or repair the same so that it complies with the provisions of this section, such owner or operator shall be deemed to be operating such machine or apparatus in violation of the provisions of this ordinance and such person shall be subject to penalty herein provided for such violations.
(6) Any person convicted of violating any provisions of this section shall be punishable by a fine of not less than $10.00 nor more than $100.00.

SECTION 10.05 DESTRUCTION OF NOXIOUS WEEDS.

(1) Except as otherwise specifically provided in this section, the statutory provisions of sections 66.96 – 66.98 of the Wis. Stats., describing and defining regulations with respect to destruction of noxious weeds, are hereby adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions or modifications of the statutory regulations in sections 66.96 – 66.98 incorporated herein are intended to be made part of this code.
(2) The following are declared to be "noxious weeds" in addition to those set forth in section 66.96 (2) of the Wis. Stats: bull thistle, cocklebur, velvet leaf, poison ivy, and ragweed.

SECTION 10.06 LAWN MAINTENANCE.

(Amended 11/1986, 08/2019)

(1) Every person shall mow or cause to be mowed upon premises owned, occupied or controlled by such person all weeds or grasses exceeding 8 inches in height.

a. This section shall apply only to premises not located in an "A" or Agriculture district, or land being used for agricultural purposes as pursuant to Ch. 18 of the Municipal Code – so long as the whole parcel is zoned agricultural, and to premises in any other zoning district used, in whole or in part, used for agricultural purposes upon this amendment adoption.

b. The weed commissioner may waive the requirements of subsection (a) upon premises or portions of premises deemed to be appropriate habitat for wildlife and which do not present an unsightly or blighted appearance and do not rend to decrease the value of neighboring property.

(2) Mowing Notification. (Amended 07/2020)

If any person neglects to maintain his or her lawn as required by this section, the weed commissioner shall, make every effort to notify the property owner of the violation of this code by first class mail. The property owner will have five (5) business days from the postmarked date on the letter to mow, or cause to be mowed all such weeds and grasses in the manner deemed to be the most economical and in compliance with this Section. If the property has not been mowed in compliance with this section in such time, the City shall mow or maintain the yard to bring it into compliance. The City shall not be responsible for the quality of weeds and/or grasses in the yard maintained. Thereafter, if the same property owner is in violation of Section 10.06 a subsequent time during the same year, the first notice and this code shall be primae facia evidence that the property owner knows and understands his/her responsibility and their legal obligation to appropriately maintain the vegetation on their property in accordance with this section. Thus, the City shall have the authority to mow or maintain the yard to bring it into compliance with this Section without providing notice to the property owner of a second or subsequent violation occurring within one year.

(3) The owner of the property mowed must pay the City for the actual hours City staff worked, or two hours, whichever is greater for personnel and machine hours rounded up to the next hour. The cost for personnel and machine shall be indicated on the City's Fee Schedule. In addition, all damages incurred to the mowing machine used by the City while mowing a private individual or business's property shall be assessed. If the City does not receive payment prior to October 1 of each year, then any unpaid amount shall be assessed to the property owner's tax roll as a special charge and collected along with taxes as provided in Wis. Stat. § 66.0627.

SECTION 10.07 MINIMUM PROPERTY MAINTENANCE AND STANDARDS.

(Amended 09/1989, 12/2013)

(1) Policy. There exists in the City of Mondovi, structures, residential yards, or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated, or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a menace to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the City.

(2) Purpose. The purpose of this section is to protect public health, safety and welfare by establishing minimum property maintenance standards. This section does not replace or modify standards otherwise established by other portions of the Municipal Code for construction, repair, alteration or use of buildings. This section is meant to be remedial and essential for the public interest and is intended that this section be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this section shall be deemed to be a public nuisance.

(3) Definitions. For purpose of this section:

a. Accessory structure: a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

b. Building: a structure having a roof supported by columns or walls, including mobile homes, whether movable or stationary.

c. Deterioration: the condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.

d. Nuisance: any public nuisance known at common law or in equity jurisprudence or as provide by the statues of the State of Wisconsin or the Municipal Code of the City of Mondovi.
e. Occupant: any person living, sleeping, or having actual possession of the building.
f. Owner: any person, who alone, jointly, or severally with others, has legal or equitable title to any premises, with or without accompanying actual possession thereof.
g. Person: any natural individual, firm, trust, partnership, association, or corporation.
h. Premises: any building, accessory, structure, or other improvement to real property together with all surrounding real property over which the owner or occupant has legal title or dominion and which is located within the corporate limits of the City of Mondovi.

(4) Prohibition of Litter, Rubbish, or Debris: No person shall, on land owned, occupied or controlled by such person, accumulate or allow the accumulation outside of a building or accessory structure of waste matter, litter, rubbish, lumber, metal scraps, machine parts, discarded or nonfunctioning appliances, accessories, furniture or other material on such property which present a blighted appearance on the property or which tends to decrease the value of neighboring property.

(5) Maintenance of Buildings and Accessory Structures:
a. Every building and accessory structure shall be kept structurally sound and in a state of good repair and free of safety, health, or fire hazards. Loose or torn window or porch screens shall be removed and/or replaced.
b. Exterior surfaces or buildings and accessory structures shall be weather tight and, unless inherently resistant to deterioration, painted or treated with a suitable preservative which will provide adequate resistance to weathering and deterioration of the surface.

(6) Notice and Remedy:
a. Upon determination by the city building inspector a violation of this section, the City Clerk shall notify the owner and, if different from the owner, the occupant of the premises of such violation.
b. The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed 30 days, to correct the violation. The notice shall be served upon the person or persons named personally or by certified mail addressed, postage paid, to the last known address of such person or persons.
c. The person so notified shall have the right to appeal the initial determination in accordance with the procedures set forth in Ch. 25 of the Municipal Code.
d. If, upon expiration of the time given for correction of a violation, and time for any appeal therefore, such correction is not made, the city building inspector shall file an action in the name of the City in the Circuit Court of Buffalo County, Wisconsin, in accordance with the provisions of Ch. 823 of the Wisconsin Statues as amended from time to time.

(7) This section shall be a complete alternative to all other ordinances for the enforcement of property maintenance standards.

SECTION 10.08 PROHIBITION OF LITTER, RUBBISH OR DEBRIS. (Amended 12/2013)

(1) No person shall, on land owned, occupied or controlled by such person, accumulate outside of a building or accessory structure, or allow the accumulation of, any material which presents a blighted appearance on the property or which tends to decrease the value of any neighboring property, including but not limited to waste matter, litter, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, or furniture.

(2) Upon receipt of a signed complaint, or their own observation of a potential violation of this section, the Police Department shall investigate the property in question to determine whether it is in violation of this section. If the Police Department determines that the property is in violation of this section, the police shall issue a notice of violation to the owner(s) of the property and, if different than the owner(s), the occupant(s) of the property.

(3) Such violation shall specify the nature of the violation, the required remedy, and a reasonable period of time, not to exceed 10 days, to correct the violation. The notice shall be served upon the owner(s) and occupant(s) either personally or by certified mail, addressed to the last known address of such person or persons.

(4) The person(s) to whom the notice(s) of violation have been issued shall correct the violation, or seek municipal administrative review of the Police Department's determination, pursuant to Chapter 25 of this Municipal Code and Chapter 68 of the Wis. Stats., within the period of time specified in the notice.

(5) If the violation has not been corrected within the period of time as specified in the notice of violation and no request for municipal administrative review has been filed, or if the Police Department's initial determination is upheld on review and any appeals therefrom, the City of Mondovi shall be authorized to

enter the property in question, clean up and dispose of any material which presents a blighted appearance on the property or which tends to decrease the value of any neighboring property. All costs incurred by the City of Mondovi to clean up the property, including but not limited to the cost of labor, equipment, and disposal fees, shall be paid by the owner of the property.

(6) Prohibition of depositing debris or waste material on public or private property. No person shall throw or deposit, or cause to be thrown or deposited, any type of debris or waste material on or along any highway or on any other public or private property owned by others. "Debris or waste material" shall be defined under this ordinance as including but not being limited to, the removal or deposit of snow upon public property, streets or thoroughfares, or upon private property of others. This ordinance is not meant to restrict or limit the removal of snow from the roads or public thoroughfares by the City or other government units, which activity is meant to facilitate commerce and transportation.

SECTION 10.09 PUBLIC NUISANCES. (Amended 06/2006)

(1) Definition. Public nuisance: a thing, act, occupation, condition, or use of property which shall continue for such a length of time as to:
   a. Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public; or
   b. In anyway render the public insecure in life or in the use of property; or
   c. Greatly offend the public morals or decency; or
   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 use of public property.

(2) Public Nuisance Affecting Health. The following acts, omissions, places, conditions, and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of subsection (1) of this section:
   a. The escape of smoke, soot, cinders, noxious acids, fumes, gases, dust, fly ash, industrial waste product, or other atmospheric pollutants within the City limits or within one mile there from in such quantities as to create substantial discomfort or annoyance of persons of ordinary sensibilities, or to otherwise endanger the health or to threaten or cause substantial injury to persons or property in the City.
   b. Any usage of property, substances, or things within the City emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, dust, effluvia or stenches extremely repulsive to the physical sense of ordinary persons which annoy, cause discomfort, injure, or inconvenience any appreciable number of persons within the City.
   c. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk, or public place within the City.
   d. The deposit or accumulation of any material, decayed animal, or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed.

SECTION 10.10 PENALTIES. (Amended 12/2013)

Any person violation section 10.02, 10.05, 10.06, and 10.07 shall, in addition to any other penalty imposed, be subject to a forfeiture of not more than $25.00 for each offense and if such person fails to comply with any notice, after the time period set forth by such notice has expired, each day following the expiration of such notice shall be deemed a separate offense. Any person violating section 10.08 or 10.09 shall, in addition to any other penalty imposed, be subject to a forfeiture of $100.00 for each offense and if such person fails to comply with any notice after the time period set forth by such notice has expired, each day following the expiration of such notice shall be deemed a separate offense. For each subsequent violation of this section, the forfeiture may be increased to $200.00 for the second violation, and $500.00 for each subsequent violation, to discourage repeat offenders

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CHAPTER 11. HEALTH AND SANITATION

SECTION 11.01 CITY BOARD OF HEALTH, HEALTH OFFICER; DUTIES AND POWERS.

(1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health.
(2) The health officer shall perform the duties specified in s. 141.01 (6), Wis. Stats., as amended, from time to time.
(3) The Board of Health and health officers shall be supplied with materials need to carry out its functions. Unless such materials are provided by the Wisconsin Department of Health and Social Services, their costs shall be paid for by the City.

SECTION 11.02 COMPULSORY CONNECTION TO SEWER AND WATER.

(Amended 11/1983, 08/1989, 04/1994)

(1) No person, firm or corporation shall maintain or construct a well or system of waterworks within the corporate limits of the City where access to the public water system is available except as provided in s. 19.06 of the Municipal Code.
(2) Outhouses, privies, and vaults.
   a. No outhouse, privy or vault shall be built, constructed or maintained upon any lot or part of lot in the City of Mondovi, located adjacent to a sewer and water main, or in a block through which such mains extend.
   b. The owners of all lots in said City where such water and sewer mains are available and where privies are now used shall connect with the sanitation sewer system in the manner prescribed by the Board of Health. All closets, outhouses, and privies within the territory served by said water and sewer mains shall, within six months from the passage and publication of this ordinance, connect properly with the sanitary sewers of said City where available, or are to be removed and are hereby declared to be a menace to public health and a nuisance.
(3) It shall be the duty of the City health officer and City Attorney to strictly enforce the provisions of this ordinance and see that all violations thereof are abated as herein provided, and it shall be the duty of the police officers to investigate and report in writing to the health officer any violations of this ordinance. Said health officer thereupon shall serve written notice to abate such privy or outhouse and connect with the sewage system and water system in compliance with this ordinance.
(4) If any person fails to comply with the provisions of this ordinance for more than ten (10) days after said notice in writing, the Board of Health shall cause connection to be made, the expense thereof to be assessed as a special tax against the property. The street committee shall keep an accurate account of said expenses and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by such Clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate. The imposition and collection of any fine or penalty prescribed by this ordinance shall not bar the right of this City to collect said cost.
(5) The owner of any property for which facilities are installed pursuant to subsection (4) of this ordinance may, within thirty days after the completion of the work, file a written option with the City Clerk stating that he/she cannot pay such amount in one sum and asking that it be levied in not to exceed five equal annual installments and the amount shall be so collected with interest at the rate of 6 percent (6%) per annum from date of completion of the work. The unpaid balance shall be a special lien.
(6) Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, forfeit not more than $100.00, together with the cost of prosecution. Each day of such violation shall constitute a separate offense.

SECTION 11.03 INTRODUCTION OF FLOURIDES TO CITY WATER SYSTEM.

Upon receiving the consent and approval of the appropriate State Agency and until further direction of the Common Council the City Water Utility is hereby authorized and directed to provide the means and to proceed with the introduction of approximately 1 – 1.15 parts of fluoride to every 1,000,000 parts of water being distributed in the water supply system in the City of Mondovi.

SECTION 11.04 (Repealed 04/1984)

This section of the Municipal Code of the City of Mondovi is hereby repealed.

SECTION 11.05 REGULATING REFUSE DISPOSAL.

(Amended 07/1990, 11/2019)

(1) Prohibited dumping. It is unlawful for any person to dump or otherwise dispose of any refuse upon any street, alley, highway, stream or water within the city, or at any place except as provided in this chapter.
(2) Recycle Center/Landfill Site – Operations. The municipal disposal/recycle center site of the City shall be operated in accordance with current rules and

regulations of the Wisconsin Department of Natural Resources (WDNR) and any other governmental agency having jurisdiction thereof. The following specific regulations shall be complied with:

a. All construction and recyclable material shall be delivered to the Recycle Center/Landfill only during normal operating hours, when an attendant is on duty. Any materials that have held, contained, or been used with any toxic chemical shall not be accepted. Construction material shall be assessed a fee as indicated on the Fee Schedule.
b. All non-recyclable material, or refuse/garbage in nature for residents are collected through a curbside collection process. Any non-recyclable material, or refuse in nature that is not construction related material, shall not be delivered, dropped off, or left, at the Recycle Center/Landfill.
c. No person shall remove any material from the Recycle Center/Landfill site without the express authorization from the City Clerk or their designated agent.
d. All accepted items at the Recycle Center/Landfill will be assessed a fee according to the Fee Schedule.
e. All vehicles shall be properly covered to prevent littering. In lieu of covering, brush may be securely tied and contained in a manner which prevents dropping or scattering as approved by the disposal site operator.
f. Speed limits shall be observed as posted within the disposal site.
g. All vehicles shall stop at the attendant building upon entering the disposal site.
h. All materials shall be unloaded in areas as directed by the operator.
i. Toxic or hazardous waste as defined by the Wisconsin Department of Natural Resources (WDNR) regulations, shall not be delivered or deposited at the disposal site. In addition to any forfeiture or other penalty imposed by this section, any person found guilty of violating this paragraph shall be liable to and shall indemnify the City for any penalties and costs adjudged against the City by any Court, state, or federal administrative agency or other authority as a result of such violation.
j. All users of this site shall furnish proper identification upon request, when entering the disposal site.
k. Hours of operation shall be determined from time to time by the Common Council.
l. Any person found guilty of violating any regulation relating to the disposal site may be prohibited from using the site.

(3) Private Dump Sites. No person shall own, operate, or maintain a dumping site or disposal site within the City except where the same has been approved by the WDNR or other governmental agency having jurisdiction thereof, and the Common Council through a Conditional Use Permit as indicated in Chapter 18, where approval is required, and such site shall be operated and maintained in a manner which does not create a nuisance.

(4) Filling Real Property. Use of construction related, refuse/garbage, brush, trees, or any other material that is not organic clean dirt material shall not be used for the purpose of filling anywhere in the City limits.

(5) Deposit of Refuse. No person owning, occupying or managing any real property within the limits of the City shall cause or permit any refuse other than that produced on the premises to be placed for collection thereon. No person shall use any public receptacle for the disposal of refuse as a substitute for private collection.

(6) Residential Curbside Refuse/Garbage Collection. All residential properties within the City boundaries and with water service, metered or unmetered, shall also be serviced by the City's curbside collection for a fee as indicated on the Fee Schedule. Any business conducted out of a residentially zoned property is responsible for any additional cost that requires additional refuse/garbage needs of that property as indicated in (7) below.

(7) Commercial Refuse/Garbage Collection. All non-residential properties within the City boundaries not zoned as residential, and with or without water service, metered or unmetered, shall be responsible for adequate refuse/garbage collection costs at their expense. There will be no charge for curbside collection as indicated in (6) unless the business is conducted out of a residence.

(8) Violation — Penalty. Any person who violates any of the provisions of this section, upon conviction thereof, shall forfeit not less than $50.00 nor more than $100.00 for each offense. Every day of a violation shall constitute a separate offense.

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CHAPTER 12. INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGE LICENSES

SECTION 12.01 ALCOHOL BEVERAGE REGULATIONS.

(1) State Statutes Adopted. The provisions of Ch. 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure, to the extent legally practicable, uniform statewide regulations of sales of alcohol beverages in the State of Wisconsin.

(2) Licenses, Permits, and Authorization Required.

a. Except as provided by s. 125.06, Wis. Stats., no person shall, within the City of Mondovi, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Ch. 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter.

b. Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold, or offered for sale.

(3) Classes of Licenses and Fees.

(Amended 03/1989, 08/2019)

The following classes and denominations of licenses may be issued by the City Clerk under the authority of the City Council after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in s. 125.17, 125.25, 125.26, 125.28, 125.51, and 125.57, Wis. Stats. Each class of license is hereby listed below, and the annual cost of each license shall be that indicated on the Fee Schedule with prorated amounts for subsections (a), (b), (c), (d), and (e), based on the number of months or fraction thereof remaining in the license year:

a. Class "A" Fermented Malt Beverage Retailer's License

b. Class "B" Fermented Malt Beverage Retailer's License

i. Also available in a prorated monthly basis. A license may be issued at any time for a prorated number of months in any calendar year, for which a prorated amount of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which it is issued.

ii. Picnic

c. Retail "Class A" Liquor License

d. Retail "Class B" Liquor License. This Permit allows its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the licensed premises. Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises.

i. A license may be issued after July 1st in any license year. The license shall expire on the following June 30th. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30th.

ii. Licenses valid for 6 months may be issued at any time. The fee for the license shall be prorated of the annual license fee. The license may not be renewed during the calendar year in which it was issued.

e. Retail "Class C" Wine License

f. Pharmacists.

g. Operators.

i. Operators' licenses may be granted to individuals by the City Council for the purposes of complying with s. 125.32 (2) and 125.68 (2), Wis. Stats.

ii. Operators' licenses may be issued only on written application forms provided by the Clerk.

iii. Operators' licenses shall be valid for 1 year and shall expire on June 30th of each year, so long as there are no concerns from City Clerk and the Police Chief regarding the applicant's background results.

iv. Conditional Operators' licenses may be granted and shall be valid as determined by the Common Council with background concerned individuals. Prior to the Conditional Operators' license time has elapsed they shall reappear before the Common Council to determine if another Conditional Operators' license should be issued or denied, or a regular Operators' license should be issued or denied. At no time should one or more Conditional Operators' licenses exceed 12 consecutive months.

v. All persons applying for or then holding operators' licenses in any establishment licensed under this chapter shall complete, within one year from the time of initial issue of an operators' license, a mandatory alcohol awareness and training program approved by the Common Council. This course shall also be completed every five years from the initial license issued.

vi. A provisional operators' license shall be issued by the City Clerk to any applicant who is enrolled in but has not yet completed the training course

required provided that the applicant is otherwise qualified for such license. Satisfactory proof of enrollment in the course shall accompany the application. The provisional license shall expire 60 days after its issuance or when a regular operator's license is issued, whichever occurs first. The City Clerk or the designated agent of the City Clerk may revoke the provisional license if he/she discovers that the holder of the license made a false statement on the application. The City Clerk or the designated agent of the City Clerk shall revoke the provisional license if the applicant fails to successfully complete the course in which he or she is enrolled.

(3a) If a special meeting of the City Council is necessary to approve any license described in the subsection (3) by the approval date requested by the applicant, there shall be an additional fee as indicated in the Fee Schedule. (Amended 10/2012, 11/2015, 08/2019)

(4) License Application.

a. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue, or governing body for operators' licenses and filled with the City Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

b. Application shall be signed and sworn to by the applicant as provided by s. 887.01, Wis. Stats.

c. Upon approval, a duplicate copy of each application shall be forwarded by the City Clerk to the State department of Revenue.

(5) License Restrictions.

a. Licenses shall be issued only to persons eligible therefor under ss. 125.04 and 125.33 (3) (b), Wis. Stats.

b. No "Class A" or "Class B" license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any public or parochial school, hospital, or church, except that this prohibition may be waived by a majority vote of the governing body of the municipality in which the premises is located. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license or permit. The prohibition in this paragraph does not apply to any of the following.

i. Premises covered by a license or permit on June 30th, 1947.

ii. Premises covered by a license or permit prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building.

iii. A restaurant located within 300 feet of a church or school. This subdivision applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of its gross receipts.

c. Violators of Liquor or Beer Laws or Ordinances. No retail "Class A" or "Class B" license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or of the provisions of this section during a one-year period to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

d. Health and Sanitation Requirements. No retail "Class A" or "Class B" license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the City.

e. License Quota. The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in s. 125.51 (40), Wis. Stats.

f. Corporations. No license shall be granted to any corporation when more than 50% of the voting stock interest, legal interest or beneficial interest is held by any person or person not eligible for a license under this section.

g. Age Requirement. No license hereunder shall be granted to any person who has not attained the legal drinking age.

h. Effect of Revocation of License. Whenever any license has been revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises and 12 months shall elapse before another license shall be granted to the person whose license was revoked.

i. Delinquent Taxes, Assessments and Claims. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the City are delinquent and unpaid, or to any person or entity for which City taxes, assessments, other claims of the City, or payment of

a forfeiture resulting from a violation or any ordinance of the City, are delinquent and unpaid.

j. Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(6) Form and Expiration of Licenses. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid ant eh name of the licensee and, unless sooner revoked, shall expire on June 30th thereafter except as otherwise provided. The City Clerk shall affix his or her affidavit as required by s. 125.04 (4), Wis. Stats.

(7) Transfer of Licenses.

a. No license shall be transferable as to licensee except as provided in s. 125.04 (2), Wis. Stats.

b. Licenses issued pursuant to this section may be transferred as provided in s. 125.04 (12), Wis. Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(8) Posting and Care of Licenses: Every license or permit required under this section shall be framed and posted and at all times displayed as provided in s. 125.04 (10), Wis. Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(9) Regulation of Licensed Premises and Licensees:

a. Each licensed and permitted premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any such premises.

b. No licensee shall employ any person who has not attained the legal drinking age to serve, sell, dispense or give away any alcohol beverage.

c. No club shall sell intoxicating liquors or fermented malt beverage except to members and guests invited by members.

d. 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.

e. Under aged persons permitted on “Class B” premises during certain times.

i. In addition to the exceptions contained in Ch. 125 of the Wis. Stats., an under aged person may enter or remain in a room on class “B” or “Class B” licensed premises on a date specified by the licensee or during times when no intoxicating liquors are consumed, sold, or given away. During those times, the licensee, an agent named in the license if the licensee is a corporation or a person who has an operator’s license, shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. An under aged person may enter and remain on a class “B” or “Class B” premises under this paragraph only if the chief of police issues to the class “B” or “Class B” licensee a written authorization permitting under aged persons to be present under this subparagraph on the date specified in the authorization.

ii. Before issuing an authorization, the chief of police shall make a determination that the presence of under aged persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which under aged persons will be present on the premises. The request for written authorization shall be made at least five (5) days prior to that date. The chief of police shall specify on each such authorization terms and conditions necessary to fulfill the requirements of this section.

(10) Closing Hours. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

a. If a wholesale license, between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.

b. If a retail Class “A” or “Class A” license, follow the hours set by Wisconsin State Statutes, as of June 4th, 2012, closed hours for Class “A” premises shall be between 12:00 a.m. and 6:00 a.m., and “Class A” licensed premises shall be between 9:00 p.m. and 6:00 a.m. In the event State Statute is amended by the Legislator from this data forward, this ordinance shall automatically codify and read consistent with State law related to hours of operation. (Amended 06/2012)

c. If a retail Class “B” or “Class B” license, between 2:00 a.m. and 6:00 a.m. except as provided in this paragraph and paragraph (3). On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. On January 1st, premises operating under a Class “B” or “Class B” license are not required to close.

d. Between 12:00 a.m. and 6:00 a.m. no person may sell fermented malt beverages or intoxicating liquor on Class “B” or “Class B” licensed premises in an original unopened package, container or bottle for consumption away from the premises.

e. Hotels and restaurants whose principle business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses, may remain open for the conduct of their regular business but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

(11) Revocation and Suspension of Licenses.

a. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by s. 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.

b. Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or for a violation of Ch. 125 or 139, Wis. Stats., or any other state or federal liquor or fermented malt beverage laws.

c. See subsection (5) (h) of this section for the effects of revocation.

(12) Nonrenewal of Licenses. Before renewal of any license issued under this section is refused, the license shall be given written notice of any charges of violation or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the City Council.

(13) Violations and Penalties. (Amended 03/2020)

a. A violation of this chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee and both shall be subject to citation in accordance with subsections b. or c. below.

b. Forfeitures for violations of Wis. Stat. Sections 125.07(1) through (5) and 125.09(2) adopted by reference in Section 12.01(1) of this Chapter shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statute, including any variations or increases for subsequent offenses.

c. Any person who shall violate any provision of Chapter 12 except as otherwise provided in subsection (13)b, or who shall conduct any activity or make any sale for which a license is required, upon conviction thereof shall be subject to a forfeiture as provided in Section 21.04.A. of the City of Mondovi City Code.

d. In addition to all other penalties as provided in this Chapter 12, the City may revoke or suspend a license issued under this Chapter 12 as provided in Wis. Stat. Sec. 125.12.

e. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

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CHAPTER 13. MOBILE HOME PARKS

SECTION 13.01 STATUTES ADOPTED.

The provisions of Sec. 66.058 Wis. Stats. and the definitions therein are hereby adopted by reference.

SECTION 13.02 MONTHLY PARKING FEE.

(Amended 08/2019)

There is hereby imposed on each occupied, non-exempt mobile home located in the City of Mondovi a monthly parking fee as determined in accordance with s. 66.0435, Wis. Stats and indicated on the City's Fee Schedule. Said fees shall be paid to the City Treasurer on or before the 10th day of the month following the month for which such fees are due.

SECTION 13.03 MOBILE HOME PARK LICENSE.

(1) It shall be unlawful for any person to establish or operate upon property owned or controlled by him/her within the City of Mondovi a mobile home park without having first secured a license therefore from the City Clerk. The application for each such license shall be accompanied by a fee of $2.00 for each space in the existing or proposed park but not less than $25.00. The license shall expire on year from the date of issuance. Such parks shall comply with the Wisconsin Administrative Code Chapter HSS 177 and any future additions, revisions or modifications thereof, which is hereby adopted by reference.

(2) Licenses of mobile home parks shall furnish information to the City Clerk-Assessor on such homes added to their park within 5 days after arrival of such home on forms furnished by the City Clerk in accordance with s. 66.058 (3) (c) and (e), Wis. Stats.

(3) It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied, nonexempt mobile home therein and to remit such fees to the City Treasurer as provided in (2).

SECTION 13.04 PARKING OUTSIDE MOBILE HOME PARK.

(1) No occupied mobile home shall be parked outside of a duly licensed mobile home park in the City of Mondovi.

(2) This section shall not apply nor shall a license be required for the parking of one mobile home occupied by a residence by a full-time employee of an active farming operation conducted within or partially within the City limits. Such mobile homes shall be located not more than 300 ft. from at least one of the main buildings used in such farming operation. Such distance shall be measured by the shortest route from the closest point of such mobile home to the closest point of the main building.

SECTION 13.05 PENALTY.

Any person, firm or corporation who fails to comply with any provisions of this ordinance shall, upon conviction thereof, forfeit not less than $10.00 nor more than $200.00 together with the costs of prosecution for each violation and in default of payment thereof shall be imprisoned in the county jail of Buffalo County, Wis., until payment of such forfeiture and costs, but not exceeding 30 days, provided that the maximum forfeiture for violation of Section 13.03 (2) shall be $25.00.

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CHAPTER 14. ANIMAL CONTROL ORDINANCE

(Amended 07/2019)

14.01 DEFINITIONS.

In this Chapter, unless the context or subject matter otherwise requires:

(1) Owner: any person owning, harboring or keeping an animal. The occupant of any premises on which an animal remains or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping an animal within the meaning of this section.

(2) At large: to be off the premises of the Owner and not under control of some person by leash or otherwise, but a dog or animal within an automobile of its Owner or in an automobile of any other person with the consent of the Owner shall be deemed to be upon the Owner's premises.

(3) Regulated Animal: any animal meeting the definitions of the following:
   a. Dangerous animal.
   b. Hybrid animal.
   c. Exotic animal.

(4) Hybrid: any cross-breed resulting from the mating of a Domesticated Animal or a Regulated Animal and a wolf or coyote, or resulting from the mating of any hybrid and another hybrid, domesticated dog or Regulated Animal. As used herein:
   a. Canine Animal— Includes all members of the family canidae.
   b. Domesticated dog— Canis Familiaris.
   c. Wolf— Includes both Canis Lupus and Canis Niger.
   d. Coyote— Canis Latrans.

(5) Potentially Dangerous Animal: any animal that meets the following:
   a. Any animal with a propensity, tendency, and/or disposition to attempt to attack, cause injury, cause damage or destruction of public or private property, or otherwise endanger the safety of human beings or other domestic animals. Such a propensity, tendency, or disposition may be evidenced by habitual or repeated chasing, scratching, snapping, or barking, snarling or growling in a manner that is reasonably perceived as threatening.
   b. Any animal that attacks, bites, attempts to attack or bite, or has attacked or bitten another domestic animal.
   c. An animal shall not be considered potentially dangerous if the dog was provoked as follows:
      i. The animal bites, attacks or threatens anyone assaulting the Owner.
      ii. The animal bites, attacks or threatens a trespasser on the property of the Owner.
      iii. The animal bites attacks or threatens any human being or other animal who has attacked, tormented or abused it.
      iv. The animal is otherwise acting in defense of an attack from a human being or other animal upon the Owner or other person.
      v. The animal is protecting or defending its young.

(6) Dangerous Animal: is any Domesticated Animal which has been declared a Dangerous Animal by the Police Department and confirmed by the Common Council through section 14.10, and an animal who has a known propensity, tendency, or disposition to attack unprovoked, or attacks another animal or individual with the following results:
   a. assaults or bites another animal or person;
   b. chases or causes a fear reaction from another animal or person, which has been filed as a written complaint, on more than one occasion within a 12-month rolling calendar period;
   c. any animal which is known by the Owner to be infected with rabies or to have been bitten by an animal known to have been infected with rabies;
   d. any animal designated as "dangerous" or any related terminology designated to regulate such animal in another community, such designation shall be considered a Dangerous Animal within the City of Mondovi and City Staff shall:
      i. City Hall staff members shall collect:
         1. The former address and community of the Owner, unless the Owner just acquired the animal, then the previous address and name of the previous Owner;
         2. The pet's current and former name if applicable;
         3. The approximate date(s) of designation(s);
         4. Provide the collected information to the Police Department within five (5) days.
      ii. City Police Department shall investigate and collect:
         1. The frequency of situations the animal in question is involved in;
         2. Copies of any issued citations and any and all court cases;
         3. Keep these records at the Police Department, and ensure up to a one-page summary is shared with the Fire Department, Mondovi Area Ambulance Service, and neighbors within 300 feet of the reported residence;
         4. Deliver a copy to the City Clerk for record retention within five (5) days after the investigation is complete.

(7) Exotic Animal:

a. A rare or unusual animal kept within a human household which is generally thought of as a wild species not typically kept as a pet; an animal species not native or indigenous to the local region within the States of Wisconsin and/or Minnesota, a species of animal not from the United States of America, and includes the following list of animals:

i. Alligators.
ii. Apes; Chimpanzees (Pan); Gibbons (Hylobates); Gorillas (Gorilla); Orangutans (Pongo); and siamangs (Symphalangus).
iii. Atlantic Green Turtles (chelonia mydas).
iv. Baboons (Papoi, Mandrillus).
v. Bears (Ursidae).
vi. Bisons.
vii. Caimans.
viii. Cheetahs (Acinonyx jubatus).
ix. Crocodilians (Crocodilia).
x. Coyotes (Canis latrans).
xi. Deer (Cervidae); all members of the deer family.
xii. Elephants (Elephas and Loxodonta).
xiii. Gamecocks and other fighting birds.
xiv. Hippopotami (Hippopatamidae).
xv. Hyenas (Hyaenidae).
xvi. Jaguars (Panthera pardus).
xvii. Lions (Panthera leo).
xviii. Lynxes (Lynx).
xix. Marsupials, including kangaroos, wallabies, and opossums.
xx. Monkeys, old world (Cercopithecidae).
xxi. Ostriches (Struthio).
xxii. Piranha fish, Oscars (Characidae).
xxiii. Ridley Turtles (Pacific - Lepidochelys olivacea and Mexican – Lepidochelys Kempi).
xxiv. Polar Bears (thalarctos maritimus).
xxv. Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
xxvi. Rhinoceroses (Rhinocero tidae).
xxvii. Sea Otters (Enhydra lutris).
xxviii. Sharks (Chondrichthyes).
xxix. Snow Leopards (Panthera uncia).
xxx. Tigers (Panthera tigris).
xxxi. Wolves (Canis lupus and Canis niger).
xxxii. Poisonous insects.

b. For animals not listed above, any animal that includes any characteristics of the animal species that historically has been known to:

i. be poisonous which could lead to death; and/or
ii. cause paralysis, flu like symptoms, nausea, and/or any physical reaction not normal to the healing process; and/or
iii. have the tendency to strike, tear, rip, constrict and/or remove or permanently destroy bodily parts of another animal and/or person.

(8) Exotic Animal Exemptions. The following animals are exempt from the definition of Exotic Animal; however, they must still comply with the limits as indicated in 14.05 unless a lower limit is established here:

a. Aquatic Animals are defined as animals that breathe oxygen while under water or at the surface of the water and have gills for underwater breathing, and never leave the water are not considered an Exotic Animal. This section does not include the Piranha species of fish. However, the release of any aquatic animal into natural waters and the animal will be considered an Exotic Animal for prosecution purposes.
b. Avian or Birds smaller than thirty-eight inches (38") in adult height. (Amended 10/2019)
c. Chinchillas.
d. Gerbil.
e. Guinea Pigs.
f. Hamster.
g. Hedgehogs.
h. Mouse.
i. Rabbit.
j. Snakes or reptiles no bigger than 18" in length and/or width, so long as they do not meet any criteria as established in paragraph (6) of this section.

14.02 LICENSE FEES.

(1) Annual License: Every Owner of a dog more than five (5) months of age on January 1st of any year or five (5) months of age within the license year, shall annually, or within 30 days from the date that the dog will become five (5) months of age, pay a dog license tax which is as indicated within the Fee Schedule retained at the City Clerk's Office and amended time to time by the Common Council through a resolution, which is more than the license fee prescribed by the County Board of Buffalo County, Wis., from time to time, pursuant to s. 174.05, Wis. Stats.
(2) Annual License: Every Owner of an animal, more than five (5) months of age on January 1st of any year or five (5) months of age within the license year, shall annually, or within 30 days from the date that the animal will become five (5) months of age, pay an animal license tax which is the same as in paragraph (1) above. Animals meeting the definition of section 12.01 (8) Exotic Animal Exemptions are exempt from licensing requirements.
(3) Delinquency Tax: Any person purchasing a dog or animal license after April 1st shall pay an additional late fee in the amount as indicated within the Fee Schedule

retained at the City Clerk's Office and amended time to time by the Common Council through a resolution over the amounts prescribed by subsection (1) of this section and Ch. 147, Wis. Stats.

(4) Exceeding four (4) total animals, none of which meet the definition of Regulated Animal, shall have an additional fee as indicated within the Fee Schedule retained at the City Clerk's Office and amended time to time by the Common Council through a resolution;

(5) Regulated Animal Fee: any animal that falls under the designation of a Regulated Animal shall pay an additional annual fee for licensing of said animal more than the license fee prescribed by the County Board of Buffalo County, Wis., from time to time, pursuant to s. 174.05, Wis. Stats. and comply with the Mondovi Municipal Code Section 14.03. Regulated Animals residing within the City of Mondovi prior to the passage of this ordinance and any granted Regulated Animal Permit holder shall pay an additional fee as indicated within the Fee Schedule retained at the City Clerk's Office and amended time to time by the Common Council through a resolution.

(6) Wolf Hybrid Permits. Animal licenses will only be granted for these types of animals with a copy of the Owner's permit from the Wisconsin Department of Natural Resources for ownership of wolf hybrid(s).

(7) Regulated Animal Delinquency Tax: any person purchasing a Regulated Animal license after April 1st shall pay an additional late fee in the amount as indicated within the Fee Schedule retained at the City Clerk's Office and amended time to time by the Common Council through a resolution, every 30 days after April 1st over the amounts prescribed by paragraph (5) of this section and Ch. 147, Wis. Stats.

<u>14.03 OWNING, HARBORING, AND KEEPING OF REGULATED ANIMAL(S).</u>

(1) It shall be unlawful for any person within the City limits of Mondovi to own, harbor and/or keep:

a. Any Regulated Animal, except any Regulated Animal registered with the City within 60 days this section becomes effective, and kept in accordance with the standards and requirements set forth in section (2) below;

b. Any Hybrid, except any Hybrid registered with the City on the day this section becomes effective and kept in accordance with the standards and requirements set forth in section (2) below;

c. Any animal which habitually pursues any vehicle upon any public street, alley, or highway in the City;

d. Any animal which is at large within the corporate limits of the City of Mondovi;

e. Any animal which kills or wounds any domestic animal.

(2) Keeping of Regulated Animals: It is hereby declared that this section of Regulated Animals is a matter of public interest pertaining to the health, safety and welfare of residents of and visitors to the City. The provisions of subsection (1) are not applicable to Owners of Regulated Animal(s) within the City of Mondovi, provided there is full compliance with the following conditions:

a. <u>Leash and Muzzle:</u> No person shall permit a Regulated Animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than 4 feet in length and under the control of an immediate family member over 18 years of age. No person shall permit a Regulated Animal or Hybrid to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all Regulated Animal on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such an animal from biting persons or other animals.

b. <u>Confinement</u>: All Regulated Animals shall be securely confined indoors or in a securely enclosed and locked kennel or pen except when leashed and muzzled as provided in subsection (2) (a). All kennels or pens for Regulated Animals shall comply with the following minimum requirements:

i. The first enclosure shall be constructed of not less than 9-gauge galvanized chain link fencing, with mesh openings not greater than 2 inches, which shall be securely anchored by stainless steel or copper rings, placed at intervals not greater than 6 inches apart, to a poured concrete base as described herein. Such enclosure shall not be less than 500 square feet in area, plus 250 square feet for each additional canine animal kept therein. Such enclosure shall be the location in which any Regulated Animal is primarily kept.

ii. The first enclosure shall extend to a height of not less than 8 feet and shall be surrounded from ground level to a height of not less than 4 feet by 1/4-inch galvanized mesh screening.

iii. The first enclosure shall have a full top, which shall also be constructed of not less than 9-gauge chain link fencing with mesh openings not greater than 2 inches, and which shall be securely anchored to the sides of the enclosure. The entire base of the first enclosure shall be a poured concrete slab floor at least 4 inches thick.

iv. The second enclosure shall consist of a securely anchored fence at least 6 feet in height, which shall entirely surround the first enclosure, and no part of which shall be nearer than 6 feet from any part of the first enclosure. Said fence shall be a "vision barrier" fence, no more than 5% open for through vision, except; however, that the portion of said fence facing the dwelling of the Owner of said animals or of the property on which they are kept shall be constructed on not less than 9-gauge chain link fencing to provide for observation of said animal. If any portion of said fence is made of wood, the finished or painted side thereof shall face outward from the first enclosure.

v. Both enclosures shall be kept locked with case hardened locks at all times when the animal is unattended by an adult. The first (innermost) enclosure shall have double entrance gates or doors situated and constructed in such a fashion as to prevent an animal from escaping past an open gate or door. The gates or doors providing access to the first (innermost) enclosure shall be spring-loaded so as to shut on their own accord behind anyone entering the enclosure.

vi. Within the first enclosure, shelter shall be provided adequate to protect the animals confined against weather extremes. The first enclosure shall be regularly cleaned to remove excreta and other waste materials, dirt and trash; in a manner adequate to minimize health hazards and avoid offensive odors.

vii. The above-described enclosures shall be located in the rear yard of any property on which a Regulated Animal is kept, as defined in the City Zoning Code.

viii. All above-described enclosures shall be subject to an inspection and approval by the chief of police in order to ensure the adequacy of such enclosure and full compliance with this section of this City Code. The chief of police, in his/her sole discretion, shall determine whether the requirements of the ordinance have been satisfied.

c. Confinement Indoors: No Regulated Animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition.

d. Insurance:

i. All Owners of Regulated Animals must provide proof of public liability insurance in the amount of $500,000.00 for bodily injury or death to any one person with the limit; however, of $1,000,000.00 for bodily injury or death resulting from one incident, and $1,000,000.00 for property damage resulting from any one incident, to City Hall staff within 30 days of the effective date of this section.

ii. The City of Mondovi shall be named as an additional insured under such insurance and a copy of the current enforceable policy shall be deposited with the City Clerk or their designee. Such insurance policy shall provide that no cancellation of the policy will be made unless 10 days written notice is first given to the City Clerk or their designee.

e. Registration: All Owners of Regulated Animals shall within 30 days after the effective date of this section, and every year hereafter, register said animal with the City of Mondovi by filing with the City Clerk or their designee three (3) color photographs of the animal with a frontal and both side profile views of the entire animal, clearly showing the color and approximate size. There shall be a registration fee as prescribed in section 14.02.

f. Reporting Requirements: All Owners of Regulated Animals must report to the City Clerk or their designee, in writing, within 10 days information regarding any of the following incidents:

i. The removal from the City or death of a registered Regulated Animal; or

ii. The birth of offspring of a registered Regulated Animal; or

iii. The new address of a registered Regulated Animal should the animal be moved within the City of Mondovi; or

iv. If the registered Regulated Animal is sold, the name and address of the new owner(s).

g. Animals Born of Registered Regulated Animals: All offspring born of registered Regulated Animals within the City of Mondovi must be removed from the City within 12 weeks after the birth of said animal.

h. Signs: All Owners of registered Regulated Animals within the City corporate limits shall, within 10 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" or "Animal". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

i. Failure to Comply: It shall be unlawful for the Owner of a registered Regulated Animal registered with the City to fail to comply with the requirements and conditions set forth in this section.

j. Removal; Impoundment: Whenever any person is charged with owning, harboring, or keeping a Regulated Animal in the City of Mondovi which has not been registered within 60 days of the effective

date of this ordinance, that person shall, to the satisfaction of the Court, remove said animal from the City of Mondovi until a trial on the citation has been heard. If said animal has not been removed within 48 hours of the service of citation, the said animal may be impounded as directed by City authorities until the trial on the citation has been heard. In this case, the Owner of any such animal shall pay all expenses incurred due to such impoundment, including but not limited to the cost of shelter, food, handling and veterinary care plus an administrative fee as indicated within the Fee Schedule retained at the City Clerk's Office and amended time to time by the Common Council through a resolution. If it is determined by plea or trial that said animal is not registered pursuant to section 14.02 (1).

k. Veterinary Exception: The foregoing provisions of this section shall not apply to doctors of veterinary medicine in temporary possession of Regulated Animals in the ordinary course of their practice. However, it is the duty of every veterinarian to report any Regulated Animal that lives within the City boundaries and they shall provide: the Owner's name, address, and contact information. This requirement is to ensure that the Regulated Animal has been properly reported to and documented by the City to ensure the health and safety of the public at large.

