

CHAPTER 1

VILLAGE BOARD MEETINGS

- 1.01 Meeting Time and Date
- 1.02 Order of Business
- 1.03 Presiding Officer
- 1.04 Committees
- 1.05 Ordinances and Resolutions
- 1.06 General Rules
- 1.07 Suspension of Rules

1.01 MEETING TIME AND DATE.

- (1) Regular Meetings. Regular meetings of the Village Board shall be held on the second Monday of each calendar month at 7 p.m. Any regular meeting falling on a legal holiday shall be held the next secular day at the same hour and place.
- (2) Special Meetings. Special meetings of the Board may be called by 2 Trustees by filing a written request with the Clerk at least 24 hours prior to the time specified for such meeting. The Clerk shall immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered to each Trustee personally or left at his usual place of abode. The Clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meeting. Special meetings may be held without notice when all members of the Board are present, or consent in writing to the holding of said meeting. Unless all Trustees are in attendance, no business shall be transacted at the special meeting except for the purpose stated in the notice thereof.
- (3) Place of Meetings. All meetings of the Board, including special and adjourned meetings, shall be held in the Village Hall.
- (4) Quorum. Four Trustees, including the Village President, shall constitute a quorum but a lesser number may adjourn from time to time or compel the attendance of absent members. A call of the house may be ordered by majority vote if 3 Trustees are present. Any Trustee who shall without good cause fail to attend a regular or adjourned meeting or special meeting called in accordance with these rules shall be subject to a fine of \$5.00 by vote of all members present at such meeting whether or not such members constitute a quorum.

1.02 ORDER OF BUSINESS.

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

1. Call to order by presiding officer.
2. Roll call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date.)
3. Reading, correction and approval of minutes of previous meeting.
4. Committee reports.

5. Unfinished business from previous meeting.
6. New business, including introduction of ordinances and resolutions.
7. Reports of Village officers.
8. Communications and miscellaneous business.

1.03 PRESIDING OFFICER.

- (1) Control of Meeting. The Village President shall preserve order and conduct the proceedings of the meeting. 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 President. If the President is absent at any meeting, the Clerk shall call the meeting to order and preside until the Board selects a Trustee to preside for that meeting.
- (3) Participation in Debate. The presiding officer may speak upon any question or make any motion if he vacates the chair and designates a Trustee to preside temporarily.

1.04 COMMITTEES.

- (1) Committee Appointments. At the first regular board meeting in May the President shall appoint 3 Trustees to each of the following standing committees:
 1. Committee on Finance (including licenses and permits, employee relations, etc.)
 2. Committee on Public Safety (including police, fire, building, etc.)
 3. Committee on Public Works (including streets, sewers, water, lighting, etc.)
 4. Committee on Emergency Planning (including health, relief, etc.)
 5. Committee on Village Planning (planning and zoning) to be made up of the President as Chairman and the chairmen of the first four committees above.
 - a) The President shall be ex officio chairman of the Committee on Finance and shall designate the chairmen of the other standing committees. He shall appoint all special committees and designate the chairmen of each. All committee appointments except designation of chairmen shall be subject to confirmation by a majority vote of the Board.
- (2) Committee Reports. Each committee shall at the next regular meeting submit a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be signed by a majority of the committee. Any committee may require any Village officer to confer with it and supply information in connection with any matter pending before it.

1.05 ORDINANCES AND RESOLUTIONS.

Ordinances, resolutions, bylaws, communications and other matters submitted to the Board shall be read by title and author and referred to the appropriate committee by the President. No ordinance, resolution or bylaw shall be considered unless presented in writing by a Trustee. Unless requested by a Trustee before final vote is taken, no ordinance, resolution or bylaw need be read in full.

1.06 GENERAL RULES.

The deliberations of the Board shall be conducted in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, which is hereby incorporated in this section by

reference. No person other than a member shall address the Board except by majority vote of the members present. No ordinances, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

1.07 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 2/3 of the members present.

CHAPTER 2

OFFICIALS

- 2.01 Elected Officials
- 2.02 Appointed Officials
- 2.03 Fire Chief and Fire Inspector
- 2.04 Superintendent of Public Works
- 2.05 Emergency Planning Director
- 2.06 Clerk/Treasurer
- 2.07 Board of Review
- 2.08 Board of Zoning Appeals
- 2.09 General Regulations Governing All Village Officers

2.01 ELECTED OFFICIALS.

- (1) Trustees. There shall be 6 Trustees of the Village of Butternut. Three Trustees shall be elected at each annual Spring Election for a term of 2 years, commencing on the 3rd Tuesday of April in the year of their election.
- (2) Other Elected Officials. The following officers of the Village of Butternut shall be chosen at the regular Spring Election in odd-numbered years for terms of 2 years commencing on the 3rd Tuesday of April in the year of their election:

Village President

2.02 APPOINTED OFFICIALS.

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

Assessor

Clerk/Treasurer

Director of Emergency Planning

The Village President shall not vote on the confirmation of such appointments except in case of a tie. The term of office for Director of Emergency Planning so appointed shall be 2 years. All terms shall commence on the 15th day of May following appointment. Assessor and Clerk/Treasurer appointment shall be filled upon vacancy.

- (2) Weed Commissioner. The Village Weed commissioner shall be appointed in May of each year for a term of one year by the Village President.

2.03 FIRE CHIEF AND FIRE INSPECTOR.

- (1) Appointment. The office of Fire Chief shall be approved by a majority vote of the members of the Village Board. The chief shall hold office until removed for cause after a hearing by action of $\frac{3}{4}$ of the members of the board, unless his services are sooner terminated by resignation, death or change of residence to outside the Village limits. Upon occurrence of a

vacancy in the office of Fire Chief, the ranking officer of the Department shall perform the duties of the chief until such vacancy is filled. The Fire Chief shall by virtue of his office hold the office of Fire Inspector.

- (2) Qualifications. The Fire Chief shall be a member of the Fire Department in good standing and who has had training and experience in fire department operations.

2.04 SUPERINTENDENT OF PUBLIC WORKS.

- (1) Appointment. The Superintendent of Public Works shall be appointed by a majority vote of the Village Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- (2) Term. The Superintendent of Public Works shall hold office for an indefinite term subject to removal for cause after a public hearing by a $\frac{3}{4}$ vote of the Village Board.
- (3) Duties and Powers. The Superintendent of Public Works shall have the following duties and powers:
 - (a) He shall have general charge and supervision of all public works in the Village.
 - (b) He shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, Village buildings, and structures and all machinery, equipment and property used in any activity under his control.
 - (c) He shall have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.
 - (d) He shall perform such other activities and duties as are imposed upon him from time to time by the Village Board.

2.05 EMERGENCY PLANNING DIRECTOR.

There is hereby created the office of Director of Civil defense for the Village of Butternut, who shall be appointed by the Village President subject to confirmation by a majority vote of the members of the Board.

2.06 CLERK/TREASURER.

- (1) Appointment. The Clerk/Treasurer shall be appointed by a majority vote of the Village Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- (2) Term. The Clerk/Treasurer shall hold office for an indefinite term subject to removal for cause after a public hearing by a $\frac{3}{4}$ vote of the Village Board.
- (3) Duties and Powers. The Clerk/Treasurer for the Village of Butternut shall have the following duties and powers:
 - (a) **RECORDS:** Shall have the care and custody of the corporate seal and all papers and records of the Village. The Clerk/Treasurer shall keep all papers and records in his/her office open for inspection at all reasonable hours.