(3) Veterinary Duty to Report: Any Veterinarian that treats any animal that resides within the corporate boundaries of the City of Mondovi, that has suffered another animal or human bite injury, has a duty to report the incident to the Buffalo County Health Department and the City of Mondovi Police Department, or their local law enforcement authority, immediately upon discovery and treatment. This reporting requirement is due to the possible infection of a communicable disease, to help prevent the spread of any potential communicable disease, and to ensure the appropriate treatment is received by the victim. The report to these agencies shall include the following:

a. the name of the victim animal, Owner of the victim animal and their contact information;
b. if available: the name of the suspect animal or person, Owner/legal guardian of the suspect animal/person and their contact information, and the confinement status of the suspect animal;
c. the date and time of incident, and the date and time of treatment;
d. where the victim animal was bitten.

(4) Authorized Possession. The following persons may possess Regulated Animals in the City:

a. A veterinarian, for the purpose of providing medical treatment to the animal.
b. A public zoo or aquarium, with a permit issued by the City.
c. A circus, with a permit issued by the City.
d. A Police Canine (K-9) unit while currently employed by a law enforcement agency and on assignment.

(5) Annual inspections shall be conducted by the City's Police Department to ensure full compliance with this section.

(6) Regulated Animals that are not kept in compliance with the requirements of this ordinance are declared to be a Public Nuisance and must be removed from the City.

14.031 CONTROL OF ANIMAL DEFECATION.

No Owner or person having control of an animal shall permit solid fecal matter from such animal to remain on any street, alley, or other public or private property not owned or occupied by such person but shall immediately remove the fecal matter from such property.

14.04 DUTY OF OWNER IN CASE OF ANIMAL BITE.

Every Owner of an animal who knows that such animal has bitten any person or animal shall immediately report such fact to the Police Department and health officer and shall keep such animal confined for not less than 10 days, or for such period of time as the health officer shall direct. The Owner of any such animal shall surrender the animal to the health officer or to any City police officer upon demand for examination.

14.05 LIMITATION ON NUMBER OF ANIMALS.

(1) No person shall own, harbor, or keep more than six (6) animals of more than 5 months of age within the corporate limits of the City of Mondovi;
(2) No more than two Regulated Animals can be in the same household. In no case can more than two animals meeting the definition of a Regulated Animal be kept in the same household.
(3) This section shall not apply to any veterinary clinic.

14.06 EXCEPTION BY BUFFALO COUNTY HUMANE SOCIETY VOLUNTEERS LIMITING NUMBER OF ANIMALS.

(1) Volunteers with the Buffalo County Humane Society may exceed the limits imposed by Section 14.05 by license with the following requirements:

a. An annual written report is given to the City Clerk, or their designee, by March 1st of those residents who are volunteering their property to serve as a temporary location until the animal(s) are adopted and indicating within the report:

i. The number of animals assisted with finding their new Forever Home through this program over the previous calendar year;
ii. Name of volunteer(s) within the City limits;
iii. Address or location of volunteer(s) residence;
iv. Their contact information including but not limited to phone number and email address;
v. Buffalo County Humane Society agrees that each household cannot temporarily house more than ten (10) animals at any given time, for any given period, and none of the animals meet the definition of Regulated Animal;
vi. Volunteer, or Buffalo County Humane Society, agrees to submit an annual fee of $25.00 per temporary licensed residence;
vii. Statement from every volunteer that they agree to provide adequate space to protect the health and safety of the animals and the human occupants and will not otherwise create a nuisance.

b. The license year shall commence on April 1st through March 31st of the following year.

(2) A license can be revoked at any time, without a refund, if in the opinion of the health officer or City Clerk and Police Officer they believe the location is unsanitary for the animals or the human occupants;
(3) If this exception is granted the grantee must allow a bi-annual inspection of the premises and all structures to ensure the health and safety of both the human and animal occupants;
(4) This section shall not apply to any veterinary clinic;
(5) The City hereby adopts the provisions of s. 173.13 through 173.25, Wis. Stats. as amended from time to time, providing for the taking of custody of animals and dispositions of such animals.

14.07 IMPOUNDING OF ANIMALS.

Any police officer may impound any animal found in violation of any of the provisions of this ordinance. The pound master shall notify the City Clerk who shall notify the owner of such impoundment in the manner prescribed by s. 1473.13 Wis. Stats. Possession of animals impounded under this section may be obtained by paying a fee as indicated within the Fee Schedule retained at the City Clerk's Office and amended time to time by the Common Council through a resolution the animal has been so impounded. Animals impounded for more than a period of seven (7) days may be released to persons other than the Owners pursuant to s. 173.19 & 173.23 (1m), Wis. Stats., or may be euthanized for humane purposes if unclaimed pursuant to s. 173.23 (1m), Wis. Stats.

14.08 ANIMAL EUTHANASIA.

The City hereby adopts the provisions of section 174.02, Wis. Stats., as amended from time to time providing the obtaining of a court order to euthanize an animal.

14.09 NUISANCE ANIMALS.

Any animal meeting the following definitions are considered a nuisance animal and are subject to removal from the City:

(1) Any animal that repeatedly and/or routinely chases a vehicle within the public right-of-way.
(2) Any animal which habitually, barks or howls to the annoyance of any person or persons.

14.10 POTENTIALLY DANGEROUS OR DANGEROUS ANIMALS.

(1) Declaration. A police officer may determine any animal to be dangerous whenever upon investigation that officer finds that the animal meets the definition of 14.01 (5).
(2) Notice of Potentially Dangerous Animal. Upon determination that an animal is potentially dangerous, the Police Chief shall provide a notice of Potentially Dangerous Animal to the Owner of said animal by personally serving the Owner or a person of suitable age, 14 years of age or older, at the residence of such Owner. The notice shall describe the animal deemed to be potentially dangerous and shall give the Owner the potential restrictions if the animal is ever declared a Dangerous Animal.
(3) Notice of Dangerous Animal. Upon determination that an animal is dangerous pursuant to this section, the City shall provide a notice of Dangerous Animal to the Owner of such animal by personally serving the Owner or a person of suitable age, 14 years of age or older, at the residence of such Owner. The notice shall describe the animal deemed to be dangerous. The notice shall also inform the Owner of their right to appeal the determination by requesting a hearing within 14 days after receipt of the notice. Immediately upon receipt of the notice, and if no timely appeal is received by the City, the Owner shall follow the procedures indicated in 14.03 (2). Once a Dangerous Animal is declared the Owner has 30 days to come into full-compliance with sections 14.02 and 14.03.
(4) Hearing. If the Owner timely appeals the determination of a Dangerous Animal, a hearing shall be scheduled as soon as possible for the Owner with the Common Council, where the Common Council will act as a quasi-judicial body, allowing the animal's Owner an opportunity to present evidence as to why the animal should not be declared vicious or dangerous. After considering all evidence submitted,

the Common Council shall make a written finding of fact and reach a conclusion whether the animal is dangerous pursuant to the section. The findings and conclusions shall be made within 14 days after the hearing and shall be personally served upon the Owner or a person of suitable age 14 years of age or older, at the residence of such owner. The decision of the Common Council shall be final.

(5) Dangerous Animal Defense. It shall be primae facia evidence that the animal under consideration for a declaration of Dangerous Animal was defending their Owner or property from a willful trespass or other tort upon the premises occupied by the Owner of the animal; or if the injured or fearful party provoked, tormented, abused or assaulted the animal.

(6) Any animal declared a Dangerous Animal must comply with section 14.02 and 14.03.

14.11 ANIMAL INJURY OR BITE QUARANTINE.

(1) Animal Confined. If an animal has bitten another animal or person, the responding Police Officer or Chief has the authority to require the Owner to quarantine the animal according to the Buffalo County Health Department Rules and Regulations.

(2) Refusal to Quarantine or No Owner Located. If the Police Officer or Chief cannot locate the Owner in a timely manner, or there is no person of suitable age 14 years of age or older at the residence of the Owner, the Officer or Chief may contact a local veterinarian and arrange the kenneling of the animal in question. All veterinarian invoices for room and board of the animal shall be billed to the Owner of said animal.

14.12 EXOTIC ANIMAL REGULATIONS.

(1) Protected Animals.

a. Compliance with Federal Regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian, or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 9 1st Congress).

b. Regulating the Importation of Certain Birds. No person, firm, or corporation shall import or cause to be imported into this City any part of the plumage, skin or dead body of any species of hawk, owl, or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body, or any part thereof legally collected for use by members of an American First Nation for ceremonial purposes or in the preservation of their tribal customs and heritage.

(2) Grandfathered Clause. The prohibitions set forth in this section regarding an Exotic Animal shall not apply to residents of the City who possessed one or more of the prohibited species prior to the effective date of this ordinance and who register the same animal with the Office of the City Clerk within 60 days of the effective date, and provided that:

a. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.

b. Animals are maintained in quarters so constructed as to prevent their escape.

c. Any resident who shall claim exemption under this subsection shall furnish satisfactory evidence in the form of a bill of sale, veterinary records, or other proof satisfactory to the Clerk, which demonstrates ownership of the otherwise prohibited species prior to the effective date of this ordinance.

(3) Exotic Animal Permit. Any person wishing to own, keep, or harbor more Exotic Animals than the limit imposed by Section 14.05, or than they presently have, must request a Permit following the Common Council. A permit can only be granted when the following requirements are met:

a. There are no residential properties within 300 feet, or the applicant has received signatures from residents and property owners within 1000 feet of their place of residence that they do not object to such ownership.

b. A diagram of the housing structure must be submitted with the application indicating the housing area reserved for the Exotic Animals.

c. The maximum number of Exotic Animals desired.

d. Certification training documents demonstrating the knowledge and capability of the applicant for such request and handling of Exotic Animal(s).

e. Understand and agree to comply with the requirements set forth in Section 14.03 (2).

f. Agree to the annual fee(s) according to Section 14.02.

g. Applicant must own the property.

h. Council agrees by at least a two-thirds of the total number of Alderpersons not including the Mayor, to grant the Permit.

14.13 BEE KEEPING.

Keeping of bees is prohibited within the City limits.

14.14 FEEDING OF WATERFOWL PROHIBITED.

(1) For the purposes of this section “waterfowl” shall include any bird that frequents the water, or lives

about rivers, lakes, etc., or on or near the sea; an aquatic fowl, including, but not limited to: ducks, geese, and gulls.

(2) Purpose. This section is to protect the health, safety, and welfare of the community and its wildlife by prohibiting the feeding of waterfowl, on any maintained park, other recreation area, or public property in the City. It has been established that feeding waterfowl increases the potential for damage to public parks and property, may elevate the potential for the spread of disease in people, and contributes to water quality problems in waterways.

(3) Protection of Wildlife. It is the intent of this section to protect the welfare of the waterfowl themselves, as wildlife studies have shown that feeding waterfowl can interrupt their normal migration patterns, make them more aggressive in demanding food, cause nutritional problems, expose them to danger by eliminating their natural fear of predators, and promote the spread of diseases.

(4) Prohibition. No person shall feed or provide food to any waterfowl at or within 300 feet of any maintained park, other recreation area, or public property in the City.

14.15 PENALTIES.

Any person who shall violate any provisions of this ordinance, shall, upon conviction thereof, forfeit not less than $50.00 nor more than $250.00 together with the cost of prosecution and, for the second or subsequent violation within five (5) years shall forfeit not less than $100.00 nor more than $500.00 together with the cost of prosecution. Each calendar day that this ordinance is violated shall constitute a separate offense.

It shall be prima facia evidence from City of Mondovi's Utility Billing, and/or annual licensing collected, data points of when a person moved to this City or adopted a Regulated Animal for violation(s) purposes.

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CHAPTER 15. OTHER LICENSES

SECTION 15.01 CIGARETTE LICENSE.

(1) No person shall in any manner, upon any premises, or by any device directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes to any person not holding a license or a permit as herein provided under s. 139.30 to 139.41, Wis. Stats., without first obtaining a license from the City Clerk.

(2) Upon filing of a properly written application stating the name of the person and the place for which such license is desired, such licenses shall be issued on July 1st of each year or when applied for and continue in force until the following June 30th unless sooner revoked. The fee for such license shall be indicated on the Fee Schedule; which shall be paid to the City Treasurer before the license is issued.

(3) Each such license shall name the license and specifically describe the premises where such business is to be conducted. Such licenses shall not be transferable from one person to another nor from one premises to another.

(4) Every person holding such license shall keep complete and accurate records of all purchases and receipts of cigarettes. Such records shall be preserved on the licensed premises for two (2) years in such a manner as to ensure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by any employee of the City Police Department.

(5) Any person violating this section shall be fined not more than $100.00 nor less than $25.00 for the first offense and not more than $200.00 nor less than $25.00 for the second or subsequent offenses.

SECTION 15.02 LICENSES FOR NON-INTOXICATING AND SODA WATER BEVERAGE

(Repealed 05/2018)

SECTION 15.03 SALES BY TANSIENT MERCHANTS

(Amended 05/1991)

(1) Registration Required. It shall be unlawful for any transient merchant to engage in sales within the City of Mondovi without first being registered for that purpose as provided herein.

(2) Definition. In this ordinance:

a. Transient merchant: any individual who engages in the retail sale of merchandise at any place in this state temporarily and who does not intend to become and does not become a permanent merchant of such place.

b. Sale of merchandise: includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conduct by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by resident of this state.

c. Permanent Merchant: any person who, for at least six (6) months prior to the consideration of the application of this ordinance to said merchant has continuously operated an established place of business in the local trade area among the communities bordering the place of sale or has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his/her residence.

d. Merchandise: shall include personal property of any kind and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

e. Charitable Organization: shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association, or corporation, or one purporting to be such.

f. Clerk: the City of Mondovi City Clerk.

(3) Exemptions. The following shall be exempt from all provisions of this ordinance:

a. Any person delivering newspapers, fuel, dairy products, or bakery goods to regular customers on an established route; or

b. Any person selling merchandise at wholesale to dealers in such merchandise; or

c. Any person selling agricultural products which the person has grown; or

d. Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business; or

e. Any person who has established a place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person; or

f. Any person who has had, or one who represents a company which has had, a prior business transaction such as a prior sale or credit arrangement with the prospective customer; or

g. Any person selling or offering for a sale a service unconnected with the sale or offering for sale merchandise; or
h. Any person holding a sale required by statute or by order of any Court and any person conducting a bona fide auction sale pursuant by law; or
i. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under s. 440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under s. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements shall be required to register under this ordinance; or
j. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk proof that such person has leased for at least on year, or purchased, the premises from which he/she has conducted business in the market area for at least six months prior the date the complaint was made; or
k. Any individual licensed by an examining board as defined in s. 15.01 (7) Wis. Stats.
l. This ordinance does not apply to transient merchants while doing business at special events authorized by the City Council.

(4) Registration.

a. Applicants for registration must complete and return to the clerk a registration form furnished by the Clerk which shall require the following information:
   i. Name, permanent address, and telephone number and temporary address if applicable; and
   ii. Age, height, weight, color of hair and eyes; and
   iii. Name, address, and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold; and
   iv. Temporary address and telephone number from which business will be conducted if applicable; and
   v. Nature of business to be conducted and a brief description of the merchandise and services offered; and
   vi. Proposed methods of delivery of merchandise if applicable; and
   vii. Make, model, and license number of any vehicle to be used by applicant in the conduct of his/her business.
   viii. Most recent cities, villages, and towns, not to exceed three (3) where the applicant conducted his/her business.
   ix. Place where the applicant can be contacted for at least seven (7) days after leaving this City.
   x. Statement as to whether the applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, and the nature of the offense and the place of conviction; and
   xi. Wisconsin Seller's Permit is such permit is required by Wis. Stats.
b. Applicants shall present to the Clerk for examination:
   i. A driver's license or some other proof of identity as may be reasonably required; and
   ii. A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by the state authorities.
   iii. A state Health Officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from contagious or infectious disease, dated not more than 90 days prior to the date the application license was made.
c. At the time the registration is returned, a fee as indicated in the Fee Schedule shall be paid to the clerk to cover the cost of processing and said registration. (Amended 08/2019)
   i. The applicant shall sign a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the application arising out of any service, sale, or service performed by the applicant in connection with the direct sales activities of the applicant in the event the application cannot, after reasonable effort, be served personally.
   ii. Upon payment of said fee and the signing of said statement, the Clerk shall, not later than the beginning of the fourth business day after payment and signing, register the applicant as a transient merchant and date the entry. The waiting period shall be for the purpose of allowing the investigation and report to take place pursuant to Section (5) (a). Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Sec. (5) (b) below.
d. Based on health and safety implications of food items and in accordance with state health officers' certification requirements found under 15.04 (b) (3) a fee as indicated in the Fee Schedule shall be paid to the clerk to cover the costs of processing said

registration for transient merchants engaging in the selling of food items. (Amended 08/2019)

i. The applicant shall sign a statement appointing the clerk his/her agent to accept service of process in any civil action brought against the application arising out of any sale or service performed by the applicant, in the event the applicant, after reasonable effort, cannot be served personally.

ii. Upon payment of said fee and the signing of said statement, clerk shall, not later than the beginning of the 4th business day after signing the payment, register the applicant as a transient merchant and date the entry. The waiting period shall be for the purpose of investigation and report to take place pursuant to Sec. (5) (a). Said registration shall be valid for only a period of ninety (90) days from the date entry, subject to subsequent refusals provided in Sec. (5) (b) below.

iii. Upon each registration processing, an updated State Health Certificate must be provided in order to verify and assure the health, safety, and welfare of Mondovi residents.

(5) Investigation.

a. Upon receipt of such application, the Clerk may refer it immediately to the chief of police who may make and complete an investigation of the statement made in such registration.

b. The clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the application by authorities in the most recent cities, villages, and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation, or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provisions of section (4) (b) above.

(6) Appeal: Any person refused or denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the common council, or if none had been adopted under the provisions of s. 68.07 through 68.16, Wis. Stats.

(7) Regulation of Transient Merchants.

a. Prohibited Practices.

i. A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors", or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

ii. A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be sued for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.

iii. No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

iv. No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100 ft. radius of the source.

v. No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

b. Disclosure Requirements.

i. After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identify of merchandise or services he/she offers to sell.

ii. If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than $25.00, in accordance with the procedure as set forth in s. 423.203 Wis. Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of s. 423.203 (1) (a) (b) and (c) (2) and (3), Wis. Stats.

iii. If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial, or no advance payment is made, the name, address and telephone number of the seller,

the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) Records. The chief of Police shall report to the Clerk all convictions for violation of this ordinance and the Clerk shall note any such violations on the record of the registrant convicted.

(9) Revocation of Registration.

a. Registration may be revoked by the Common Council after notice and hearing, if the registrant made any material omission or materially inaccurate statements in the application for registration, mad any fraudulent, false, deceptive, or misleading statement or representation on the course of engaging in transient sales, violated any provision of this ordinance or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.

b. Written notice of the hearing shall be served personally or pursuant to (4) (c) above on the registrant at least 72 hours prior the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

(10) Penalty: Any person adjudged in violation of any provisions of this ordinance shall forfeit not less than ten (10) dollars nor more than one thousand dollars for each violation per day plus costs of prosecution. Each violation shall constitute a separate offense.

(11) Effective Date: This ordinance shall take effect upon passage and publication.

(12) Severance Clause: The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance; they shall remain in effect, it being the legislative intent that his ordinance shall stand notwithstanding the invalidity of any part.

SECTION 15.04 LICENSURE OF JUNK DEALERS.

(Amended 08/1998)

(1) Definitions

a. Junk: means, without limitation because of enumeration hereinafter, waste paper, scrap, machines and machine parts, rags, metal, glass, paper, cardboard, packaging or other similar materials.

b. Junkyard: any premises used for the placement of or storage of worn-out or discarded materials (junk), motor vehicle junk whether purchased, donated, or abandoned.

c. Junk dealer: a person who engages in, keeps, conducts, or carries on a business for the purpose of collecting and selling junk, who is not licensed by the State to operate nor is operating a licensed solid waste disposal facility.

d. Motor Vehicle: shall have the definition set forth in s. 10.01 (1) (c), of this Code.

e. Motor Vehicle Junk: any junked motor vehicle or part thereof accumulated for storage or stored outside for any building, but shall not include the temporary storage of motor vehicles no longer than required for the making of accident settlements, where no salvage, dismantling, demolition or abandonment of such motor vehicles occurs they are ultimately transferred to a junk dealer, or to another entity for repair.

f. Motor vehicle junk dealer: a person, firm, partnership or corporation which accumulates or stores any junked motor vehicle or part thereof outside of any building.

g. Person: any natural person, firm, corporation, partnership, proprietorship or other entity.

(2) Purpose. This Ordinance is deemed to be in the interest of the public health, welfare and safety for the purpose of regulating operations of and licensing junk dealers in the City.

(3) State Law Adopted by Reference. To the extent that it has not been altered under this Ordinance, S. 175.25 Wis. Stats. is adopted by reference as if set forth in its entirety.

(4) License is Required. It is unlawful for any person to operate as a junk dealer or motor vehicle junk dealer for the purpose of buying, selling, or trading in junk or motor vehicle junk for the purpose of accumulating junk or motor vehicle junk at any place within the corporate limits of the City without first obtaining a license thereof as hereinafter provided. No premises may be maintained in connection with such an operation except in strict accord with all applicable provisions in the Zoning Ordinances of the City.

(5) License Fees and Additional Licenses. The license fee hereunder shall be that as indicated on the Fee Schedule per year or part thereof. Separate licenses shall be required for each junkyard maintained on separate and legally described premises. (Amended 08/2019)

(6) License Terms and Conditions.

a. The license year shall run from July 1st to June 30th. Applications for licenses hereunder shall be filed, together with the license fee, with the City Clerk on or before May 31st of each year, for the license year beginning the following July 1st.

b. All licenses issued hereunder shall be issued by the City Clerk and shall specify the location of the premises licensed.
c. No license issued hereunder shall be transferred to another person nor shall the described premises on which junkyard operations are authorized to be conducted shall be changed.
d. No licensee hereunder shall purchase any junk or motor vehicle junk as herein defined, except old rags and waste paper from any minor under 18 years of age, without the written consent of the parent or guardian.

(7) License Revocation and Hearing. Any license issued hereunder may be revoked or suspended at any time by the Common Council after a hearing at which it has been found that the licensee has failed or refused to comply with the provisions of this chapter. Such hearing may be held by the Common Council upon its own motion or upon the complaint writing duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with the provisions hereof. A copy of the complaint, together with a notice of hearing, shall be served upon the licensee not less than ten (10) days previous to the date of the hearing.

(8) License Must be Displayed. Each licensed junk dealer and motor junk dealer shall display his/her/its license at all times in a conspicuous place on the licensed premises.

(9) Junk Hauling Regulations. Any truck, wagon, or other motor vehicle used in collection or hauling junk or automobile junk shall be of such construction and shall be operated so that there is no spilling, dropping, or scattering of any material therefrom along the streets, alleys or public ways of the City.

(10) Storage Regulations.
a. Unbaled paper and rags shall be stored at all times inside enclosed buildings.
b. Junk and motor vehicle junk shall be stored at all times as follows:
   i. When stored outside of enclosed buildings:
      1. In areas fenced from view of person walking or riding upon adjacent sidewalks or streets, said fences being of standard design, construction and finish and certified as having been approved by the city building inspector.
      2. In areas complying with (a) above, neatly arranged in rectangular rows, all materials being easily accessible and such rows being separated according to type of material contained therein.
   ii. When stored inside enclosed buildings in compliance with State and City building codes and in compliance with all other applicable provisions of law and ordinance.
c. Junk and motor vehicle junk shall be stored in such a manner as not to create a public nuisance.

(11) Violation and Penalty. Any person violating any of the provisions hereof shall, on conviction thereof, forfeit not exceeding $25.00 for each violation together with the costs of prosecution and in default of the payment of such forfeiture and costs shall be imprisoned in the county jail for a term of not more than 30 days. Each day that a violation of this chapter continues shall be deemed a separate offense.

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CHAPTER 16. BUILDING CODE

SECTION 16.01 UNIFORM SYSTEM OF NUMBERING HOUSES AND BUILDINGS

(1) There is hereby established a uniform system f numbering houses and buildings fronting on all streets, avenues and public ways in the City of Mondovi and all houses and buildings shall be numbered in accordance with the provisions of this ordinance.

(2) Street Numbering Directionally.

a. Main Street shall constitute the base line for numbering along all streets running North and South, and Eau Claire Street shall constitute the base line for numbering along all streets running East and West.

i. All buildings and lots North of Main Street shall be known as located at Number _____ hundred North _____ Street.

ii. All buildings and lots South of Main Street shall be known as located at Number _____ hundred South _____ Street.

iii. All buildings and lots West of Eau Claire Street shall be known as located at Number _____ hundred West _____ Street.

iv. All buildings and lots East of Eau Claire Street shall be known as located at Number _____ hundred East _____ Street.

b. All buildings and lots on diagonal streets shall be numbered the same as North and South streets if the diagonal runs more from North to South and same on East and West if the diagonal runs more from East to West.

(3) Street Numbering.

a. The numbering for each street shall begin at the base line. The numbers within the first block shall be from 100 to 199, and the numbers in each succeeding block shall increase from the base line in units of 100, thus the second block shall be 200 to 299 and the third block shall be 300 to 399 and thus forth.

b. Where blocks of different length occur on opposite sides of a street, the numbers on both sides shall be assigned on the basis of the shorter blocks.

c. Each block as it is presently laid out shall constitute a block excepting the frontage on streets as follows:

i. North of Eau Claire Street from the intersection of Glen Avenue to intersection with Columbia Avenue shall constitute three blocks, the “400” block beginning at Glen Avenue, the “500” block beginning at the South line of Lot 144 of the 11940 Assessor’s Plat of the South Line of Lot 133 of the 1940 Assessor’s Plat of said City.

ii. South Eau Claire Street from the intersection of Riverside Avenue to the City limits shall constitute five blocks, the “4000” block beginning with the intersection of Riverside Avenue, the “500” block beginning with the South Line of Lot 411 of the 1940 Assessor’s Plat of the City of Mondovi, the “600” block beginning with the South line of Lot 410 B of the 1940 Assessor’s Plat of said City, the “700” block beginning with the South line of Lot 425 of the 1940 Assessor’s Plat of said City and the “800” block beginning with the South line of Lot 421 of the 1940 Assessor’s Plat of said City.

iii. On North Franklin from the intersection of Glen Avenue to the intersection of Columbia Avenue, the block dividing points will correspond with those fronting North Eau Claire Street.

iv. On Jackson Street from the intersection of Mill Street to the intersection with Columbia Avenue, the block dividing points will correspond with those fronting North Franklin Street.

v. West Main Street from the intersection of State Street and the intersection of Harrison Street constitute three blocks, the “400” block beginning with the intersection of State Street, the “500” block beginning at a point 346 1/2 feet West of the west line of State Street, and the “600” block beginning at the west line of Lot 238 of the 1940 Assessor’s Plat of said City.

vi. East Main Street, from the intersection of Howard Street to the intersection of Washington Street shall constitute two blocks, the “200” block beginning at the intersection with Howard Street, and the “300” block beginning at ta line corresponding to the East line of Canal Street.

vii. West Hudson Street from the intersection of South Franklin Street to the intersection South State, shall constitute two blocks, the “200” block beginning at the intersection of South Franklin Street, and the “300” block beginning at the East Line of Lot 281 of the 1940 Assessor’s Plat of said City.

viii. West Hudson Street, from the intersection of South State Street to the intersection of South Harrison Street, shall constitute three blocks, the “400” block beginning at the intersection of South State Street, the “500” block beginning at a line corresponding with the West line of Van Buren Street and the “600” block beginning at a line corresponding with the West line of Lincoln Street.

ix. West Riverside Avenue, from the intersection of South Eau Claire Street to the intersection of Union Street shall constitute two blocks, the “100” block beginning at the intersection of South Eau Claire

Street, the "200" block beginning at a line corresponding to the West line of Franklin Street.

x. West Riverside Avenue, from the intersection of South State Street to the City limits shall constitute five blocks, the "400" block beginning at intersection of State Street, the "500" block beginning at a line corresponding to the West line of Van Buren Street, the "600" block beginning at a line corresponding to the West line of Lincoln Street, the "700" block beginning at a line corresponding to the West line of Harrison Street, the "800" block beginning at a line corresponding to the west line of Cleveland Street, and the "900" block beginning at the west line of Lot 394 of the 1940 Assessor's Plat of said City of Mondovi.

xi. North Washington Street from intersection of East Main Street to the intersection of Oak Street shall constitute three blocks, the "200" block beginning at the intersection of East Main Street, the "200" block on a line corresponding to the North line of Vine Street, and the "300" block on a line corresponding to the North line of Mill Street.

d. All future numbering on new blocks and streets added to the City shall correspond with the uniform division made in this ordinance.

e. One number shall be assigned to each 10 feet of frontage within the blocks as established, except within the following, to wit: In the "700" block on West Mill Street, West Vine Street, West Main Street, in the "600", "700", "800", and "900" block son West Riverside Avenue, the "200" block on East Water Street, and the "200" block on East Main Street where one number shall be assigned to each 15 feet of frontage within that road.

(4) All lots and houses on the North and East side of the streets shall be numbered with even numbers, each commencing with the hundred assigned to the block, and all lots and houses on the South and West side of the street shall be numbered with odd numbers, each commencing with the hundred assigned to that block.

(5) All streets not extending through to the base line shall be assigned the same relative number as if the said street had extended to the said base line.

(6) <u>Pertaining to Numbers.</u>

a. The Common Council has caused the necessary survey to be made and there is assigned to each house and building located on every street, avenue, alley or highway in said City its respective number under the uniform system provided for in this ordinance. The owner, occupant, or agent shall place or cause to be placed upon each house or building controlled by him/her the number assigned under the uniform system provided in this ordinance.

b. Such number shall be furnished by the City and distributed by the City Clerk to such owners, occupants, or agents, who shall call for the same at the office of said City Clerk. The number shall be placed upon said buildings within 30 days after the passage and publication of this ordinance. The cost of the numbers shall be paid for by the City, and replacements of numbers shall be procured from the City Clerk and paid for by the owner at the cost thereof. The numbers issued shall be not less than three inches in height.

c. The numbers shall be conspicuously placed immediately above, on, or on the side of the proper door of each building, so that the number can be seen plainly from the street. Whenever any building is situated more than fifty feet from the street line, the number of such building shall be conspicuously displayed at the street line, near the walk, driveway, fence, tree, post or other appropriate place so as to be easily discerned from the sidewalk.

(7) <u>New Numbers.</u>

a. A complete card index record showing the numbers assigned to all houses and building shall be kept on file in the office of the City Clerk, and shall be open to inspection of all persons during office hours of the City Clerk.

b. It shall be the duty of the City Clerk to inform any party applying therefor, of the number of numbers belonging or embraced within the limits of said lot or property. In case of doubt, as to the proper number to be assigned to any lot or building, the Clerk shall determine the number of such lot or building.

c. Whenever any house, building or structure shall be erected or located in the City of Mondovi, hereafter, in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, it shall be the duty of the owner to procure the correct number from the City Clerk for said property and to immediately fasten said number or numbers so assigned upon said building as provided in this ordinance. No building permit shall be issued for any house, building or structure until the owner has procured from the City Clerk and the official number assigned to the premises.

(8) It shall be the duty of all police officers of the City of Mondovi to report violation of any provision of this ordinance.

(9) If the owner or occupant of any building required to be numbered by this ordinance shall neglect for the period of 30 days to duly attach and maintain the proper number on such building, the City Clerk shall serve up on him/her a notice requiring such owner or occupant to properly number the same, and if he/she neglect to

do so for 10 days after service of such notice, he/she shall be deemed to have violated this ordinance. Upon conviction thereof he/she shall forfeit not less than $1.00 nor more than $10.00.

SECTION 16.02 BUILDING REGULATIONS

(1) Permits Required.

a. General Permit Required. No building, plumbing or electrical work shall be performed in the City of Mondovi unless a permit thereof is obtained as required in the provisions of this ordinance.

b. Payment of Fees. All fees shall be paid to the City Treasurer and his/her receipt showing that the fees prescribed by this ordinance have been paid presented to the Building Inspector before the Inspector shall issue to the owner or his/her agent a building, electrical or plumbing permit.

c. Permit Lapses. A building, electrical or plumbing permit shall lapse and be void unless operations under the permit are commenced within six (6) months from the date of issuance thereof.

d. Revocation. If the Building Inspector shall find at any time that the above-mentioned ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refuses to conform after a written warning or the instruction has been issued to him/her, he/she shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked it shall be unlawful to do any further work thereunder until the permit is reissued, excepting such work as the Building Instructor may order to be done as a condition precedent to the issuance of the permit or as he/she may require for the preservation of human life and safety or property.

e. Report of Violations. It shall be the duty of all police officers to report at once to the Building Inspector any building, electrical or plumbing work which is being carried on without a permit as required by their ordinance.

f. Records. The Building Inspector shall keep a record of all permits, fees and inspections and shall make an annual report thereon to the Common Council.

(2) Building Code.

a. Permit Required. No building or any part thereof shall hereafter be erected within the City of Mondovi or ground broken for the same, except as hereinafter provided, until a permit therefor shall first have been obtained from the Building Inspector by the owner of his/her authorized agent. Any new one of the two-family dwellings must have a State uniform building permit. Any alterations on addition may use permit provided by the City of Mondovi.

b. Application. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector. It shall stat the name and address of the owner of the land and also the owner of the building if different. The legal description of the land upon which the building is so located and shall contain other such information as the Building Inspector may require for effective enforcement of this section.

c. Plans. With such application there shall be submitted to complete sets of plans and specification including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. Plans for building required to comply with the State Building Code shall bear stamp of approval from the Industrial Commission. Such plans and specification shall be submitted in duplicate. One set shall be returned after approval is hereinafter provided and the other shall remain on file in the office of the Clerk. All plans and specifications shall be signed by the designer.

d. Waiver of Plans. If the Building Inspector finds that the character of the work is sufficiently described in application, he/she may wave the filing of plans for alternation, repairs, or moving provided the cost ouch work does not exceed $2,500.00

e. Approval of Plans. If the Building Inspector determines that the proposed building will comply in every respect with all ordinances of the City and all applicable laws and order of the State of Wisconsin, he/she shall officially approve and stamp one set of the plans and return it to the owner and shall issue a building permit thereof which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the mentioned ordinances, laws and orders of which involves he safety of the building or occupants, except with the written consent of the Building Inspector.

f. Minor Repairs. The building inspector may authorize minor repairs and alterations valued at less than $100.00 which do not change the occupancy area, structurally strength, fire protection, and exits, alights or ventilation of the building without issuing a building permit.

g. Fees. The fees for Building Permits shall be that which is indicated on the Fee Schedule. (Amended 08/2019)

h. Inspection of Work. The builder shall notify the Building Inspector when ready and the Building

Inspector shall inspect all buildings upon completion of the foundation forms or before the foundation is laid and again when ready for lath and plaster of before paneling is applied. After completion he/she shall make a final inspection of all new buildings and alterations.

i. Construction Standards.

i. Wisconsin Uniform Dwelling Adopted Code. The following sections of the Wisconsin Uniform Dwelling Code for new one- and two-family dwellings and additions and alterations to existing dwellings are hereby adopted by reference as part of this ordinance: Chapter Ind. 22, Energy Conservation; Chapter Ind. 21, Construction Standards; Chapter 23, Heating Ventilating and Air Conditioning Standards; Chapter Ind. 24, Electrical Standards and Chapter Ind. 25, Plumbing and Portable Water Standards.

ii. Dwellings. The term "dwelling" is used in this section includes every building occupied exclusively as a residence by not more than two families.

iii. New Methods and Materials. All materials, methods of construction and devices designed for use in buildings or structures covered by this ordinance and not specifically mentioned in or permitted by this ordinance shall not be so used until approved in writing by the Industrial Commission of Wisconsin for use in buildings or structures covered by the Wisconsin State Building code, except sanitary appliances, which shall be approved in accordance with the state Plumbing code issued by the State board of Health. Such materials, methods of construction and devices, when approved must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Industrial Commission. The data, tests and other evidence necessary to prove the merits of such material, method of construction, or device shall be determined by the Industrial Commission.

iv. Unsafe Buildings. Whenever the Building Inspector finds any building or part thereof within the City to be in his/her judgement so old, dilapidated or so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use and so that it would be unreasonable to repair the same, he/she shall order the owner to raze and remove such building or part thereof, or it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove the owner's option. Such order and proceeding shall be provided in Sec. 66.05 (5) of the Wis. Stats.

(3) Electrical Code.

a. Uniform Dwelling Code Applies. All electrical work, including the placing of wires and other equipment, shall conform to the Uniform Dwelling Code, Chapter Ind. 24, and all amendments and revisions adopted to date, which is hereby made by reference a part of this ordinance.

b. Permit. No plumbing or drainage of any kind shall be installed or altered except that of leakage or stoppage, in which case repairs shall be made. Otherwise, a permit must be secured thereof from the Building Inspector. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made, and the equipment and materials to be used. All later deviations from such plan must be submitted to and approved by the Building Inspector. A fee of that which is indicated in the Fee Schedule shall be charged for each permit. (Amended 08/2019)

c. Inspection of Work. After roughing in the wiring of any building and before any such work is covered up, or upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to notify the building Inspector who shall at once inspect or cause to be inspected the same. Upon completion of such wiring, the Inspector shall notify and shall inspect or cause to be inspected the finished work. If he/she finds that the work conforms to the uniform Dwelling Code, he/she shall issue s certificate of compliance which shall contain the date and an outline of the results of the inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. It shall be unlawful to use in such electrical equipment until such certificate has been issued.

(4) Plumbing Code.

a. Uniform Dwelling Code Applies. The construction, reconstruction, installation and alteration of all plumbing, drainage, and plumbing ventilation shall conform to the Uniform Dwelling Code, Chapter Ind. 25, and all amendments and revisions adopted to date, which is hereby made by reference a part of this ordinance.

b. Permit. No plumbing or drainage of any kind shall be installed or altered except that of leakage or stoppage, in which case repairs shall be made. Otherwise, a permit must be secured thereof from the Building Inspector. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned,

alterations to be made, and the equipment and materials to be used. All later deviations from such plan must be submitted to and approved by the Building Inspector. A fee of according to the Fee Schedule.

c. Licensed Plumber Required. All plumbing work shall be done only by a plumber licensed by the State Board of Health, except that a property owner may make repairs or installations in a single-family building owned and occupied by him/her as his/her home, provided that permit is issued and the work is done in compliance with the provisions of this ordinance.

d. Inspection of Work. Upon completion of plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up, and the building Inspector shall at once inspect or cause to be inspected the work. If he/she finds that the work conforms to the uniform Dwelling Code, he/she shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filled by location in the office of the Building Inspector. No person shall use or permit to be used any plumbing or drainage until it has been inspected and approved by the Building Inspector.

(5) Flammable Liquids

a. Fire District. All that part of the City of Mondovi included within the following described territory shall be known as the fire district: All territory embraced in blocks numbered 47, 48, 49, 51, 52, and 53 of the City of Mondovi, according to the map and survey thereof by P.W. Early.

b. Definitions. The terms “fire resistive construction”, “Mill construction”, “ordinary construction”, “frame construction”, and “fire retardant roof coverings” shall have the meanings as defined in the Wis. Dm Code, ss. Ind. 51.001, 51.01, 51.02, 51.03, and 51.07 of the Wis. Stats. Building Code.

c. Regulations Within Fire Districts.

i. Requirements. Every building hereafter erected, enlarged or moved within or into the fire district shall be of fire-resistive, mill or ordinary construction, except as otherwise provided by this ordinance. Enclosing walls, division walls and party walls shall be of 4-hour, fire resistive walls of a construction provided in s. Ind. 51.01, Wis. Adm. Code, which is hereby by reference made part of this ordinance with respect to all buildings and structures within the fire district.

ii. Exceptions. No building of frame construction shall be constructed within or moved within or into the fire district except the following:

1. Building occupied as a private garage, not more than one story in height nor more than 750 square feet in area, located on the same lot with a dwelling provided that any such building shall be placed at least three feet from the lot lines of adjoining property.
2. Buildings of frame construction, except when used for a high hazard occupancy, not exceeding 2,500 square feet in area when used for a business occupancy of 1,000 square feet in area when used for other occupancies, nor more than one story in height, and having a horizontal separation of not less than ten (10) feet on all sides. Walls having a horizontal separation of less than ten (10) feet shall have a fire resistive rating of not less than one (1) hour.
3. Greenhouses not more than 15 feet in height.
4. Sheds open on the long side, not more than 15 feet in height and nor more than 500 square feet in area, located at least five feet from buildings and from adjoining lot lines.
5. Builders’ shanties for use only in connection with a duly authorized building operation.
6. “Frame construction” for purpose of this subparagraph is defined as follows: Buildings where the exterior walls are wood or other combustible materials, including construction where combustible materials are combined with other materials such as, but not limited to, brick veneer, stone veneer, wood, iron-clad and stucco on wood.

iii. Bulk Oil Tanks Prohibited. The storage of Class I and Class II flammable liquids, as defined in s. Ind. 8.01, Wis. Adm. Code, in above ground tanks outside of buildings is prohibited within the fire district.

d. Razing Old or Damaged Buildings. Any existing building of frame construction within the fire limits which may hereafter be damaged by fire, or which is deteriorated to an amount greater than 1/2 of its value, exclusive of the foundation, as determined by the City Assessor, shall not be repaired or rebuilt but shall be ordered removed by the Building Inspector under the provisions of s. 66.05 of the Wis. Stats.

e. Fire-Retardant Roofing.

i. Every roof hereafter constructed within the fire district, including buildings listed in sub. (3) (b), shall be covered with a roofing having a fire-resistive rating equivalent to Class “B” or better of the Underwriters’ Laboratories, Inc. classification in their “list of Inspected Materials”, which is hereby adopted by reference and incorporated in this section as if fully set forth herein.

ii. No roofing on any existing roof shall be renewed or repaired to a greater extent than 1/10 of the roof surface, except in conformity with the requirements of par. (i) of this section.

f. The Building Inspector (or Fire Chief or other designated person) s hereby authorized and it shall be his/her duty to enforce the provisions of this ordinance.

(6) Preservation of Property Valuation Within the City.

a. No building permit for any structure within the City of Mondovi, for which a building permit is required shall be issued unless it has been found as a fact by the Building Board by at least a majority vote of the members present, after a view of the site of the proposed structure, and an examination of the application papers for a building permit, which shall include exterior elevations of the proposed structure, that the exterior architectural appeal and functional plan of the proposed structure will, when erected, not be so at variance with nor so similar to either the exterior architectural appeal and functional plan of the structure is already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values of said neighborhood with said applicable district.

b. Building Board. The Building Board shall consist of the members of the Planning Board of the City of Mondovi. A majority of such board shall constitute a quorum for all purposes. The City Clerk shall be Secretary of the Building Board. The Board shall keep a record of its proceedings, shall adopt reasonable rules and regulations governing its proceedings and shall record the vote of each member on the findings of fact and its determination that a permit shall or shall not be issued as provided for in this ordinance. In case of the absence or disability of either the chairman or secretary of the Board, the Board may elect any member as acting chairman or acting secretary who shall act for such chairman or secretary as the case may be during such absence or disability.

c. Duties of Building Inspector.

i. The Building Inspector must be certified by the Department of Industry, Labor and Human Relations to administer and enforce all of the provisions of Wisconsin Uniform Dwelling Code.

ii. Whenever an application is filed with the Building Inspector for a building permit pursuant to City Ordinance of the City of Mondovi for any structure to be built, enlarged, altered or demolished within said City as provided for by City Ordinances and the Building Inspector finds that said application, plans, and specifications, and plot plans submitted therewith comply in all respects with all other ordinances of the City of Mondovi, but that said application papers provide for a structure, the exterior design and appearance of which, in the opinion of the Building Inspector, may be so at variance with or similar to either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district as to cause a substantial depreciation generally in the property values of said neighborhood within said applicable district, the Building Inspector shall, within three days after the receipt of the application papers file the same and such written opinion signed by him/her with the City Clerk who shall then notify the Building Board within twenty-four (24) hours (Sundays and Holidays excluded) after receipt of such application papers, setting up a date for hearing the application, stating the purpose of the hearing, the location of the proposed building and the time and place for hearing which should not be more than five (5) days from the receipt of the application papers by the said City Clerk. The Building Board shall then meet, shall view the premises in the neighborhood before ordering a hearing, and at the hearing the Building Board may examine the application appears, hear all the applicants, together with any other person whether residents or property owners desiring to be heard, giving such notice of hearing as they may deem sufficient under the circumstances. Such hearing shall or may be adjourned from time to time but not for more than forty-eight (48) hours after the close of the haring the Building Board shall in writing refuse to make order advising the Building Instructor to issue permit for such building and file the determination in the office for the City Clerk who shall forward a copy of the same to the Building Inspector.

d. Board of Appeals.

i. On an appeal to the Board of Appeals, in the absence of proof to the contrary adduced before the Board of Appeals, a refusal to grant the building permit because refusal to the Building Board to make the finding required by section (a) hereof, shall be deemed to be based on facts supporting the conclusion that the exterior architectural appeal and functional plan of the proposed structure for which a building permit was refused would, when erected, be so at variance with or similar to all the exterior architectural

appeal and functional plan of structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district, as to cause a substantial depreciation in the property value of said neighbored within said applicable district.

ii. Any person entitled to appeal from the grant of, or refusal of the building Inspector to grant, said building permit, may appeal to the Board of Appeals of the City of Mondovi in the same manner and with the same force and effect as if this ordinance had not been adopted and the Building Inspector ad taken such action independently of the Building Board.

(7) Penalties – General Penalty. Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof forfeit no less than $25.00 nor more than $100.00 for each violation plus costs of prosecution.

SECTION 16.03 HOUSING CODE – (SCHEDULED FOR AMENDMENT IN 2021)

(1) Definitions. Whenever the words "dwelling" or "dwelling unit", "rooming house", "rooming unit", or "premises" defined below, are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof". The following definitions will apply in the interpretation and enforcement of this ordinance:

a. Basement: A space of full story height below the first floor which is not designed or used primarily for year-round living accommodations. Space partly below grade, which is designed and finished as habitable space is not defined as basement space.

b. Board of Appeals: the Board of Appeals established pursuant to Section 18.07 (45) of the Municipal Code.

c. Cellar: A portion of a building located partly or wholly underground and having two-thirds or more of its clear floor-to-ceiling height below the average grade of the adjoining ground (See paragraph title "Basement" for more reference).

d. Dwelling: Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing is hereinafter defined shall not be regarded as a dwelling.

e. Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

f. Extermination: The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials which may serve as their food, by poisoning, spraying, fumigating, trapping or by other recognized and legal pest elimination methods approved by the health officer.

g. Plumbing: Include all of the following supplied facilities and equipment, gas pipes, gas burning equipment, water pipes, garbage disposal equipment, waste pipes, water closet, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, floor drains, laundry traps, drinking fountains, gutters, downspouts, area drains, lines, sanitary and storm sewer systems, also subsoil drainage and any other supplied fixtures together with all connection to water, sewer or gas lines.

h. Rooming Unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

i. Rooming House: Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to five or more persons who are not husband or wife, sister or brother, son or daughter of father or mother of the owner or operators.

j. Rubbish: Combustible or non-combustible waste materials, except garbage; and the terms shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metals, mineral matter, glass, crockery or glass.

k. Superintendent of Inspections: The Superintendent of Inspections of the City of Mondovi, Wisconsin, or his/her duly authorized representative.

l. Supplied: Paid for, furnished or provided by or under the control of the owner or operator.

m. Temporary Housing: Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

(2) Inspection of Dwellings, Dwelling Units, Rooming Unites, and Premises. The Health Officer and Superintendent of Inspections are hereby severally authorized and directed to make inspections to determine the conditions of dwelling, dwelling units, and premises located within this City, in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections the Health Officer and Superintendent of Inspections are

hereby severally authorized to enter, examine, and survey, at proper times after due notice, all dwelling units, rooming units, and premises. The owner or occupant of every welling, dwelling unit and rooming unit, or the person in charge thereof, shall give the Health Officer and Superintendent of Inspection access to such dwelling, dwelling unit or rooming unit and its premises, at proper times after due notice, for the purpose of such inspection examination and survey. Every occupant of a dwelling unit or dwelling shall give the owner thereof, or his/her agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance.

(3) Enforcement –Service of Notice and Orders-Hearings.

a. Whenever the health officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this ordinance which affects the health of the occupants of any dwelling, dwelling unit or rooming unit or the health of the general public, or whenever the City building Inspector determines that there are reasonable grounds to believe that there has been a violation of any such provisions which affects the safety of any such occupants or the safety of the general public, the health officer or City Building Inspector, as the case may be, shall give notice of such alleged violation to the person or persons responsible thereof, and to any known agent of such person, as thereinafter provided. Such notice shall:
   i. Be put in writing;
   ii. Include a statement of the reasons why it is being issued;
   iii. Allow a reasonable time for the performance of any act it requires;
   iv. Be served upon the owner or his/her agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon his/her personally, or if a copy thereof is sent by registered mail to his/her last known address, or if a copy is thereof posted in a conspicuous place or about the dwelling affected by the notice, or if he/she is served with such notice by any other method authorized or required under the laws of this state.
   v. Such notice must contain an outline of remedial action which, if taken, will affect compliance with the provisions of this ordinance.

b. Any person affected by any such notice issued by the health officer or City Building Inspector may request and shall be granted a hearing on the matter before the board of appeals of the City of Mondovi, provided that such person shall file in the office of the health officer or City Building Inspector, as the case may be, within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore. Upon receipt of such petition, the health officer or City Building Inspector, respectively, shall arrange a time and place of such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after the receipt of request therefor. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should not be complied with.

c. After such hearing the board shall sustain, modify or withdraw the notice and depending upon its findings as to whether the provisions of this ordinance have been complied with. IF the board shall sustain or modify such notice, it shall be deemed to be in order. Any notice served pursuant to subsection (3) of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the health Officer or City Building Inspector within ten (10) days after such notice is served. After a hearing in the case of any notice suspending any permit required by this ordinance, when such notice has been sustained by the board, the permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the health office or city Building Inspector within ten (10) days after such notice is served.

d. The proceeding at such hearing, including the findings and decisions of the board shall be summarized, reduced to writing and entered as a matter of public record in the offices of the board. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

e. Whenever the health officer finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency exists requiring that such action be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately, but upon petition to the Health Officer shall be afforded a hearing as soon as possible, in the manner provided in subsection (3) (b). After such hearing,

depending upon the findings as to whether the provisions of this ordinance have been complied with, the board shall continue such order in effect, or modify it, or revoke it.

(4) Minimum Standards for Basic Equipment and Facilities. No person shall occupy as owner or occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

a. Every dwelling unit shall contain a kitchen sink and laundry tray in good working condition and properly connected to a water and sanitary sewer system approved by plumbing division of the City building inspector.

b. Every dwelling unit shall contain a room within its walls separate from the habitable rooms, which affords privacy to a person within said room and which is equipped with a flush water closet, a lavatory basin, and a bathtub or shower and the necessary fixtures and accessories therefor in good working condition and properly connected to hot and cold water lines and sanitary sewer system approved by the health officer or city building inspector.

c. At the expiration of a period of two years from the effective date of this ordinance, every kitchen sink, lavatory basin and bathtub or shower shall be properly connected with water line and sanitary sewer system according to the provisions of subsection (a) and (b) of Section 4 of this ordinance.

d. Every dwelling unit shall be provided with adequate rubbish storage facilities.

e. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, and the owner shall be responsible for its proper removal from the premises.

f. Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the State of Wisconsin and the ordinances of the City of Mondovi.

(5) Minimum Standards for Light, Ventilation and Heating. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

a. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor area of such room (See federal housing administration bulletin No. 300 Minimum Property Requirements for Skylight Area).

b. Every habitable room shall have at least one window or skylight which can be easily opened, or such device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to not less than four percent (4%) of the floor area except where there is supplied a mechanical device affording adequate ventilation per Federal Housing Administration Regulations.

c. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsection (5) (a) and (5) (b) of this section, except that no window or skylight shall be required in bathrooms and water closet compartments equipped with a mechanical ventilation system per Federal Housing Administration Regulations approved by the health officer or city building inspector.

d. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safety and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 70 degrees Fahrenheit at a distance of thirty inches above floor level, under ordinary minimum winter conditions.

(6) Unknown.

f. Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that will function safely and effectively and shall be maintained in satisfactory working conditions.

g. No owner, operator, or occupant shall cause any service facility, equipment or utility which is required under this ordinance to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him/her, except for such temporary interruption as may be necessary while actual repair or alterations are in progress, or during temporary emergencies or when discontinuance of service is approved by the health officer or City Building Inspector.

h. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

(7) Minimum Space, Use and Location Requirements. No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements.

a. Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupancy, 100 square feet for the second

occupant, and 75 square feet for each additional occupant.

b. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 40 square feet of floor space for each occupant thereof over 12 years of age and at least 30 square feet for each occupant thereof under 12 years of age.

c. At least one half of the floor area of every habitable room shall have a ceiling height of that at least seven feet six inches and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area computing the total floor area for the rom for the purpose of determining the maximum permissible occupancy thereof.

d. __

e. __ Bathtub, shower, and laundry facility or other similar units, at a temperature of not less than one hundred thirty (130) degrees Fahrenheit at any time needed.

f. Electrical Service and minimum number of electrical outlets and/or fixtures per room. Where there is electrical service available to the building, every habitable room of a dwelling unit shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall-type electric light fixture. Every public hall, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture. In addition, every bathroom and laundry room shall be provided with at least one (1) electric outlet.

g. Screen Requirements. From May 1st to October 1st, in every dwelling unit for protection against mosquitos, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device; and every window or other device with openings to outdoor space used or intended to be used for ventilation shall likewise be supplied with screens installed.

(8) Responsibilities of Owners and Occupants.

a. Every owner of a dwelling containing more than four dwelling units shall be responsible for maintaining a clean and sanitary condition the share or public are of the dwelling and premises thereof.

b. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he/she occupies and controls.

c. Every occupant of a dwelling or dwelling unit shall dispose of all his/her rubbish.

d. Every occupant of a dwelling or dwelling unit shall dispose of all his/her garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner, by placing it in the garbage disposal facilities or seeing that the same is removed from the premises. It shall be the responsibility of the owner to provide such facilities or containers for all dwelling units in a dwelling container more than four dwelling units and from all dwelling units located on premises where more than four dwelling units share the same premises. In all other case it shall be the responsibility of the occupant to furnish such facilities or removal thereof.

(9) Unknown Title.

a. No person shall operate a rooming house unless he/she holds a valid rooming house license issued by the office of the City Clerk in the name of the operator and for the specific dwelling unit. The operator shall apply to the office of City Building Inspector for a permit license, which shall be issued by the office of City Clerk, upon compliance by the operator to the satisfaction of the City Building Inspector, with the applicable provisions of this Ordinance. This license shall be displayed in a conspicuous place within the rooming house, at all times. NO such license shall be transferable. Every person holding such a license shall give notice in writing to the office of the City Clerk and the City Building Inspector within 24 hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership of or control of such rooming house. Every rooming house license shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

b. Any person whose application for a permit to obtain a license to operate a rooming house has been denied may request and shall be granted a hearing on the matter, under the procedure provided by Section (3) of this ordinance.

c. Whenever upon inspection of any rooming house the health officer or city building inspector finds that conditions or practices exist which are in violation of any provision of this ordinance, the health officer or city building inspector as the case may be, shall give notice in writing to the operator sf such rooming house that unless conditions or practices are corrected within a reasonable period to the determined by the health officer or City building

inspector respectively, the operator's rooming house license will be suspended. At the end of such period the health officer or City building inspector as the case may be, shall inspect again such rooming house, and if he/she find that such conditions or practices have not been corrected, he/she shall give notice in writing to the operator that the latter's license has been suspended. Upon receipt of a notice of suspension, such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.

d. Any person whose license to operate a rooming house has been suspended or who has received notice from the health officer or City Building Inspector that his/her license is to be suspended unless existing conditions or practices at his/her rooming house are corrected may request and shall be granted a hearing on the matter before the board of appeals, under the procedure provided by section (3) of this ordinance., provided that if no petition for such hearing is filed within ten days following the day on which such license was suspended, such license shall be deemed to have automatically revoked.

e. At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sanitary sewer system approved by the city Building Inspector and in good working condition shall be supplied for each ten (10) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities, provided that in a rooming house where rooms are let only to males, tank system urinals of the floor-resting type may be substituted for not more than one-half of the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passage way to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with not water at all times. No such facilities shall be located in a basement except by written approval of the Health Officer or City Building Inspector.

f. The operator of every rooming house shall change supplied bed linen and towels therein at least once a week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding a clean and sanitary manner.

g. Every room occupied for sleeping purposes by one person shall contain at least 80 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 40 square feet of floor space for each occupant over 12 years of age and at least 30 square feet of floor space for each occupant therein under 12 years of age, as computed in accordance with subsection (7) (c) of this Ordinance.

h. Every rooming unit shall have safe, unobstructed means of egress leading to a safe and open space at ground level, as required by the laws of this state and this City.

i. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of sanitary conditions in every other part of the rooming house and shall be further responsible for the sanitary maintenance of the entire premises where leased or occupied by the operator.

j. Every provision of this ordinance which applies to rooming houses shall also apply to efficiency apartments, motels, cabins, hotels, and similar accommodations except to the extent that any such provisions may be found in conflict with the laws of this state or with the lawful regulations of any state board of agency.

k. The health officer is empowered to suspend the operation of subsection (7) (a), (7) (b), and/or (9) (g) hereof by special or general order in writing when he/she shall deem an emergency exists, which in his/her discretion shall warrant such suspension; provided, however, that no such general or special order so suspending operation of subsection (7) (a) and (9) (g) shall be of a duration longer than ten (10) days.

(10) <u>Designation of Unfit Dwellers and Legal Procedures of Condemnation.</u>

a. The designation of dwellers or dwelling units is unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwelling units shall be carried out in compliance with the following requirements:

   i. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be so designated and placarded by the Health Officer or City Building Inspector.

   ii. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

   iii. One which lacs illumination, ventilation or sanitary facilities adequate to protect the health and safety of the occupants or of the public.

iv. One which because of its general condition or location is insanitary or otherwise dangerous to the health or safety of occupants or the public.

b. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the health officer or City Building Inspector shall be vacated within 60 days as order by the Health officer or City Building Inspector.

c. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the health officer or city building inspector. The health officer or City Building Inspector shall remove such placard whenever the defect or defects upon which condemnation and placarding action were based on have been eliminated.

d. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subsection (10) (c).

e. Any person affected by any notice or order relating to the condemnation and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the board of appeals under the procedure set forth in Section (3) of this ordinance.

(11) Penalties. Any person, firm or corporation violating any of the terms of this ordinance shall forfeit a fine of not less than $5.00 nor more than $25.00 together with costs of prosecution, provided that for violation of any condition in said ordinance which condition can be corrected by modification or repair, then failure to correct or rectify such defect within a reasonable time that shall constitute a separate violation and be subject to penalties herein provided. Each day of such violation, or of failure to correct such violation following the expiration of reasonable time to correct, shall constitute a separate offense.

SECTION 16.04 STORMWATER CONTROL OF CONSTRUCTION SITE EROSION AND SEDIMENTATION RESULTING FROM LAND DISTURBING CONSTRUCTION ACTIVITIES. (Adopted 03/2019)

16.04.01 AUTHORITY.

(1) This ordinance is adopted under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 62.234, Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Common Council for the City of Mondovi (City) hereby designates the City Administrator to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

a. Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under ss. 281.16 and 283.33, Wis. Stats.

b. Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

16.04.02 FINDINGS OF FACT.

The Common Council acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the City of Mondovi.

16.04.03 PURPOSE.

It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City.

16.04.04 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

a. Except as provided under par. (b), this ordinance applies to any construction site as defined under Section 16.04.05 (6).

b. This ordinance does not apply to the following:

i. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.

ii. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination

system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.

iii. Nonpoint discharges from agricultural facilities and practices.

iv. Nonpoint discharges from silviculture activities.

v. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

c. Notwithstanding the applicability requirements in par. (a), this ordinance applies to construction sites of any size that, as determined by the administering authority, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.

(2) JURISDICTION. This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the City.

(3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

16.04.05 DEFINITIONS.

(1) Administering authority: a governmental employee, or a regional planning commission empowered under s. 62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.

(2) Agricultural facilities and practices: have the meaning in s. 281.16 (1), Wis. Stats.

(3) Best management practice or "BMP": structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

(4) Business day: a day the office of the administering authority is routinely and customarily open for business.

(5) Cease and desist order: a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the administering authority.

(6) Construction site: an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

(7) Design Storm: a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

(8) Division of land: the creation from one parcel of 2 or more parcels or building sites of 2 or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.

(9) Erosion: the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

(10) Erosion and sediment control plan: a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

(11) Extraterritorial: the unincorporated area within 1.5 miles of the City.

(12) Final stabilization: all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

(13) Governing body: means the City of Mondovi's Common Council.

(14) Land disturbing construction activity: any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(15) Landowner: any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

(16) Maximum extent practicable: the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with Section 16.04.055 of this ordinance.

(17) Performance standard: a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(18) Permit: a written authorization made by the administering authority to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(19) Pollutant: has the meaning given in s. 283.01 (13), Wis. Stats.

(20) Pollution: has the meaning given in s. 281.01 (10), Wis. Stats.
(21) Responsible party: the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.
(22) Runoff: storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
(23) Sediment: settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
(24) Silviculture activity: activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
(25) Site: the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
(26) Stop work order: an order issued by the administering authority which requires that all construction activity on the site be stopped.
(27) Technical standard: a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
(28) Transportation facility: a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.
(29) Waters of the state: includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

16.04.055 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the administering authority's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

16.04.06 TECHNICAL STANDARDS.

All BMPs required for compliance with this ordinance shall meet design criteria, standards and specifications based on any of the following:
(1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
(2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
(3) Technical standards and methods approved by the administering authority.

16.04.07 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES UNDER ONE ACRE.

(1) RESPONSIBLE PARTY. The responsible party shall comply with this section.
(2) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
  a. The deposition of soil from being tracked onto streets by vehicles.
  b. The discharge of sediment from disturbed areas into on-site storm water inlets.
  c. The discharge of sediment from disturbed areas into adjacent waters of the state.
  d. The discharge of sediment from drainage ways that flow off the site.
  e. The discharge of sediment by dewatering activities.
  f. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
  g. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period.
  h. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

(3) LOCATION. The BMPs shall be located so that treatment occurs before runoff enters waters of the state.

(4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

a. Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.

b. Erosion and sediment control practices shall be maintained until final stabilization.

c. Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

d. Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

e. BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

16.04.08 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

(1) RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with Section 16.04.10.

(2) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific erosion and sediment control plan shall be developed in accordance with Section 16.04.10 of this ordinance and implemented for each construction site.

(3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The erosion and sediment control plan required under sub. (2) shall include the following:

a. EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

i. The deposition of soil from being tracked onto streets by vehicles.

ii. The discharge of sediment from disturbed areas into on-site storm water inlets.

iii. The discharge of sediment from disturbed areas into adjacent waters of the state.

iv. The discharge of sediment from drainage ways that flow off the site.

v. The discharge of sediment by dewatering activities.

vi. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

vii. The discharge of sediment from erosive flows at outlets and in downstream channels.

viii. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

ix. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

b. SEDIMENT PERFORMANCE STANDARDS. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:

i. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.

ii. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

iii. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

c. PREVENTIVE MEASURES. The erosion and sediment control plan shall incorporate all of the following:

i. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.

ii. Minimization of soil compaction and preservation of topsoil.

iii. Minimization of land disturbing construction activity on slopes of 20 percent or more.

iv. Development of spill prevention and response procedures.

d. LOCATION. The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.

(4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

a. Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in Section 16.04.08 (2).
b. Erosion and sediment control practices shall be maintained until final stabilization.
c. Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
d. Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
e. BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

16.04.09 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

(1) PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the administering authority.
(2) PERMIT APPLICATION AND FEES. The responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Section 16.04.10, and shall pay an application fee to the administering authority in the amount specified in Section 16.04.11. By submitting an application, the applicant is authorizing the administering authority to enter the site to obtain information required for the review of the erosion and sediment control plan.
(3) PERMIT APPLICATION REVIEW AND APPROVAL. The administering authority shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
a. Within 14 business days of the receipt of a complete permit application, as required by sub. (2), the administering authority shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.
b. If the permit application and erosion and sediment control plan are approved, the administering authority shall issue the permit.
c. If the permit application or erosion and sediment control plan is disapproved, the administering authority shall state in writing the reasons for disapproval.
d. Failure by the administering authority to inform the permit applicant of a decision within 14 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
(4) SURETY BOND. As a condition of approval and issuance of the permit, the administering authority may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.
(5) PERMIT REQUIREMENTS. All permits shall require the responsible party to:
a. Notify the administering authority within 48 hours of commencing any land disturbing construction activity.
b. Notify the administering authority of completion of any BMPs within 14 days after their installation.
c. Obtain permission in writing from the administering authority prior to any modification pursuant to Section 16.04.10 (3) of the erosion and sediment control plan.
d. Install all BMPs as identified in the approved erosion and sediment control plan.
e. Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
f. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
g. Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
h. Allow the administering authority to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.
(6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by administering authority in addition to the requirements set forth in sub. (5), where needed to assure compliance with the

performance standards in Section 16.04.07 or Section 16.04.08.

(7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The administering authority may grant one or more extensions not to exceed 180 days cumulatively. The administering authority may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.

(8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

16.04.10 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS.

(1) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under Section 16.04.04 (1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the administering authority. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.

(2) EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.

a. An erosion and sediment control plan shall be prepared and submitted to the administering authority.

b. The erosion and sediment control plan shall be designed to meet the performance standards in Section 16.04.07, Section 16.04.08 and other requirements of this ordinance.

c. The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:

i. Name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.

ii. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5-minute series topographic map.

iii. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

iv. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.

v. Calculations to show the compliance with the performance standard in Section 16.04.08 (3)(b)1.

vi. Existing data describing the surface soil as well as subsoils.

vii. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.

viii. Name of the immediate named receiving water from the United States Geological Service 7.5-minute series topographic maps.

d. The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

i. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.

ii. Boundaries of the construction site.

iii. Drainage patterns and approximate slopes anticipated after major grading activities.

iv. Areas of soil disturbance.

v. Location of major structural and non-structural controls identified in the erosion and sediment control plan.

vi. Location of areas where stabilization BMPs will be employed.

vii. Areas which will be vegetated following land disturbing construction activities.

viii. Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within

one-quarter mile downstream of the construction site.

ix. Areas(s) used for infiltration of post-construction storm water runoff.

x. An alphanumeric or equivalent grid overlying the entire construction site map.

e. Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

i. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

ii. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the administering authority, structural measures shall be installed on upland soils.

iii. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.

iv. Trapping of sediment in channelized flow.

v. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.

vi. Protection of downslope drainage inlets where they occur.

vii. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.

viii. Clean up of off-site sediment deposits.

ix. Proper disposal of building and waste material.

x. Stabilization of drainage ways.

xi. Installation of permanent stabilization practices as soon as possible after final grading.

xii. Minimization of dust to the maximum extent practicable.

f. The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(3) EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS. The applicant shall amend the erosion and sediment control plan if any of the following occur:

a. There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.

b. The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.

c. The administering authority notifies the applicant of changes needed in the erosion and sediment control plan.

16.04.11 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by the administering authority and may from time to time be modified by resolution. A schedule of the fees established by the administering authority shall be available for review at the City Clerk's Office at City Hall.

16.04.12 INSPECTION.

If land disturbing construction activities are occurring without a permit required by this ordinance, the administering authority may enter the land pursuant to the provisions of ss. 66.0119 (1), (2), and (3), Wis. Stats.

16.04.13 ENFORCEMENT.

(1) The administering authority may post a stop work order if any of the following occurs:

a. Land disturbing construction activity regulated under this ordinance is occurring without a permit.

b. The erosion and sediment control plan are not being implemented in good faith.

c. The conditions of the permit are not being met.

(2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the administering authority may revoke the permit.

(3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the administering authority, or if a responsible party violates a stop work order posted under sub. (1), the administering authority may request the city attorney to obtain a cease and desist order in any court with jurisdiction.

(4) The administering authority or board of appeals may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2).

(5) After posting a stop work order under sub. (1), the administering authority may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The administering authority may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the administering authority, plus interest at the rate authorized by the administrative authority shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

(6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than $100.00 nor more than $500.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

16.04.14 APPEALS.

(1) BOARD OF APPEALS. The board of appeals created pursuant to section 18.07 (45) of the City's ordinance pursuant to s. 62.23 (7)(e), Wis. Stats.:

a. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the administering authority in administering this ordinance except for cease and desist orders obtained under Section 16.04.13 (3).

b. May authorize, upon appeal, variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) WHO MAY APPEAL. Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City affected by any decision of the administering authority.

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CHAPTER 17. FIRE CODE

SECTION 17.01 ADOPTION OF CODE.

It is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1976 edition thereof and the whole thereof also Chapters Ind. 8, 9, and 51 – 64, of the Wisconsin Administrative Code, save and except such portions amended by section 17.11 of this Chapter, and the same are hereby adopted and incorporated as fully as if set out at length herein. Such provisions shall be controlling within the corporate limits of Mondovi.

SECTION 17.02 ENFORCEMENT.

The Fire Prevention Code shall be enforced by the Chief of the Fire Department and officers of the Police Department.

SECTION 17.03 DEFINITIONS.

(1) Whenever the word "Code Municipality" are used in the Fire Prevention Code they shall be held to mean the City of Mondovi.
(2) Whenever the term "Corporation Council" is used in the Fire Prevention Code, it shall be held to mean City Attorney for the City of Mondovi.
(3) Whenever the term "Chief of the Bureau of Fire Prevention" is used in the Fire Prevention Code, it should be held to mean the Chief of the Fire Department.

SECTION 17.04 ESTABLISHMENT OF LIMITS OF DISTRCIT IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.

The limits referred to in section 12.05b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited are hereby established as follows: Such agents shall not be stored anywhere within the City Limits.

SECTION 17.05 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVE TANKS IS TO BE PROHIBITED.

(1) The limits referred to in Section 16.22a of the Fire prevention Code in which storage of Flammable liquids in outside above ground tanks is prohibited are hereby established as follows: All areas except those zoned Industrial.
(2) The limits referred to in Section 16.61 of the Fire Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited are hereby established as follows: All areas except those zoned industrial.

SECTION 17.06 ESTABLISHMENT IN WHICH BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED.

The limits referred to in Sec. 21.6a of the Fire Prevention Code in which bulk storage of liquefied petroleum gases is restricted, are hereby established as follows: All areas except those zoned industrial.

SECTION 17.07 ESTABLISHMENT OF MOTOR VEHICLE ROUTES FOR VEHICLES TRANSPORTING EXPLOSIVES AND BLASTING AGENTS.

The routes referred to in Section 12.70 of the Fire Prevention Code for vehicles transporting explosives and blasting agents are hereby established as follows: Such Agents may be transported anywhere in the City.

SECTION 17.08 ESTABLISHMENT OF MOTOR VEHICLE ROUTES FOR VEHICLE TRANSPORTING HAZARDOUS CHEMICALS OR OTHER DANGEROUS ARTICLES.

The routes referred to in Section 20.14 of the Fire Prevention Code for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows: Such chemicals and articles may be transported anywhere in the City.

SECTION 17.09 AMENDMENTS.

The Fire Prevention Code is amended and changed in the following respects:

(1) Section 12.3a (1) is modified as follows:
   a. Permits shall be obtained:
      i. To manufacture, possess, store, sell or otherwise dispose of explosives or blasting agents.
(2) Open Burning and Refuse Burning.(Amended 05/2015)
   a. Purpose: This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Mondovi due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.
   b. Applicability:
      i. This ordinance applies to all outdoor burning and refuse burning within the City of Mondovi.
      ii. This ordinance does not apply to grilling or cooking using charcoal wood, propane or natural gas in cooking or grilling appliances.
      iii. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned

includes refuse as defined in Section (d) of this ordinance.

iv. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

c. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder or this ordinance shall not be affected.

d. Definitions.

i. Campfire: a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

ii. Clean Wood: natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

iii. Confidential papers: printed material containing personal identification or financial information that the owner wishes to destroy.

iv. Fire Chief: the Chief of the Mondovi Fire Department or other person authorized by the Fire Chief.

v. Police Chief: the Chief of the Mondovi Police Department or other officer authorized by the Police Chief.

vi. Outdoor Burning: open burning.

vii. Open Burning: kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

viii. Outdoor Wood-fired Furnace: a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

ix. Refuse: any waste material except clean wood.

x. Adequate firefighting equipment: equipment sufficient and appropriate under the circumstances to extinguish the fire.

e. General Prohibition on Open Burning, Outdoor Burning, and Refuse Burning: Open burning, outdoor burning and refuse burning are prohibited in the City of Mondovi unless the burning is specifically permitted by this ordinance.

f. Materials That May Not Be Burned.

i. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device.

ii. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

iii. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

iv. Asphalt and products containing asphalt.

v. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

vi. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

vii. Rubber including tires and synthetic rubber-like products.

viii. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled.

g. Open Burning of Leaves, Brush, Clean Wood, and Other Vegetation.

i. Burning of leaves, weeds, brush, stumps, and other vegetation debris is prohibited. Only clean, dry wood, charcoal, and wood pellets may be burned.

ii. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

iii. Outdoor campfires and small cooking fires are allowed provided that the fire is confined by a control device or structure such as a fire pit or fire ring and is sufficiently vented to induce adequate primary combustion.

iv. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Fire Chief.

v. Open burning under this section shall only be conducted at a location 25 feet from the nearest building which is not on the same property.

vi. Open burning shall be constantly attended and supervised by a competent person of a least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire adequate firefighting equipment as may be necessary for the total control of the fire.

vii. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream, or waterbody.

viii. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 15 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit.

ix. Fire height may not be more than eighteen (18) inches above the top of the control device or structure.

x. Any fire causing excessive, unnecessary, or dangerous smoke must be extinguished. The Fire Chief and/or Police Chief as defined above shall have authority to determine if smoke complaints are truly a danger or a nuisance and/or a threat to the health of a person of ordinary sensibilities.

xi. The Fire Chief and/or Police Chief as defined above shall have authority to extinguish any fire determined dangerous do to any unforeseen condition not covered in this ordinance.

h. Burn Barrels: No person shall use or maintain a burn barrel in the City of Mondovi.

i. Exemption for Burning Certain Papers.

i. The City of Mondovi strongly recommends the shredding or recycling of confidential papers.

ii. Notwithstanding Subsection (f)(8) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

iii. Small quantities of confidential papers from a residence may be burned if necessary, to prevent the theft of financial records, identification or other confidential information.

iv. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

v. A fire set for burning of small quantity of confidential papers shall be subject to and comply with Subsections (g)(ii), (g)(vi), (g)(vii) and (g)(viii).

j. Liability: A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage cause by the fire or smoke from the fire.

k. Right of Entry and Inspection: The Fire Chief, Police Chief or any authorized officer, agent, employee or representative of the City of Mondovi may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with sections 66.122 and 66.123, Wis. Stats.

l. Enforcement and Penalties.

i. The Fire Chief, Police Chief or any authorized officer or agent are authorized to enforce the provisions of this ordinance.

ii. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than $25 and not more than $250 plus the cost of prosecution. Penalties are double for second and subsequent offenses.

(3) Section 14.2 of the Fire Prevention Code is hereby amended to add Section 14.2a as follows:

a. Section 14.2 Survey of Premises and Specifications of Equipment.

i. All establishments holding a restaurant license issued by the state of Wisconsin and any person preparing the food for more than 10 unrelated persons except in a dwelling, shall have in full view of all cooking and food heating appliances a fire extinguisher of not less than 10 lb. rating carbon dioxide or AVC dry chemical type.

(4) The Chief of the Fire Department shall have the power to modify any provision of the Fire prevention Code upon application and writing by the owner or lease, or his/her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the intent of the code be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed in the decision of the Chief thereon shall be entered upon the records of the Department and the signed copy shall be furnished to the applicants.

SECTION 17.10 APPEALS.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Common Council within 30 days of the decision deadline.

SECTION 17.11 NEW MATERIALS, PROCESSEES OR OCCUPANCIES WHICH REQUIRE PERMITS.

The common Council and the Chief of the Fire Department shall act as a committee to determine and specify, after giving affected person an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said Code. The Chief shall post such list in a conspicuous place in his/her office and distribute copies thereof to the interested persons.

SECTION 17.12 PENALTIES.

(1) Any person who shall violate any provision of the code hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the Common Council or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every violation and non-compliance respectively, be punishable by a fine of not less than $10.00 nor more than $100.00 for each such violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such person shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained and shall constitute a separate offense.

(2) The application of the above penalty shall not be held to prevent he enforced removal of prohibited conditions.

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CHAPTER 18. ZONING AND PLANNING

SECTION 18.01 ZONING

(1) Purpose. The regulations and restrictions established herein have been made in accordance with a comprehensive plan and are designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent overcrowding of land, to avoid under concentration of population, to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

Such Regulations and restrictions have been made with reasonable consideration of the characteristic of each district and its particular suitability of particular uses and with view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

(2) Definitions. The purpose of this ordinance, certain terms or words used herein shall be interpreted as follows: words used in present tense include the future, words in singular number include the plural number, and word sin the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

a. Building: structure having a roof supported by columns or walls, including mobile homes, whether movable or stationary.
b. Building, Accessory: a subordinate building the use of which is incidental to that of the main building on the same lot.
c. Building, Height of: the vertical distance from the average elevation of the finished ground at the exterior walls of a building to the highest point of the roof or in cases of pitched roofs, to the mean level between the eaves and the highest point of the roof.
d. Dwelling, Multiple: a building containing three or more dwelling units.
e. Dwelling, Twin Home: means a two-family dwelling, each dwelling unit of which is located on a separate lot, and which dwelling units share a common wall on the boundary line between the two lots.
f. Dwelling Unit: a dwelling, or portion thereof, providing complete living facilities for one family, including a permanent provision for living, sleeping, eating, cooking and sanitation, and in which not more than two persons, other than members of the family, are lodged or boarded, for compensation at one time.
g. Dump (or Junk Yard): any land used for the outdoor storage, keeping or abandonment of junk or discarded materials, rubbish, trash, cans, bottles, garbage, vehicles, machinery, or parts.
h. Family: one or more persons, with their domestic servants, and with not to exceed two boarders or roomers, occupying a dwelling unit as a single, non-profit, housekeeping unit.
i. Garage, Private: an accessory building or part of a main building used for the storage only of motor vehicles as an accessory use.
j. Home Occupation: a customary use carried on for gain as a hobby entirely within a dwelling or within an accessory building by a member or members of a family therein and which is clearly incidental and secondary to the residential use of the premises and does not change its character.
k. Home Professional Office: the office or studio of a physician, surgeon, clergyman, architect, artist, engineer, attorney at law or similar professional person located in the dwelling of the principal practitioner but not including any display of such use outside the dwelling.
l. Lot: an entire parcel or tract of land occupied or to be occupied by a main building and its accessory buildings, or by a group such as a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefore by this ordinance and other applicable law.
m. Mobile Home: a detached single family dwelling unit designed for long-term occupancy; and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities; with plumbing and electrical connections provided for attachment to outside systems; which unit is mounted upon wheels or supports and/or capable of moving under its own power or with the aid of another vehicle.
n. Non-Conforming Use: a building or use, lawfully established, that does not conform to the regulations of this ordinance.
o. Public Utility: any person, firm, corporation, municipal department or board duly authorized to furnish, and furnishing under public regulations to the public, electricity, gas, heat, power, steam, telephone, other communications, video, telegraph, transportation, or water.
p. Structural Alteration: any change in or addition to the supporting member of a structure, including any enlargement or extension of outside building dimensions or building height or depth.
q. Satellite Dish Antennae: any parabolic or spherical device whose purpose is to receive electronic signals

from orbiting artificial satellites or other extraterrestrial sources.

r. Travel Trailer: a vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of a mobile home.

s. Use, Accessory: a subordinate use on the same lot with the principal use and incidental and accessory thereto.

t. Vision Clearance Triangle: a triangle bounded by the intersecting street right-of-way lines at a street intersection and a line connection point on them 35 feet distant from their point of intersection.

u. Yard, Front: a yard extending across the full width of a lot whose depth is the shortest distance between the front line of the lot and the main building, including an enclosed over covered porch, provided that the depth shall be measured from a future street line for a street on which a lot fronts, when such line shown on the district map, on an adopted street map or is otherwise established.

v. Yard, Side: a yard between the side line of the lot and the main building extending from the front yard to the rear yard whose width sit he shortest distance between said line and the main building.

w. Yard, Rear: a yard extending across the full width of a lot whose depth is the shortest distance between the rear lot line and the main building.

x. Subdivision: as defined in s. 236.02 (7) of the Wis. Stats of 1991 and as said statute may be amended from time to time.

y. Subdivisions Abutting a State Trunk Highway:

i. A subdivision some part of which adjoins or abuts a state trunk highway; or

ii. A subdivision which includes streets one or more of which is to be laid out or dedicated as art of the subdivision, and which is to connect with the state trunk highway; or

iii. A subdivision which is separated from the state trunk highway by un-platted lands which abut the highway and the subdivision are owned by, or under option (formal or informal), contract or lease to the sub-divider.

(3) Establishment of Districts. Seven zoning districts, as follows, are hereby established:

a. A = Agricultural District
b. R = One- and Two-Family Residential District
c. M = Multiple Residential District
d. C-1 = Local Commercial District
e. C-2 = Central Commercial District
f. I = Industrial District
g. O-C = Open Development/Conservancy District

(4) District Map – Boundaries of Districts. Said districts are shown upon the district map filed in the office of city clerk accompany and by reference made a part of this formation thereon, shall be as much a part of this ordinance as if they were all fully described herein. District boundary lines on the district map shall be determined as follows:

a. Where district boundary lines obviously follow road, street, water, lot or property lines, such lines shall be the boundaries.

b. In unsub divided property or where a district boundary line divides, a lot or parcel of property, dimensions on the map shall be used to locate district boundaries, and in the absence of dimensions, the map scale shall be applied.

c. If uncertainty exists, the board of appeals established herein shall determine the location of the boundaries.

d. Zoning of lot 105A of the 1940 Assessor's Plat is hereby changed from 'R' to 'M'.

(5) Annexation District. Lands hereafter annexed to the City of Mondovi shall be subject to regulations of the 'R' districts, provided that, upon study and recommendation by the City plan commission, within 90 days of the date of annexation, the Common Council may adopt other districts for all or a portion of such lands.

(6) Uses Permitted or Excluded from Districts. No building shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved, nor shall any building or land be used for any purpose of use other than that permitted herein in the district in which located, subject to other applicable regulations hereof including the securing of permits and conditional use permits as required by the provisions in certain sections hereof. Each building hereafter erected or moved shall be located on a lot, as defined herein, and there shall be no more than one main building on one lot, unless otherwise provided herein. Each building containing dwelling units or guest rooms shall be erected on a lot at least one line of which shall be not more or less than 25 feet along a public street, or if approved by the zoning administrator of the purpose, for 25 feet along a permanent, unobstructed easement of access to the lot from the public street.

(7) Regulations – 'A' District. Uses permitted – 'A':

a. General farming, including truck growing, dairying, and horticultural uses, and stock, animal and poultry raising except that:

i. Hog, goat and sheep raising and cattle feed yard no incidental to general farming, are permitted only with a conditional use permit (paragraph 'B' below).

ii. No animal barns, pens or kennels, or feeding areas, no fowl raising and no slaughter of animals or fowl shall be permitted closer than 200 feet to any 'R' or 'M' district.

b. One- and two-family dwellings and non-farm dwellings.

c. Plant nurseries and greenhouses.

d. Public buildings and uses including elementary and secondary schools, school athletic fields, parks, playgrounds, libraries, museums, community and recreation centers, police and fires stations, water towers and reservoirs, and pumping stations.

e. Churches, parsonages, convents, child nurseries, nurseries, schools, and private schools for educational purposes similar to public schools.

(8) Uses permitted with Conditional use Permit in 'A' District.

a. Hospitals and clinics, nursing, convalescent and rest homes for the aged, philanthropic and charitable institutions.

b. Golf courses, country clubs, yacht clubs, tennis courts, swimming pools, and additional recreational facilities and areas, but not limited to non-commercial kinds for private and private-club purposes.

c. Sale, on the premises, of farm products produced on the premises.

d. Hog, goat and sheep raising and cattle feed yards, not incidental to general farming.

e. Fur farms.

f. Private information and directional signs, any permit for which shall be valid for one year only, unless renewed.

g. Mobile home parks and travel trailer parks.