- (b) MEETINGS: Attend all meetings of the Village. Take minutes and keep a full record of the proceedings. Ensure that appropriate action is taken on all motions made at the meetings.
- (c) ELECTIONS. Accept nomination papers for all elected Village positions. Ensure that Village ballots are properly prepared. Prepare election notices for publication. Prepare and mail all absentee ballots as requests are received. Train election inspectors and administer all elections in accordance with Wisconsin Statutes.
- (d) LICENSES: The office of The Village Clerk/Treasurer issues the following:
 - 1. Fermented Malt Beverage and Intoxicating Liquor Licenses: Accept applications, publish all Class B applications. Upon approval by the Trustees, issue licenses and collect fees for same. Send copy of applications to Wisconsin Department of Revenue.
 - 2. Operator's Licenses: Accept applications. Upon approval by the Trustees issue licenses and collect fees for same.
 - 3. Cigarette Licenses: Issue licenses and collect fees.
 - 4. Building Permits: Issue all building permits and collect fees.
- (e) INSURANCE: Serve as agent for Village of Butternut liability and property insurance coverages. File all claims received including Workers Compensation claims.
- (f) INVOICES: Prepare and mail invoices as follows:
 - 1. General Fund Invoices: Invoices including fire protection, snow removal, weed cutting, hall usage, cemetery plots, grave openings, and other miscellaneous billings.
 - 2. Special Assessments: Assessments for sidewalk, curb and gutter, sanitary sewer, and water main extensions.
 - 3. Water/Sewer/Refuse: On a quarterly basis, record all water meter readings. Prepare all bills and ensure delivery to the proper parties. Make adjustments to billings as necessary. Follow up billings with past due notices and disconnect notices. When people move, ensure that final meter readings are taken, final bills are prepared and forwarded. Set up new accounts in new owner/renter's name. Forward all requests for meter tests, outside meter installations, water turn ons and water turn offs to the Village Superintendent. Invoice customers for these services as necessary.
- (g) CASH RECEIPTS: Record all cash receipts, and deposit cash in proper bank accounts on a daily basis.
- (h) VOUCHERS PAYABLE: Check all invoices for proper extensions; verify with department heads that all items being billed have been received. Present all bills to the Finance Committee in a voucher jacket that properly shows the payment distribution. Upon approval by the Finance Committee prepare checks and pay all bills.
- (i) ACCOUNTING: Maintain all books for the Village of Butternut and all funds the Village of Butternut operates. Perform all accounting functions in accordance with generally accepted accounting principles.

- (j) **REPORTS:** Prepare and file monthly, quarterly, and annual Tax Reports and Insurance Reports.
- (k) **PAYROLL:** Prepare payroll. Make federal withholding, state withholding, FICA, Medicare and all employee salary withholding payments.
- (l) **PERSONNEL:** Maintain all personnel files.
- (m) **CORRESPONDENCE:** Receive and properly route all daily mail. Respond to letters. Handle incoming telephone calls and walk in traffic. The office serves as an information center for the Village of Butternut.
- (n) **FILES:** Maintain all files for the Village of Butternut. Files include correspondence files; purchase order files, ordinance files, resolution files, cemetery records, and many others i.e. easements, deeds, proclamations, etc.
- (o) **TAX ROLL ADMINISTRATION:** Compute tax levy after all valuations have been certified. Ensure that all real estate statements, mobile home tax statements, and personal property statements are properly prepared and delivered. Record all first half tax receipts, and make tax settlement with the County Treasurer. Follow up all delinquent mobile home taxes and personal property taxes with past due notices and if necessary refer them to the Village Attorney for collection.
- (p) **ADDITIONAL DUTIES:** Serve as Clerk for the Housing Authority.

2.07 BOARD OF REVIEW.

The Board of Review of the Village of Butternut shall be composed of 3 members, including the Village President, the Village Clerk, and 1 member of the Village Board of Trustees appointed by the President. At least one member of the Board of Review must have attended the state training. The Board of Review shall have the duties and powers prescribed by s. 70.47 of the Wisconsin statutes.

2.08 BOARD OF ZONING APPEALS.

The Board of Zoning Appeals of the Village of Butternut shall consist of 5 members and one alternate member who shall be residents of the Village appointed by the Village President and confirmed by a majority vote of the Village Board. Members appointed shall serve for 2 years to coincide with the term of Village President. The Board shall have the powers and duties prescribed by S. 62.23 of the Wisconsin statutes, and S. 9.13 of this Code.