(9) Yards and Spaces Required in 'A' District.

Minimum Front and Rear Yard	25 feet
Minimum Side Yard	20 feet for two; 8 feet for one
Minimum Lot Area	four acres for farm dwellings and accessory buildings
Minimum Lot Width	200 feet for farm dwellings; 100 feet for non-farm dwellings
Parking Space	(See Section 31 and 34 of this Ordinance)
Lot Coverage by Buildings	Maximum lot coverage by a main building and all accessory buildings are 25%
Minimum Flood Area Required	720 square feet for one-family dwelling; 1200 square feet for two-family dwellings
Building Height Limit	35 feet

(10) Regulations – 'R' District. Uses permitted – 'R':

a. Uses permitted in 'A' District except that restricted farming is permitted only with a conditional use permit (paragraph (11) below). An application for conditional use permit in an 'R' district for restricted farming shall contain all of the following:

i. Written permission from all adjoining property owners, and

ii. Site plan showing area to be used, distances to property boundaries, size of coops, fencing, location of mulch, feed and manure piles, and

iii. Number of animals to be raised, and

iv. Manure and feed handling plans.

(11) Uses Permitted with Conditional use Permit in 'R' District.

a. Same conditional uses in 'A' districts except the following, which are prohibited in 'R' districts:

i. Mobile home courts and travel trailer parks.

ii. Poultry raising and feeding of up to four (4) chickens, excluding roosters.

iii. Crop and tree farming, fruit and berry raising, and non-commercial plant nurseries and greenhouses.

(12) Yards and Spaces Required in 'R' District.

Minimum Front and Rear Yard	25 feet
Minimum Side Yard	Except for the provisions contained in s. 18.01 (12) (1) relating to twin home dwellings. 16 feet for two; 6 feet for one.
Minimum Lot Area	2 acres for farm dwellings and accessory buildings, 9600 square feet for non-farm dwellings except twin home dwelling; 5000 square feet for a twin home dwelling.
Minimum Lot Width	150 feet for farm dwellings, 80 feet for a non-farm dwelling except twin home dwellings 45 feet for each lot containing a twin home dwelling.
Parking Space	(See section 31 and 34 of this Ordinance)
Lot Coverage by Buildings	Maximum lot coverage by a main building and all accessory buildings are 25%
Minimum Flood Area Required	720 square feet for one family dwelling; 1200 square feet for two family dwellings
Building Height Limit	35 feet

a. Frontage Modifications. In the case of the curvilinear streets and cul-de-sacs, the Zoning Administrator may authorize a reduction of the otherwise specified lot frontage in 'R' Districts provided that the lot width measured at the building line shall equal the frontage required in the district where located. All buildings shall be placed so that they will not obstruct the provision of future streets.

b. Miscellaneous Provisions.
   i. If two or more substandard lots with continuous frontage, have the same owner, the lots involved may be considered to be a single lot for the purpose of this chapter.
   ii. Minor, readily removable structures, such as open fences or signs, permitted by this chapter, may be placed within the setback line.

(12a) Accessory Building in 'R' District.
a. Without Main Building. No accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building except for a garage on a lot which abuts the lot containing the principal building.
b. Separation From Main Building. Accessory buildings shall be distant at least 6 feet from the dwelling situated on the same lot, unless an integral part hereof.
c. Size. An accessory building shall not occupy more than 25% of a required rear yard, plus 35% of any non-required rear yard, nor shall accessory buildings occupy more than 25% of the combined rear yard and side yard area. However, in no instance shall the accessory building exceed the ground floor area of the main building used for residence.
d. Height. Accessory buildings shall also be subject to the height limitations of Section 18.01 (39) (a) (i) of this code.

(12b) Twin Home Dwelling. A two-family dwelling lot that contains or will contain a twin home dwelling maybe divided into two separate ownerships with each resulting lot containing one dwelling unit of the twin home dwelling, subject to the relations and limitations of this Title. The side yard setback on the side of the twin home dwelling which shares a common wall shall be zero (0) feet. The setback on the other side of the twin home dwelling shall comply with the requirements set forth in section 18.01 (12) (b). A certified survey map prepared by a certified land surveyor created the two lots from one must be recorded before such division of ownership can occur.

(13) Regulations – 'M' District. Uses Permitted – 'M':
a. Uses permitted in 'R' district
b. Multiple dwellings have three or more dwelling units.
c. Boarding and lodging houses.

(14) Uses Permitted with Conditional use Permit in 'M' Districts. Same conditional uses in 'R' districts and the following:
a. Hotels, motels, when located within 500 feet of a 'C-1' or 'C-2' district, provided no other business shall be conducted therein except hat which is for the service and convenience of the guests thereof.
b. Clubs, lodges, fraternity, and sorority houses, noncommercial in nature.
c. Plant nurseries and greenhouses.

(15) Yards and Spaces Required in 'M' District.

Minimum Front Yard	25 feet
Minimum Side Yard For multiple dwellings	200 feet for two, 6 feet for one- and two-family dwellings; 16 feet for two, 6 feet for one
Minimum Rear Yard	25 feet
Minimum Lot Area	8700 square feet for one- and two-family dwellings, 3500 square feet per family for three and four family dwellings, 14000 square feet, plus 2000 square feet per for each family over four
Minimum Lot Width	80 feet
Parking Space	(See section 31 and 34 of this Ordinance)
Lot Coverage by Buildings	Maximum lot coverage by a main building and all accessory buildings are 35%
Minimum floor Area Required	720 square feet for one family dwelling, 600 feet per family for two family and multiple dwelling
Building Height Limit	45 feet

(16) Regulations – 'C-1' Districts. Uses Permitted – 'C-1':
a. One family and two-family dwellings.
b. Retail store and shops and small service businesses such as: art shops; professional studios; clothing, drug, grocery, fruit, meat, vegetable, confectionary, hardware, sporting goods, stationary, music, variety, and notion stores; household appliances, fixture and furnishing stores and repair shops; store and shops for barbers, beauticians, cabinet makers, electricians, florists, jewelers, watchmakers, locksmiths, painters, plumbers, shoemakers, tailors, dressmakers, pressers, and photographers.
c. Advertising signs and bulletin boards pertaining to the name and the use of the property on which located and signs permitted in 'A' district.
d. Offices and office buildings of business and professional firms, including banks, medical, and dental offices and public and public-utility offices.
e. Automobile display and sales room, parking lots and structures, and when accessory thereto, the retail sale of automobile parts and accessories and the washing, cleaning, greasing, and servicing of automobiles, including minor adjustments and repairs but not major repairs, overhauling, rebuilding, demolition, and spray painting.
f. Cleaning and dying and laundry pick up stations, self-service laundries and cleaning shops.

g. Bakeries, confectionaries, ice cream and soft drink shops, but with food preparation limited to that for on-site sale.
h. Restaurants, but with no selling or serving of alcoholic beverages.
i. Frozen food lockers for service of families and individuals.
j. Liquors stores selling only packaged goods.
k. Radio (AM and FM) or television broadcasting stations and transmitters and microwave radio relay structures.
l. Clubs, lodges, meeting rooms, with seating capacities less than 300 persons.
m. Other retail stores and shops and small service businesses catering to neighborhood patronage, including only those deemed to be appropriately located in 'C-1' districts are those enumerated above, and only those not dangerous or otherwise detrimental to person residing or working in the vicinity thereof, or to the public welfare and not impairing the use, enjoyment or value of any property.

(17) Uses Permitted with Conditional Use Permit in 'C-1' Districts.
a. Multiple dwellings.
b. Auto courts and motels
c. Drive-in restaurants and refreshment stands.
d. Gasoline service stations.
e. Auto wash, except steam.
f. Commercial recreation uses.

(18) Minimum Spaces and Facilities in 'C-1' Districts.
a. Buildings and uses, except automobile parking and loading spaces, driveways, essential services, walks and planting spaces, shall not be closer to any street line than 50 feet, nor closer to any alley line or to the boundary line of any other district or to any required planting strip than 40 feet.
b. A screen planting strip not less than 15 feet in width shall be provided along all boundaries that do not adjoin streets. Such strips shall be so planted with varieties of trees and shrubs as to assure rapid growth and density of foliage for screening the development within such districts from adjoining residential districts.
c. For dwellings, required yards, lot area, and width shall not be less than those required in 'M' districts.
d. Parking space required (see sections 31 through 34)
e. Building height limit – 35 feet.

(19) Regulations – 'C-2' Districts. Uses permitted – 'C-2':
a. Uses permitted in 'C-1' districts, provided that no dwelling or dwelling units are permitted without conditional use permits.
b. Bakeries and candy making.
c. Bars, taverns and night clubs.
d. Boat and mobile home sales rooms and lots.
e. Cleaning and dyeing plants.
f. Department stores.
g. Engraving, photo engraving, photo finishing, lithographing, printing, publishing, and bookbinding plants.
h. Household equipment repair shops.
i. Laboratories, medical, dental, and optical; other laboratories of non-hazardous or inoffensive operations when accessory to permitted uses.
j. Laundries.
k. Loft buildings.
l. Music conservatories and dance studios.
m. Paint shops, including signs and other painting.
n. Repair garages and shops for motor vehicles, including parking, storage, repair, maintenance and washing of vehicles and parts, but excluding sand or steam cleaning and manufacture of vehicles or parts.
o. Retail, wholesale, and jobbing businesses.
p. Tire repair shops.
q. Used car and farm implement sale lots.
r. Other retail or wholesale sale and services used considered to be appropriate and desirable for inclusion within 'C-2' districts as those permitted above, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of another property, but not including any uses excluded hereinafter.

(20) Uses Permitted with Conditional Use Permit in 'C-2' Districts.
a. Automobile courts, hotels, and motels.
b. Bottling works and bottling non-alcoholic beverages
c. Bottled gas storage for local distribution.
d. Bus, taxi, and truck terminals and storage; railroad lines, spurs, and passenger terminals.
e. Dairies and ice cream plants.
f. Drive in restaurants and refreshment stands.
g. Gasoline service station.
h. Hatcheries.
i. Ice plants and cold storage plants.
j. Mortuaries.
k. Multiple dwellings.
l. Shops for the following and similar occupations: blacksmith, mason, and tinsmith.
m. Warehouses.
n. Vocational and trade schools.

(21) Uses Excluded.
a. Any use permitted in only 'I' Districts and any use excluded from 'I' Districts.
b. Junk Yards.

c. Manufacturing and processing other than an accessory use customarily incidental to permit commercial sales and service uses.
d. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration, or noise, or because of subjection of life, health, or property, to hazard.

(22) Yards and Spaces Required in 'C-2' District.

Minimum Front Yard	None
Minimum Side Yard	10 feet on the side of a lot adjoining any A, R, M, or C-1 Districts, and on the street side of a corner lot whose rear line adjoins any such district. None otherwise, unless required by other applicable regulations
Building Height Limit	70 feet, but not exceeding 45 feet on any portion of a lot less than 20 feet distance from any portion of a lot in any A, R, M, or C-1 Districts

(23) Regulations – 'I' District. Uses Permitted – 'I':
a. Uses permitted in 'C-2' districts, except any of religious, educational, charitable, or medical nature and except any dwelling or lodging place for either permanent or tourist accommodations provided that a dwelling for a watchman or caretaker employed on the premises, and his/her family, is permitted.
b. Industrial type uses consisting of manufacturing, processing, assembling, storing, distributing, and transporting of materials, goods, and foodstuffs, provided none of the types in section (24) below shall be permitted without a conditional use permit.

(24) [INTENTIONALLY LEFT BLANK]

(25) Uses Permitted with Conditional Use Permit in 'I' Districts
a. Auto wrecking, junk or scrap yards, or the baling of junk, scrap, or rags.
b. Bag cleaning.
c. Distillation of bones, coal, tar, petroleum, refuse, grain or wood.
d. Garbage offal, dead animal or fish reduction or dumping, or other waste dumping.
e. Forge plants and foundries.
f. Inflammable gases or liquids, refining, or tank farm storage thereof.
g. Refining of petroleum and refining or smelting of ores.
h. Sawmills or planning mills.
i. Steam power plants.
j. Stockyards or slaughter of animals or poultry.
k. Stone quarries, gravel pits, stone cutting and crushing, washing and grading of stone gravel and sand.
l. Sugar refining.
m. Tanneries.
n. Wool pulling our scouring.
o. Manufacture of: acetylene, acid, alcohol or alcoholic beverages, ammonia, bleaching powder, chlorine, chemicals, soda or soda compounds, kiln-made brick, pottery, terra cotta or tile, candles (except by hand), cement, gypsum, lime or plaster of Paris, disinfectants, dyestuffs, emery cloth or sandpaper, explosives or firewood's (or storage of the same), exterminators or insect poisons, fertilizer, glass, glue or size, gelatin, grease, lard, or tallow (manufactured or refined from animal fat, illuminating or heating as (or storage of the same), lamp black, matches, linoleum, linseed oil, paint, oil, shellac, turpentine, or varnish (except mixing only), oilcloth, or oiled products, paper or pulp, pickles, sauerkraut or vinegar, plastics, potash products, rayon or similar products, rubber or gutta-percha products (or treatments of the same), shoddy, shoe polish, soap (other than liquid soap), soybean products, starch, glucose or destrin, stove polish, tar roofing, or waterproofing or other tar products, chewing tobacco (or treatment of tobacco), or yeast.
p. Any other sue which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, because of subjection of life, health, or property to hazard.

(26) Yards and Spaces Required in 'I' District.

Minimum Front Yard	25 feet
Minimum Side Yard	Same as in C-2 district
Minimum Rear Yard	25 feet
Minimum Lot Width	100 feet
Parking Space	(See section 31 and 34 of this Ordinance)
Lot Coverage by Buildings	Maximum lot coverage by a main building and all accessory buildings are 35%
Building Height Limit	100 feet, but not exceeding 45 feet on any portion of a lot less than 20 feet distance from any portion of a lot in any other district

(27) Regulations – 'O-C' district. Uses permitted – 'O-C':
a. Management of forestry, wildlife, and fish.
b. Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.
c. Facilities and structures for drainage, floor control, hydro-electric power, power transmission, ponding, conservation, erosion control, reclamation, and fire prevention.
d. Parks and open recreational areas.
e. Uses accessory or customarily incidental to any of the above facilities.

(28) Uses Permitted with Conditional Use Permit in 'O-C' Districts.
  a. Gravel pits, stone quarries, and washing and grading of products.
  b. Crop and tree farming.
  c. Fuel transmission lines and related facilities.
  d. Golf courses.
  e. Boat harbors.

(29) Additional Use provisions and Restrictions.
  a. Uses Permitted in Districts:
    i. Accessory buildings and those customarily incidental to permitted uses including public and private ways and easements, essential services, dwelling units for servants employed on the premises or for private guests, private garages, stables, pump houses, boat houses, docks and other non-commercial marine facilities, structures for yard and garden ornamentation, and private recreation areas and facilities, are permitted in any district, provided that:
    ii. No accessory shall be dangerous, obnoxious, or offensive to persons residing in the vicinity, nor shall impair the use, enjoyment or value of any property, and
    iii. No accessory dwelling unit in any 'R' district shall be let for living purposes of compensation.
    iv. Home gardening and crop growing may be an accessory use on any dwelling lot or other principal use on any vacant lot or parcel.
    v. A home occupation or home professional office, as defined herein, is permitted in a dwelling, provided that in a dwelling district there shall be no external evidence thereof except a name plate.
  b. Satellite dish antennae are permitted as accessory uses in all districts and shall comply with all structural, yard, and space requirements of accessory uses.

(30) Basement Dwellings. No basement dwellings shall hereafter be permitted in any district.

(31) Mobile Homes. Mobile homes shall not be used as a dwelling in any district unless part of a mobile home park permitted in a particular location by a conditional use permit.

(32) Additional Uses Permitted with Conditional Use Permits. The following uses as well as those previously designated as such, shall be permitted in certain districts only after securing conditional use permits therefore, following approval by the Board of Appeal as provided in section (41) hereof.
  a. Automobile parking lots and parking structure in 'M' districts, for providing required off-street parking spaces for uses within 500 feet therefrom.
  b. Keeping of one unoccupied mobile home or trailer coach in a designated portion of the rear yard of a dwelling lot in 'A', 'R', and 'M' Districts.
  c. Mortuaries in 'M', 'C-1' and 'C-2' districts.
  d. Moving a non-conforming use to another lot in a district where it would be conforming use.

(33) Nonconforming Uses. The lawful use of a building or premises existing at the time of the adoption or amendment of this ordinance may be continued although such use does not conform to the provision hereof. Such nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building shall not during its life exceed 50% of the assessed value of the building unless a permanently changed to a conforming use. If such conforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to this ordinance.

(34) Automobile Parking and Truck Parking and Loading Space Required. Off-street automobile parking spaces and truck parking and loading spaces shall be provided in 'A', 'R', 'M', 'C-1' and 'I' districts as required below for buildings hereafter erected, reconstructed or moved, for uses hereafter established, and for extensions and enlargements of buildings and uses.

(35) Automobile Parking Spaces. Automobile parking spaces, each space not less than 200 square feet in area, shall be provided as follows for buildings and uses:
  a. One family and two-family dwellings 2 spaces for each dwelling unit
  b. Multiple Dwellings 1.5 spaces for each dwelling unit
  c. Motels, Hotels, Tourist Homes and Courts 1 space for each guest overnight accommodations, plus 1 space for managers and for each employee
  d. Restaurants, taverns, and night clubs 1 space for each 3 seats provided for customers, plus 1 space for each employee
  e. Car Service Drive-In Stands 5 spaces for each employee required during periods of capacity patronage
  f. Retail Business and Service Establishments 1 space for each 165 square feet of gross business floor area
  g. Service Stations Spaces for all vehicles used in the business plus: 1 space for managers and for each employee, 2 spaces for each gas pump, and 3 spaces for each grease rack and auto wash space
  h. Hospitals, Convalescent, and Nursing Homes 1 space for each 3 beds, plus 1 space for each 2 employees on the 2 largest

shifts combined, plus 1 space for each staff doctor, in addition to spaces required for ambulances and other vehicles for patient delivery and pick-up

i. Doctor, Dentist Offices, and Medical Clinics 4 spaces for each doctor and dentist, plus 1 space for each employee

j. Bowling Alleys 7 spaces for each alley, plus 1 space for each employee at peak employment

k. Warehouse, Industries 1 space for each 2 employees on the two largest shifts combined

(36) Off-Street Number Specified. In applying for permits for buildings and uses not included above, the applicant shall specify the minimum off-street parking spaces to be provided and the zoning administrator shall issue the permit subject to such provision and on the condition that spaces for additional need shall be provided if and when such need accrues.

(37) Truck Parking and Loading Space. Off-street parking spaces sufficient for all truck loading and truck storage and parking shall be provided for all buildings and uses delivering and receiving goods, materials and supplies by truck and those using trucks in their business or operation.

(38) Supplemental Parking and Loading Space Requirements.

a. Each parking space shall be not less than 200 square feet in area and 9 feet in width, exclusive of aisles, driveways, and walks, and shall not include any portion of a street or alley.

b. Required parking spaces for dwellings, trailer coaches, mobile homes, motels, auto courts, and auto camps shall be located on the same premises as the use served. For other uses, where this would be unreasonable or an unnecessary hardship, the board of appeals may approve the location of a portion of the required stalls on other nearby property.

c. Required parking spaces provided on a lot or in a building shall be kept clear of other uses and obstructions to parking.

d. All parking spaces shall be graded and drained and parking lots containing three or more spaces shall be given a dust-free surfacing.

(39) Additional Regulations – Yards, Lot Areas, and Open Spaces.

a. Lots Unserved by Sewer. Minimum lot area permitted for dwelling shall be one-half acre and minimum lot width shall be 100 feet for any lot or parcel unserved by city sanitary sewer or by a community-type sewage disposal system approved by the city engineer as adequate for the purpose.

b. Corner Lots. The side street setbacks of any buildings on a corner lot shall not be less than 25 feet.

c. Division of Lots. No lot improved with a building or buildings shall hereafter be divided into two or more lots and no portion of any lot which is improved with a building shall be sold, unless all lots resulting from each such division or sale shall conform with all of the area and lot coverage regulations of the district in which the property is located.

(40) Yards, Lot Area Measurement from Future Street Line. Whenever a future street line is established by this ordinance and shown on the district map, or is established otherwise and shown on an adopted street widening map, measurements of required lot area and required depth or width of a yard adjoining such street shall be made from such future street line instead of from the existing street line.

(41) Setback in Subdivision Abutting State Trunk Highway.

a. Notwithstanding any other provisions of this section, minimum building setback in subdivisions abutting state trunk highways shall be 100 feet from the centerline of the state trunk highway or 42 feet from the nearer right of way line whichever is more restrictive.

b. No variances or exceptions shall be permitted for property and subdivisions abutting state trunk highways without prior approval from the Wisconsin State Highway Commission

c. There shall be no improvements or structures placed between the state trunk highway and the setback line.

d. The setback requirement shall be shown on any subdivision plat which abuts a state trunk highway and shall be a restriction for the benefit of the public under section 236.293 of the Wisconsin Statutes.

(42) Lot Area Exception. On an existing lot of record a one-family dwelling may be erected in districts in which permitted when the lot area or lot width or both are less than require din the district. No area shall be so reduced so that the dimensions and yard requirements cannot be met.

(43) Structures in Yards and Courts.

a. Every part of a required yard or court shall be open and unobstructed by a building or structure, from its lowest point upward, except as follows:

i. Accessory buildings permitted in a rear yard shall not be closer than 3 feet to any lot line, when not more than 15 feet in height, with one additional foot of distance required for each 3 feet of additional height. The maximum height shall be 20 feet.

1. Accessory buildings used for storage purposes shall not be larger than 9’ x 12’ x 8’ in height for a total of 108 square feet. They will be permitted within three (3) feet of the side or rear lot line.

Only one accessory building of this type permitted on each lot or parcel (this rule applies particularly to prefabricated buildings of this type or others constructed for this purpose).

ii. Sills, cornices, buttresses, eaves, open work, fire balconies and fire escapes, chimneys, flues and similar building appurtenances, may extend not more than 4 feet into a required yard.

iii. Uncovered porches and steps to building entrances may extend not more than 12 feet into any required front yard or rear yard and not more than 3 feet into any required side yard or court.

iv. Walks, steps on ground slopes, retaining walls, hedges and natural growth, fences, paved terraces and paved areas, structures used ornamentally and for essential services and for yard and garden purposes and for private recreation, when accessory to and customarily incidental to the principal use, are permitted in yards and courts, provided, however, that fence, hedges, and screen plantings shall be limited to the following heights in the following locations:

1. 2 1/4 feet in height within a vision clearance triangle as defined herein.
2. 4 feet in height within 3 feet of a front lot line, and within 3 feet of a side lot line on the street side of a corner lot, and within 3 feet of the other side lot line for a distance extending from the front lot line to the building set back line.
3. 6 feet in height within 3 feet of a side lot line not adjoining a street for a distance extending from the front lot line to the building set back line.

b. Regulation of wood burning stoves.

i. In this section, "wood burning stove" means a device designed and intended for the burning of wood or wood products except all stoves or fire places which are installed in a residence. No person, firm, corporation, or other entity shall install or utilize a wood burning stove unless the emissions from the stove are emitted through a chimney which shall have a minimum height of at least three (3) feet higher than the highest point on any residence on the parcel on which the stove is located or any lot that is served by the wood burning stove, or 20 feet from ground level; whichever is greater. As used in this section, all chimneys shall comply with those requirements for "residential type" and "building heating appliance". Chimneys as defined by the Department of Commerce in the Wis. Adm. Code, as amended from time to time, except as modified herein.

ii. Wood for burning in a fireplace, stove, or furnace (regardless of whether the fireplace, stove or furnace is installed in a residence) shall not exceed two (2) cords and may be stored in any yard other than the front yard or corner side yard, provided it is stored in a neat, orderly and secure stack not exceeding six (6) feet in height and the wood stack is not infested with rodents. In this section, a cord is a stack having a volume of 128 cubic feet.

iii. Any wood burning stove which is installed outside of the home, whether in a separate building or free standing, must be located behind the residence or building which it services and must be no closer than ten (10) feet to a side or rear lot line.

iv. Compliance with this Ordinance shall not relieve the property owner from the responsibility of creating public nuisance as a result of the smoke emitted from any chimney located on the property.

(44) Minimum Space and Facilities for Mobile Home Parks and for Travel Trailer Parks.

a. Mobile Home Parks (MHP).

Minimum Size of a MHP	5 Acres
Maximum Number of Mobile Homes per Acre:	10
Minimum Dimensions of a Mobile Home Lot:	50 feet wide by 85 feet long
Minimum Yards around each individual unit:	15 feet
Automobile Parking Spaces required:	2 per unit
Minimum width or depth of exterior yards:	40 feet on each side

i. All drives, parking areas, and walkways shall be hard surfaced.

ii. No unit shall be rented for less than a 30-day period.

iii. Screen planting strips 15 feet wide shall be maintained along all exterior boundaries. If insufficient natural growth, fast growing trees and shrubs of acceptable types shall be planted and maintained at a height of not less than 15 feet.

iv. Each MHP shall conform to additional requirements of Chapter H77, Wis. Administrative Code.

b. Travel Trailer Park (TTP).

Minimum size of a TTP	5 Acres
Maximum number of units per acre	15
Minimum dimensions of individual site	25 feet wide by 40 feet long
Minimum yards around each individual unit	15 feet
Automobile parking spaces required	1.5 per unit
Minimum width or depth of exterior yards	40 feet on each side

i. Screen planting requirements herein for mobile home parks shall be met.

ii. Each TTP shall conform to additional requirements of Chapter 78, Wis. Admin. Code.

(45) Planned Unit Development District.

a. Site plans of planned unit residential developments, with proposed lot sizes, yard sizes and other opens spaces varying from district regulations herein, may be considered by the Board of Appeals for variances from the terms of this ordinance.

b. In specific cases, the Board may authorize such variance as will not be contrary to public interest, an such the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done, subject to the conditions set forth below and any additional conditions required by the board:

i. A gross area of six (6) acres or more shall be required for each planned development.

ii. Residential uses shall be those permitted in the district in which located.

iii. Reduction of individual lot sizes, yards, and open spaces for cluster developments shall be balanced by the reservation of other common space, so that the overall density will not be greater than that required in the district.

iv. Adequate water and sewer facilities shall be provided.

v. Street circulation and access to existing streets shall be satisfactory and paved streets and sidewalks shall be provided.

c. Should any proposed uses be those not permitted in the district, such variance shall not be authorized until after the necessary rezoning by amendment has been accomplished.

(46) Building Height Limit Exceptions.

a. Established building height limits shall not apply to belfries, cupolas, spires, monuments, radio or television antenna, flag poles, chimneys or flues, silos, water towers, to poles, towers, and other structures for essential services, nor to similar structures or necessary mechanical appurtenances extending from a roof upward and not occupying more than 25% of the area of such roof as projected into a horizontal plane.

b. When permitted in a district, public buildings, community buildings, schools, churches, hospitals, and other institutions, public utilities, and public service buildings and those for essential services may be erected to a height not exceeding 75 feet, provided he side yard width and the rear yard depth be each increased one for over and above the district requirements for each two feet of building height above the height limit.

(47) Signs.

a. Signs are permitted accessory use in all districts, subject to the following regulations:

i. A sign is a structure or a part of a structure for the purpose of applying yard and height regulations.

ii. Except for traffic control, all signs are prohibited within the public right-of-way or easement except that the zoning administrator may grant a conditional permit to locate signs and decorations on or within the right-of-way subject to Section (43) (a) (iii)

iii. The zoning administrator may grant a special permit for temporary signs and decorations to be placed in the right-of-way for a period of time to be determined by the zoning administrator subject to the laws of the State of Wisconsin.

iv. Signs existing on the effective date of this ordinance which do not conform to the regulation set forth in the ordinance are a non-conforming use.

v. Except for temporary (less than 30 days) signs, signs shall not be attached by an adhesive or painted on a fence but shall be on a separate frame or attached by a permanent fixture. Permanent signs, limited to the display of the name and address of a building, may be painted on the building in which the business is located.

vi. Election signs are permitted in all districts; however, they shall be removed within two weeks following Election Day.

vii. All signs shall structurally be safe and in good repair.

viii. No signs shall be permitted within the vision clearance triangle, s. 18.01 (2) (r), closer than five feet from ground level.

ix. Signs in ‘A’, ‘R’ and ‘M’ Districts.

b. Within the ‘A’, ‘R’, and ‘M’ Districts the following signs are permitted:

i. One nameplate sign for each dwelling and such signs shall not exceed one square foot in area per surface, and no sign shall be so constructed as to have more than two surfaces for advertising purposes.

ii. One nameplate sign for each dwelling group of three or more units and such signs shall not exceed three square feet in area per surface and no signs hall be constructed to have more than two surfaces for advertising purposes.

iii. One nameplate sign for each permitted use or use by conditional permit other than residential and such sign shall not exceed six square feet in area per surface.

iv. Symbols, statues, sculptures, and integrated architectural features on nonresidential buildings may be illuminated by flood lights provided the direct source of light is not visible form the public right-of-way or adjacent residential district.
v. Signs in the central commercial and outlying commercial district.

c. Within the central commercial and outlying commercial district, nameplate signs and business signs are permitted subject to the following regulations:
   i. No individual sign shall exceed 200 square feet or area per surface.
   ii. No signs shall hang lower than ten feet above ground or sidewalk surface, and shall extend nor more than five feet beyond the side of the building.
   iii. Signs must be substantially supported and well maintained.
   iv. Signs, if illuminated, shall not employ lighting in a manner adverse to safety or traveling public.

d. Within the 'I' use districts, nameplate signs, business signs, and advertising signs shall be permitted subject to the following regulations:
   i. The aggregate square footage of sign space per lot shall not exceed the sum of four-square feet per front foot of building plus one square foot per front foot of property not occupied by a building. No individual sign surface shall exceed 250 square feet except advertising signs. Advertising signs permitted as an accessory use shall not exceed 250 square feet of surface and shall be counted towards square footage permitted.

(48) Permit fees – Signs.

a. Application for sign permits shall be made to the zoning administrator.
b. All permits for signs hereafter erected shall require the payment of the sum as indicated in the Fee Schedule for each permit. (Amended 08/2019)
c. No permits required for election signs or premises for sale signs.

(49) Board of Appeals. Board of Appeals is hereby established. The board shall be appointed and shall have the power and duties as specified in s. 62.23 (7) (e), Wis. Stats.

(50) Powers of the Board of Appeal.

a. To hear and decide appeals where it is alleged that the zoning administrator has erred in the enforcement of this ordinance.
b. To hear and decide special exceptions to the terms of this ordinance, and to approve the issuance of conditional use permits as authorized in the various sections hereof.
c. To authorize, upon appeal in specific cases, variances from the terms of this ordinance where due to special conditionals, a literal enforcement of the terms will result in practical difficulty or unnecessary hardship.
d. To permit, in appropriate cases a building or premises to be erected or used for such public utility purposes in any location, which is reasonably necessary for the public convenience or welfare.
e. To interpret the words, terms, rules, regulations, provisions and restrictions of this ordinance where there is doubt of the intended meaning, and to determine the location of boundaries of districts where there is uncertainty after the rules in Section 4 hereof for determining said boundaries have been applied.
f. In its actions the board shall impose appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance, any violation of which shall be considered a violation of this ordinance.

(51) Hearing and Notice, Filing Fee.

a. The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
b. Any person requesting a hearing before the board shall pay a filing fee in the amount indicated in the Fee Schedule at the time of the request of such hearing. (Amended 08/2019)

(52) Limitations of Powers of Boards of Appeal. The powers of the board, except its power or interpretation, shall be limited to action on specific appeals and applications only. No board action shall change or have the effect of changing any rule, regulation, provision, or restriction of this ordinance, without amending this ordinance, but shall affect only its supplication in a specific case before the board.

(53) Amendments. The amendment may be amended by changing any of the regulations, hereof, or the district map or any of the districts thereon, in accordance with s. 62.23 (7) (a), Wis. Stats.

(54) Zoning Administrator, Permits, Plats.

a. Zoning Administrator. The Common Council shall appoint a zoning administrator to administer and enforce this ordinance; to issue required permits; to inspect buildings and the use of land, and buildings and to order the remedying of violations of this ordinance; to act as secretary for the board of Appeals.

b. Permits Required – Plats. The zoning permit or conditional use permit shall be applied for and issue before the erection, construction, reconstruction, enlargement, or moving or any building, except for minor alterations or repairs not involving change or use of moving of building, and not costing over $400.00 and except for painting and decorating.

Temporary permits for temporary buildings and uses incidental to use and necessary for the erection, alteration, enlargement, moving, and equipping of permitted buildings and uses may be issued for a duration of up to one year.

c. Plats. Each application for a permit shall be accompanied by a drawing, or plat in duplicate, drawn to scale, and showing the following: location and dimensions of lot, proposed buildings on lot; existing buildings on adjoining lots or parcels; building setbacks and sizing of yard around existing and proposed buildings; present and proposed uses of buildings; proposed off-street parking spaces; proposed sewer, waste disposal and water supply system, and other information required by the zoning administration for the purpose of this ordinance.

d. Fees. Fees for required Zoning Permits shall be that which is indicated in the Fee Schedule. (Amended 08/2019)

(55) Certificate of Occupancy. A certificate of occupancy stating that the provisions of this ordinance have been complied with, is required prior to any occupancy or use of any structure or land, or any change of use of an existing structure or land, or prior to any change of any non-conforming use. Application for a certificate of occupancy shall be made to the zoning administrator, who shall inspect same and shall signs and issue a certificate of occupancy if found to be in conformity with the provision of this ordinance.

(56) Enforcement, Violation, and Penalties.

a. All departments, officials and employees of the City of Mondovi who are vested with the duty of authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this ordinance.

b. The City of Mondovi or any adjacent or neighboring property owner who would be specially damaged by such violation may institute appropriate action to prevent unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

c. Other measures of enforcement and remedies shall be as authorized by section 62.23 (8), Wis. Stats.

d. Any person, firm, or corporation in violation of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined $50.00. Each and every day during which said violation continues shall be deemed a separate offense.

(57) Separation. Invalidation of any part of this ordinance by a court shall not invalidate the rest of the ordinance.

(58) Confliction Provisions Repealed. All ordinances or parts of ordinances in conflict with any or the provisions of this ordinance are hereby repealed.

(59) Effective Date. This ordinance shall become effective upon its passage, adoption, publication, and recording as provided by law.

(60) The zoning map adopted on April 10, 1984, is hereby amended by changing the zoning classification for Lot 413 of the 1940 Assessor's Plat to the City of Mondovi to 'I' industrial.

(61) The zoning map adopted April 10, 1984, is hereby amended by changing the zoning classification for the following described property to 'I' industrial:

(62) The zoning map adopted on April 10, 1984 is hereby amended by changing the zoning classification for Lots 327, 371, 371B, 371C, 408, 410C, and 410F of the 1940 Assessor's Plat of the City of Mondovi to (C-2) central commercial district.

(63) The zoning map revised June, 1990, is hereby amended by changing the zoning classification for lots in the Heike Countryside Addition as follows:

a. Lots 1 through 32 and Lots 35 through 48 are hereby classified 'R', one and two family residential.

b. Lots 33 and 34 are hereby classified as 'M', multi-family residential.

c. Lot 49 is hereby classified 'I', industrial.

SECTION 18.02 FLOODPLAIN ORDINANCE

(1) Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions.

(2) Statutory Authorization. This ordinance is adopted pursuant to the authorization in Section 62.23, Wis. Stats., and the requirement in s. 87.30, Wis. Stats.

(3) Finding of Fact. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base.

(4) Statement of Purpose. This ordinance is intended to regulate floodplain development to:

a. Protect life, health, and property.

b. Minimize expenditures of public funds for flood control projects;

c. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

d. Minimize business interruptions and other economic disruptions;
e. Minimize damage to public facilities in the floodplain;
f. Minimize the occurrence of future flood blight areas in the floodplain;
g. Discourage the victimization of unwary land and homebuyers;
h. Prevent increases in flood heights that could increase flood damage and result in conflict between property owners; and
i. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplains.

(5) Title. This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Mondovi, Wisconsin.

(6) General Provisions.

a. Areas to be Regulated. This ordinance regulates all areas that would be covered by the regional flood or base flood.

Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional food elevations may be derived from other studies. Areas covered by the base flood are identified as Zone A on the Flood Insurance Rate Map.

b. Official Maps and Revisions. The boundaries of all floodplain districts are designated as floodways or Zones A, A4, A5, and B on the maps listed below for the City of Mondovi Flood Boundary and Floodway Map (FBFM). Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) must be reviewed and approved by the DNR and FEMA before it becomes effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City Administrator, at City Hall, in the City of Mondovi, Buffalo County, Wisconsin. If more than one map or revision is referenced, the most current approved information shall apply.

i. Official maps: Based on the FIS. Floodway flood boundary and floodway map, City of Mondovi, Buffalo County, Wisconsin, with an effective date of June 1, 1981, prepared by FEMA and the Federal Insurance Administration based on the Flood Insurance Study dated December 1, 1980.

Approved by: the DNR and FEMA. These maps consist of the 100-year flood boundary and the 500-year flood boundary for Peeso Creek and the Buffalo River contained within the corporate boundaries for the City of Mondovi, Buffalo County, Wisconsin.

c. Establishment of District's. The regional floodplain areas are divided into three districts as follows:

i. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
ii. The Flood fringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
iii. The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

d. Locating Floodplain Boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendment required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3 (3) and the criteria in (i) and (ii) below.

i. If flood profiles exist, the map scale and profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
ii. Where flood profiles do not exist, the location the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the department.
iii. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 8.1 (6).

e. Removal of Lands from Floodplain. Compliance with the provisions of this ordinance shall not be grounds for removing lands from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0.

This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

f. Compliance. Any development or use within the areas regulated by this ordinance shall be in

compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

g. Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48 (13) Wis. Stats. applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.12 (4) (a), Stats. applies.

h. Abrogation and Greater Restrictions.

i. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692, or 59.694 for countries; s. 62.23 for cities; or s. 61.35 for villages; or s. 87.30, Stats. which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

ii. This ordinance is not intended to repeal, abrogate, or impair any existing deed restriction, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

i. Interpretation. In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provisions shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

j. Warning and Disclaimer of Liability. The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur of the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create labiality on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

k. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected.

l. Annexed Areas for Cities and Villages. The Buffalo County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforce by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional food elevation and the location of the floodway.

m. General Development Standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning in equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals, including manufacture home parks, shall include regional flood elevation and floodway data for any development which meets the subdivision definition of this ordinance.

(7) General Standards Applicable to All Floodplain Districts.

(8) Hydraulic and Hydrologic Analysis.

a. Except as allowed in par. (c) below, no floodplain development shall:

i. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development increasing regional flood height; or

ii. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

b. The zoning administrator shall deny permits if it is determined the proposed development will obstruct

flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (c) are met.

c. Obstructions or increases equal to or greater than 0.01 feet may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.0

This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or another adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

(9) Watercourse Alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant o secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration nor relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations are required.

(10) Chapter 30, 31, Wis. Stats. Development. Development which requires a permit from the Department, under Ch. 30 and 31, Wis. Stats. such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to s. 8.0.

(11) Public or Private Campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

a. The campground is approved by the Department of Health and Family Services; and
b. A land use permit for the campground is issued by the zoning administrator; and
c. The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants; and
d. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifics the flood elevation at which the evacuation shall occur, personnel responsible for the monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, the method as and personnel responsible for conducting the evaluation; and
e. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in (d) to remain in compliance with all applicable regulations, including those of the state department to health and family services and all other applicable regulations; and
f. Only camping unites are allowed; and
g. The camping units may not occupy any site on the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours; and
h. All camping units that remain on site for more than 30 days must be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section; and
i. The municipality shall monitor the limited authorizations issued by the campground operator assure compliance with the terms of this section; and
j. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0 or s. 4.0 for the floodplain district in which the structure is located.
k. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
l. All service facilities, including but not limited to refuse collection, electrical services, natural gas lines, propane tanks, sewage systems and wells shall be property anchored and placed at or flood proofed to the flood protection elevation.

(12) Floodway District (FW).

(13) Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

(15) Permitted Uses.

a. The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district if:
   i. They are not prohibited by any other ordinance;
   ii. They meet the standards in s. 3.3 and 3.4; and
   iii. All permits or certificates have been issued according to s. 7.1.
b. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
c. Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.
d. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of s. 3.3 (4).
e. Uses or structures accessory to open space uses, or classified as historical structures that comply with ss. 3.3 and 3.4.
f. Extraction of sand, gravel, or other materials that comply with s. 3.3 (4).
g. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids, and river crossings of transmission lines and pipelines that comply with Ch. 30 and 31, Wis. Stats.
h. Public utilities, streets, and bridges that comply with 3.3 (3).

(16) Standards for Developments in Floodway Areas.

a. General.
   i. Any development in floodway areas shall comply with s. 2.0 and have low flood damage potential.
   ii. Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:
      1. A cross section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; and
      2. An analysis calculating the effects of this proposal on regional flood height.
   iii. The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the submitted data for par. (ii) above.
b. Structures. Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
   i. The structures are not designed for human habitation and do not have a high flood damage potential;
   ii. The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;
   iii. The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
   iv. The structures have all services facilities at or above the flood protection elevation.
c. Public utilities, streets and bridges may be allowed by permit if:
   i. Adequate flood proofing measures are provided to the flood protection elevation; and
   ii. Construction meets the development standards of s. 2.1.
d. Fills or depositions of materials may be allowed by permit if:
   i. The requirements of s. 2.1 are met;
   ii. No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
   iii. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulk heading; and
   iv. The fill is not classified as solid or hazardous waste material.

(17) Prohibited Uses. All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

a. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
b. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
c. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
d. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department approved campgrounds that meet the

applicable provisions of local ordinances and Ch. COMM 83, Wis. Adm. Code;

e. Any public or private wells which are used to obtain potable water, except hose for recreational areas that meet the requirements of local ordinances and Ch. NR 811 and NR 812, Wis. Adm. Code;

f. Any solid or hazardous waste disposal sites;

g. Any wastewater treatment ponds or facilities, except hose permitted under s. NR 110.15 (3) (b), Wis. Adm. Code; and

h. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(18) Flood Fringe District (FF).

(19) Applicability. This section applies to all flood fringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

(20) Permitted Uses. Any structure, land use, or development is allowed in the flood fringe district if the standards in s. 4.3 are met and the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

(21) Standards for Development in Flood Fringe Areas.

a. All of the provisions of s. 2.1 shall apply. In addition, the following requirements shall apply according to the use requested.

b. Residential use. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area, shale met or exceed the following standards:

i. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other flood proofing measures if the elevations of the existing streets or sewer lines makes compliance impractical and the Board of Adjustment/Appeals grants a variance;

ii. The basement or crawlway floor may be placed at the regional flood elevation if it is flood proofed to the floor protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

iii. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in (iv);

iv. In developments where existing street or sewer line elevations make compliance with (ii) impractical, the municipality may permit new development and substantial improvements where access roads area at or below the regional flood elevation if:

1. The municipality has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

2. The municipality has a natural disaster plan approved by Wisconsin Emergency management and the Department.

c. Accessory Structures or Uses. An accessory structure or use not connected to a principal structure shall be constructed with its lowest floor no more than two feet below the regional flood elevation, subject to flood velocities of no more than two feet per second, and shall meet all provisions of ss. 3.3 (2) (a), (b), (c), (d), and (6) below.

d. Commercial Uses. Any commercial structure with is erected, altered or moved into the flood fringe area shall meet the requirements of s. 4.3 (2). Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

e. Manufacturing and Industrial Uses. Any manufacturing or industrial structure which is erected, altered or moved into the flood fringe area shall be protected to eh flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 7.5. Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

f. Storage of Materials. Materials that are buoyant, flammable, explosive or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or flood proofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

g. Public Utilities, Streets, and Bridges. All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans and:

i. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction and substantial improvements to such facilities may only be permitted if they are flood proofed in

compliance with s. 7.5 to the flood protection elevation;

ii. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

h. Sewage Systems. All on-site sewage systems shall be flood proofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. COMM 83, Wis. Adm. Code.

i. Wells. All wells shall be flood proofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of Ch. NR 811 and NR 812, Wis. Adm. Code.

j. Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in flood fringe areas.

k. Deposition of Materials. Any deposited materials must meet all the provisions of this ordinance.

l. Manufactured Homes.

i. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

ii. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially

1. Have the lowest floor elevated to the flood protection elevation; and
2. Be anchored so they do not float, collapse or move laterally during the flood.

iii. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement, and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in s. 4.3 (2).

m. Mobile Recreational Vehicles. All mobile recreational vehicles that are on site for 180 consequential days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (12) (b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices and has no permanently attached additions.

(22) General Floodplain District (GFP).

(23) Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and flood fringe districts shall be delineated when adequate data is available.

(24) Permitted Uses. Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the floodway or flood fringe area.

Those uses permitted in floodway s. 3.2 and flood fringe areas s. 4.2 are allowed within the general floodplain district, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

(25) Standards for Development in the General Floodplain District. S. 3.0 applies to floodway areas, s. 4.0 applies to flood fringe areas. The rest of this ordinance applies to either district.

(26) Determining Floodway and Flood Fringe Limits. Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

a. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations, and flood proofing measures;

b. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

i. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high-water information;

ii. Plan, a surface view, showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

iii. Profile showing the slope of the bottom of the channel or flow line of the stream; and

iv. Specifications of building construction and materials, flood proofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.

c. Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance

to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1 (2) (c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

(27) Nonconforming Uses.

(28) General.

a. Applicability. If these standards conform to s. 59.69 (10), Wis. Stats. for counties or s. 62.23 (7) (h), Wis. Stats. for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

b. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

i. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include but are not limited to any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modification or additions; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities;

ii. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it's no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

iii. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

iv. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3 (2);

v. Except as provided in s. (2) if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the ordinance requirements.

vi. For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all the minimum requirements under 44 CFR Part 60, or under the regulations promulgated thereunder.

vii. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and flood proofing methods that comply with s. 7.5 are used.

(29) Floodway Areas.

a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

i. Has been granted a permit or variance which meets all ordinance requirements;

ii. Meets all the requirements of s. 6.1;

iii. Will not increase the obstruction to flood flows or regional flood height; and

iv. Any addition to the existing structure shall be flood proofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation.

b. No new on-site sewage disposal system, or addition to any existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinance and CH. COMM 83, Wis. Adm. Code.

(30) Flood Fringe Areas.

a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or flood proofed to the flood

protection elevation in compliance with the standards for that particular use in s. 4.3, except where s. 6.3 (2) is applicable.

b. Where compliance with the provisions of par. (1) would result in unnecessary hardship and only where the structure will not use for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of par. (1) for modification of addition, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
   i. No floor is allowed below the regional flood elevation for residential or commercial structures;
   ii. Human lives are not endangered;
   iii. Public facilities, such as water or sewer, will not be installed;
   iv. Flood depths will not exceed two feet;
   v. Flood velocities will not exceed two feet per second; and
   vi. The structure will not be used for storage of materials as described in s. 4.3 (6).

c. If neither the provisions of par. (1) or (2) above can be met, one addition to the existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe, if the addition:
   i. Meets all other regulations and will be granted by permit or variance;
   ii. Does not exceed 60 square feet in area; and
   iii. In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.

d. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal systems shall meet all the applicable provisions foal l local ordinances and Ch. COMM 83, Wis. Adm. Code.

e. All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance and Ch. NR 811 and NR 812, Wis. Adm. Code.

(31) Administration. Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23 (7), Wis. Stats., these officials shall also administer this ordinance.

(32) Zoning Administrator. The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

a. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

b. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.

c. Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

d. Keep records of all official actions such as:
   i. All permits issued, inspections made, and work approved;
   ii. Documentation of certified lowest floor and regional flood elevations for floodplain development;
   iii. Records of water surface profiles, floodplain zoning maps and Ordinances, nonconforming uses and structures including changes, appeals, variances and amendments;
   iv. All substantial damage assessment reports for floodplain structures.

e. Submit copies of the following items to the Department Regional Office:
   i. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
   ii. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken;
   iii. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

f. Investigate, prepare reports, and report violations of this Ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional Office.

g. Submit copies of text and map amendments and biennial reports to the FEMA regional office.

(33) LAND USE PERMIT. A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

a. General Information.
   i. Name and address of the applicant, property owner and contractor;

ii. Legal description, proposed use, and whether it is new construction or a modification;

b. Site Development Plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

i. Location, dimensions, area and elevation for the lot;

ii. Location of the ordinary high-water mark of any abutting navigable waterways;

iii. Location of any structures with distances measured from the lot lines and street center lines;

iv. Location of any existing or proposed on-site sewage systems or private water supply systems;

v. Location and elevation of existing or future access roads;

vi. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

vii. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

viii. Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and

ix. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

c. Data Requirements to Analyze Developments. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds $125,000. The applicant shall provide:

i. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

ii. A map showing location and details of vehicular access to lands outside the floodplain; and

iii. A surface drainage plan showing how flood damage will be minimized.

iv. The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

v. Expiration: All permits issued under the authority of this Ordinance shall expire in 365 days from issue.

(34) CERTIFICATE OF COMPLIANCE. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

b. Application for such certificate shall be concurrent with the application for a permit;

c. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

d. The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of s. 7.5.

(35) OTHER PERMITS. The applicant must secure all necessary permits from Federal, State, and local agencies, including those required by the U. S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

(36) ZONING AGENCY.

a. The Zoning Board of Review shall:

i. Oversee the functions of the office of the Zoning Administrator; and

ii. Review and advise the Governing body on all proposed amendments to this ordinance, amps and text.

b. This Zoning Agency shall not:

i. Grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or

ii. Amend the text or zoning maps in place of official action by the governing body.

(37) BOARD OF ADJUSTMENT/APPEALS. The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes

and adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the Board.

a. Powers and Duties: The Board of Adjustment/Appeals shall:
   i. Appeals: hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
   ii. Boundary Disputes: hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
   iii. Variances: hear and decide, upon appeal, variances from the ordinance standards.

b. APPEALS TO THE BOARD.
   i. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
   ii. Notice and Hearing for Appeals Including Variances:
      1. Notice – The Board shall:
         (a) Fix a reasonable time for the hearing;
         (b) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
         (c) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
      2. Hearing – Any party may appear in person or by agent or attorney. The board shall:
         (a) Resolve boundary disputes according to s. 7.3(3).
         (b) Decide variance applications according to s. 7.3(4).
         (c) Decide appeals of permit denials according to s. 7.4.
      3. Decision: The final decision regarding the appeal or variance application shall:
         (a) Be made within a reasonable time;
         (b) Be sent to the Department Regional Office within 10 days of the decision;
         (c) Be a written determination signed by the Chairman or Secretary of the board;
         (d) State the specific facts which are the basis for the Board's decision;
         (e) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction to grant or deny the variance application;
         (f) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

c. Boundary Disputes – the following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
   i. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
   ii. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
   iii. If the boundary is incorrectly mapped, the Board should inform the Zoning Committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0.

d. Variance.
   i. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
      1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
      2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
      3. The variance is not contrary to the public interest; and
      4. The variance is consistent with the purpose of this ordinance in s. 1.3.
   ii. In addition to the criteria in par. (i), to qualify for a variance under FEMA regulations, the following criteria must be met:
      1. The variance may not cause any increase in the regional flood elevation;
      2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
      3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the

minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

iii. A variance shall not:
1. Grant, extend or increase any use prohibited in the zoning district;
2. Be granted for a hardship based solely on an economic gain or loss; be granted for a hardship which is self-created;
3. Damage the rights or property values of other persons in the area;
4. Allow actions without the amendments to this ordinance or map(s) required in s. 8.1;
5. Allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.

iv. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

(38) TO REVIEW APPEALS OF PERMIT DENIALS.

a. The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:
   i. Permit application data listed in s. 7.1(2);
   ii. Floodway/floodfringe determination data in s. 5.4.
   iii. Data listed in s. 3.3(1)(b)2, where the applicant has not submitted this information to the Zoning Administrator;
   iv. Other data submitted with the application, or submitted to the Board with the appeal.

b. For appeals of all denied permits the Board shall:
   i. Follow the procedures of s. 7.3;
   ii. Consider zoning agency recommendations; and
   iii. Either uphold the denial or grant the appeal.

c. For appeals concerning increases in regional flood elevation the Board shall:
   i. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
   ii. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

(39) FLOODPROOFING.

a. No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

b. Floodproofing measures shall be designed to:
   i. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
   ii. Protect structures to the flood protection elevation;
   iii. Anchor structures to foundations to resist flotation and lateral movement; and
   iv. Ensure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

c. Floodproofing measures could include:
   i. Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris;
   ii. Adding mass or weight to prevent flotation;
   iii. Placing essential utilities above the flood protection elevation;
   iv. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures;
   v. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters; and
   vi. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

(40) PUBLIC INFORMATION.

a. Place marks on structures to show the depth of inundation during the regional flood.
b. All maps, engineering data and regulations shall be available and widely distributed.
c. All real estate transfers should show what floodplain zoning district any real property is in.

(41) AMENDMENTS.

(42) GENERAL. The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

a. Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
b. Correction of discrepancies between the water surface profiles and floodplain zoning maps.
c. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

d. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
e. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
f. All channel relocation and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(43) PROCEDURES.
a. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional Office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
b. No amendments shall become effective until reviewed and approved by the department
c. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
d. For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information. (see s. 1.5(4).)

(44) ENFORCEMENT AND PENALTIES. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $100.00 and not more than $500.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

(45) DEFINITIONS. Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as they have at common law and to give this ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and not discretionary.

a. A ZONES or Zone A: those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered "A Zones" or "Zone A". The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
b. ACCESSORY STRUCTURE OR USE: a facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
c. BASE FLOOD: the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
d. BASEMENT: any enclosed area of a building having its floor sub grade, i.e., below ground level, on all sides.
e. BUILDING: see STRUCTURE
f. BULKHEAD LINE: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to x. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this ordinance.
g. CAMPGROUND: Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
h. CAMPING UNIT: Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
i. CERTIFICATE OF COMPLIANCE: A certification that the construction and the use of land or a building, the elevation or fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
j. CHANNEL: A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
k. CRAWLWAYS OR CRAWL SPACE: An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.
l. DEPARTMENT: The Wisconsin Department of Natural Resources.

m. DEVELOPMENT: Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

n. DRYLAND ACCESS: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

o. ENCROACHMENT: Any fill, structure, equipment, building, use or development in the floodway.

p. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

q. EXPANSION TO EXISTING MOBILE/ MANUFACTURED HOME PARK: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

r. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency that administers the National Flood Insurance Program.

s. FLOOD INSURANCE RATE MAP: A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal emergency Management Agency.

t. FLOOD or FLOODING: A general and temporary condition of partial or complete inundation o formally dry land areas caused by one of the following conditions:

   i. The overflow or rise of inland waters;
   ii. The rapid accumulation or runoff of surface waters from any source;
   iii. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
   iv. The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

u. FLOOD FREQUENCY: The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

v. FLOODFRINGE: That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

w. FLOOD HAZARD BOUNDARY MAP: A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

x. FLOOD INSURANCE STUDY: A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

y. FLOODPLAIN: Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

z. FLOODPLAIN ISLAND: A natural geologic land formation within the floodplain that is surrounded, but not covered by floodwater during the regional flood.

aa. FLOODPLAIN MANAGEMENT: Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and

administration and enforcement of floodplain regulations.

bb. FLOOD PROFILE: A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

cc. FLOODPROOFING: Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

dd. FLOOD PROTECTION ELEVATION: An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

ee. FLOOD STORAGE: Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

ff. FLOODWAY: The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

gg. FREEBOARD: A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

hh. HABITABLE STRUCTURE: Any structure or portion thereof used or designed for human habitation.

ii. HEARING NOTICE: Publication or posting meeting the requirements of CH. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

jj. HIGH FLOOD DAMAGE POTENTIAL: Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

kk. HISTORIC STRUCTURE: Any structure that is either:

i. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

ii. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

iii. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

iv. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

ll. INCREASE IN REGIONAL FLOOD HEIGHT: A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

mm. LAND USE: Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

nn. MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home but does not include a “mobile recreational vehicle”.

oo. MOBILE RECREATIONAL VEHICLE: A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of “mobile recreational vehicles”.

pp. MUNICIPALITY or MUNICIPAL: The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

qq. NGVD or NATIONAL GEODETIC VERTICAL DATUM: Elevations referenced to mean sea level datum, 1929 adjustment.

rr. NEW CONSTRUCTION: For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

ss. NONCONFORMING STRUCTURE: An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example: an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

tt. NONCONFORMING USE: An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

uu. OBSTRUCTION TO FLOW: any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

vv. OFFICIAL FLOODPLAIN ZONING MAP: That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.

ww. OPEN SPACE USE: Those uses having a relatively low flood damage potential and not involving structures.

xx. ORDINARY HIGHWATER MARK: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

yy. PERSON: An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

zz. PRIVATE SEWAGE SYSTEM: A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

aaa. PUBLIC UTILITIES: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

bbb. REASONABLY SAFE FROM FLOODING: Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

ccc. REGIONAL FLOOD: A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

ddd. START OF CONSTRUCTION: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouting of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

eee. STRUCTUE: Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

fff. SUBDIVISION: Has the meaning given in s. 236.02(12), Wis. Stats.

ggg. SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure, whereby the cost of restoring thee structure to its pre-damaged condition would equal or exceed 50 percent (50%) of the

equalized assessed value of the structure before the damage occurred.

hhh. UNNECESSARY HARDSHIP: Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

iii. VARIANCE: An authorization by the Board of Adjustment or Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not used) contained in the floodplain zoning ordinance.

jjj. VIOLATION: The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

kkk. WATERSHED: The entire region contributing runoff or surface water to a watercourse or body of water.

lll. WATER SURFACE PROFILE: A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

mmm. WELL: Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

SECTION 18.03 SHORELAND-WETLAND ORDINANCE

(1) Statutory Authorization, Findings of Fact, Statement of Purpose and Title.

a. Statutory Authorization: This Ordinance is adopted pursuant to the authorization in sections 62.23, 62.231, 87.30 and 144.26, Wis. Stats.

b. Findings of Fact: Uncontrolled use of the shoreland-wetlands and the pollution of the navigable waters of the City of Mondovi would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to al municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty.

c. Statement of Purpose:

i. To promote the public health, safety, convenience and general welfare, this Ordinance has been established to:

ii. Further the maintenance of safe and healthful conditions;

iii. Prevent and control water pollution by filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters and to maintain storm and flood water capacity;

iv. Protect fish spawning grounds, fish, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat;

v. Prohibit certain uses detrimental to the shoreland-wetland area; and

vi. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

d. Title: Shoreland-Wetland Zoning Ordinance for the City of Mondovi, Wisconsin.

(2) General Provisions.

a. Compliance: The use of wetlands, and the alteration of wetlands within the shoreland area of the City of Mondovi shall be in full compliance with the terms of the Ordinance and other applicable local, state or Federal regulations. (However, see section 4 of this Ordinance, for the standards applicable to non-conforming uses.) All permitted development shall require the issuance of a zoning/building permit unless otherwise expressly excluded by a provision of this Ordinance.

b. Municipalities and State Agencies Regulated: Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when section 30.12(4)(a), Wis. Stats., applies.

c. Abrogation and Greater Restrictions: This Ordinance supersedes all the provisions of any municipal zoning Ordinance enacted under section 62.23 or 87.30, Wis. Stats., which relate to shoreland-wetlands, except that where another municipal zoning Ordinance is more restrictive than the provisions contained in this Ordinance, that Ordinance shall

continue in full force and effect to the extent of the greater restrictions, but not otherwise.

d. Interpretation: In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be granted by the Wis. Stats. Where a provision of this ordinance is required by a standard in Ch. NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Ch. NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

e. Severability. Should any portion of this ordinance be declared invalid or unconstitutional for any reason, by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(3) Shore Land – Wetland Zoning District.

a. Purpose. This ordinance is adopted to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner which minimizes adverse impacts upon the wetland.

b. Official Shore Land-Wetland Zoning Maps. The following maps are hereby adopted and made part of this ordinance and are on file in the office of the Clerk for the City of Mondovi, Wisconsin:

i. Wisconsin Wetland Inventory map, stamped "Final" on October 25, 1985.

ii. Floodplain Zoning Map dated June 1, 1981.

iii. U.S.G.S. maps; quadrangles.

c. District Boundaries. The shore land-wetland zoning district includes all wetlands in the City of Mondovi, Wisconsin which are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made part of this ordinance in section (3) (b) and which are:

i. Within one thousand feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the City of Mondovi shall be presumed to be navigable if they are listed in the Department publication "Surface Water Resources of Buffalo County" or are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance in paragraph (3) (b) of this ordinance.

ii. Within three hundred feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance in paragraph (3) (b) of this ordinance. Flood Hazard Boundary Maps, Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, County Soil Survey Maps, or other existing community floodplain zoning maps used to delineate floodplain area which have been adopted by the City of Mondovi, shall be used to determine the extent of floodplain areas in the City of Mondovi.

1. Determinations of Navigability and ordinary high-water marks hall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.

2. When an apparent discrepancy exists between the shore land-wetland district boundary shown on the official shore land-wetland zoning maps and the actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the Department to determine if the shore land-wetland district boundary as mapped, is in error. If the Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant to deny land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official shore land-wetland zoning maps, the zoning administrator shall be responsible for initiating a shore land-wetland amendment within a reasonable period.

d. Permitted Uses. The following uses are permitted subject to the provision of Ch. 30 and 31 of the Wis. Stats., and the provisions of other local, state, and federal laws, if applicable. Activities and uses which do not require the issuance of a zoning/building permit, provided that no wetland alterations occur:

i. Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;

ii. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
iii. The practice of silviculture, including the planting, thinning, and harvesting of timber;
iv. The pasturing of livestock;
v. The cultivation of agricultural crops; and
vi. The construction and maintenance of duck blinds.

e. Uses which do not require the issuance of a zoning/building permit and which may involve wetland alterations only to the extent specifically provided below:
   i. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
   ii. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
   iii. The maintenance and repair of existing drainage ditches, where permissible under section 30.20, Wis. Stats., or of other existing drainage systems, such as tiling, to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Ch. 30, Wis. Stats. and that dredged spoil is placed on existing spoil banks where possible;
   iv. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
   v. The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
   vi. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shore land-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shore land-wetland listed in section 6 (a) (3) of this ordinance; and
   vii. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

f. Uses which are allowed upon the issuance of a zoning/conditional use permit and which may include wetland alterations only to the extent specifically provided below:
   i. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under section (3) (d) through (3) (f) of this ordinance, provided that:
      1. The road cannot, as a practical matter, be located outside the wetland;
      2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in section (6) (a) (3) of this ordinance;
      3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
      4. Road construction activities are carried out in the immediate area of the roadbed only; and
      5. Any wetland alteration must be necessary for the construction or maintenance of the road.
   ii. The construction and maintenance of nonresidential buildings, provided that:
      1. The building is used solely in conjunction with a use permitted in the shore land-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
      2. The building cannot, as a practical matter, be located outside the wetland;
      3. The building does not exceed 500 square feet in floor area; and
      4. Only limited filling and excavating necessary to provide structural support for the building is allowed.
   iii. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
      1. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
      2. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelter or similar structures is allowed;
      3. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such

construction and maintenance meet the criteria in section (3) (f) (a) of this ordinance; and

4. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

iv. The construction and maintenance of electric and telephone transmission lines and water, gas, and sewer distribution lines, and related facilities provided that:

1. The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland;
2. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in section (6) (a) (3) of this ordinance.

v. The construction and maintenance of railroad lines, provided that:

1. The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside of the wetland;
2. Only limited filling or excavating necessary for such construction or maintenance is necessary; and
3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland as listed in section (6) (a) (3) of this ordinance.

g. Prohibited Uses.

i. Any use not listed in section (3) (d) through (3) (f) of this ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with section (6) of this ordinance.

ii. The use of a boathouse for human habitation and the construction or placement of a boat house or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(4) Nonconforming Structures and Uses.

a. The existing lawful use of a structure, building or property, or its accessory use, which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

b. Notwithstanding section 62.23 (7) (h), Wis. Stats., the repair, reconstruction, renovation, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this ordinance adopted under section 62.231, Wis. Stats., or of an environmental control facility in existence on May 7, 1982, related to that structure, is permitted under section 62.231 (5), Wis. Stats., section 62.23 (7) (h), Wis. Stats., applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this ordinance or amendment.

c. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve consecutive months, any future use of the building, structure, or property shall conform to the appropriate provisions of this ordinance.

d. Any legal nonconforming use of the property which does not involve the use of structure and which existed at the time of the adoption or subsequent amendment of this ordinance adopted under sections 62.231 or 61.351, Wis. Stats., may be continued although such use does not conform to the provisions of the ordinance. However, such nonconforming use may not be extended.

e. The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of section 30.121, Wis. Stats.

f. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

(5) Administrative Provisions.

a. Zoning Administrator.

i. The zoning administrator shall have the following duties and powers:

ii. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.

iii. Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.

iv. Keep records of all permits issued, inspections made, work approve and other official actions.

v. Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.

vi. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are grated or denied, to the appropriate district office of the Department.

vii. Investigate and report violations of this ordinance to the appropriate City Planning Commission and

the district attorney, corporation counsel or municipal attorney.

b. Zoning/Building Permits.
   i. When Required. Unless another section of this ordinance specifically exempts certain types of development from this requirement, a zoning/building permit shall be obtained from the zoning administrator before any new development, as defined in section (8) (b) (4) this ordinance, or any change in the use of existing building or structure is initiated.
   ii. Application. An application for a zoning/building permit shall be made to the zoning administrator upon forms furnished by the city and shall include, for the purpose of proper enforcement of these regulations the following information:
      1. General Information.
         a. Name, address and telephone number of applicants, property owner and contractor, where applicable.
         b. Legal description of the property and a general description of the proposed use or development
         c. Whether or not a private water or sewage system is going to be installed.
      2. Site Development Plan. The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
         a. Dimensions and are of the lot;
         b. Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
         c. Location of any existing or proposed on-site sewage systems or private water supply systems;
         d. Location of the ordinary high-water mark of any abutting navigable waterways;
         e. Location and landward limit of all wetlands;
         f. Existing and proposed topographic and drainage features and vegetative cover;
         g. Location of a floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;
         h. Location of existing or future access roads; and
         i. Specifications and dimensions for areas or proposed wetland alteration.
      3. Expirations. All permits issued under the authority of this ordinance shall expire one year from the date of issuance.

c. Certificates of Compliance.
   i. Except where no zoning/building permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the zoning administrator subject to the following provisions:
      1. The certificate of compliance shall show that the building or premises or par thereof, and the proposed use thereof, conform the provisions of this ordinance.
      2. Application for such certificate shall be concurrent with the application for a zoning/building/conditional use permit.
      3. The certificate of compliance shall be issued with 10 days after the completion of the work specified in the zoning/building/conditional use permit, providing the building or premises or proposed use thereof conforms to all the provisions of this ordinance.
   ii. The zoning administrator may issue a temporary certificate of compliance for a building, premises or part hereof pursuant to rules and regulations established therefore, by the city council.
   iii. Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of adoption, certifying after inspection, the extent and type of use made by the building or premises and whether or not such use conforms to the provision of this ordinance.

d. Conditional Use Permits.
   i. Application. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and conditional use permit has been granted by the board of Appeals, following the procedures in section (5) (h) (2) through (5) (h) (4) of this ordinance, for hearing and deciding appeals.
   ii. Conditions. Upon consideration of the permit application and the standards applicable to the permitted uses in section (3) (d) of this ordinance, the Board of appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in the ordinance, as are necessary to further the purposes of this ordinance as listed in section (1) (c) of this ordinance. Such conditions may include specification for, without limitation because of specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restriction; location of piers; docks,

parking areas and signs; and types of construction. To secure information upon which to base its determination, the Board of Appeals require the applicant to furnish, in addition to the information required for a zoning/building permit, other pertinent information which is necessary to determine of the proposed is consistent with the purpose of this ordinance.

e. Fees. Fees for Zoning/building/conditional use permits shall be based on section 16.02 (vii) of the municipal Building Code.

f. Recording. Where a zoning/building permit or conditional use permit is approved, an appropriate record shall be made by the zoning administrator of the land use and structure permitted.

g. Revocation. Where the conditions of a zoning/building permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

h. Board of Appeals. The city mayor shall appoint a board of appeals under section 62.23 (7) €, Wis. Stats., consisting of five members subject to confirmation by the Common Council. The Board of Appeals shall adopt rules for the conduct of the business of the Board of Appeals as required by section 62.23 (7) (e) (3), Wis. Stats.

i. Powers and Duties.

i. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

ii. Hear and decide application for conditional use permits.

iii. May authorize upon appeal in specific cases, such variance from the terms of the ordinance as shall not be contrary the public interest, where owning to special conditions, a literal enforcement of the ordinance will result in unnecessary hardship. In the issuance of a variance, the spirit of the ordinance shall be observed and substantial justice done. No variance from the terms of this ordinance shall be granted which is contrary to the public interest. A variance may be granted where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. The granting of a variance shall not have the effect of granting or extending any use of property which is prohibited in that zoning district by this ordinance.

j. Appeals to the Board. Appeals to the Board of appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community effected by any order, requirement, decision or determination of the zoning administrator or other administrative official. Such appeals shall be taken within a reasonable time as provided by the rules of the board by filing with the official from whom the appeal is taken, shall transmit to the Board all the papers constituting the record on which the appeal action was taken.

k. Public Hearings.

i. Before making a decision on an appeal, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The board shall give public notice of the hearing by publishing a class 2 notice under CH. 985, Stats, specifying the date, time and place of the hearing and the matters to come before the board. At the public hearing, any party may appear in person, by agent or by attorney and present testimony.

ii. A copy of such notice shall be mailed the parties in interest and the appropriate district office of the Department at least 10 days prior the public hearings on issues involving shore land-wetland zoning.

l. Decisions.

i. The final disposition of an appeal, or application for conditional use permit, to the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board chairperson. Such decision shall state the specific facts which are the basis for the Board determination and shall either affirm, reverse, or modify the order, requirement, and decision or determination appeals, in whole or in part, dismiss the appeal for lack of jurisdiction or persecution, or grant the application for a conditional use.

ii. A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within 10 days aft the decision is issued.

(6) Amending Shore Land-Wetland zoning Regulations.

a. The City Council may from time to time, alter, supplement or change the district boundaries and the regulations contained in this ordinance accordance with the requirements of section 62.23 (7) (d) (2), Wis. Stats, and the following:

i. The copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within 5 days of the submission of the proposed amendment to the City Planning Commission.

ii. All proposed text and map amendment to the shore land-wetland zoning regulations shall be

referred to the City Planning Commission, and a public hearing shall be held as required by section 62.23 (7) (d) (2), Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.

iii. In order to insure that the shore land protection objectives in section 144.26 Stats, will be accomplished by the amendment, the City Council may be accomplished by the amendment, the city council may not rezone a wetland in a shore land-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and flood water storage capacity
2. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, and the recharge of groundwater from a wetland to another area of the flow of groundwater through a wetland
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters
4. Shoreline protection against soil erosion
5. Fish spawning, breeding, nursery or feeding grounds,
6. Wildlife habitat; or
7. Areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.

iv. Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in section (6) (a) (3) of this ordinance, the Department shall so notify the City of its determination either prior to or during the public hearing held on the proposed amendment.

v. The appropriate district office of the Department shall be provided with:

1. A copy of the recommendation sand report, if any, of the City Planning Commission on the proposed text or map amendment, within 10 days after the submission of those recommendations to the City Council and;
2. Written notice of the City Council's action on the proposed text or map amendment within 10 days after the action is taken.

vi. If the department notifies the City Planning commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in section (6) (a) (3), of this ordinance, that proposed amendment, if approved by the City Council may not become effective until more than 30 days have elapsed since written notice if the City Council approval was mailed to the department as required by section (6) (b) (5) of this ordinance. If within the 30-day period the department notifies the City Council that the Department intends to adopt a superseding shore land-wetland zoning ordinance for the City under section 62.231 (6) and 61.351 (6) Wis. Stats. the proposed amendment may not become effective until the ordinance adoption procedure under section 62.231 (6) and 61.315 (6) Wis. Stats. is completed or otherwise terminated.

(7) Enforcement and Penalties. Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this ordinance in violation of the provision of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator shall refer violations to the City Planning Commission and the district attorney, corporation counsel or municipal attorney who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than $10.00 nor more than $500.00 per offense, together with the taxable costs of such action. Each day of continued violations hall constitute a separate offense. Every violation of this ordinance is a public nuisance the creation there of may be enjoined and the maintenance thereof may be abated by action at suit of the city, state, or any citizen thereof pursuant to section 87.30 (2), Wis. Stats.

(8) Definitions. For the purpose of administering and enforcing this ordinance the terms or works used herein shall be interpreted as follows: words used in the presentence include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

The following terms used in this ordinance mean:

a. Accessory structure or use: a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.

b. Boathouse: as defined in section 30.121 (1), Wis. Stats., means a permanent structure used for the

storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

c. Department: the Wisconsin Department of Natural Resources.

d. Development: any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structure s or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and he deposition or extraction of earthen materials

e. Drainage system: one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to the point of discharge.

f. Environmental control facility: any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, including facilities installed principally to supplement or replace existing property or equipment not meeting or allegedly meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

g. Fixed houseboat: as defined in section 30.121 (1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spud poles attached to the bed of the waterway.

h. Navigable waters: Lake Superior, Lake Michigan, all-natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under section 144.26 (2) (d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shore land ordinances required under section 61.351 and 62.231, Wis. Stats, and chapter NR 117, Wis. Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

   i. Such lands are not adjacent to a natural navigable stream or river;

   ii. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching, and

   iii. Such lands are maintained in nonstructural use.

i. Ordinary high-water mark: the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or the easily recognized characteristic.

j. Planning Commission: the City Plan Commission created under section 62.23 (1) Wis. Stats., a board of public land commissioners or a committee of the municipality's governing body which acts on matters pertaining to planning and zoning.

k. Regional Flood: a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur or be exceeded one particular stream because of like physical characteristics once in every 100 years.

l. Shore lands: lands within the following distances from the ordinary high-water mark of navigable waters; 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

m. Shore land-wetland district: the zoning district, created in this shore land-wetland ordinance, comprised of shore lands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance as described in section (3) (b) of this ordinance.

n. Conditional use: a use which is permitted by this ordinance, provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning commission designated by the City Council.

o. Unnecessary hardship: that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this ordinance.

p. Variance: an authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

q. Wetlands: those areas where water is at, near or above the land surface long enough to support aquatic or hydrophobic vegetation and which have oils indicative of wet conditions.

r. Wetland alteration: any filling flooding, draining, dredging, ditching, tiling, excavating, temporary

water level stabilization measures or dike and dam construction a wetland area.

SECTION 18.04 EXTRATERRITORIAL ZONING.

(1) The City of Mondovi has, by Resolution No. R-87-9-1, declared the following described area to be zoned within the City's extraterritorial zoning jurisdiction:

Commencing at the NW corner of Sec. 3, Twp. 24 N., Rge. 11 W. as a point of beginning; thence E. along the N. section lines to the NE corner of Sec. 6, Twp. 24 N., Rge. 10 W.; thence S. along the E. section lines to the SE corner of Sec. 19, Twp. 24 N., Rge. 10 W.; thence W. along the S. section lines to the SW corner of Sec. 22, Twp. 24 N., Rge. 11 W; thence N. along the W. section lines to the point of beginning, Buffalo County.

(2) Pursuant to s. 62.23 (7a) (a) (b), Wis. Stats., all existing uses in the extraterritorial zoning jurisdiction described above are hereby declared to be the permitted zoning ad uses pending completion of the comprehensive zoning plan.

(3) This ordinance shall be effective for not longer than two years from the date of its enactment.

(4) The City Clerk is directed to publish this ordinance as a Class I notice and is further directed to mail a certified copy of this ordinance to the Buffalo County Clerk and to the Clerks of the Towns of Mondovi and Naples, Buffalo County, Wisconsin, and further to file a copy of this ordinance with the City Planning Commission.

SECTION 18.05 PLAT REVIEW AND APPROVAL

(1) Submission with Preliminary Plat. With each submission of a preliminary plat here shall be included an Erosion and Sedimentation Control Plan which shall show:

a. Topographic map with contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slop of the ground surface is 10% or more.
b. Soil map showing the soils mapping units according to "ASCS" maps for Buffalo County published by the U.S> Department of Agriculture, Soil Conservation Service.
c. The area where the natural vegetation will be removed.
d. The areas where the topsoil and backfill will be stockpiled during development.
e. The areas where temporary vegetation, permanent vegetation and/or mulching will be established.
f. The areas of land to be exposed during development.
g. The location of improvement to be provided for increased run off caused by changed soil and surface conditions during and after development.
h. The other necessary measures as determined by the City Engineer.

(2) Submissions with Final Plat. With each submission of a Final Plat there shall be included an Erosion and Sedimentation Control Plan which shall show:

a. The ways in which the vexation that will not be removed will be protected during development.
b. The areas where topsoil and backfill will be stockpiled and the ways in which they will be anchored to prevent washing.
c. The kind, timing, and location of temporary vegetation, permanent vegetation, and/or mulching to be established in areas subject to erosion.
d. The length of time areas of land will be exposed during development.
e. The size, type, location and timing of installation of permanent vegetation, sediment basins, drainage ways, improvements such as streets and storm sewers, and other features of development capable of accommodating increased run-off caused by soil and surface conditions changed by development.

(3) General Provisions. In order to prevent soil erosion, siltation, sedimentation, and washing, the subdivide shall make provisions for disposal of water and the protection of soil surfaces during and after construction. The subdivide shall so state these provisions in the Erosion and Sedimentation Control Plan submitted as a requirement to platting.

(4) Review of Plans by City Plan Commission. The following criteria shall serve as guidelines for review of the Erosion and Sedimentation Control Plan. The City Plan Commission shall find:

a. That the development plan is fitted to the topography, soils, and vegetative cover so that minimal erosion will result.
b. That reasonable effort is made to protect and retain except for noxious trees and plants, all existing trees, shrubbery, vines, and grasses not actually lying in the public roadways, drainage ways, building foundation sites, private driveways, soil absorption water disposal areas, paths, and trails (noxious plants are excepted).
c. That topsoil and backfill which are removed during development are stockpiled or hauled away so as not to contribute to the erosion hazard.
d. Where inadequate vegetation exists, temporary or permanent vegetation and/or mulching is established to protect critical areas during development.
e. That the smallest practical area of land is exposed at one time during development at that such exposure is kept the shortest practical period of time.
f. The permanent vegetation, drainage ways, sediment basins, improvements such as streets and storm

sewers, and other features of development, capable of effectively accommodating the increased amounts of velocity and other characteristics of run-off caused by changed soil and surface conditions expected during and after development, are scheduled for installation of the greatest extent possible before removing vegetative cover from an area.

(5) Easements and Restrictive Covenants.

a. Easements across lots or centered on rear or side lot line shall be provided for utilities where required by the plan commission and shall be at least ten feet wide.

b. A drainage easement in favor of the city, centered on rear lot lines, shall be provided on all subdivisions of land. Such easement shall, at a minimum, contain the following restrictions:

i. Any obstruction to the flow of water, by any means, shall be prohibited

ii. No structure, earthen berm, dam, erection of other improvement, tree, or landscaping shall be permitted.

iii. The erection of a fence or annual plantings may be allowed provided that same do not obstruct the flow of water.

iv. Grantor (property owner) is prohibited from changing the grade elevation of the drainage easement from that established by grantee.

v. Grantee shall have full rights of ingress and egress to carry on and all work in connection with the maintenance and operation in, over, under and across the lands of grantor.

vi. The property covered by said easement shall not be used in any way or manner that will impair the rights of the grantee.

vii. The easement shall run with the land and shall be binding upon the grantees, lessees, successors, heirs and assigns of grantor and grantee.

viii. The easement shall be assignable.

c. The storm water covenant shall be provided on the face of each subdivision as follows: The land on the side of the lots within the area shall be graded by the sub divider and maintained by the abutting property owner to provide for the adequate drainage of surface water.

d. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of sufficient width conforming substantially to the lines of such watercourse. Grading or construction adequate for the purpose may be required. Wherever possible, the drainage shall be maintained by an open channel with landscaped bans and adequate width for maximum potential volume of flow as determined by the plan commission. Such improvement shall be installed prior to council approval of the final plat.

e. A storm water covenant shall be provided on each plat as follows: the land on the rear of the all lots and on the side of lots (specified) within the area shall be graded by the sub divider and maintained by the abutting property owner to provide for the adequate drainage of surface water.

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CHAPTER 19. PUBLIC WORKS

SECTION 19.01 PUBLIC CONSTRUCTION.

Pursuant to paragraph 62.15 (1) Wis. Stats., any class of public construction or any part thereof may be done directly by the City without submitting the same for bids.

SECTION 19.02 RIVERSIDE CEMETERY.

(1) The City of Mondovi hereby assumed possession and control of the assets of Riverside Cemetery Association effective May 6, 1952 pursuant to section 157.04 Wis. Stats.
(2) Management and control of such assets shall be in accordance with Chapter 157 of the Wis. Stats.
(3) The plat of Riverside Cemetery situated in the SE of the SE section 12, Twp. 24 N. Rge. 11 W., Buffalo County, Wisconsin, as prepared by Frank J. Davy & Son adopted as the official plat and survey of said cemetery.
(4) The said cemetery property shall be known and designated as Riverside Cemetery of the City of Mondovi, Wisconsin.
(5) Conveyances of burial lots shall be signed by the mayor and countersigned by the Clerk and before delivery thereof, the Clerk shall enter in a book kept the purpose, the date and consideration, and the name and residence of the grantee.
(6) The management operations and control of said Cemetery and property is vested in the Common Council of said City of Mondovi which shall have power to fix the price for which lots in said Cemetery shall be sold, fees for perpetual care, burial permits and to make such other rules and regulations governing the use of said property as it may from time to time deemed advisable, all within the provisions of chapter 157 of the Wis. Stats.

SECTION 19.03 WATER UTILITY REGULATIONS.

(1) Public Service Commission Rules Adopted
  a. Operating Rules.
    i. All persons now receiving a water supply from the Utility of who may hereafter make application therefore, shall be considered as having agreed to be bound by all rules and regulations as filed with the State Public Service Commission.
    ii. Public Service Commission Rules Adopted. The following provisions of Ch. PSC 185, Wis. Adm. Code, are adopted by reference and made a part of these rules as if set forth in full:
      S185.11-185.13, S185.15-185.19, S185.21 and S185.22, S185.31-185.33, S185.35-185.39, S185.41-185.47, S185.51 and S185.52, S185.61, S185.65, S185.71-185.79, S185.795, S185.81, S185.815, and S185.82-185.59.
(2) Conflict with Other Ordinances or Rules. If any of the provisions of the Public Service Commission rules adopted by reference in subparagraph (1) (a) (2) conflict with any existing ordinance or utility regulation, the Public Service Commission rules shall prevail.
(3) Lead Line Replacement Required. (Added 01/2020) In order to protect the public's health, whenever the City conducts excavation for maintenance, repair, and/or replacement to any of its utilities and finds a lead water service line the following shall occur:
  a. City staff shall immediately notify the property owner of the discovery of lead water service lines:
    i. Through person to person contact or posting a notice on one of their main entry doors to the residence; and
    ii. A telephone call from City Hall; and
    iii. Through certified mail to the property owner's mailing address.
  b. If the property owner agrees to have it replaced while the City is working within the excavation site, the City or its contractor shall complete that additional work and bill the property in one of two ways:
    i. The property owner shall pay cash for said repair work; or
    ii. It may be assessed on the property owner's property taxes for a period of 10 years at an interest rate of 8% or at the lowest current loan rate at a community bank, whichever is greater.
  c. If the property owner refuses to replace the lead service line, the City shall complete their task and the City Clerk shall seek legal action to direct the property owner to complete the construction work, and the City shall bill the property owner in the same manner as in (b) above, which shall be added to the total amount due, with additional expenses including:
    i. All court costs, including but not limited to: attorney fees, court filing fees, penalties; and
    ii. All Staff time to participate in legal actions, including but not limited to: conference calls with the City's legal representation, research of documents, any and all depositions and court appearances.

SECTION 19.04 DEFINITIONS.