2.09 GENERAL REGULATIONS GOVERNING ALL VILLAGE OFFICERS.

- (1) Effect. The provisions of this section shall apply to all officers of the Village, regardless of the time of creation of the office or selection of the officer unless otherwise specifically provided by ordinance or resolution of the Village Board.
- (2) Oath of Office. Every officer of the Village, including members of the Village boards and commissions, shall before entering upon his duties and within 5 days of his election or appointment or notice thereof take the oath of office prescribed by law and file said oath in the office of the Village Clerk, except the Village Clerk who shall file his oath in the office of the Village Treasurer; provided that the Municipal Justice shall take his official oath

within 10 days after his election and file it with the Clerk of the circuit court. Any person re-elected or reappointed to the same office shall take and file an official oath of each term of service.

- (3) Bond. The Clerk/Treasurer, if required by law, before entering upon the duties of his office, give a bond in such amount as may be determined by the Village Board. Official bonds shall be filed as are oaths as provided in sub. (2) of this section.
- (4) Salaries. All officers of the Village shall receive such salaries as may be provided from time to time by the Village Board by ordinance. No officer receiving a salary from the Village shall be entitled to retain any portion of any fees collected by him for the performance of his duties as such officer in the absence of a specific law or ordinance to that effect. Payment of regular wages and salaries established by the Village Board shall be by payroll, as provided in s. 14.03. Payment shall be in May and October of each year.
- (5) Vacancies. Vacancies in elective offices shall be filled by appointment by a majority vote of the Village Board for the remainder of the unexpired term. Vacancies in the appointive offices shall be filled in the same manner as the original appointment for the residue of the unexpired term unless the term for such office is indefinite.
- (6) Outside Employment. Outside employment is approved if it does not interfere or conflict with such officer's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer.

CHAPTER 3

CIVIL DEFENSE

3.01 CIVIL DEFENSE

- (1) Definition. Civil defense shall mean the preparation for and the carrying out of all emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood or other natural causes.
- (2) Civil Defense Director.
 - (a) Appointment. See s. 2.05 of this code.
 - (b) Duties and Powers. The Director shall be the executive head of the Village civil defense organization and shall have direct responsibility for the organization, administration and operation of the organization, subject to the direction and control of the Village President and Village Board. In addition to such powers and responsibilities as may be imposed on him from time to time by the Village Board, he shall have the authority and it shall be his duty to:
 1. Coordinate all activities for civil defense within the Village.
 2. Maintain liaison and cooperate with civil defense agencies and organizations of other political subdivisions and of the State and Federal government.
 3. Participate in County and State civil defense activities upon request.
 4. Prepare a comprehensive general plan for the civil defense of the Village and present such plan to the Village Board for approval.
 5. Subject to the approval of the Village Board, enter into mutual aid agreements with other political subdivisions and file copies of any such agreements with the State Director of Civil Defense.
 6. Upon the declaration of an emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as shall be required in the civil defense plan.
- (3) Utilization of Existing Services and Facilities. In preparing and executing the civil defense plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the Village to the maximum extent practicable. When the Village Board has approved the plan, it shall be the duty of all municipal agencies and departments of the Village to perform the duties and functions assigned by the approved plan.
- (4) Declaration of Emergencies. The civil defense organization shall take action in accordance with the civil defense plan only after the declaration of an emergency and issuance of official disaster warnings. Declarations of emergency shall be made by the Governor, the Village Board, the Village President, or in his absence, by the Director. Such state of emergency

shall continue until terminated by the issuing authority, provided that any declaration not issued by the Governor may be terminated by the Village Board.

- (5) Emergency Regulations. Whenever necessary to meet a civil defense emergency for which adequate regulations have not been adopted by the Village Board, the Village President and, in his absence, the Director of Civil Defense, may proclaim, promulgate and enforce orders, rules and regulations relating to the conduct of persons and the use of property which are necessary to protect the public peace, health, and safety, and preserve lives and property, and to insure cooperation in civil defense activities. Such proclamations shall be posted in 3 public places and may be rescinded by resolution of the Village Board.
- (6) Obstruction of Defense Organization; Penalty. No person shall willfully obstruct, hinder or delay any member of the civil defense organization in the enforcement of any order, rule, regulation or plans issued pursuant to this section or violate any order, rule regulation or plan issued pursuant to the authority contained in this section. Any person who shall violate any provisions of this section shall upon conviction thereof be subject to a penalty as provided in S. 16.04 of this Code.