(1) Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:
  a. Act: the Clean Water Act (33 U.S.C. 1251 et seg., as amended)

b. Agency: the Common Council, acting as the governing board of the City Sewer and Water Utility, and any board, commission or committee designated by it to administer and enforce the terms of this ordinance.
c. Biochemical Oxygen Demand (BODS): the quantity of oxygen utilized in the biochemical oxidation of organic matter under standards laboratory procedure in five days at 20 C, expressed in milligrams per liter.
d. Commercial User: any place of business which discharges sanitary waste as distinct from industrial wastewater.
e. Commercial Wastewater: domestic waste water emanating from a place of business as distinct from industrial wastewater.
f. D.N.R. or DNR: the State of Wisconsin Department of Natural Resources.
g. Debt Service Charge: charge levied on users of a sewage treatment plant for the cost of repaying money bonded to construct said plant.
h. Domestic Wastewater: water-carried wastes in the amount of approximately 50 gallons per capita per day containing approximately (250 mg)/(1 BOD5) and approximately (250 mg)/(1 suspended solids) consistent with that emanating from a typical household.
i. Grant: Federal and/or State financial assistance for the construction of improvements to the public sewer or waste water collection system and/or sewage or waste water treatment plant.
j. Grantee: the local agency which receives a grant.
k. Industrial User: any nongovernmental, nonresidential user of a sewage treatment plant which discharges more than the equivalent of 85,000 gallons per day of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions: Division 'A', Agriculture; Forestry and Fishing; Division 'B', Mining; Division D, Manufacturing; Division E, Transportation, communications, electric, gas, and sanitary services; Division I, Industrial services.
l. Industrial Waste Water: the liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all standard Industrial Classification Manual, Class D manufactures as distinct from domestic wastewater.
m. Operation and Maintenance Costs: expenditures for the sewage treatment plant to provide the performance for which the plant was constructed. The term operation and maintenance include replacement.
n. Person: any individual, firm, company, association, society, corporation, or group.
o. Public Sewer or Waste Water Collection System: a system of sanitary sewers or waste water lines owned, maintained, operated, and controlled by the agency.
p. Replacement Costs: expenditures for obtaining and installing equipment, accessories, or appetences which are necessary during the service life of the sewage or waste water treatment plant to maintain the capacity and performance for which such plant was designed and constructed.
q. Residential User: those places which are connected to the public waste water collection system as distinct from Industrial or commercial waste water.
r. Sanitary Sewer or Waste Water line: a pipe or conduit (owned and maintained by the Agency) which carries sewage or waste water.
s. Sewage: a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.
t. Sewage or waste water treatment plant (WWTP): any arrangement of devices and structures used for treating sewage.
u. Sewer Service Charge: a charge levied on users of a sanitary sewer to maintain said sewer in operational condition.
v. Shall is mandatory and May is permissive.
w. Standard Industrial Classification Manual: office of Management and Budget, 1972.
x. Superintendent or Director of Public Works (DPW): the superintendent or manager of the City Sewer or Waste Water and Water Utilities or his authorized deputy, agent or representative.
y. Suspended Solids: solids that are filterable and in suspension in the liquid; the quantity being determined by the filterable residue test as described in "Standard Methods for the Examination of Water and Wastewater".
z. User Charge: a charge levied on users of a treatment works, or that portion of the ad valorem taxes paid by a user, for the user's proportionate share of the cost of operation and maintenance (including replacements) of such works under sections 204 (b) (1) (a) and 201 (h) (2) of the Act and this subpart.
aa. User Charge System: is a system based on estimated use of waste water treatment services where each user (or user class) pays its proportionate share of operations and maintenance (including replacements) costs of treatment works within the grantee's service area, based on the user's

proportionate contribution to the total wastewater loading from all users (or user classes). To ensure a proportional distribution of operation and maintenance costs to each user (or user class) the user's contribution shall be based on factors such as strength, volume, and delivery flow rate characteristics.

bb. Users: those residential, commercial, institutional and industrial establishments which are connected to the public sewer collection system.

cc. Waste water: see sewage.

dd. Waste Water Service Charge: total of the charges for Debt Service Charge, Operation and Maintenance Costs and sewer service charge.

ee. Slug: mean any discharge of sewage or industrial waste water which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows of the sewer during normal operation.

(2) Sewage Service Charges.

a. The purpose of this article is to establish the basis for reasonable charges for the cost of collecting and treating domestic and industrial wastewaters.

b. Two classes of wastewater charges shall be established as follows:

i. Domestic wastewater;

ii. Industrial wastewater.

c. Domestic wastewater shall include wastewater from commercial, institutional, public and residential sources. Such charges shall be assessed quarterly by the Agency. Such charges shall be reviewed to determine their adequacy to offset operations, maintenance and capital costs annually. Accordingly, the Agency reserves the authority to adjust such charges annually to assure their continued adequacy.

i. Domestic Wastewater Charges: The charges for domestic wastewater will be based on metered water volume and shall consist of a debt services charge, operation and maintenance charge, sewer and service charge, replacement charge, and a minimum charge (combined debt service charge and operation and maintenance charge). The amount of such charges shall be set from time to time by the Agency in accordance with applicable law.

ii. Where public water supply is not available, and a private water supply is used, water usage shall be determined as follows: Volume of Domestic Water Usage = (Total Domestic Metered Water Volume)/(Total Number of Metered Domestic Users)

iii. The agency shall reserve the right to require a meter for any user, public or private.

d. Should the industrial wastewaters contain a fluid or solid not reflected by volume, BOD or suspended solids, special charges shall be determined on a case-by-case basis. These charges shall reflect the costs and difficulties associated with treating that specified wastewater.

e. Sampling of industrial wastewaters may be made on a regular basis or as needed to verify the charges.

f. Each new Class D industry shall file with the Superintendent an initial written statement for each separate connection to the system giving the daily column, surge rage, pounds of suspended solids and pounds of 8005 of wastewater. Initial charges shall be developed on the basis of this statement.

g. Changes in operations or use shall be reported by the owner and it shall be his sole responsibility to have such changes made to the original statement to remain in compliance with this ordinance.

h. The superintended may sample and test at any time any industrial wastewater discharge to verify the accuracy of any statement filed by an owner. The costs of any test shall be at the expense of the Agency.

(3) Service Charge Determination.

a. The intent of this sub-section is to establish the method for recovering operation and maintenance costs invested by the Agency on behalf of the industrial user.

b. The agency shall maintain annual operation and maintenance costs allocated for volume, BOD, and suspended solids. The Agency shall adjust the charge for operation and maintenance annually to reflect cost increases and decreases. Operational and maintenance costs for the public sewer collection shall be allocated to such industry on volume only and shall only apply to that portion of the public sewer collection system used by that industry.

c. Industrial users, whose wastewater discharge is at a strength greater than domestic wastewater, shall pay an additional charge for operation and maintenance. The amount of surcharge for BODE and suspended solids hall be determined based on the following formula:

Cm = amount of surcharge, always greater than zero

B = BOD5 discharge - mg/1

Bc = Discharged - 250mg/1 operating cost attributable to suspended solids

Vu = Wastewater Volume for the billing period

Cm = Bc (B) + Sc (S) Vu

d. Cm shall be the total annual marge made to the industry. The Agency shall invoice the industry a minimum of once per year. Shorter invoicing periods may be established.
e. The total annual operation and maintenance costs shall include a depreciation allowance and may be increased by an amount up to 10% of the total as an estimated factor to tallow for increased costs during the year of the changes.
f. If there is any change in the volume, 8005, or suspended solids characteristics by the industry, the industry's share of operation and maintenance cost shall be adjusted accordingly.

(4) Service Contracts. Where individual industrial wastewaters constitute a substantial portion of either the volumetric or organic capacity of the sewage treatment facilities, a service agreement between the industry and the Agency may be executed. Such service agreements shall be required where the industrial wastewaters emanating from an industry contains either 30% or more of the design BOD5, 30% or more of the design volume or 30% or more of the design suspended solids to the sewage treatment plant. Such agreement shall assure continued participation in capital costs by the industry over the life of the agreement. Should the industry eliminate their discharge, the Agency, at its option, may elect to assign to another user that portion of design capacity and associated capital costs thereby relieving the industry of continued financial participation.

(5) Use of the Sanitary Sewers.
a. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or any other unaltered water to any sanitary sewer.
b. The Agency reserves the right to refuse or accept any or all industrial wastewaters from an industry or combination of industries as may be necessary to insure adequate treatment and proper operation of the public sewer collection system.
c. No person shall discharge or cause to be discharged any of the following described fluids or solids into the public sewer collection system:
   i. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive fluid or solid.
   ii. Any fluids or solids containing toxic or poisonous elements in sufficient quantity, either singly or by interaction with other elements, to injure or interfere with any sewage treatment process, constitute a hazard to human or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant such as, but not limited to, circuit etching waste or plating wastes.
   iii. Any fluids or solids having any other corrosive property capable of causing damage or hazard to structures equipment, and/or personnel of the sewage treatment plant.
   iv. Fluids or solid substances in quantities or of such size as to cause obstruction to the flow in sanitary sewers, or other interfaces with the proper operation of the sewage treatment plant such as, but not limited to, ashes, cinders, clay, sand, mud, straw, shavings, metal, class, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing's', entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
d. No person shall discharge or cause to be discharged the following specifically described substances, materials, fluids, or solids which may harm sanitary sewers, sewage treatment processes and equipment, have an adverse effect on the receiving stream, or may constitute a nuisance without the specific written permission of the Superintendent. Such permission is subject to termination at any time upon written notice. In forming his opinions to the acceptability of these wastes, the Superintended will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sanitary sewers, materials of construction of the sanitary sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:
   i. Any fluid having a temperature higher than 150 F.
   ii. Any liquid containing fats, wax, grease, or oils, whether emulsified or not, in excess of (100 mg)/1 or containing substances which may solidify or become viscous at temperatures between 32 F and 150 F.
   iii. Any garbage that has not been properly shredded or solid material having any dimensions greater than 1 inch. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the superintendent.
   iv. Any flux or solid containing chromium, copper, zinc, cyanide and similar objectionable or toxic substance which exceed the limits which are established for such materials. Unless more restrictive limits are established by a state or federal regulatory agency having jurisdiction the following concentrations in mg/1 shall not be exceeded on a grab sample basis:

Arsenic:	0.500	Barium:	4.000
Cadmium:	0.010	Chromium:	0.600
Copper:	1.000	Cyanide:	0.050
Lead:	0.200	Mercury:	0.002
Selenium:	0.004	Silver:	0.100
Zinc:	1.000		

v. Any fluid or solid containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, or as are established by the State, Federal, or other public agencies having jurisdiction for such discharge to the receiving waters. Unless other limits are established by a State or Federal regulatory agency having jurisdiction, the concentration of Phenol shall not exceed (0.005 mg)/1 on a grab sample basis.

vi. Any radioactive wastes or isotopes or such half-life or concentration as may exceed limits established by State or Federal Regulations.

vii. Any liquids having a pH lower than 6.0 or in excess of 9.0.

viii. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to Fullers earth, clays, lime slurries, and lime to the treatment processes).
2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
3. Unseal BOD5, chemical oxygen demand or chlorine requirements in such quantities in excess of that found in domestic sewage.
4. Unusual volume of flow or concentration of wastes constituting “slugs” as defined in sub-paragraph 19.04 (ae), or which interfere with proper plant operation.

ix. Fluids or solids containing substances which are not treatable by the sewage treatment processes employed, or are untreatable to such degree that the sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction.

e. If any sewage is discharged, or proposed to be discharged into the public sewer collection system which contains the substances or possess the characteristics enumerated in subsections (c) and (d), and which in the judgment of the Superintended may have a deleterious effect upon the sewage treatment works, processes, equipment, or receiving waters, or which otherwise create hazard to life or constitute a public nuisance, the Superintendent may in writing:

i. Reject the wastes.

ii. Require pretreatment o an acceptable condition prior the discharge to the sanitary sewers.

iii. Require flow equalization of the rate of discharge, and/or

iv. Require payment to cover the added cost of handling and treating the wastes not covered by the sewer changes under the provisions of the sewer use charges. If the Superintendent permits the pretreatment or equalization of waste flows, plans and specifications for such facilities shall be submitted by the owner to the DNR for review and approval.

f. Grease and oil separators and sand interceptors shall be provided when, and in the opinion of the superintendent, they are necessary for the proper handling of liquids containing grease in excessive amounts, or any flammable fluids, sand or other harmful ingredients; except that such interceptors and separators shall not be required for all private living quarters or dwelling units. All separators and interceptors shall be of a type and capacity approved by the DNR and/or the Division of Health, and shall be located as to be readily and easily accessible for cleaning and inspection.

g. Where pre-treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory condition and effectively operated by the Owner at his expense.

h. The Owner of any industry discharging industrial wastewaters constituting less than 10% of any one of the sewage treatment plant design parameters of volume, BOD5, and suspend solids shall install a suitable control manhole in accordance with CHapterH62.04 (4) (i) Wis. Adm. Code. The manhole shall be installed by the Owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

i. The owner of the any industry discharging industrial wastewater in excess of 10% of the design capacity of the sewage treatment plant for either volume, BOD5, or suspended solids shall install a special control manhole. The special control manhole shall be approved by the DNR and the Agency prior to installation. The special control manhole shall consist of a manhole on the discharge line with a volume measuring device and a separate structure for housing volume recording instruments and an automatic proportional sampler. The sampler shall automatically (in proportion to volume) collect samples of the waste. The agency shall record volume and operate the automatic sampler on such occasions as deemed necessary to develop a basis for service changes. The owner shall design, construct,

operate and maintain the special control manhole at his expense. TH agency shall record, sample, test and analyze at the agency's expense. The location and access to the special control manhole shall be as provided for in chapter 62.04 (4) (i) Wis. Adm. Code.

j. Special control manholes may be required by the Agency should the industrial wastewater contain a fluid or solid not reflected by volume, BOD5, or suspended solids.

k. All measurements, tests, and analysis of the characteristics of fluids and solids to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, et al. The control manhole shall be considered to be the most representative location tin the sewage flow system of the premise.

l. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the agency and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the agency for treatment, subject to payment therefore, by the industrial concern provided the agreement is not in conflict with the intent or rates established by this or other applicable ordinances.

m. The Agency she all have the right at tis discretion, upon payments, terms, and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer serving property located wholly or partly outside the jurisdiction of the Agency. In the event a contract is made, a user of any sewer serving property wholly or partly outside the jurisdiction of the agency shall be subject to all the terms an provisions of this ordinance and in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges and expenses as would be imposed upon and paid by a user located within the jurisdiction of the Agency.

(6) Powers and Authority of Inspectors.

a. The Superintendent and other duly authorized employees of the Agency bearing proper credentials and identifications hall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other processes beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or sewage treatment facilities.

b. While performing the necessary work on private properties referred to in paragraph (a), the Superintendent duly authorized employee of the Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Agency employees and the Agency shall indemnify the company against loss or damage to its property by agency employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation except as such may be caused by negligence or failure of the company to maintain safety conditions.

c. The superintendent and other duly authorized employees of the Agency bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage collection system. All entry and subsequent work, if any, shall be done in full accordance with the terms of this Ordinance and the Sewage Ordinance.

(7) Penalties.

a. Any bill not paid four weeks after date of billing shall be declared delinquent and a past-due notice shall be issued to the billed party. The past-de notice shall contain an additional charge to cover the costs of rebilling. Additional delinquent notices including their respective charges shall be sent at eight and twelve weeks after the billing date. Should a bill still be delinquent after 120 days, the Agency may elect to take the following action:

i. Lien. Whenever wastewater treatment bills or capital surcharge bills become delinquent, the same shall become and constitute a lien upon the real estate to which sewer service is supplied. Statements rendered for such charge shall be deemed notice to all parties, whether or not the person charged with the statement is the owner of the property served the claim for lien shall be made in the form of a sworn statement setting forth:

1. A description of the real estate, sufficient for the identification thereof, upon or for which the sewerage service was supplied;
2. The amount or amounts of money due for such sewage service; and
3. The date or dates when such amount or amounts became delinquent.

If all amounts shown due remain unpaid after recording as provided by state statues, the Agency may foreclose the lien in the same manner and

with the same effect as in the foreclosure of mortgages on real estate.

ii. Civil Action. In the alternative of levying a lien, the Agency may, at tis discretion, file suit in a civil action to collect such amounts as are delinquent and use against the occupant or use of the real estate and shall collect, as well, all attorney's fees incurred by the Agency in filing the Civil Action. Such attorney's fees shall be fixed by order of the court.

b. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the rate of 12% per annum.

c. The Agency reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment or surcharge bills become delinquent.

(8) Validity.

a. Other ordinances or parts of ordinance sin conflict with this section are hereby repealed.

b. The invalidity of any section, clause, sentence, or provision in this section shall not affect the validity of any other part of this section which can be given effect without such invalid part or parts.

c. This section shall not invalidate more restrictive State or Federal regulations.

(9) Accounting.

a. The City will biennially review the wastewater contributions of its users and align its revenue system to recover actual costs.

b. The City will maintain the propionate distribution of operation, maintenance and replacement costs among users and user classes.

c. Sufficient revenues will be generated by this ordinance to pay operation, maintenance and replacement costs for the wastewater system.

d. Any excess revenues collected from a user class will be attributable to that class for the next year.

e. Any user discharging toxic pollutant shall pay for any increased operation, maintenance or replacement costs caused by the toxic discharge.

f. Users will be notified annually of the portion of user charges attributable to wastewater treatment services.

g. The City shall maintain and keep proper books of records and account, separate from all other records and accounts, in which shall be made full entries of all system transactions.

(10) Building Sewers and Connections.

a. No unauthorized person shall alter, disturb or uncover any connections with or opening into any sanitary sewer or appurtenance thereof without first obtaining written permission from the Superintendent.

b. There shall be two classes of building sewer permits: (a) for establishments producing only domestic wastewaters including residences, institutions, public facilities, and commercial establishments; and (b) for service to establishments producing industrial wastewater. In either case, the owner or his representative shall make application on a special form furnished by the Agency. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of that which is indicated on the Fee Schedule shall be paid at the time the application is filed. (Amended 08/2019)

c. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Agency from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

d. A separate and independent building sewer shall be provided for every building; except where one buildings stands at the rear of another on an interior lot and no private sewage system is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

e. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintended, to meet all requirements of this ordinance.

f. The size, slope, alignment, materials of construction of a building's sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of Chapter 62.20 Wis. Adm. Code.

g. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the sanitary sewer, sewage carried by such a building drain shall be lifted and discharged to the building sewer by facilities conforming to H62.11 (13) Wis. Adm. Code.

h. No person shall make connection of roof down-spouts, exterior foundation drains, airway drains,

basement sump-pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer.

i. The connection of the building sewer into the sanitary sewer shall conform to the requirements of sub-section (f).

j. The applicant of the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the sanitary sewer. The connection shall be mad ender the supervision of the Superintendent or his representative.

k. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to minimize the hazard to public welfare and safety. Streets, sidewalks, parkways, and other public property distributed in the course of the work shall be restored in a manner satisfactory of the Agency.

SECTION 19.05 CROSS CONNECTION CONTROL.

(1) A "cross-connection" shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Mondovi water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow depending on pressure differential between the two systems.

(2) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No inter-connection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City water utility may enter the supply or distribution system of the city, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the city water utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 810.15 (2), Wis. Adm. Code.

(3) It shall be the duty of the city water utility to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspection san re-inspections based on potential health hazards involved shall be as established by the water utility superintendent and as approved by the Wisconsin Department of Natural Resources.

(4) Upon presentation of credentials, any precipitative of the City Water utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the city for cross-connection. If entry is refused, such representative shall obtain a special inspection warrant under s. 66.0119, Wis. Stats. On request, the owner, lessee or occupant of any property so served, shall furnish the inspection agency any pertinent information regarding the piping system or systems on such property.

(5) The City water utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in subsection (6). Water services to such property shall not be restored until all cross-connections have been eliminated in compliance with the provisions of this section.

(6) If it is determined by the City Water utility that a cross connection or an emergency endangers public health, safety, or welfare and required immediate action, and a written finding to that effect is filed with the City Clerk and delivered to the customers premises, service may be immediately discontinued. The customer shall have an opportunity for hearing such emergency discontinuance.

(7) The Sate Plumbing Code of Wisconsin, being COMM 82, Wis. Adm. Code, is hereby adopted by reference.

(8) This section shall not supersede the State Plumbing Code or s. 19.063 of the Municipal Code of the City of Mondovi, but is supplementary to them.

(9) Unless otherwise authorized by the DNR, water suppliers for the City of Mondovi water system shall cause a survey to be conducted for every residential service a minimum of once every ten years or on schedule matching meter replacement. Public educational materials, when being provide in lieu of low hazards inspections, shall be provided to the water customer no less than every three years and with ever cross connection survey. Unless a detailed alternative schedule is included in the cross-connection control program and is approved by the Department of Natural Resources, water suppliers of the City of Mondovi water system, shall cause a survey to be conducted for every industrial commercial and public authority service a minimum of once every 2 years. Commercial properties of similar or lesser risk to residential properties may follow the same schedule as residential properties. Completed survey results shall be maintained by the water supplier until corrections and follow up surveys have been made.

(10) The Methods, devices and assemblies which will be used to protect the potable water supply for the City of Mondovi must comply, in all respects, with the methods, devices, and assemblies as set forth in s. COMM 82.41, Wis. Adm. Code.

(11) The City shall submit a copy of this ordinance to the Department of natural Resource. Additionally, the City shall provide an annual report including the total number of all service connection by category and a report indicating the number of surveys completed in each category for the year of any report submitted.

SECTION 19.06 PRIVATE WELL ABANDONMENT.

(1) Purpose. Purpose this section is to prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach usable groundwater. These wells must be properly filled and sealed.

(2) All private wells located on any premises served by the public water system of the City of Mondovi shall be properly filled by January 1, 1984. Only those wells for which a well operation permit has been granted by the City Clerk may be exempted from this requirement, subject to conditions of maintenance and operation.

(3) Well Operation Permits. A permit may be granted to a well owner to operate a well for a period not to exceed one year provided that following requires are met. Application forms shall be made available by the City Clerk. A fee payable to the City shall accompany each initial application and renewal of the permit fee, both of which are indicated in the Fee Schedule.

(Amended 08/2019)

a. The well and pump installation must meet the requirement of Chapter NR 112, Wis. Adm. Code, and a well constructor's report must be on file with the department of Natural Resources, or a certification of the acceptability of the well must have been granted by the Private Water Supply Section of the Department of Natural Resources.

b. The well must produce bacteriologically safe water as evidenced by a water sample report, dated within 60 days of the application date, by the State Laboratory of Hygiene or an independent laboratory certified under the State Laboratory Certification Program to do a bacteriological examination of water.

c. No physical connection shall exist between the piping of the public water system and the private well.

(4) Wells to be abandoned shall be filled according to the procedures outlines in Chapter NR 112, Wis. Adm. Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstructions or liner must be removed.

(5) A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency. The City Clerk shall make such forms available. The report shall be submitted immediately upon the completion of filling of the well. The filing must be observed by the water utility superintended or his designated representative.

(6) The owner of any premises on which a private well is located and which is not served by the public water system of the City of Mondovi shall annually file with the City Clerk a water sample report dated within 60 days of the filing, by the state laboratory of hygiene or an independent laboratory certified under the state laboratory certification program to the bacteriological examination of water. The City Clerk shall not charge a fee of the filing of such report.

(7) Penalties. Any person violating any provisions of this section shall, upon conviction, be punished by a forfeiture of not less than $50.00 nor more than $200.00 together with the cost of prosecution. Each 24-hour period during which a violation exist shall be deemed and constitute a separate offense.

SECTION 19.07 PROTECTING CITY UTLITIES FROM EXCAVATION, CLEARING OF DRAINS AND OTHER ACTIVITIES.

(Added 01/2020)

(1) Purpose. This Ordinance is adopted to ensure the City is able to protect public health and the City's investment with its underground and surface infrastructure with all new infrastructure and infrastructure that has been televised since 2015 moving forward, and where damages were done prior to this ordinance and if the City can determine when the damage occurred.

(2) Definitions.

a. Excavation Permit: approval through the City's Zoning Permit process by the Zoning Administrator, this allows a company to excavate, bore or burrow below ground within the City owned right of way.

b. Extra-territorial property: properties that are near or adjacent to the City boundaries and desire to be connected to City services at the property owner's expense.

c. Infrastructure: City or privately owned property, facilities, pipes, roads, sidewalks, and utilities; in or outside of the City owned right-of-way.

d. Right-of-way (ROW): the property owned by the City through a deed, easement, or any other form of rights given to the City to place infrastructure upon or below the surface of the earth.

e. Stormwater (SW): Stormwater Utility owned by the City and collection system that services transportation infrastructure and other needed areas

as determined by the Common Council of natural rainfall or snow melt water and delivered to a detention pond or a natural water system near the point of collection.

f. Water Services (WS): Water Utility owned by the City and supplies water services to residential, industrial, and commercial properties within City limits, and in some cases, service is provided to extra-territorial properties.

g. Waste Water (WW) (Sewer): Waste Water Utility owned by the City and collection system that services residential, industrial, and commercial properties within City limits; and in some cases, service is provided to extra-territorial properties.

(3) Excavation Permit required. Any and all work requiring excavation below the surface of the earth shall complete and have a valid Excavation Permit for such purpose.

a. The excavation permittee, shall be required to repay the City's cost to restore the improved surface to current City specifications and inspected by the Street Superintendent.

b. The contractor shall televise any and all storm water or waste water main lines within the excavation or boring area, plus at least ten feet, to ensure those lines have not been damaged.

i. This shall be completed within 30 days of work being completed; and

ii. The video evidence shall be turned into the City Clerk within five business days of being recorded.

c. Excavation Permit Fee. The fee for an Excavation Permit is indicated on the Fee Schedule, plus the repair of any damage to the City's infrastructure.

i. The permit fee is due immediately upon permit approval.

ii. Payment for the damage to City infrastructure is due to the City by the contractor/utility and/or the property owner within 30 days of repair work completion at the City's expense.

(4) Clearing of lateral lines by plumbers. Any plumbers clearing out lateral service lines that connect to the City's Waste Water line, shall televise the lateral line after work is completed to the City's main immediately after completion. A recording of said video shall be turned into the City Clerk within five business days of being recorded.

(5) Damages to Infrastructure by contractor. Any unanticipated damage to the City's infrastructure shall be the responsibility of the contractor for the damages equal to the portion that would have to be repaired and/or replaced. The contractor may, with the City's permission, complete the repair to City's specifications at the time of damage. After repair work is completed notification must be given to the City for inspection prior to cover up.

(6) Damages assessed to property owner. In the event that paragraph (4) and/or (5) above is not complied with by the contractor, the City will have 30 days to notify the property owner after damage has been discovered. If the property owner refuses to pay for the damaged infrastructure the City shall reserve the right to assess the damages to their property taxes via Wisconsin State Statutes Chapter 66.

(7) Damages to infrastructure by another utility. If another privately held utility damages a City owned utility, they shall pay the City for the damages caused.

a. The City reserves the right to order a cease and desist order on further work within the City owned right-of-way and revoke all Excavation Permits issued until the damages are repaired or paid.

b. The City may, at the Common Council's direction, consider the revocation of any franchise agreement for unpaid damages to City utilities.

(8) City Engineer to provide City Clerk with Utility Replacement Costs. The City Engineer shall provide the City Clerk construction costs for the replacement of each utility upon new lines being installed per linear foot and the recommended minimum linear feet that should be replaced. This minimum amount will be the basis to assess any damage to any City utility.

a. The most current cost for each utility will be maintained on the Fee Schedule.

b. Between construction years the City shall increase this amount by 3% or the current cost of living increase through the Consumer Price Index for the region, whichever is greater, which shall become the new amount on the Fee Schedule.

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CHAPTER 20. SPECIAL ASSESSMENTS

SECTION 20.01 DEFINITIONS

(1) Abutting Property: property making contact with another object or parcel of land.
(2) Area Assessment: assessments levied upon property in a limited and determinable area as opposed to assessing abutting property on a particular work or improvement.
(3) Block: a section of street from on intersection to another or from intersection to the n doc a cul-de-sac or Dead-End Street.
(4) Building Set Back: the minimum horizontal distance between the line of a structure and the nearest specified property line as required by local zoning ordinance.
(5) City: refers to the City of Mondovi.
(6) City Council: shall refer to the Common Council of the City of Mondovi.
(7) Corner Lot: a lot with adjacent sides fronting on streets with the frontage the two streets equal to approximately 50% of the perimeter of the lot.
(8) Dwelling Unit: a self-contained place of residence, comprising the usual kitchen, bath, and sleeping facilities.
(9) Frontage: that portion of a parcel of land which lies immediately adjacent to a public street. On corner lots frontage is considered to be the short side adjacent to the street.
   a. Side Frontage: on corner lots, side frontage is considered to be the long side of the lot adjacent to the street.
   b. Rear Frontage: on lots having frontage on two streets on opposite sides, rear frontage is considered to be the side at the rear of the lot, house or future structure.
(10) Irregular Shaped Lots: any lot which cannot be classified as square or rectangular in shape including lots with more or less than four sides.
(11) Lot: a parcel of land occupied or used or intended for occupancy or use for a purpose permitted in the local zoning ordinance which shall abut on a public street and be of sufficient size to provide the area required by the local zoning ordinance.
(12) Lot Division: the act of dividing a parcel of land into lots or parcels either of which is for the purpose of sale or building development.
(13) Public Improvement: the result of the performance of work or the furnishings of materials or both for which special assessments are authorized to be levied against the property benefitted thereby.
(14) Sewer or Waste Water Lateral: sanitary sewer or waste water line connecting a single property or building with the sewer main.
(15) Sewer or Waste Water Main: Sanitary sewer or waste water line 8 inches in diameter or larger installed within a public easement or right of way for the purpose of serving an adjacent property.
(16) Street: a right of way dedicated, used or held for use for public travel which affords a means of access to abutting property.
(17) Sub-Division: division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or building development, where:
   a. The act of division creates five or more parcels or building sites of one and one-half acres each or less in area; or
   b. Five or more parcels or building sites of one and one-half acres each or less in area are created by successive divisions within a period of five years.
(18) Water Lateral: water line connecting a single property or building to a water main.
(19) Water Main: water line six inches or more in diameter installed within a public easement or right of way for the purpose of serving adjacent property.

SECTION 20.02 INITIATION OF PUBLIC IMPROVEMENT PROJECTS.

Public improvement projects may be initiated by any of the following methods:

(1) Petition by not less than 50% of the property owners or by owners of not less than 50% of the frontage abutting the proposed improvement.
   a. Such petitions must be filed with the City Clerk not later than September 30 of the year prior to the year in which the project is to be commenced.
   b. The Common Council may reject without cause any petition filed pursuant to this section.
   c. If a public improvement project is not approved by the council for any reason, the cost of any engineering reports prepared for such project shall be assessed against the property of the petitioners.
(2) Action by the Common Council in accordance with procedures set forth in section 66.60 Wis. Stats.

SECTION 20.03 GENERAL POLICIES.

(1) Unless otherwise stated, all special assessment levies shall be enacted pursuant to the police power of the City and shall be levied by dividing the total cost of the public improvement by the platted frontage of the lots abutting such improvement.

(2) Only areas within the corporate limits of the City shall be considered for public improvements.
(3) The City Clerk shall prepare a handbook containing a copy of this ordinance and supplementary materials in order to fully and fairly inform property owners and aid city officials in determining special assessment procedures, policies, hearings and notices and payments. Said handbook may be amended from time to time subject to approval by the council.
(4) Special assessments may be deferred pursuant to section 66.605 Wis. Stats. The terms and manner of deferment shall be determined in each case by the Common Council.
(5) Repair of streets, driveways, sidewalks, curbs, gutters, sewer, and water mains and equipment shall be assessed at the same relation of cost as that of the original installation of such improvements. The procedure for imposing special assessments for said repairs hall be governed by Section 66.60 (16), Wis. Stats. Any further amendments, revisions or modifications as to that portion of the Wis. Stats are intended to be made a part of this Code.
(6) Deferred Assessments on Land Development Projects.
   a. Persons who petition for public improvements to vacant land must first file with the City Clerk an approved subdivision plat approved and recorded in accordance with the provisions of Ch. 236 of the Wis. Stats.
      i. Prior to approval of the petition, the plat shall be presented to the City Engineer for preparation of a cost estimate for installation of public improvements.
      ii. No such petition may be approved unless the petitioner then places on deposit with the City of sum equal to 10% of the engineer's estimated cost of the petitioner's portion of the public improvements. Also, the petitioner must execute a contract with the city, in the form prescribed by the Common Council, which sets froth rights and responsibilities for determination of design, specifications and installation of the proposed improvements.
   b. Special assessments approved against such lands shall then be deferred as to the remaining cost.
   c. Deferred assessments shall be without interest during the deferral period.
   d. Deferred assessments shall be payable pursuant to Sec. 20.07 of the Municipal Code at the time the property is sold by its original owner, at the time any permanent structures are placed upon the land or commencing in the eleventh year after this special assessment has been deferred.
   e. This section shall not apply to development of vacant land for one- and two-family residential structures until June 1, 1998, except for public improvement projects already approved prior to the effective date of this ordinance.

SECTION 20.04 STREET CONSTRUCTION.

(1) Right of Way. No Street shall be improved unless a minimum 66-foot right of way has been established on any street platted after the enactment of this ordinance. Street rights of way existing prior the enactment of this ordinance may be approved with less than 66-foot right of way.
(2) Grading and Gravel.
   a. When requested, the City will grade and gravel streets and in units of one block or more.
   b. Assessments shall be levied for 50% of the cost incurred by the City in the construction of a standard residential street to a maximum width of 36 feet face to face of curb. If a street less than 36 feet wide is constructed, the actual construction cost shall be used in determining the assessment. If a street greater than 36 feet wide is constructed, the City shall assume the additional cost for the extra width. Street grades shall be established by the city engineer prior to any improvement with 10% being the maximum slope for streets and 15% the maximum slope for driveways.
   c. Assessable items include cleaning and grubbing, preservation of trees and monuments, removal, excavation and disposal, stabilization of base materials, fill material required, base course, required restoration and all items necessary to complete the work including related engineering, legal and administrative costs.
(3) Curb and Gutter.
   a. Curb and gutter shall be installed in units of one block or more on both sides of the street. Adequate storm sewers and surface water drainage shall be provided prior to installation of curb and gutter. Driveway entrances shall not be provided unless the location of the driveway has been definitely established by the property owners.
   b. Assessments shall be levied for 60% of the cost incurred by the city for construction of standard 30-inch concrete curb and gutter.
   c. Assessable items shall include all excavation, base material, concrete, steel reinforcement, back fill material, restoration work and all other items necessary to complete construction including related engineering, legal and administrative costs.

(5) Driveway and Sidewalks.

a. Driveways and sidewalks installed as part of a public improvement project shall be assessed as part of that project. Sidewalks shall be assessed for the cost incurred by the City for a 5-foot width.

b. Property owners wishing to install driveways or sidewalks in areas not involved in a public improvement project or planned for such public improvement project may file a request for such installation with the City Clerk. All construction completed by this method shall be accomplished in accordance with approved City standards after grades and alignments have been set by the City Engineer.

SECTION 20.05 UTILITY IMPROVEMENT.

(1) Sanitary Sewers or Waste Water Lines.

a. Extensions of sanitary sewer shall be in units of one block or more.

b. Assessments shall be levied for 100% of the cost incurred by the City for the installation of an 8-inch sanitary sewer. If a sewer larger than 8 inches is installed, the City shall assume the additional cost.

c. The cost of construction of a sewage pumping station and force main shall be borne by the developer or by the assessment district which it serves. In cases where pumping station with additional capacity is installed to provide service for future developable areas, the City will defer that percentage of the cost of the pumping station designed for future service areas. At the time additional areas are developed and are provided service by the pumping station, the developer shall deposit with the City 50% of his share of the cost based on acreage, with the unpaid balance subject to the same conditions that are determined by the City Council under the rules which apply to subdivision development.

d. Assessable items shall include the sewer main, manholes, trenching, back fill, compaction, restoration and all other items necessary to complete construction including relating engineering, legal and administrative costs.

(2) Water Mains.

a. Extensions of water mains shall be in units of one block or more and construction of such extension shall be in accordance with the rules for the water utility.

b. Assessments shall be levied for 50% of the cost incurred by the City for the installation of a 6-inch diameter water main. If a water main larger than 6-inches is installed, the City shall assume the additional cost. If a water main less than 6 inches in diameter is installed, the actual cost shall be used to determine the assessment.

c. Assessable items shall include water mains, valves, fittings, trenching, back fill, compaction, restoration work and all other items necessary to complete the work including related engineering, legal and administrative costs. When valves and fittings are required on a water main larger than 6 inches, the assessable cost for such items shall be reduced to those used on 6-inch water mains, with the City assuming the difference in cost. When valves and fittings are required on a water main less than 6 inches in diameter, the actual cost shall be used.

d. The City shall assume the cost of hydrant construction and materials.

(3) Assessment Determination.

a. Assessment for sanitary sewer and water main extensions shall be determined by dividing the actual cost of the improvement by the platted frontage in feet abutting the improvement with the following exceptions:

i. Lots with Rear Frontage: Where lots front on two streets on opposite sides but do not classify as corner lots, and are not of sufficient depth to be divided into two lots both of which will meet requirements of the City Zoning Ordinance, or have a dwelling located on the property so as to present such a division, the assessable frontage shall be 100% of the first side and 0% of the second side. If local zoning Ordinances permit division of the lot into two lots, the assessment shall be 100% of both sides.

ii. Corner Lots: If improvements are installed on the short side of the lot first, the owner shall pay 100% of the frontage on the short side. If improvements are installed on the long side of the lot first, the owner shall pay for that frontage on the short side plus the frontage on the long side exceeding 80 feet. The total assessment shall not exceed the length of the short side plus the length of the long side in excess of 80 feet whether both sides are improved simultaneously or under separate projects. If assessment in this manner shall be deemed by the City Council to be unreasonable or unjust under the circumstances of the case, special assessments shall be levied in a manner that the City Council determines to be reasonable and just.

iii. Irregular Shaped Lots: Lots which have frontage of 20% or less than the average width of the lot shall be measured at the building set back line parallel to the street and on curved streets, the cord distance of the building set back line in order to determine assessable frontage. If lots exist with

little or no frontage abutting the improvement, but direct benefits are realized from such improvement, the lot shall be assessed for the minimum lot width as required by local zoning ordinance for that particular land use.

(4) Sewer or Waster Water and Water Laterals.

a. Sewer and water lateral shall be extended to the property line in platted areas and all improved properties:
   i. When new sewer or water extensions are completed.
   ii. Before curb and gutter is installed in the street.
   iii. Before any street is paved or reconstructed.
   iv. When laterals shall be extended for each lot or building to be served except that in the case of two or more dwelling units on one lot, the number of laterals shall be in accordance with the estate building code.
   v. On newly developed areas with no structure, the laterals shall be extended to the center of the lot and terminate at the property line.

b. Laterals shall not be required on the following unimproved property:
   i. Vacant lots or portions of lots which are too small for a building lot under the City building code and zoning ordinance or where a present dwelling is located on a portion of two or more lots in such a way as to preclude the possibility of another dwelling being placed thereon.
   ii. Lots located in Industrial districts.
   iii. Lots used primarily for recreational, educational, or religious functions.
   iv. Properties which, in the judgement of the City Council, will not likely develop in the foreseeable future or where the pattern for the development cannot be determined.

c. Assessments shall be levied for 100% of the costs occurred by the City for installation or replacement of a sanitary sewer lateral and for original installation only of a copper water lateral.

d. Assessable items from sanitary sewer laterals include sewer pipe, fittings, trenching, back fill, compaction, restoration work and any other items required to complete the work including related engineering, legal and administrative costs.

e. Assessable items for water laterals shall include copper tubing, corporation stops, curb stops, trenching, back fill, compaction, restoration and any other items required to complete the work including related engineering, legal and administrative costs.

f. Water laterals to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the utility. The property owner shall maintain the water lateral from the curb stop to the point of use.

(5) Assessment Determination. Assessments shall be levied on a per unit basis with a total construction and material cost being divided by the number of laterals installed under any one construction contract or improvement. The City shall connect existing laterals to new sewer and water mains during replacement of private lines and inadequate mains without assessing the same to adjacent property.

SECTION 20.06 NON-ASSESSED IMPROVEMENTS.

(1) Streets.

a. The City shall approve the paving of streets as requested provided that all underground improvements and curb and gutter have been installed and the improvement is installed in units of one block or more.

b. The City shall bear the entire cost of paving and maintenance of streets including but not limited to seal coating of such streets.

(2) Storm Sewers or Stormwater.

a. Storm sewers shall be installed prior to permanent street improvements and as needed to alleviate drainage problems. The City shall not be responsible for draining private property. In general, the City shall install inlets in the street and ditches to receive storm water.

b. The City shall bear the entire cost of the installation and maintenance of storm sewers.

(3) Trees and Plantings. (Amended 07/2020)

a. Trees planted by private property owners between the sidewalk and curb, or within City right-of-way, shall be of a variety approved by the City.

b. The City Clerk shall establish and maintain a file of acceptable varieties.

c. The City shall bear the entire cost of removal of trees within the street right of way under the following conditions:
   i. It is deemed necessary to remove the tree for utility repair, maintenance, or preventative measures; or
   ii. The tree is deemed to be hazardous to the health and safety of people or property.

d. Except for emergency situations, the City will make every attempt to notify the property owner at least 14 days prior to the removal of any tree.

(4) Street Lights.

a. The City Council may order the installation of street lights either upon petition of any property owner or resident or group of property owners or on its own motion.

b. The City shall bear the entire cost of installation and maintenance of such street lights.

SECTION 20.07 COLLECTION OF SPECIAL ASSESSMENTS

(1) Special Assessments levied under any Statute or for any purpose become a lien upon the property from the date of final resolution by the City Council in favor of the City or the owner of any assessment certificate, bond or other document issued by the City. Delinquent special assessments shall be returned to the County Treasurer in trust for collection.

(2) The City shall accept payment of special assessment sin one lump sum within 30 days after notice of enactment of the final resolution has been mailed to affected property owners.

(3) The Common Council may provide for payment of any special assessment in annual installments with interest at bond issue interest or other current City interest rates plus 1% per annum on the unpaid balance. The following schedule of payment of principal and interest shall apply to all special assessments:

a. Assessments less than $300.00 shall be paid within 3 years.
b. Assessments of $300.00 to $499.99 shall be paid within 4 years.
c. Assessments of $500.00 to $799.99 shall be paid within 7 years.
d. Assessments of $800.00 or more shall be paid within 10 years.

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CHAPTER 21. GENERAL PROVISIONS

SECTION 21.01 RULES OF CONSTRUCTION.

In construction of this Code, the following rules shall be observed, unless construction would be inconsistent with the manifest intent of the Ordinance:

(1) Wisconsin Statutes. All references to "Wisconsin Statutes" or W.S.A. or Wis. Stat. shall mean the Wisconsin Statutes as of the adoption of this Code and as amended or renumbered from time to time. (Amended 03/2020)

(2) Singular and Plural. The singular includes the plural and the plural includes the singular.

(3) Gender. Words importing one gender extend and may be applied to any gender.

(4) Tenses. The present tense of a verb includes the future when applicable. The future perfect tense includes past and future tenses.

(5) Time, How Computed. The time within which an act is to be done or proceeding had or taken shall be computed as provided in Sec. 990.001 (4), Wis. Stats.

(6) Acts by Agents. When a provision requires an act to be done which may legally be done by an agent, such requirement includes all such acts when done by an authorized agent.

(7) Words and Phrases. The provisions of section 990.001 of the Wis. Stats. pertaining to construction of words and phrases is hereby adopted and incorporated by reference as if fully set forth herein.

SECTION 21.02 CONFLICT AND SEVERABILITY.

(1) Conflict. If the provisions of the different chapters of this code conflict with or contravene each other, he provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such a chapter.

(2) Severability. If any provision of this code is for any reason held to be invalid or unconstitutional by reason of any decision of any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or applications of this code which can be given effect without being valid or unconstitutional provision or application.

SECTION 21.03 DOCUMENTS INCORPORATED BY REFERENCE.