CHAPTER 4

TRAFFIC CODE

- 4.01 State Traffic Laws Adopted
- 4.02 Speed Limits
- 4.03 Through Streets Designated
- 4.04 Parking Limitations
- 4.05 Erection of Signs and Signals
- 4.06 Abandoned and Disabled Motor Vehicles
- 4.07 Snowmobiles/All-Terrain Vehicles
- 4.08 Penalty
- 4.09 Enforcement

4.01 STATE TRAFFIC LAWS ADOPTED.

The statutory provisions describing and defining regulations with respect to vehicles and traffic in the following enumerated sections and chapters of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for the violation of said statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required or prohibited by this chapter:

Sections:

- 340.01 and 343.01 (Words and phrases defined)
- 342.31(2) (Report of stolen or abandoned vehicles)
- 343.18 (license to be carried)
- 343.22.1.1 (Change of address or name)
- 343.34 (Surrender of license)
- 343.43 (Unlawful practices relative to licenses)
- 343.60, 343.61(1) and (4), 343.62(1), 343.71 and 343.72 (Driver school regulations)
- 940.01(1) (Reckless driving off highways)
- 947.45 (Drinking in motor vehicles on highways)

Chapters:

- 346 (Rules of the Road) Except s. 346.61 through s. 346.65
- 347 (Equipment of Vehicles)

4.02 SPEED LIMITS.

Speed restrictions within the Village of Butternut shall be as set forth in Sec. 346.67 Wis. Stats.

4.03 THROUGH STREETS DESIGNATED.

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

- Michigan Street from the east curb line of Highway 13 east to the east curb of line of North Main Street.

- Minnesota Street from the east curb line of Highway 13 east to the west curb line of South Main Street.
- Wisconsin Street from the east curb line of Highway 13 east to the east curb line of North Main Street.
- Illinois Street from the east curb line of Highway 13 east to the east curb line of North Main Street.
- Iowa Street from the east curb line of Highway 13 east to the west boundary of North Main Street.
- North Main Street from the south curb line of Michigan Street north to the north curb line of Illinois Street.
- Illinois Street from the west curb line of North Main Street west through the Village Limits.
- State Highway 13 through the entire Village Limits.

4.04 PARKING LIMITATIONS.

(1) Night Parking Prohibited.

- (a) No person shall park any vehicle between the hours of 2 o'clock A.M. and 6 o'clock A.M. of any day from the 1st day of November to the 1st day of April, excepting emergency vehicles on emergency calls, on any of the streets or avenues in the Village of Butternut. "Streets or avenues" shall be defined to include any street, road, alley, or other similar public way, in the Village of Butternut; and this definition shall be applicable for "streets or avenues" and "any street or avenue" in Sections 4.04 through 4.06 of the Municipal Code of the Village of Butternut, and shall be liberally construed.
- (b) If any vehicle is parked in violation of the prohibition set forth in Section 4.04(1)(a), then the Village Public Works Department, in its discretion, may ask for the removal of any such vehicle from the streets or avenues in the Village, so that such vehicle does not interfere with Village snowplowing. The request for removal by the Public Works Department shall be made to the Village President, or in the absence of the Village President, to the Public Works Department Superintendent or Chairman. The Village President or said Superintendent or Chairman is authorized to direct actual removal of any said vehicle from the streets or avenues in the Village, subject to Section 4.06(3).

(2) Advertising Prohibited. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.

(3) No Parking on State Highway 13. No person shall park any vehicle on State Highway 13 within the corporate limits of the Village of Butternut at any time.

Any vehicle found to be in violation of this section, shall cause such vehicle to be removed, as in Section 4.06.

4.05 ERECTION OF SIGNS AND SIGNALS.

The superintendent of Public Works is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the Rules of the State Highway Commission giving such notice of the provisions of ss. 4.02, 4.03 and 4.04 of this

chapter as required by State Law. Signs shall also be erected in such locations and manner as authorized by the governing body as to give adequate warning to users of the street, alley or highway in question.