Whenever in this code any standard, code, rule, regulation or other written or printed matter, other than the Wis. Stats. or other sections of this code are adopted by reference, they shall be deemed incorporated in this code as if fully set forth herein. The City Clerk is hereby directed to file and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed and kept shall be public records open for examination with property care by any person during the clerk's office hours, subject to such orders or regulation as may be prescribed the Clerk for their preservation.

SECTION 21.04 UNIFORM CITATION FOR ORDINANCE VIOLATIONS.

(1) Authority. Pursuant to the authority of Sec. 66.119 of the Wis. Stats, the City hereby elects to use the citation method of enforcement of Ordinance other than those for which a statutory counterpart exists.

(2) Citation.

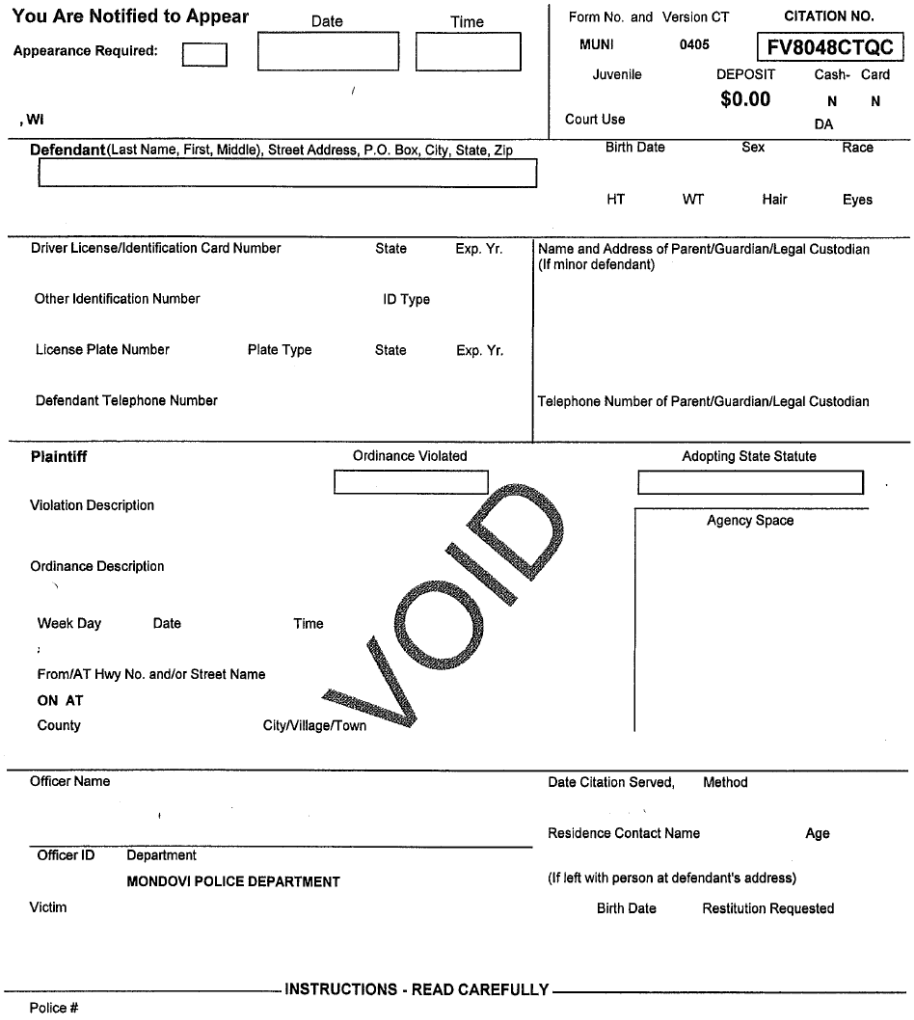
a. The name and address of the alleged violator.
b. The factual allegations describing the alleged violation.
c. The time and place of the offense.
d. The section of the ordinance violated.
e. A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
f. The time at which the alleged violator may appear in court.
g. A statement which in essence informs the alleged violator:
   i. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
   ii. That if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.
   iii. That if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have tendered a plea of 'no contest' and submitted to a forfeiture, a penalty assessment imposed by s. 165.87 of the Wis. Stats., and a jail assessment imposed by s. 53.46 (1), Wis. Stats., not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
   iv. That if the alleged violator does not make a cash deposit and does not appear at court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 165.87 of the Wis. Stats. and the jail assessment imposed by s. 53.46 (1) of the Wis. Stats.
h. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate a statement which accompanies the

citation to indicate that he or she read the statement required under sub d. 7 and shall send the signed statement with the cash deposit.

i. Such other information as may be deemed necessary.

j. The form of the citation is attached hereto and is incorporated by reference as if fully set forth herein.

(Amended 10/1981, 11/1982, 9/1983, 1/1984, 11/1986, 1/1987, 4/1987, 10/1989)



You Are Notified to Appear Date Time

Appearance Required:

, WI

Form No. and Version CT: MUNI 0405

CITATION NO.: FV8048CTQC

Juvenile

DEPOSIT $0.00 Cash- N Card N

Court Use DA

Defendant (Last Name, First, Middle), Street Address, P.O. Box, City, State, Zip

Birth Date Sex Race

HT WT Hair Eyes

Driver License/Identification Card Number State Exp. Yr.

Name and Address of Parent/Guardian/Legal Custodian (If minor defendant)

Other Identification Number ID Type

License Plate Number Plate Type State Exp. Yr.

Defendant Telephone Number

Telephone Number of Parent/Guardian/Legal Custodian

Plaintiff

Ordinance Violated

Adopting State Statute

Violation Description

Agency Space

Ordinance Description

Week Day Date Time

From/AT Hwy No. and/or Street Name

ON AT

County City/Village/Town

VOID

Officer Name

Date Citation Served, Method

Residence Contact Name Age

Officer ID Department

MONDOVI POLICE DEPARTMENT

(If left with person at defendant's address)

Victim

Birth Date Restitution Requested

INSTRUCTIONS - READ CAREFULLY

Police #

(3) Schedule of Deposits.

Section	Offense Title	Deposit	Assess. Assess.	Penalty Court Costs	Jail Info. System	Justice Support Service Fee	Court Fee
4.05	Civilians Assist	$10.00	$2.30	$10.00	$25.00	$5.00	$40.00
4.051	False Security Alarms	$50.00	$11.50	$10.00	$25.00	$5.00	$40.00
Ch. 5	Fire Department Regulations	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
5.071	False Fire Alarm	$160.00	$36.80	$10.00	$25.00	$5.00	$40.00

6.05	U-Turns	$30.00	$6.90	$10.00	$25.00	$5.00	$40.00
6.05A	Unsafe Operation of Vehicles	$50.00	$11.50	$10.00	$25.00	$5.00	$40.00
6.05B	Motor Vehicles on Sidewalk	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
6.07 (10)	Blocking Street	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
8.02	Sidewalk Construction & Repair	$50.00	$11.50	$10.00	$25.00	$5.00	$40.00
8.03	Obstruction of Sidewalk	$50.00	$11.50	$10.00	$25.00	$5.00	$40.00
Ch. 9	Orderly Conduct	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
9.01 (1)	Discharge or Uncased Firearm	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
9.01 (1)	Second Offense	$50.00	$11.50	$10.00	$25.00	$5.00	$40.00
9.01 (1a)	Possession of Firearms	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
9.01 (1a)	Second Offense	$50.00	$11.50	$10.00	$25.00	$5.00	$40.00
9.01 (6)	Open Bottle	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
9.02 (1)	Disorderly Conduct	$50.00	$11.50	$10.00	$25.00	$5.00	$40.00
9.02 (1)	Second Offense	$100.00	$23.00	$10.00	$25.00	$5.00	$40.00
9.02 (2)	Loud and Unnecessary Noise	$50.00	$11.50	$10.00	$25.00	$5.00	$40.00
9.02 (2)	Second Offense	$100.00	$23.00	$10.00	$25.00	$5.00	$40.00
9.02 (7)	Excessive and unnecessary Acceleration	$50.00	$11.50	$10.00	$25.00	$5.00	$40.00
9.02 (7)	Second Offense	$100.00	$23.00	$10.00	$25.00	$5.00	$40.00
9.03 (1)	Gambling	$200.00	$46.00	$10.00	$25.00	$5.00	$40.00
9.03 (3)	Indecent Conduct and Laughing	$50.00	$11.50	$10.00	$25.00	$5.00	$40.00
9.04A	Issuance of Worthless Checks Restitution plus the following deposit schedule:						
	$25.00 or less	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
	$26.00 to $100.00	$75.00	$17.25	$10.00	$25.00	$5.00	$40.00
	$101.00 to $500.00	$150.00	$34.50	$10.00	$25.00	$5.00	$40.00
	$501 or more	$350.00	$80.50	$10.00	$25.00	$5.00	$40.00
9A.01 through 9A.03	Unauthorized use of Library Materials; Theft; Fraudulent Access	$30.00	$6.90	$10.00	$25.00	$5.00	$40.00

10.01	Abandoned or Inoperable Vehicle	$10.00	$2.30	$10.00	$25.00	$5.00	$40.00
10.05	Noxious Weeds	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
10.06	Lawn Maintenance	$25.00	$5.75	10.00	$25.00	$5.00	$40.00
10.07	Minimum Property Maintenance Standards	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
11.04	Refuse Collection and Disposal	$150.00	$34.50	$10.00	$25.00	$5.00	$40.00
11.05	Refuse Collection and Disposal	$75.00	$17.25	$10.00	$25.00	$5.00	$40.00
12.01 (13)	Closing Hour Violations (Establishment employee)						(Added 03/2020)
	1st Offense	$100.00		$10.00	$25.00	$5.00	$40.00
	2nd Offense	$200.00		$10.00	$25.00	$5.00	$40.00
	3rd Offense	$300.00		$10.00	$25.00	$5.00	$40.00
12.01 (13)	Closing Hour Violations (Establishment Owner)						(Added 03/2020)
	1st Offense	$10.00		$10.00	$25.00	$5.00	$40.00
	2nd Offense	$50.00		$10.00	$25.00	$5.00	$40.00
	3rd Offense	$100.00		$10.00	$25.00	$5.00	$40.00
Ch. 14	Violations on Owning, Harboring, or Keeping of Dogs	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
15.03	Transient Merchants License	$150.00	$34.50	$10.00	$25.00	$5.00	$40.00
16.02 (1) (a)	Building Permits Required	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
Ch. 17	Fire Code Violation	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
Ch. 17	Second Offense	$50.00	$11.50	$10.00	$25.00	$5.00	$40.00
18.01 (52) (d)	Zoning	$25.00	$5.75	$10.00	$25.00	$5.00	$40.00
19.06	Failure to Abandon Private Well	$75.00	$17.25	$10.00	$25.00	$5.00	$40.00

a. Deposits plus penalty assessment shall be remitted in cash money order or certified check to the Chief of Police who shall provide a receipt therefor.

(4) Issuance of Citations.

a. Any law enforcement officer may issue citations for enforcement of any provision of this code authorized under this Section.

b. The City Building Inspector is hereby authorized to issue citations for enforcement of these specified sections of this code. Such official may delegate this authority of their subordinates upon approval of the Common Council.

Section	Offense	Enforcement Official
Ch. 5	Fire Department Regulations	Fire Chief
5.071	False Alarm	Fire Chief
8.02	Sidewalk Construction	City Clerk
8.03	Obstruction of Sidewalk	City Clerk
9.01 (1)	Discharge or Uncased Firearm	Police Dept.
9.01 (a)	Possession of Firearms	Police Dept.
9.01 (6)	Open Bottle	Police Dept.
9.02 (1)	Disorderly Conduct	Police Dept.
9.02 (2)	Loud and Unnecessary Noise	Police Dept.
9.02 (7)	Excessive and unnecessary Acceleration	Police Dept.
9.04A	Issuance of Worthless Checks	Police Dept.
9A.01-9A.02	Unauthorized use of library materials; theft; fraudulent access	Library Director
10.01 (1)	Abandonment of Vehicle	Police Dept.

10.02 (1)	Junked Vehicles	Police Dept.
10.05	Noxious Weeds	Weed Commissioner
10.06	Lawn Maintenance	Weed Commissioner
10.07	Minimum Property Standards	Building Inspector
11.04	Refuse Collection & Disposal	City Clerk or Public Works Director
11.05	Refuse Collection & Disposal	City Clerk or Public Works Director
Ch. 14	Violations on Owning, Harboring & Keeping of Dogs	Police Dept.
15.03	Transient Merchants License	City Clerk
16.02 (1) (a)	Building Permits	Building Inspector
Ch. 17	Fire Code Violations	Fire Chief or Fire Inspector
18.01 (52) (d)	Zoning Violation	Zoning Administrator
19.06	Well Abandonment	Water Utility Supervisor

(5) Procedure. The provisions of section 66.119 (3), Wis. Stats., relating to violator's options and procedure on default, are hereby adopted and incorporated herein by reference.

(6) Non-exclusivity. Adoption of this section in no way precludes the adoption of any other section of this code nor precludes provisions for enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this section in no way precludes the proceeding under any other law or Ordinance relating to the same or any other matter.

SECTION 21.04A GENERAL PENALTY. (Added 03/2020)

A. General Penalty. Except where a penalty is provided elsewhere in this Code, any person who shall violate any provision of this Code shall, upon conviction thereof, be subject to a penalty, which shall be as follows:
   1. First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than $25 nor more than $1,500, plus the costs of prosecution and statutory court costs and assessments.
   2. Second and Subsequent Offenses. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within a rolling 24 month period, shall, upon conviction thereof, forfeit not less than $200 nor more than $2,500 for each such offense, plus the costs of prosecution plus statutory court costs and assessments.

B. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense.

C. Other Remedies. The City shall have any and all other remedies afforded by the Wisconsin Statutes to prevent or remove a violation of any provision of this Code in addition to the forfeitures and costs of prosecution above.

SECTION 21.05 REPEAL OF GENERAL ORDINANCES.

All ordinances heretofore adopted by the Common Council of the City of Mondovi are hereby repealed except all Ordinances or parts of Ordinances relating to the following subjects and not conflicting with any of the provisions of this code:

(1) The issuance of corporate bonds and notes of the City of Mondovi of whatever name or description.
(2) The establishments of grades, curb lines and widths of sidewalks in the public streets and alleys.
(3) The fixing of salaries of public officials and employees.
(4) Rights, licenses or franchises for the creation of any contract with the City of Mondovi.
(5) The lighting of streets and alleys.
(6) The annexation of territory to the City of Mondovi.
(7) The naming and changing of names of streets, alleys, public grounds and parks.
(8) The letting of contracts without bids.
(9) Tax and special assessment levies.
(10) Release of persons, firms or corporations from liability.
(11) Construction of any public works.
(12) Water and Sewer rates, rules and regulations and sewer and water main construction.
(13) Budget ordinances, resolutions and actions.

SECTION 21.06 EFFECTIVE REPEALS.

The repeal or amendment of any section or provision of this code or of any other Ordinance or Resolution of the Common Council shall not:

(1) By implication be deemed to revive any Ordinance not enforce or existing at the time at which such repeal or amendment takes effect.
(2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the City.
(3) Affect any offense committed or penalty or forfeiture incurred, previous to the time when any Ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any Ordinance, such provisions shall apply to and control any judgement to be pronounced after

such Ordinance takes effect for any offense committed before that time.

(4) Affect any prosecutions or any offense, or the levy of any forfeiture pending at the time when any Ordinance aforesaid shall be appealed or amended, but the right of the action shall continue and the offender shall be subject to the forfeiture as provided in such Ordinances, and such prosecution shall proceed, in all respects, as if such Ordinance or Ordinances had not been repealed except that all such proceedings had after the time this code shall take effect, shall be conducted according to the provisions of this Code, and shall be, in all respects, subject to the provisions of this Code.

SECTION 21.07 EFFECTIVE DATE: CITATIONS.

These Ordinances shall be known as the "Municipal Code of the City of Mondovi" and shall take effect from and after passage and publication. All references thereto shall be cited by Section number (for example: s. 13.06 Municipal Code of the City of Mondovi).

SECTION 21.08 STYLE OF ORDINANCES: ADDITIONS, AMENDMENTS, AND REPEALS.

All general ordinances hereafter enacted by the Common Council of the City of Mondovi shall be prefixed by the letter "O" and numbered with the year and month of passage and chronological number of the Ordinance passed in that particular month (for example: O-77-8-1). Such Ordinances shall indicate by appropriate decimal number the Section, subsection or paragraph of this code created, amended, repealed, or revised.

SECTION 21.09 CLERK TO FILE ORDINANCE: SUPPLEMENTAL SHEETS.

(1) The City Clerk shall certify one copy of this code as the original Municipal Code of the City of Mondovi and shall file the same as part of the City Ordinance Book. Such copy shall be retained in its original form. In addition, the Clerk shall retain in his office at least one copy of the Municipal Code of the City of Mondovi in current form in which shall be inserted all supplemental sheets as hereinafter provided.

(2) Whenever any Ordinance amending, repealing, revising or creating any Section of this Code is adopted by the Common Council, the Clerk, after recording such Ordinance in the Ordinance Book, shall cause copies of such Ordinance to be reproduced on supplemental sheets in the proper form for insertion in the Municipal Code and shall insert such Ordinance in all copies of this Code in his possession except the aforementioned original copy. The Clerk shall make such supplemental sheets available at a fee specified by the Common Council to all persons requesting the same

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CHAPTER 22. BUDGET

SECTION 22.01 BUDGETS. (Amended 11/2018, 12/2019)

(1) General Fund. There is hereby appropriated out of the receipts of the City of Mondovi, Wisconsin for the year 2020 including monies received from the General Property Tax Levy to the various funds and purposes set up in the Budget presented herewith for the purposes therein stated in the following amounts:

REVENUES & OTHER FINANCING SOURCES		EXPENDITURES & OTHER FINANCING USES	
TAXES	$937,763		
OTHER TAXES	$90,150		
SPECIAL ASSESSMENTS	$200	GENERAL GOVERNMENT	$318,450
INTERGOVERNMENTAL REVENUES	$810,810	PUBLIC SAFETY	$812,800
LICENSE AND PERMITS	$19,850	PUBLIC WORKS	$652,250
FINES, FORFEITS AND PENALTIES	$14,600	HEALTH AND HUMAN SERVICES	$15,600
PUBLIC CHARGES FOR SERVICES	$265,250	CULTURE, RECREATION & EDUCATION	$273,650
INTERGOV'T CHARGES FOR SERVICE	$45,300	CONSERVATION & DEVELOPMENT	$0
MISCELLANEOUS REVENUE	$33,500	DEBT SERVICE	$0
OTHER FINANCING SOURCES	$170,000	OTHER FINANCING USES	$332,840
TOTAL REVENUES	**$2,387,423**	**TOTAL EXPENDITURES**	**$2,405,590**

(2) Proprietary Funds.

	Revenue & Other Financing Sources	Expenditures & Other Financing Uses
DEBT SERVICE FUND	$0	$50,000
TAX INCREMENT #1	$304,220	$297,000
TAX INCREMENT #2	$236,950	$514,560
MACHINERY & EQUIP	$0	$0
CAPITAL PROJECTS	$0	$88,500
WATER	$426,000	$523,227
SEWER	$667,725	$776,616
Total	**$1,634,895**	**$2,249,903**

(3) Public Hearing and Total Expenditures. The 2020 Annual Budget with the Total Expenditures for all funds in the amount of $4,655,493, which was subject to a Public Hearing on November 12, 2019 and continued on December 3, 2019, and placed on file at City Hall, 156 S Franklin St, Mondovi, WI; and is hereby approved.

(4) Property Tax. There is hereby levied a Property Tax of $937,763, this is a zero-percent (0%) increase from the 2018 Tax Roll payable in 2019, to be placed upon the 2019 Tax Roll within the City of Mondovi, Buffalo County, State of Wisconsin for the uses and purposes as set forth in this 2020 Budget. Said Levy shall be allocated as $937,763 for the General Fund (GF), $50,000 shall be transferred from the GF to the Debt Service Fund, $88,500 shall be transferred from the GF to the Capital Improvement Fund, $105,000 shall be transferred from the GF to the Library Fund, and $1,100 shall be transferred from the GF to Industry Parks (460). The City Administrator/Clerk and City Treasurer are hereby authorized and directed to spread the said Tax Levy on the current Tax Roll for the City of Mondovi, Buffalo County, State of Wisconsin.

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CHAPTER 23. EQUAL OPPORTUNITIES

(Amended 04/2019)

SECTION 23.01. FAIR AND OPEN HOUSING; STATE STATUTES ADOPTED.

The provisions of s. 106.50, Wis. Stats., describing and defining regulations concerning unlawful discrimination in housing, as amended, repealed or modified from time to time, are hereby adopted.

SECTION 23.02. AUTHORITY AND ENFORCEMENT PROCEDURES IMPLEMENTED.

The officials and employees of the City of Mondovi shall assist in the orderly prevention and removal of all discrimination in housing within the City of Mondovi by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

SECTION 23.03 COMPLAINTS.

The City Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the City of Mondovi to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended

SECTION 23.04. OTHER REMEDIES.

Nothing in this ordinance shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled or from filing a complaint with any appropriate governmental agency or court of competent jurisdiction.

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CHAPTER 24. CITY OF MONDOVI CABLE COMMUNICATIONS

SECTION 24.01 SHORT TITLE.

This ordinance shall be known as the "City of Mondovi Cable Communications Ordinance".

SECTION 24.02 PURPOSES.

The purpose of this Ordinance is to:

(1) Protec the public health, safety, and welfare;
(2) Provide for the granting of one or more franchises to permit the use of City streets and other public ways for cable communication systems;
(3) Provide for the regulation by the City of the erection, construction, reconstruction, installation, operation, maintenance, dismantling, testing, repair and use of such systems in, upon, along, across, above, over and under or in any manner connect with the streets or other public ways within the City, as it now or in the future may exist;
(4) Provide for the payment to fees and other valuable consideration to the City for the use of City streets and redo the public ways by such systems and to compensate the City for costs associated with such use;
(5) Provide for the development of cable communication systems as a means to improve communications between and among and to otherwise serve the present and future needs of the citizens, government, and private and public institutions, organization and enterprises of the City and surrounding communities; and
(6) Provide remedies and prescribe penalties for violations of this ordinance and any franchise agreements executed pursuant to his ordinance.

SECTION 24.03 CONFLICTING PROVISIONS.

(1) This Ordinance is adopted pursuant to the authority of the City under the Constitution and Statues of the State of Wisconsin and the United States of America, including but not limited to the Cable Communications Policy Act of 1984 (47 U.S.C. sec 521 et seq.) and 66.082 of the Wis. Stats. Where any provision of this Ordinance conflicts with any provision of state or federal law, this Ordinance shall control to the full extent permitted by law.
(2) In the case of an express conflict or any ambiguity between a provision in this Ordinance and either a provision in a Franchise Agreement executed pursuant to this Ordinance or a provision in a Franchise Proposal that is incorporated by reference into such Franchise Agreement, this Ordinance shall control.

SECTION 24.04 DEFINITIONS.

(1) When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular number, and words used in the singular number include the plural number.
(2) For the purpose of this Ordinance, the following terms, phrases and words and their derivations have the meanings given herein, unless the context clearly indicated another meaning is intended:
   a. City: The City of Mondovi, County of Buffalo, State of Wisconsin, in its present incorporated form or in any later recognized, consolidated, enlarged or reincorporated form.
   b. Cable System: Coaxial cables, wave guides, or other conductors and equipment for providing video and audio service by cable or through its facilities as herein contemplated, and including closed-circuit special event programs and educational television.
   c. Control or Controlling Interest: Actual working control or ownership of the cable system in whatever manner exercised. A rebuttable presumption of the existence of control or a controlling interest shall rise from the beneficial ownership, directly or indirectly, by any person, group of persons acting in concert (except underwriters during the period in which they are offering securities to the public) or entity of 5% or more of the Mondovi Cable system or the Franchise under which the cable system is operated. A change in the control or controlling interest of a parent or a grantee shall constitute a change in the control or controlling interest of the Mondovi cable system under the same criteria. Control or controlling interest as used herein may be held simultaneously by more than one person, group of persons or entities.
   d. Council: the present governing body of the City and any future body constituting the legislative body of the City.
   e. Franchise: an authorization issued by the City of Mondovi to construct and operate a Cable System.
   f. Grantee: Any entity including a corporation, joint venture, association, partnership or individual to whom or which a Franchise under this Ordinance is granted or lawfully transferred under this Ordinance.
   g. Gross Revenues: all revenues actually received by the Grantee, including revenues received from its affiliates or subsidiaries, from subscribers in connection with the operation of the cable system in the city, including: basic subscriber service fees, pay channel service fees, installation and reconnection

fees, converter and remote control rentals, and any other billable subscriber services except those excluded herein. The term does not include advertising revenues, leased channel fees, and enhanced telecommunication services revenues, studio rentals, production equipment rentals or any taxes on service provided by a Grantee and imposed directly upon any subscriber or user by the state, City, or other governmental unit and collected by a Grantee on behalf of said unit.

h. Street or Public Way: The surface of and space above and below any public street, road, highway, freeway, lane, alley, court, sidewalk, parkway or drive, now or hereafter existing is such within the City. A Franchise granted under this Ordinance shall be deemed to confer only such rights to use property in the City as the City may have the right and power to grant in such agreements.

i. Subscriber: Any person or entity lawfully receiving for any purpose the service of a Grantee herein.

(3) Any word, phrase or term defined in s. 522 of the Cable Communication Act of 1984 but not defined in this section shall have the meaning set forth in s. 522 of the Cable Communications Act of 1984.

SECTION 24.05 FRANCHISE TERRITORY.

A Franchise granted under this Ordinance is for the present territorial limits of the City of Mondovi, unless otherwise granted by the Council. Any area henceforth added to the City during the term of the Franchise shall become part of the Franchise territory. For any area within the Franchise territory not served under the Franchise, service under the Franchise must be offered when household density reaches 30 homes per mile.

SECTION 24.06 GRANT OF FRANCHISE.

(1) This Ordinance allows the City to grant to a Franchise Grantee a license to install, maintain and operate a cable system for a term of 15 years, provided that the Grantee conforms to the conditions, limitations and requirements of this ordinance. No portion of a Franchise or any right granted thereunder may be separated or transferred, except as provided in Section 8.

(2) The Council will use its discretion and judgment to determine if the granting of one or more Franchises under this Ordinance will serve the public's needs and protect the public's health, safety and welfare. If the Council grants more than one Franchise for the provision of cable television service to any part of the City, all terms of this Ordinance shall apply equally to all Grantees.

(3) No provision of this Ordinance shall be deemed or construed to require the Council to grant any such Franchise.

(4) A Franchise granted under this Ordinance shall not take the place of any other license or permit legally required of a Grantee, unless expressly provided in a Franchise Agreement made pursuant to this ordinance.

SECTION 24.07 DESCRIPTION OF SYSTEM.

A Grantee shall, as part of the acceptance of a Franchise, file with the City a general description of the Cable System including the technical characteristics, channel capacity, channel carriage and location of the distribution plant. The Grantee shall update such description as substantial changes occur.

SECTION 24.08 FRANCHISE ACCEPTANCE.

(1) To accept a Franchise granted under this Ordinance, a Grantee must file written notice of acceptance with the City Clerk within 30 days of the offer of the Franchise being made by the Council.

(2) Such written notice shall include a certification that the Grantee:

a. Will comply with this Ordinance, any Franchise Agreements made pursuant to this Ordinance, and all applicable city, county, state and federal regulations in regard to the construction, operation and maintenance of a cable system;

b. Accepts the Franchise relying on its own investigation and understanding of the power and authority of the City to grant the Franchise and the terms and conditions thereof;

c. Acknowledges that it has not been induced to enter into the Franchise by any understanding or promise or by other statement, whether written or verbal, by or on behalf of the City or by any other third person concerning any term or condition of the Franchise or Ordinance not expressed herein;

d. Shall have no recourse whatsoever against the City for any loss, cost, expense or damage arising out of any provision or requirement of a Franchise or the enforcement thereof, or for the failure of the City to have authority to grant any or all parts of the Franchise; and

e. Will not at any time set up against the City in a claim for proceeding any condition nor term of the Franchise or Ordinance as unreasonable, arbitrary or void, or that the City had no power or authority to make any such term or condition, but shall accept the validity of the terms and conditions of the Franchise and Ordinance in their entirety.

f. Notwithstanding section 8 (b) (1-5), the Grantee neither waives nay constitutional rights it may have,

nor shall it be precluded from enforcing its constitutional rights; in addition, in the event of any change in federal or state law, the Grantee may enforce whatever benefits or rights are accorded under subsequent changes in federal or state law.

SECTION 24.09 TRANSFER OF FRANCHISE.

(1) A franchise granted hereunder, or control or controlling interest of it, shall not be sold, assigned, or transferred in any manner, nor shall the title, either legal or equitable, or any right, interest or property or assets relating to a Franchise or system, pass to or vest in any person or entity without he written permission of the Council. This section shall not apply to the granting of a security or mortgage interest in Grantee's assets by the Grantee to a financing institution for purposes of financing either the construction, maintenance, or operation of the Cable System.
(2) A grantee wishing to sell control of or a controlling interest in a Mondovi Franchise or system shall make a written request to the City Council for such approval. The City shall rule on the transfer request within 60 days of receiving such request unless the City requests information pursuant to section 9 (c), in which case the City shall rule within 90 days of receiving the transfer request.
(3) Upon receipt of such a request, the City may require the Grantee or any other party involved in the transfer to provide such information as is necessary to evaluate the transfer.
(4) The City shall not unreasonably refuse to approve the transfer. The conditions the City may attach to the transfer approval may include, but are not limited to: reimbursement for expenses incurred in evaluating the transfer request; remedy of any existing or historical violations of such ordinances or the Franchise agreement; payment of all fees and penalties owed by the Grantee at the time of transfer approval; and a guarantee by the prospective new Grantee to abide by any and all ordinances, agreements and conditions placed upon the Franchise and system by the City and existing Grantee, unless mutually removed by the City and Grantee.
(5) When the City approves the transfer under this section, the new Grantee shall file an acceptance of the Franchise as specified in Section 8.

SECTION 24.10 FRANCHISE TERM AND RENEWAL.

(1) A Franchise granted pursuant to this ordinance shall be effective for a period of 15 years from the date of acceptance.
(2) The City may decide to renew a Franchise granted under this Ordinance if the Grantee files a written request of such a renewal. The City may use the written request as a signal to update this Ordinance and reevaluate the community needs served by the Grantee.
(3) To the extent applicable, Section 546 of the Cable Communications Policy Act of 1984 shall govern the procedures and standards for renewal of any Franchise procedures and standards for renewal of any Franchise awarded pursuant to this Ordinance.
(4) To the extent that Section 546 of the Cable Communications Act of 1984 is not applicable, the City in its sole discretion and judgement shall have the right to grant, deny or conditionally grant renewal of a Franchise, provided, however, that the City may not unreasonably refuse to renew the Franchise. The conditions the City may place on its approval shall include, but are not limited to: reimbursement for legitimate expenses incurred in evaluating the request for renewal, updating the Ordinance and surveying the community cable needs; remedy of historical or existing violations of the Franchise or Ordinance; payment of all fees and penalties owed by the Grantee at the time of the renewal; and acceptance of any updated Ordinance or Franchise agreement.
(5) Unless otherwise agreed upon, any amended cable Ordinance or provision thereunder adopted before the Franchise renewal shall take effect at the Franchise renewal.
(6) When the City approves Franchise renewal, the Grantee shall accept the renewed Franchise under the procedures set out in Section 8.

SECTION 24.11 REVOCATION AND EXPIRATION.

(1) The City shall have the right to revoke a Franchise in the event that the Grantee defaults in the performance of its material obligations under the Franchise in which case the Council shall, after hearing, upon 30 days written notice to the Grantee citing the reasons alleged to constitute cause for revocation, set a reasonable time in which the Grantee must remedy the cause. If, during such period, the cause shall be cured to the satisfaction of the City, the City shall declare the notice to be null and void. If the Grantee fails to remedy the cause within the time specified, the Council may revoke the Franchise. In any event, before the Franchise may be revoked, the Grantee must be provided with an opportunity to be heard at hearing affording due process. It is the spirit and intent of this provision that the Grantee be given an opportunity to remedy all alleged defaults.
(2) Should a Grantee's Franchise be revoked or expire and there is no judicial or administrative review of the revocation or expiration taking place, the Grantee shall

begin to remove, within 90 days of revocation or expiration, all property owned by the Grantee and replaced on a public right-of-way unless permitted by the City to abandon said property to a purchaser. Such removal shall be completed in a timely fashion.

(3) In the event that a Franchise has been revoked or has expired and not been renewed for cause, the City shall have the option, to the extent hen permitted by law, to purchase the tangible assets of the Grantee's cable television system previously governed by the Franchise at its fair market value, to assign such rights to purchase, or to require removal or of all Grantee's property located within the public ways of the City at the Grantee's expense. Such an option must be exercised within 90 days from the date of the revocation or expiration of the Franchise, the entry of a final judgement by a court reviewing the question of the revocation expiation, or the entry of a final order upon appeal of the same, whichever is later.

SECTION 24.12 CITY RIGHTS.

(1) The City may amend this Ordinance and a Franchise granted hereunder to incorporate amendments to federal and state law which are applicable to Grantee's Cable System. Any provision herein, in conflict with or preempted by federal or state law shall be superseded.

(2) The City reserves the right to further amend this ordinance, or adopt additional Ordinances, if it finds it necessary to protect the public health, safety and welfare. Such amendments and new Ordinances shall be reasonable and not be in conflict with the rights granted in this ordinance or with federal or state law.

(3) In the event that the Federal government cedes any power vested in the Federal government at the time a Franchise is granted under this Ordinance, the City reserves the right to exercise that power.

(4) The City may inspect all construction or installation work during such construction or installation, or any time after completion thereof, in order to ensure compliance with the provisions of this Ordinance and all other governing Ordinances.

(5) A Grantee shall provide free basic service to the City Building.

(6) A Grantee shall provide free basic service to any and all schools, whether private, public or parochial, within the Franchise territory. The Grantee may charge usual installation costs and an initial annual maintenance fee of $250.00 for the high school and $75.00 for the parochial grade school. The maintenance fee may be increased but not greater than the cost of living as defined by the Department of Labor.

SECTION 24.13 GRANTEE RULES.

A Grantee may promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its obligations under the Franchise and to assure uninterrupted service to all its subscribers. However, such rules, regulations, terms and conditions shall not be in conflict with the provisions of this Ordinance, other City Ordinances or the laws of the State.

SECTION 24.14 TECHNICAL PERFORMANCE.

(1) The Cable systems shall be operated to comply with all guidelines and standards set by the FCC for signal quality and leakage. The City reserves the right to test the system and independently measure the signal quality. The system shall comply at all times with the National Electrical Code of the National Fire Protection Association.

(2) A Grantee shall at all times keep its cables and other appurtenances used for transmitting signals shielded in such a manner that there will be no interference with signals received by electronic equipment not connected to the Grantee's service.

SECTION 24.15 CONDITIONS ON STREET OCUPANCY.

(1) All transmission and distribution structures, lines and equipment erected by a Grantee within the City shall be so located as not to cause interference with the proper use of streets, alleys and other public ways and places, and not to cause interference with the rights or reasonable convince of property owners who adjoin any of the streets, alleys or other public ways and places.

(2) The Grantee shall give notice to the City Clerk of any contemplated disturbances of pavement, sidewalk, driveway or other surfacing, and shall, at its own cost and expense and in a manner approved by the City Clerk, replace and restore all pavement, sidewalk, driveway or other surface of any street or alley disturbed in as good condition as before such work commenced. The Grantee shall otherwise comply with City Ordinances relating to street openings.

(3) If, at any time during a Franchise, the City shall elect to alter or change the location or grade of any street, alley or other public way, the Grantee, upon reasonable notice by the City, which shall provide Grantee an opportunity to be heard, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense. If any construction by the Grantee is in violation of the provisions of subsection A, the Grantee shall likewise, upon reasonable notice by the City, which shall provide Grantee an opportunity to be heard, remove, relay and

relocate its property in such a manner as to remedy such violation at its own expense.

(4) The Grantee shall not place poles or other fixtures where the same will interfere with any gas, electric, telephone or other fixture, water hydrant or main. All such poles or other fixtures placed in any street shall be placed between the outer edge of a sidewalk and the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on such alley in such a manner as not to interfere with the usual travel on the streets, alleys and public ways. However, nothing in this chapter shall prohibit the use of the Grantee of existing public utility poles where practical, providing mutually satisfactory rental agreements can be entered into.

(5) A Grantee shall, on the request of any person holding a building permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expenses of such temporary raising or lowering of the wires shall be paid by the person requesting the same, and the Grantee may require such payment in advance. The Grantee shall be given at least 72 hours advance notice to arrange for such temporary wire changes.

(6) The Grantee, to the same extent that the City has such authority, may trim trees that overhang streets, alleys, sidewalks and public places other City so as to prevent the branches of such tress from coming in contact with the wires of and cables of the Grantee.

SECTION 24.16 WORK PERFORMED BY OTHERS.

(1) Grantee shall give prior notice to the City specifying the name and address of any entity, other than the Grantee, which performs construction services costing excess of $25,000.00 pursuant to the Franchise, provided, however, that all provisions of the Franchise remain the responsibility of the Grantee.

(2) All provisions of a Franchise shall apply to any subcontractor or others performing any work or services pursuant to the provisions of the Franchise.

(3) Nothing in this section shall be construed as allowing the transfer of any rights or responsibilities of the Grantee without City approval.

SECTION 24.17 INDEMNITY.

(1) The Grantee shall defend and save the City and its agents and employees harmless from all claims, damages, losses, and expenses, including attorney's fees, sustained by the City on account of any suit, judgment, execution, claim or demand whatsoever arising out of:

a. The enactment of this Ordinance and granting of a Franchise thereunder, except such claims as may arise from the City's selection of a Grantee to be awarded a Franchise pursuant to this Ordinance.

b. The installation, operation or maintenance of the cable system except for acts of the City, its agents or employees.

(2) The City shall notify the Grantee within 10 days after the presentation of any claim or demand, either by suit or otherwise, made against the City on the rounds set forth in this section.

(3) The Grantee shall furnish to the City, before any Franchise becomes effective, satisfactory evidence in writing that the Grantee has in force and will maintain in force during the term of the Franchise public liability insurance.

(4) A Grantee shall maintain throughout the term of the Franchise a general comprehensive liability insurance policy naming as additional insured the City, its officers, boards, commissions, agents and employees, in a company approved by the City Council and in a form satisfactory to the City Attorney. The policy shall protect the City and its agencies and employees against liability for loss of damage for personal injury, death or property damage occasioned by the operation of a Grantee under any Franchise granted hereunder, in the amounts of:

a. $2,000,000.00 for bodily injury or death to any one person with the limit however of $2,000,000.00 for bodily injury or death resulting from any one accident; and

b. $2,000,000.00 for property damage resulting from one accident. The City shall be named as an additional insured under such insurance and a copy of the current in-force policy shall be deposited with the City Clerk.

SECTION 24.18 BOND.

During the initial construction of a Cable System, or any major reconstruction thereof, the Grantee shall file with the City a performance bond in the amount of $50,000.00. The bond shall be released when the Grantee certifies to the City that the construction is complete, and the City accepts such certification as proven.

SECTION 24.19 FRANCHISE FEE.

(1) As compensation for permission to use the streets and public ways of the City for the construction operation, maintenance, modification, and reconstruction of a Cable System, and for the City's costs in establishing a regulatory program for a Grantee, the Grantee shall pay the City an annual franchise fee. The franchise fee shall be paid no later than March 31 of each year and shall be an amount equal to 1% of the Grantee's Gross Revenues in the previous calendar year.

(2) Upon transfer of the Franchise, as governed under section 9, or upon no less than 60 days' notice to Grantee, the City may increase the fee within the limits provided by law, provided, however, that the effective day of the increase shall be the first day of the year subsequent to the end of the 60 day notice.
(3) No later than March 31st of each year, the Grantee shall present to the City a report of the Mondovi system's gross revenues for the previous calendar year. In addition, the report must contain a current listing of each officer, director, and manager of the Cable System and each person or entity holding control or controlling interest in the Grantee (any discrepancy between the previous year's franchise fee paid and the amount verified in the annual report shall be reflected in the annual payment).
(4) No acceptance of any payment by the Grantee to the City shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable as a Franchise fee or for the performance of any other obligation of the Grantee.

SECTION 24.20 RATES CHARGED BY THE GRANTEE.

(1) Before any service is sold to any customer, the Grantee shall file with the City Clerk its schedule of rates for installation and monthly service charges, together with a statement of the rights and obligations of subscribers.
(2) Subsequent additions or amendments to rates and service charges shall be filed with the City Clerk.
(3) In the event that any Federal or State law or regulation is at any time after the effective date of this Ordinance changed, modified, interpreted, amended, repealed or invalidated so as to allow for the City's regulation of rates paid by cable subscribers, the Grantee shall not increase its rates without further permission from the City.

SECTION 24.21 OPEN BOOKS AND RECORDS.

(1) The City shall have the right to inspect, upon notice, during normal business hours all maps, plans, service complaint logs, performance test results, and records of requests for service and other like materials of the Grantee that relate to the operation of the Franchise. The City, its officers and its agents shall keep such information confidential to the extent permitted by law.
(2) The City may retain an independent certified public accountant, at the City's expense, to conduct an audit of those records of the Grantee which pertain to the Mondovi Gross Revenues, for the purpose of calculating the franchise fee paid to the City. Such audit shall be limited to those records necessary for verifying the accuracy of the franchise fee and the certified public accountant shall disclose only that information necessary to inform the City of the accuracy of the payment. In the event that any federal or State Law or regulation is at any time after the effective date of this Ordinance changed, modified, interpreted, amended, repealed or invalidated so as to allow for the City's regulation of rates paid by cable subscribers, the scope of the audit may be broadened for the purposes of rate regulation.

SECTION 24.22 SUBSCRIBER RIGHTS.

(1) No monitoring of any terminal connected to the system shall take place without, on each occasion, specific written authorization by the user of the terminal in question.
(2) A Grantee shall not, except as required by governmental action, provide any data concerning specific subscribers or users or their use of subscriber services without first securing written authorization from the subscribers or users.
(3) Subscribers and users shall retain the right to deactivate their terminals, but shall continue to be responsible for charges until the Grantee is notified to terminate service.
(4) A Grantee shall be required to maintain a place within the City where subscribers may make payments during standard business hours.
(5) The Grantee shall provide subscribers with a local or toll-free line, either staff or with answering capabilities, which shall be available to subscribers 24 hours a day.
(6) The Grantee shall answer service requests within 24 hours, excluding weekends and holidays. Problems should be rectified within 48 hours or, in case of a dispute, in fewer than 30 days. Customers shall be able to requests from the Grantee that a service visits occur during a four-hour block in either the morning or the afternoon.
(7) Upon interruption of a subscriber's cable service for a period exceeding 48 hours, except for acts of God or with express permission of the City, Grantee shall rebate the subscriber that portion of the monthly service charge equal to that portion of the month for which service is irrupted.

SECTION 24.23 PUBLIC, EDUCATIONAL, AND GOVERNMENTAL CHANNEL.

(1) The Grantee shall provide a full-time public, educational and governmental access channel.
(2) The City shall have sole authority and responsibility for the administration of the public, education, and governmental access channel, unless it delegates such authority and responsibility.

(3) The Grantee shall not be responsible for the production costs of programming of the public, educational and governmental channel.

SECTION 24.24 SEVERABILITY.

Should any word, phrase, clause, sentence, paragraph or portion of this ordinance and or a Franchise thereunder be declared to be invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of this Ordinance and or the Franchise as a whole, but shall only affect the portion thereof declared to be invalid; and the City Council hereby expressly states and declared that it would nonetheless have passed this Ordinance and or granted the Franchise had it known that any such word, phrase, clause, sentence, paragraph or portion of said Ordinance and or Franchise was invalid.

SECTION 24.25 FORECLOSURE; CONDEMNATION; RECEIVERSHIP.

Upon the occurrence of any event that may lead to the foreclosure, condemnation or receivership of any part of the Mondovi Cable System, the Grantee shall immediately provide written notification to the City.

SECTION 24.26 NONENFORCEMENT BY THE CITY.

The Grantee shall not be relieved of any obligation by reason of any failure of the City to enforce prompt compliance with any provision of this Ordinance, a Franchise or a Franchise Agreement.

SECTION 24.27 GENERAL RIGHTS AND REMEDIES.

All rights and remedies given to the City under this ordinance, a Franchise and a Franchise Agreement shall be in addition to and cumulative with each other and with any and all other rights or remedies, existing or implied, nor or hereafter available to the City, at law or in equity, and such rights and remedies shall not be exclusive, but each and every right and remedy specifically provided or otherwise existing or given may be exercised from time to time and as often and in such order as may be deemed expedient by the City in its sole judgement and discretion, and the exercise of one or more right or remedies shall not be deemed a waiver of the right to exercise at the same time or thereafter any other right or remedy nor shall any such delay or omission be construed to be a waiver of or acquiescence to any default. The exercise of any such right or remedy by the City shall not release the Grantee from its obligations or any liability under this Ordinance, a Franchise or a Franchise Agreement.

SECTION 24.28 EFFECTIVE DATE

This Ordinance shall take effect and be enforced from and after May 23, 1989.

SECTION 24.29 RIGHTS AND PRIVILEGES OF GRANTEE.

Any franchise granting by the City pursuant to Wis. Stats. section 66.0419 shall grant to the Grantee the right and privilege to erect, construct, operate and maintain in, upon, along, across, above, over and under the streets now in existence and as may be created or established during the term of the Franchise, any poles, wires, cable, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation of a Cable System.

SECTION 24.30 AGREEMENT AND INCORPORATION OF APPLICATION BY REFERENCE.

(1) Upon adoption of any Franchise Agreement and execution thereof by the Grantee, the Grantee agrees to be bound by all the terms and conditions contained herein.
(2) Any Grantee also agrees to provide all services specifically set forth in its application and to provide cable television service within the confines of the City; and by its acceptance of the Franchise, the Grantee specifically grants and agrees that its application is thereby incorporated by reference and made a part of the Franchise.

SECTION 24.31 FRANCHISE RENEWAL.

(1) Current federal procedures and standards pursuant to 47 U.S.C. ss. 546, shall govern the renewal of any Franchise awarded under this Ordinance.
(2) In the event that any or all of the applicable provisions of federal law are repealed or otherwise modified, the following relevant section(s) shall apply:
   a. At least 24 months prior the expiration of the Franchise, the Grantee shall inform the City in writing of its intent to seek renewal of the Franchise.
   b. The Grantee shall submit a proposal for renewal that demonstrates:
      i. That it has been and continues to be in substantial compliance with the terms, conditions and limitations of this Ordinance and its Franchise;
      ii. That its system has been installed, constructed, maintained and operated in accordance with the FCC and this Ordinance and its Franchise;
      iii. That it has the legal, technical and financial qualifications to continue to maintain and operate its System, and
      iv. That it has made a good faith effort to provide services and facilities which accommodate the demonstrated needs of the community, taking into account the cost of meeting such needs.
   c. After giving public notice, the City shall proceed to determine whether the Grantee has satisfactorily

performed its obligations under the Franchise. TO determine satisfactory performance, the City shall consider technical developments and performance of the System, cost of service, and any other particular requirements set forth in this Ordinance. The City shall also consider the Grantee's reports made to the City and to the FCC, and the City may require the Grantee to make available specified records, documents and information for this purpose, and may enquire specifically whether the Grantee will supply service sufficient to meet future community needs and interest, taking into account the cost of meeting such needs. Industry performance on a national basis shall also be considered. Provisions hall be made for public comment with adequate prior notice of at least 10 days.

d. Grantee shall be entitled to the same due process rights included in Section 626 [47 U.S.C. ss. 546].
e. The City shall then prepare any amendments to this Ordinance that it believes necessary.
f. If the City finds the Grantee's performance satisfactory and finds the Grantee's technical, legal, and financial abilities acceptable and finds the Grantee's renewal proposal meets the future cable-related needs of the City, taking into account the cost of meeting such needs, a new Franchise shall be granted pursuant to this Ordinance as amended for a period to be determined.
g. If the Grantee is determined by the City to have performed unsatisfactorily, new applicants may be sought and evaluated and a Franchise award shall be made by the City according to franchising procedures adopted by the City.

SECTION 24.32 POLICE POWERS.

(1) In accepting a Franchise, the Grantee acknowledges that its rights thereunder are subject to the police power of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public; and it agrees to comply with all applicable general laws and ordinance enacted by the City pursuant to such power.
(2) Any conflict between the provisions of a Franchise and any other current or future lawful exercise of the City's police power shall be resolved in favor of the latter, except that any such exercise that is not of general application in the jurisdiction or applies exclusively to the Grantee or cable television systems which contains provisions inconsistent with this Ordinance, shall prevail only if upon such exercise the City finds a danger to health, safety, property, or general welfare or if such exercise is mandated by law.

SECTION 24.33 NOTICES.

All notices from the Grantee to the City pursuant to any Franchise shall be to the City Clerk. The Grantee shall maintain with the City, throughout the term of the Franchise, an address for service of notices by mail. The Grantee shall maintain a central office to address any issues relating to operating this cable television Ordinance.

SECTION 24.34 NON-WAIVER OF STATUTORY LIMITS.

Nothing in this Ordinance is intended to express or imply a waiver by the City of statutory provisions, privileges or immunities of any kind or nature as set forth in Wis. Stats. sec. 893.80, et. seq., including the limits of liability of the City.

SECTION 24.35 RIGHTS OF INDIVIDUALS.

(1) The Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, income, sex, marital status, sexual preference or age. The Grantee shall comply at all times with all other applicable federal, state, and local laws and regulations and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this Ordinance by reference.
(2) The Grantee shall strictly adhere to the equal employment opportunity requirements of the Federal Communications Commission and of state and local governments, and as amended from time to time.
(3) The Grantee shall, at all times, comply with the privacy requirements of state and federal law.
(4) The Grantee is required to make all service available to all residential dwellings throughout the service area located in areas having a density of at least 30 dwelling units per street mile.

SECTION 24.36 SERVICE AVAILABILITY AND RECORD REQUEST.

The Grantee shall provide cable television service throughout the entire Franchise area pursuant to the provision of the Franchise and shall keep a record for at least 3 years of all requests for service received by the Grantee. This record shall be available for public inspection at the local office of the Grantee during regular office hours.

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CHAPTER 25. ADMINISTRATIVE REVIEW PROCEDURES

SECTION 25.01 PURPOSE.

In order to insure fair play and due processing the administration of the affairs, ordinances and resolutions of the City of Mondovi the Common Council hereby declares that the provisions of Ch. 68 of the Wis. Stats., relating to municipal administrative review procedures shall be in full force and effect in the City of Mondovi, except as provided in Sec. 25.04 of this Ordinance.

SECTION 25.02 INITIAL REVIEW.

All officers, employees, agents, agencies, committees, boards and commissions of the City of Mondovi shall comply with the requirements of Chapter 68 of the Wis. Stats. and shall conduct initial administrative reviews of their own determinations in accordance with s. 68.09 Wis. Stats. upon the filing of a proper written request thereof.

SECTION 25.03 ADMINISTRATIVE APPEALS.

The Administrative Review Appeals Board shall be the Common Council. The Mayor shall serve as chairman of the board and shall vote as a member of the board. The board may act with less than full membership but not less than a quorum. A member may be excused from acting in the event of a conflict and the quorum requirements shall be adjusted accordingly. If the request for a review of determination pursuant to s. 68.08 WI. Stats. is made directly to the Common Council, the review for the initial determination shall be held in the manner provided and in compliance with s. 68.11 Wis. Stats. In such case, the determination shall be the final determination as provided in s. 68.12 Wis. Stats. and there shall be no further administrative review.

SECTION 25.04 SAVING CLAUSE.

The provisions of any section of the Municipal Code providing specific procedures for administrative review are hereby ratified. Provisions of this Chapter shall not be deemed to repeal or supersede the provisions of any other section of the municipal Code in conflict herewith.

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CHAPTER 26. PARKS AND RECREATION

(Adopted 04/2019)

26.01 PARKS AND RECREATION

(1) Purpose. The purpose of this chapter is to specify rules and regulations to provide for use and enjoyment of the City of Mondovi Parks System so as to further the safety, health, enjoyment and welfare of all persons in the use thereof, to provide for the protection and preservation of property, facilities and natural resources.

(2) Scope. This chapter applies only to areas identified as parks by the City of Mondovi in the City's Comprehensive Outdoor Recreation Plan.

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

a. Board: the City of Mondovi Park Board of Commissioners.

b. Camping Unit: a designated vehicle, trailer, tent, and any other unit, which serves the intended purpose of providing shelter for users.

c. Commission: the City of Mondovi Planning and Zoning Commission.

d. Department: the City of Mondovi Parks and Recreation Department or Division.

e. Director: the supervisor for the City's parks, open space, arboretum, trails, and other lands designated for recreational purposes, which shall be designated as the City Administrator/Clerk or their designee.

f. Employee: City employees assigned to work for or within the City of Mondovi. Employee shall also include unpaid volunteers.

g. ENDS: electronic nicotine delivery system, which includes, but is not limited to products called "Blue", "Juul", "Halo", and other electronic cigarette products.

h. Water Access: sites designated by the Department to launch watercraft onto waterways.

i. Park: any park, greenway, arena, golf course, open space, special use area, trail corridor or any other area owned, improved, maintained, operated, including buildings therein, or otherwise controlled by the City for recreation or natural resource preservation purposes.

j. Permit: the written permission that must be obtained from the Common Council to carry out certain activities.

k. Tobacco: cigarette, cigar, pipe, simulated, or chewing.

(4) Rules and Regulations. Until otherwise directed by the City's Common Council, the Department may adopt additional or revised rules and regulations for the proper conduct and administration of the parks in the City that are not inconsistent with this ordinance, and may perform such other acts with reference to the management of the parks as are lawful and as it may deem expedient to promote the beauty and usefulness of said parks and to increase the comfort, safety, convenience and/or public welfare of the citizens of the City and visitors to the parks in their use of same.

a. Prohibited Activities. Due to their hazardous nature, the below activities will always be prohibited:

i. Storing or leaving food in a manner that is reasonably likely to attract wildlife.

ii. Leaving a fire unattended.

b. Restricted Activities. The following activities are prohibited without formal Common Council approval:

i. Engaging in construction or excavation.

ii. Moving, removing, damaging, or defacing a City sign, structure, facility, equipment, or property.

iii. Possessing, discharging or causing to be discharged a firecracker, explosive, torpedo, rocket or other pyrotechnical material that is not part of a City endorsed display or activity conducted in the presence of the Mondovi Fire Department.

iv. Using a chain saw.

v. Engaging in commercial activity that is not a City approved activity.

vi. Posting or displaying a sign or printed matter, except something temporary to display a family reunion or party location.

vii. Soliciting funds; this section does not apply to a community fund raising event.

viii. Removing or disturbing a historical or archeological artifact, relic, or object.

(5) Penalties.

a. Any person violating any of the provisions of this Chapter shall, for each offense, pay a forfeiture in accordance with the City's Schedule of Fines and Fees, together with the taxable costs in the action in of the discretion of the court, and in default of payment thereof shall be subject to the findings and punishment of the jurisdictional court system.

i. Forfeitures and fees shall be in accordance with the City's Schedule of Fines and Fees, which is on file with the City Clerk.

b. Any law enforcement officer of the City, or the County shall have at all times the right to enter the premises of any City building, structure, or enclosure in any park , including such grounds, buildings,

structures or enclosures which may be leased or set aside for private or exclusive use of any individual or group of individuals for the purpose of arresting violators and use all necessary means to attain that end. Any Department employee designated by ordinance may issue citations, as provided in Section 21.04 of this Municipal Code, to any person whom he or she believes is violating any of the provisions of this ordinance.

(6) Permits Generally.

a. All permits required by this Chapter 26 shall be issued by the Director or his/her designee, shall be in writing, and shall be subject to all Park Rules and Regulations. Permits shall be required for the exclusive use of all or portions of specific areas, buildings and other park facilities for conducting special events. The Director shall have the authority to revoke a Permit. Permits may not be transferred or relinquished to another person or group of persons without written authorization from the Director.

b. The persons to whom such permits have been granted shall be fully bound by all Park rules and regulations and other applicable City ordinances as though the same were inserted in the permits, and any person to whom a permit has been issued shall be liable for any loss, damage, or injury sustained to by any person by reason of the negligence of the person to whom the permit has been issued, their servants or agents.

(7) Leasing of Equipment. The only equipment leased by the City of Mondovi, is that which is associated with the lease of the Marten Center (Community Center), with all of its kitchen and cleaning supplies necessary to complete an event or activity and the required cleaning after the event or activity.

(8) City Liability. Recreational opportunities inherently have natural risks to the safety and health of any person or animal. Users of the City's Parks and Recreational facilities, parks, etc. are hereby notified that the City is exempt and immune from liability as provided in Wisconsin Statutes and Wisconsin common law.

(9) Operating Hours.

a. Except for vehicular traffic moving, through streets or roadways, and when the department published general permission or permission through permit to use all or certain parks. The parks shall be closed from 11:00 p.m. each day until 5:00 a.m. the following morning, and no person shall be in any park area during those hours, except for registered campers in or enroot to designated campgrounds and persons transporting watercraft to and from designated boat landings are permitted 30 minutes prior and 30 minutes after the closing hours. The Department may from time to time, in all or any of the parks, post or publish closing hours different from the above, or discontinue closing hours, as in the exercise of the judgement of the Director may appear reasonable as necessary.

b. In case of an emergency, or when in the judgment of the department the public interest demands it, any portion of the parks or buildings therein, may be closed to the public or to designated persons until permission is given to return.

(10) Interference with Park Employees. It is unlawful for any person to knowingly:

a. Interfere with or in any manner hinder any employee or agents of the Department from performing their assigned duties. Interfering includes, but is not limited to, knowingly giving false information to an employee with intent to mislead the employee in the performance of their duty including the issuance of any citation.

b. Obstruct an employee while in the discharge of their duties in an official capacity and with lawful authority.

(11) Use of Liquor in Parks. It shall be unlawful for any person to:

a. Use, possess or sell any alcoholic beverage in a glass container.

b. To sell any alcoholic beverage without a Picnic License formally approved by the Common Council. It is the responsibility and liability of the Picnic License holder to ensure that:

i. No alcoholic beverages sold in a glass container.

ii. All containers that served or could have served an alcoholic beverage is appropriately disposed of in one of the City's provided receptacles.

iii. The entire area stated in the Picnic License is free from any and all litter or debris after the Picnic License time has completed.

iv. It is the responsibility and liability of the Picnic License Permittee to report any and all Disorderly Conduct violations, and any other criminal activity, as indicated in (12) below within the picnic license area.

v. Failure to comply with i., ii., and/or iii. of this section could be reason for the denial of a future Picnic License for the license holder and/or their associated business.

(12) Disorderly Conduct.

a. No person, or group, using a park, shall perform or permit others under their custody or control to perform any of the following acts:

i. Violate any duly established rule for the use of the park.
ii. Prevent any person from using any park or any of its facilities or interfere with such use, which is in compliance with this chapter and rules applicable to such use.
iii. Engage in violent, threatening, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance or cause for alarm by any reasonable person in any park.
iv. Commit, perform or engage, nor solicit or ask anyone to engage, in any lewd lascivious, obscene or indecent act.
v. Endanger the safety of or damage the property of any person by any conduct of act.
vi. No person shall use docks or piers adjacent to any water access facility in any manner as to obstruct or hinder the launching, landing, loading, or unloading of watercraft.
vii. No person shall intentionally deface, vandalize, or remove from park property, buildings, equipment, or facilities; or intentionally deface, destroy, cover, damage, or remove any placard, notice, sign, or parts thereof, whether permanent or temporary, posted or exhibited by the Department.
viii. Any person violating any of the prohibitions enumerated in subsection (a) may be removed from any park for the day or privileges removed for a time period up to and including one year as determined at an open hearing held by the Common Council.

(13) Tobacco Regulations within Park Areas and/or Structures.

a. No person shall be permitted to use or hold lit tobacco products or to use or hold operating Electronic Nicotine Delivery Systems (ENDS) within any enclosed structure, or section of an enclosed structure, or in any park where officially posted notices so prohibit.
b. No person shall be permitted to use lighted tobacco products or ENDS within 30 feet of any structure's entrance, exit, or window placements.
c. No person shall be permitted to use lighted tobacco within 60 feet upwind from any Park structure.
d. No person shall throw or drop a lighted tobacco device, stub or empty pipe tobacco from a motor vehicle moving along a park drive.
e. All persons shall ensure that all tobacco products are completely extinguished, watered down if necessary, and discarded devices, stubs, or tobacco remains must be placed in the appropriate receptacle.

(14) Littering. No person shall knowingly:

a. Throw, deposit scatter, drop or abandon in any park, any paper, bottles, cans, sewage, waste, trash or other debris, except in receptacles provided by the Department for such purpose. Where receptacles for rubbish are not provided, all waste shall be carried away from the Park by the person responsible for its presence.
b. Deposit in any receptacle any accumulation of waste and trash generated outside the boundaries of the Park.
c. Deposit or leave garbage, sewage, or waste material upon any body of water.
d. Upset or turn over the contents of any receptacles or recycling container in any park.

(15) Noise.

a. No person shall use or operate any radio, tape or disc player, musical instrument or other mechanical or electrical sound making, reproducing, or amplifying device in a park so as to be heard at a distance greater than (1) 15 feet from the instrument, device, radio, tape, or disc player if used in a campsite area, or (2) 100 feet from the instrument, device, radio, or phonograph if used in a non-campsite area.
b. No such radio, tape or disc player, musical instrument or above-described device may be used or operated within a park within 100 feet of the legal boundaries of the park such that the device can be heard outside the park. For purposes of this section any adjacent road right-of-way shall be considered part of the 100 feet of the legal boundary of a park.
c. The Common Council may authorize or permit musical shows, cultural events, public gatherings, and exhibitions which are not limited by this section.

(16) Sales and Handouts.

a. No person shall sell, or offer for sale, any article, merchandise, or thing, nor promote any trade, occupation, business or profession, for commercial purposes in any park without a written permission from the Common Council.
b. No person shall deposit, place or scatter any material in any park. It shall not be unlawful, however, to hand out or distribute, without charge to the recipient, any printed or written material to any person willing to accept it.
c. No person shall deposit or place any material in or upon any vehicle in any park unless the owner or occupant of the vehicle is willing to accept it.
d. Any person who distributes any material shall keep the area of distribution free of any litter caused by or related to the distribution.
e. No person shall post, stick, or otherwise affix any item or material to or upon any tree, equipment, or

structure of any kind in any park. Exception to this rule are for individuals to reserve a pavilion may post a small sign of such reservation for their event on the day of the event, so long as it is removed when the event is completed.

f. In this section, "material" means and includes any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper, book, or other printed or otherwise reproduced original or copies of any matter or literature.

(17) Games and Amusements; Gambling Prohibited. No person shall engage in any sport, game, race, or amusement in any park except upon such portion thereof as may be designated for that purpose, and then only under such rules and regulations as may be established by the Common Council. Exception to this rule is small yard type games that will not interfere in the regular usage of other visitors within the park.

(18) Weapons and Fires.

a. No person shall fire or discharge any gun, pistol, or firearm, nor any rocket, or any other fireworks of any description, nor shall any person engage in trapping; nor shall any person hunt with bow and arrow within any park. The word "gun" includes any air gun and/or simulated gun.

i. No person shall have in their possession or discharge any fireworks regulated by State of Wisconsin Statutes 167.10 (1), in parks except that exhibitions of fireworks given under the direction or by the permission of the Common Council or Director, or their designee.

ii. Parks designated as Open Space are exempt from this provision, so long as the weapons are to be used for hunting purposes, and during regulated hunting seasons according to the Wisconsin Department of Natural Resources.

b. No person shall throw or shoot an arrow, knife, stone, paintball, or other projectile, by hand or any other means in any park. This subsection shall not apply to arrows used on archery ranges authorized by the Common Council or Director for the discharge of bow or firearm for hunting purposes as authorized by this code.

c. No person shall start, tend or maintain any fire or burn any refuse except at designated fireplaces, fire rings or permanent grills within any park.

i. The use of charcoal burners in designated picnic areas shall be permitted provided lawns and other vegetation are not damaged and provided further that all unburned coals or ash are disposed of in such manner as to prevent fire or damage to any park property. Charcoal residue or wood ash shall be left in a grate or fireplace until cool or placed in receptacle provided for such purposes.

ii. Fires for cooking or heating may be made in portable metal stoves, heaters, or grills at the picnic areas or designated campgrounds.

iii. No person shall abandon any fire, leave any fire unattended, or throw away any matches, cigarettes, cigars, pipe ashes, or embers without first ensuring they are extinguished.

iv. To reduce the risk of transporting exotic invasive species, firewood is not allowed to be brought in to the parks by the public in accordance with Wisconsin Department of Natural Resources regulations and/or with applicable State of Wisconsin Statutes

v. Any type of fire shall be prohibited when a fire prohibition has been declared due to drought or other reason by a competent jurisdiction, such as: State of Wisconsin, Buffalo County, or the City of Mondovi Common Council.

(19) Animals.

a. Animals in Public Facilities. No person shall allow an animal to enter any public buildings, bathing beaches, or picnic grounds in any park, except for a service animal specially trained to perform tasks benefitting a person with a disability or to provide support for mobility-impaired persons or as authorized by the Common Council.

b. Animals Running at Large. No person shall allow an animal to run at large in any park. The animal shall be considered as running at large, unless it is on a leash, in or upon a vehicle, or in an area designated as off-leash.

c. Exercising Animals. No person shall exercise or walk an animal in any park without a leash. A leash shall not be more than six (6) feet in length. Shock collars cannot be used in lieu of a leash. No leash is required when the dog is swimming in approved areas. No leash is required during animal shows or training programs authorized by the Common Council or Director.

d. Animals Under Immediate Control of Person Exempt. Animals that are under the immediate control of a person are exempt from leash requirement. Under immediate control shall mean they remain within 10 feet of the controlling person or return to the person immediately upon voice command by the person without hesitation.

e. Animal Feces.

i. The owner or person having immediate care, custody, or control of an animal shall promptly remove and dispose of, in a sanitary manner, any

feces left or deposited by the animal upon any park.

ii. No person shall permit an animal to be in any park unless such person has, in their immediate possession, an appropriate means of removing animal feces.

f. Horses.

i. Pedestrians shall have the right of way when crossing a trail, and whenever groups of people are visible within 300 feet, horse shall be ridden at a slow gait.

ii. No person shall ride or use a horse or other beast of burden in any manner off a trail for transportation purposes in any park; except during events authorized by the Common Council or Director.

iii. No person shall be permitted to ride horseback in any park after dark or before daybreak.

iv. No person shall be permitted to ride or drive a horse which cannot be held under such control that it may be easily turned or stopped.

v. No person shall be permitted to ride or drive a horse in a reckless manner.

vi. Horses shall be allowed only on posted trails, except when it is necessary to leave the trail to connect to another trail or to secure their animal for rest and/or group outings within a park.

vii. Every rider shall comply with all department rules and signs along the trails.

viii. All persons in possession of a horse within a park are responsible for the removal of all horse fecal matter.

ix. No person shall ride or use a horse or other beast of burden in a careless, negligent, or reckless manner so as to create a nuisance or to endanger life, property, or person of others.

(20) Fish, Waterfowl, Game Birds.

a. Fishing is permitted unless prohibited by posted signs, and provided state law and state department of natural resources rules and regulations are observed.

b. No person shall throw any object into the park waters or waterways bordering City parks, so as to injure or unnecessarily disturb the fish in said water.

c. No person shall take, catch, kill, hunt, trap, pursue, or otherwise disturb any wild animals or rob or disturb the nest of any bird in any park unless authorized by the Director.

d. Hunting is allowed on park properties designated as Open Space or as required through a grant condition for the purchase of the property as allowed by permit or general authorization.

e. Bag limits, daily hours, licenses, or other regulations are in accordance with those rules and regulations established by the Wisconsin Department of Natural Resources.

f. Possession and discharge of bows and firearms are subject to local municipal regulations.

g. Permanent blinds and stands are not permitted. All stands and blinds must be removed at the close of each day. The damaging of trees or removal of vegetation is prohibited, unless authorized by the Director.

h. Target practice or shooting not associated with the actual harvest of licensed game is prohibited, except in areas designated by the Common Council.

(21) Hunting or Harvesting of Wild Animals. There is no hunting, harvesting, or culling of wild animals allowed in any City park without the permission of the Common Council. This section does not apply to designated Open Spaces where hunting is allowed. For the purpose of this section hunting includes gun, rifle or bow season and trapping.

(22) Injury to Vegetation, Structures, and Equipment.

a. Destruction and Entry.

i. Deface, remove, or destroy. No person shall disturb, molest, deface, remove, or destroy any trees, shrubs, plants, or other natural growth; disturb or remove shoreline rip-rap; carve on any rocks, archaeological or geological features, signs, walls, or structures including buildings, fences, tables, or other park property. Edible fruits, nuts, wild mushrooms, and wild asparagus may be gathered without permit, except on State Natural Areas.

ii. Entry and Manipulation. No person shall enter in any way any; building, installation or area that may be under construction or locked or closed to public use, or molest or manipulate any water control structure, dam, or culvert; or enter or be upon any building, installation or area after the posted closing time or before the posted opening time or contrary to posted notice in any park.

b. No person shall without written authorization approved by the Common Council:

i. Intentionally remove, alter, injure, or destroy any natural resource.

ii. Dig trenches, holes, or other excavation in a park.

iii. Plant or cultivate any plant, or release any animal into the park.

(23) Removal of Ice or Sand Prohibited. No person shall take ice from any stream or lake within any park, nor remove any sand therefrom or from the shores thereof without the written permission from the Common Council. The exemption to this policy is to provide

access to the unfrozen portion of the waterway for ice fishing purposes only.

(24) Sleeping or Camping.

a. Camping Prohibited in all parks, except at designated campgrounds or other areas authorized by the Director.

b. Designated Campgrounds are campgrounds within established parks.

c. Camping Permit. No person shall camp without completing and displaying a Camping Permit. All camping fees shall be paid for the permit period as provided in this chapter relating to a fee or charge established by the Common Council.

d. Camping Limited, Designated Campgrounds. No person shall camp and no camping unit shall remain in a designated campground for a period greater than 14 consecutive days. The camping unit shall be removed from the property for at least 24 hours before being eligible to return. Exemptions to this shall be approved by the Director and only for the following reasons, but shall not exceed 28 days, and shall be requested and approved by 10:00 a.m. the day of the permit expiration:

   i. Buffalo County Fair staff members.

   ii. Workers for a local construction project within 20 miles of or within the City of Mondovi.

e. Any site left unoccupied, in which camping permit fees are not current is considered vacant and are available for another individual or group of individuals with the property camping permit fee.

f. All personal and camping property left unattended after permit expiration will be considered abandoned property and become the property of the City of Mondovi to appropriately dispose of. No articles will be retained for any amount of time for any reason, nor is the City responsible for the property's disposition or financial compensation.

g. Campsite Occupancy. Each campsite has a maximum campsite unit assigned:

   i. Campsite Unit is a camper, recreational vehicle, or any other title allowable, and only one per campsite is allowed.

   ii. Tent up to three tents are considered one Campsite Unit, but all tents occupying the same campsite must each pay the daily Campsite permit fee. One tent may be on the same campsite as (i.) above so long as the tent occupants are within the same family unit as in (i.) above.

h. Campsite changes. No camping party shall move from its original campsite to another campsite without prior approval by the Director. If such move is granted, the number of days on either campsite shall still comply with (25) (d) of this chapter.

i. Camping Permit Expiration. All camping permits expire at 1:00 p.m. on the last day of the permit period.

j. Camping Sites First-Come, First-Served. There are no reservations at park designated campgrounds.

k. Camping Contrary to Posted Notice. No person shall camp on any lands under the management, supervision or control of the Director contrary posted notice and without written permission of the Director.

l. Tourist Park Campground Regulations. Policies for the administration of the Tourist Park Campground adopted by the Common Council, which may change from time to time, and the updated version shall be maintained by the City Clerk until this Code is updated as soon as practical, are as follows:

   i. Regulations for all campgrounds as mentioned within this code.

   ii. Camping on only those spaces specifically marked or provided.

   iii. All vehicles, RVs, and trailers must be parked on your campsite or driveway – driving or parking off road is not permitted.

   iv. All garbage and litter must either be deposited in containers provided, or taken with you when you leave.

   v. Campsites must be clutter free at all times while the temporary occupants are away from the campground.

   vi. An unoccupied camper and/or tent for more than 14 days without a paid permitted stay, shall be considered abandoned, may be removed at the owner's expense and/or seized for any unpaid camping fees, penalties and interest.

   vii. Do not carve, chop, cut and/or damage any live trees.

   viii. Campfires:

      1. Obey any restrictions on fires. Fires may be limited or prohibited at certain times.

      2. Fires may only be built in fire rings, stoves, grills, or fireplaces provided for that purpose.

      3. Be sure your fire is completely extinguished before leaving – DO NOT leave your fire unattended, and you are responsible for keeping fires under control: the City of Mondovi Municipal Code Section 17.09 (2) (g) ix indicates this as no more than 18" flame height.

m. Camping Violations. A violation of any state, local or federal law by a member of a camping party is cause for revocation of the camping permit and immediate removal from the campsite without a refund of the camping permit fee.

n. Campground Quiet Hours. No person shall make or cause to be made any unreasonable sounds or noises in or adjacent to any designated campground between the hours of 11:00 p.m. and 6:00 a.m., and no set up or dismantling of a campsite can occur from the hours of 12:00 a.m. through 5:00 a.m.

(25) Public Utilities and Private Construction.

a. The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone, and electric power posts and lines, manholes, conduit and pumps within any park shall be subject to the jurisdiction and control of the Director and their construction, erection, repair or relocation shall be undertaken only after written permission is received from the Common Council.

b. Private Construction. No curb, whether stone, concrete, or grass, shall be cut for the purpose of constructing a private driveway across any park border nor for any other purpose, without written permission from the Common Council. The location, width, grade, and construction of all paths, driveways and roadway across any sidewalk border along any park shall be subject to the approval of and constructed only after written permission thereof is obtained from the Common Council. Every person who shall receive a permit to open a trench, to cut a curb, or to deposit materials in or upon any park shall at all times after such work has been commenced or materials deposited, and until the same has been completed, and until all accumulations of materials resulting from such work have been removed, so guard and protect the same that persons driving or passing along the roadway, sidewalk, or in the vicinity of the place where the work is being done, shall not be likely to meet with any accident therefrom. Such a person shall also during the time from sunset to sunrise, each night while said work is in progress, cause the same to be securely fenced and guarded by a warning light or lights placed in a conspicuous position, and so secured that the same shall not be extinguished.

(26) Traffic Regulations.

a. No person shall drive any automobile, motorcycle, or other vehicle of traffic or beast of burden upon any part of the parks except the proper drives and parking areas, or permit the same to stand upon the drives or any part thereof so as to congest traffic or obstruct the drive.

b. No person shall cause any vehicle for hire to stand upon any part of the parks for the purpose of soliciting or taking in passengers or person other than those carried to the parks by the vehicle, unless authorized by the Director.

c. No person shall cause any bus, cart, dray, wagon, truck, trailer, or other vehicle carrying goods, merchandise, manure, soli or other article, to enter or be driven in any part of the parks. This subsection shall not apply to vehicles engaged in the construction, maintenance, or operation of the parks, to vehicles making deliveries to the parks, or to busses under permission of the Director.

d. It shall be the duty of every person operating an automobile motorcycle, or other vehicle of traffic or burden within the parks to comply with the state, county and municipal traffic laws and with all orders, directions, and regulations of traffic officers, or officially displayed on any post, standard, sign, or device installed for the regulation of traffic.

e. The department shall cause signs to be erected indicating speed limits on roads and drives. Where no such signs are posted the speed shall in no case be greater than 20 miles per hour.

f. The department shall cause to be erected such other traffic control signs as are necessary or which might become necessary for the proper regulations and safe movement of vehicles, pedestrians, and equestrians.

g. Vehicles normally shall be parked in designated parking areas. Parking along roads and drives may be controlled by appropriate signs as approved by the Common Council.

h. No person shall operate a motor vehicle in an abusive, boisterous, unreasonably loud, or otherwise disorderly manner under circumstances which tend to cause or provoke a disturbance. Such conduct shall include, but not be limited to, conduct which tends to disturb, annoy, or endanger one or more persons because of unnecessary or deliberate spinning of wheels, squealing of tires, revving of the engine, blowing the horn, causing engine to backfire, or cause vehicle while commencing to move or in motion to raise one or more of its wheels, tracks, or skis off the ground or operate at an unreasonable or imprudent speed in any park.

i. No person shall operate or park any motor vehicle, except as provided in this subchapter, upon any trail, beach area, playground, picnic area, or any other area other than established roads, parking areas, lake access and service areas or contrary to posted notice or within any park seasonally closed to vehicular traffic.

j. No person shall leave any vehicle unattended without the approval of the Director or their authorized agent for more than 48 hours under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. An abandoned

vehicle shall constitute a public nuisance and be subject to removal at the owner's expense. Removal of the vehicle shall not relieve the owner or operator of the vehicle from any penalty incurred because of such violation.

k. No person shall drive an all-terrain vehicle (ATV) or utility vehicle (UTV) on park grounds except for designated trails and roadways where allowed by City ordinance.

l. No person shall drive a snowmobile on park grounds, off any designated trail or roadway, unless there are at least two inches of snow on the park grounds and the Snowmobile Trail System is officially open.

(27) Bicycles.

a. Riders of bicycles shall comply with Wisconsin State Statutes, sections 346.77 through 346.82.

b. Bicycles are only allowed on designated trails.

c. Bicycle riders shall proceed in the extreme right-hand lane of the drives at all times, in a single file only.

d. A bicycle shall not be towed by a rope or otherwise, nor shall any rider hold on to any moving vehicle for purpose of being drawn along.

e. Wherever possible, bicycles shall be parked in places provided for such purpose.

(28) Bathing and Swimming Regulations.

a. Any person in the recreational activity of wading, fishing, bathing, or swimming does so at their own risk.

b. No scuba diving within 15 feet of any inlet or outlet of any stream or lake, this includes the Mirror Lake Dam.

(29) Boat Launching and Docking Regulations.

a. No person shall launch or dock any boat or other watercraft in excess of three feet wide, except at locations or facilities, or such times provided and/or designated for that purpose by the Department.

b. No person shall store or leave unattended overnight any boat or other watercraft without the written permission of the Director.

c. All persons using the boating facilities of the City park system shall comply with all regulations of the Department.

(30) Mirror Lake Boating Regulations. Boaters on Mirror Lake are required to follow the Wisconsin Department of Natural Resources water craft requirements and:

a. Must comply with section (29) above.

b. Boats must remain at least 15 feet clear of the Mirror Lake Dam and all of its inlets.

c. No towing of another water born vehicle or material (including skis, inner tubes, body boards, or other similar device) except in emergency situations.

d. Only electric trolling motors are allowed.

e. No un-sea worthy water craft.

(31) Encroachments Prohibited. It is unlawful for any person to encroach on park property with such items as fences, gardens, other personal property, or to disturb the natural landscape, vegetation or structures on park property, or otherwise use park property for private use. All setbacks and other local zoning regulations are in effect and apply against properties adjacent to parks as they would against property adjacent to private property.

(32) Fees and Special Use Permitting.

a. Fee Schedule. No person shall use any facility, shelter, land, or area for which a fee or charge has been established by the Common Council without payment of such a fee or charge in advance. The fee schedule shall be maintained and updated from time to time by the Common Council and retained at the City Clerk's Office.

b. Reservations Required. (Amended 07/2020) The below listed park facilities may be reserved up to 18 months in advance. Reservations can be made the City Clerk's Office. Unless otherwise indicated, there is no fee for the use of these facilities. If there are no reservations on the day of an event, then the facilities may be used on a first come first served basis.

i. Tourist Park Cabin.

ii. Tourist Park Shelter House.

iii. Mirror Lake Pavilion. A rental and deposit charge is required according to the Fee Schedule.

c. Special Use Agreements shall be required for all events that allow for public invite to the event, closure of areas, special equipment or amusement features so long at least one of the following occur:

i. Common Council approval at one of their scheduled meetings.

ii. After at least five (5) annual events have taken place by the same promoter/organization, scheduled during about the same time period of the year, and within at least 90 days of the planned event the Director is notified of such event; the Director may provide written approval within the following guidelines:

1. The Common Council is informed at their next scheduled meeting and have no objections to the event.

2. The Police and Fire Chief have no objections from historical criminal activity, fires, hazards, or other emergency issues.

3. The Director must provide a written approval within 30 days of the notification to the organizer.

SECTION 26.02 MARTEN CENTER (COMMUNITY CENTER) ESTABLISHED AS PARKS AND RECREATIONAL FACILITY.

(1) Management and Maintenance. The responsibilities for the development and operation of all buildings and grounds of the Marten Center is vested in the department with the City Parks and Recreation. The Department shall establish, adopt, and administer all fees and policies to be used in the operation of the Marten Center with approval by the Common Council.

(2) Marten Center Fees. All fees for the administration of the Marten Center adopted by the Common Council shall be retained on file with the City Clerk within the Fine and Fee Schedule.

(3) Marten Center Policies, Rules and Regulations.

a. The City of Mondovi will not be held responsible for accidents, injuries, losses or damages of any kind.

b. The Marten Center usage privileges have different levels of priority and a higher priority can displace a lower level priority at any time:

i. Level One: Emergency Use due to a public emergency;

ii. Level Two: Paying renters with a signed agreement, deposit and rental amount;

iii. Level Three: City of Mondovi non-emergency use;

iv. Level Four: Other governmental agencies;

v. Level Five: Recognized IRS 501 (c) (3) Non-profits that use the facility at no charge – this documentation must be turned into and retained on file at City Hall;

vi. Level Six: City Council recognized organizations that have a community benefit and if determined on an annual basis by the City Council the rental fee may be waived but not the deposit;

vii. Level Seven: Not for profit organizations without an IRS recognized designation which include, but are not limited to, Card Clubs, Sewing Club, Political Organizations for non-election campaigning or non-fund-raising event.

c. Policies for the administration of the Marten Center adopted by the Common Council, which may change from time to time, and the updated version shall be maintained by the City Clerk until this Code is updated as soon as practical, are as follows:

i. Reservations can be made no more than 18 months in advance of the requested date with a filed application and appropriate fees;

ii. Reservations can be made at City Hall during normal business hours;

iii. Keys can be picked up the day before any event and must be returned to City Hall by 5:00 p.m. following the date of last usage;

iv. Standing Reservations are not allowed – except for City recognized community important nonprofit organizations, such as the Buffalo County Meals on Wheels program;

v. The facility cannot be sublet, however, if more than one nonprofit would like to use the facility at the same time, this is allowable so long as one nonprofit does not charge the other;

vi. The Marten Center's normal rental times are between 6:00 a.m. until 12:00 a.m. the following morning;

vii. Overnight rentals are available for special events with written permission from the Director;

viii. All renters must take their garbage with them;

ix. All doors and windows must be closed and secured when the building is vacated;

x. All floors must be swept, vacuumed, or mopped if needed;

xi. Set up and returning the facility to the original condition after use is the user's responsibility;

xii. No alcoholic beverages are allowed on the premises;

xiii. No smoking or simulating smoking devices are allowed in the community center;

xiv. Only masking tape may be used for decorating or removable hangers (such as "Command Strips") that do not damage any surface, but these items must be completely removed;

xv. Maximum capacity for the Marten Center is 288 for auditorium seating and 192 for dining – exceeding these limits is prohibited;

xvi. The piano must not be removed without permission of the Senior Director;

xvii. The kitchen is a serving kitchen only – all food must be catered or prepared prior to being brought to the Marten Center;

xviii. The dishwasher is not to be used.

xix. Cancelations must be made at least 15 days prior to the event starting date.

xx. Reservations are confirmed and retained after payment and deposit have been received and the rental agreement signed copy is at the City Clerk's Office.

xxi. Standing Deposits are only available for usual users (Levels 5 and 6 only – see section (3) (b) above) of City owned structures, but must be renewed on an annual basis.

SECTION 18.03 WATER AND WATER QUALTIY.

(1) Adoption of State Boating and Water Safety Law.

a. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in the following enumerated sections of the Wisconsin State Statutes, exclusive of any provisions therein relating to the

penalties to be imposed or the punishment for violation of the statutes, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any stature incorporate by reference herein is required or prohibited by this section.

i. 30.50 Definitions;
ii. 30.51 Operation of unnumbered boat prohibited;
iii. 30.52 Certificate of number;
iv. 30.53 Identification number to be displayed on boat; certificate to be carried;
v. 30.541 Transfer of ownership of numbered boat;
vi. 30.55 Notice of abandonment or destruction of boat or change of address;
vii. 30.60 Classification of motorboats;
viii. 30.61 Lighting equipment;
ix. 30.62 Other equipment;
x. 30.64 Patrol boats exempt from certain traffic regulations;
xi. 30.65 Traffic rules;
xii. 30.66 Speed restrictions, paragraph 1;
xiii. 30.67 Accidents and accident reports;
xiv. 30.68 Prohibited operation;
xv. 30.69 Water skiing;
xvi. 30.70 Skin diving;
xvii. 30.71 Boats equipped with toilets;
xviii. 30.79 Municipal water safety patrols.

b. Any person violating the provisions of this section shall be fined not less than $20.00 nor more than $200.00. Upon default in payment of such fine such person shall be imprisoned in the County jail until full payment is made but not exceeding 60 days.

c. Any officer arresting a person for violation of a provision of this section who is unable to bring the person arrested before the County Court without unnecessary delay shall permit such person to make a money deposit as provided in section 30.80 of the Wisconsin Statutes.

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