4.06 ABANDONED AND DISABLED MOTOR VEHICLES.

(1) Abandonment Prohibited.

- (a) No persons shall abandon any motor vehicle within the Village and no person shall leave any motor vehicle within the Village for such time and under such circumstances as to cause such motor vehicle reasonably to appear to have been abandoned. Whenever any motor vehicle has been allowed to remain standing on any street, alley, highway or public place in the Village for more than 72 hours the same shall be deemed to have been left or abandoned within the mean of this ordinance.
- (b) No person shall leave any non operable, dismantled, wrecked, junked or discarded motor vehicle on any alley, street, highway or public place within the Village.
- (c) If any vehicle is parked in violation of the prohibitions set forth in Section 4.06(1)(a) or 4.06(1)(b), then the Village Public Works Department, in its discretion, may ask for the removal of any such vehicle. The request fro removal by the Public Works Department shall be made to the Village President, or in the absence of the Village President, to the Public Works Department Superintendent or Chairman. The Village President or said Superintendent or Chairman is authorized to direct actual removal of any said vehicle from the Village, subject to Section 4.06(3).

(2) Responsibility for Wrecked or Discarded Motor Vehicles.

- (a) No person owning or having custody of any dismantled, non-operable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain in the open on any premises in the Village for a period in excess of 7 days, unless it is in connection with a licensed salvage of junk yard or is on a business premises operated in a lawful place and manner, when necessary to the operation of such business enterprise.
- (b) Whenever the Police Department shall find any vehicle in the Village in violation of this section they shall notify the owner of the property upon which said vehicle or vehicles are standing of the violation of this ordinance. Notification under this section may be accomplished by placing a notice in a conspicuous place on the vehicle setting forth briefly the applicable provisions of this ordinance and the date of the notice, the Police Department shall cause such vehicle to be removed and stored or disposed of under s. 3 of this ordinance.

(3) Removal, Impounding and Disposal of Vehicles.

- (a) Any motor vehicle removed pursuant to the provisions of any Village ordinance, shall be stored by the Village, through its Public Works Department, in a junk or salvage yard or other suitable place for a period of not less than (30) thirty days. If the name and whereabouts of the owner of the vehicle can be readily ascertained, notice of the location of the vehicle shall be given such owner by mail. If such vehicle is claimed by the owner, all reasonable charges for removal, handling, and storage shall be paid by the

owner to the Village, and the Village shall have a lien on such vehicle until such charges shall be paid. If, after the thirty (30) day period, such vehicle is not reclaimed as set forth in this section, the Village shall sell such vehicle at private or public sale, or junk the same, in its discretion. Notice of such action shall be published as a Class 1 notice pursuant to Wisconsin Statutes. After deducting the reasonable and necessary expenses for removal, handling, storage, and sale of any such vehicle, the balance of the proceeds shall be paid into the Village treasury and credited to the general Village fund.

- (b) Whenever the Public Works Department shall find any vehicle in the Village in violation of the section, they shall notify the owner of the property upon which said vehicle or vehicles are standing of the violation of this ordinance. Notification under this section may be accomplished by placing a notice in a conspicuous date of the notice, and the Public Works Department shall cause such vehicle to be removed pursuant to the procedure set forth in Section 4.06(1)(c).

Penalties. Penalty shall be provided in Section 4.08. Each vehicle shall constitute a separate offense and each day that a vehicle shall be in violation of the provisions hereof shall constitute a separate and distinct offense. These penalties shall apply regardless of whether or not the owner of such vehicle has paid for the charges of handling and storage as provided for in Section 3 of this ordinance.

4.07 SNOWMOBILES/ALL-TERRAIN VEHICLES

4.07 (A) Snowmobiles

- (1) State Snowmobile Laws Adopted. Except as otherwise specifically provided in this ordinance, the statutory provisions describing the defining regulations with respect to snowmobiles in the following enumerated section of the Wisconsin statutes are hereby adopted by reference and make 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 section.

350.01	(Definitions)
350.02	(Operation of snowmobiles on or in the vicinity of highways)
350.04	(Snowmobile Races, Derbies and Routes)
350.05	(Operation by youthful operators restricted)
350.06	(Firearms and bows)
350.07	(Driving animals)
350.08	(Owner permitting operation)
350.09	(Head lamps, tail lamps and brakes, etc.)
350.10	(Miscellaneous provisions for snowmobile operation)
350.12	(Registration of snowmobiles)
350.135	(Interference with uniform trail signs and standards prohibited)
350.15	(Accidents and accident reports)
350.16	(Enforcement)

- (2) Applicability of Rules of the Road to Snowmobiles. Any person operating a snowmobile on a designated alley or highway in the Village of Butternut shall obey all of the rules of the road applicable to operating a motor vehicle on such alley or highway, as those rules are contained in Chapter 346, Wisconsin Statutes.
- (3) Operation on Public Property Prohibited. No person shall operate a snowmobile on any public property within the Village of Butternut.
- (4) Operation on Private Premises Restricted. No person shall operate a snowmobile on any private property not owned or controlled by him within the Village of Butternut, without the express consent or permission of the owner.
- (5) Snowmobile Routes. Pursuant to the provisions of Chapter 350, Wisconsin Statutes, no alleys in the Village of Butternut are designated snowmobile routes. Third Street from Minnesota Street to Michigan Street and Iowa Street are designated snowmobile routes. Operation of snowmobiles on any other streets, alley or highways within the Village of Butternut is prohibited. This section shall not limit the right of snowmobiles travel on highways, as may be allowed by state statute.
- (6) Specific snowmobile Regulations. Operation of any snowmobile, at any place within the Village of Butternut, is subject to the following conditions:
 - (a) No person shall operate a snowmobile at a speed in excess of 15 m.p.h.
 - (b) Any snowmobile in operation, regardless of whether it is day or night, shall display lighted head lamp and tail lamp.
 - (c) All persons operating snowmobiles within the Village of Butternut accept that operation at their own risk, without recourse for property damage or personal injury against any land owner or the Village of Butternut itself. The Village of Butternut shall not be responsible to any snowmobile operator, passenger, or anyone injured by a snowmobile operator or passenger through use of snowmobile, for any damage or injuries, suffered to persons or property as a result of snowmobile operation anywhere within the Village of Butternut.
- (7) Limitation of Applicability. Any ordinance with respect to snowmobiles, including enforcement and penalties, shall be considered applicable in addition to, and not to the exclusion of any state statute. This section of the Village of Butternut ordinances does supersede any prior ordinance regarding the use of snowmobiles in the Village.

4.07(B) All-terrain Vehicles

- (1) Purpose. This ordinance codifies permission granted by the Village of Butternut for the operation of all-terrain vehicles on the roadways and/or trails listed herein, following due consideration by the board for the recreational value of so doing, weighted against the possible danger, public health, and liability aspects of this action. In so considering, the board has considered the terrain involved, traffic density, and history of use. Any ordinance or board action previously passed shall be considered repealed.

- (2) Authority. This ordinance is enacted pursuant to the Village's powers under statute, village powers, and authority provided under Chapter 23.33 (8) of the Wisconsin Statutes, or their successor if amended.
- (3) Speed Limits. Unless posted the speed limit on all-terrain vehicles routes will be TEN (10) miles per hour.
- (4) Main Routes. The following streets, trails and alleys within the Village of Butternut are hereby designated as all-terrain routes where their use is unrestricted, provided it is otherwise in compliance with Wisconsin State Law:
- West Road from the Town of Chippewa line to its intersection of South Fourth Street.
 - South Fourth Street from its intersection of West Road to its intersection of Michigan Street.
 - North Fourth Street from its intersection of Michigan Street to its intersection of Wisconsin Street.
 - Minnesota Street from its intersection of State Hwy 13 to its intersection of South Second Street.
 - South Third Street from its intersection of Minnesota Street to its intersection of Michigan Street.
 - South Second Street from its intersection of Minnesota Street to its intersection of Michigan Street.
 - Designated trail along Michigan Street from its intersection of South Second Street to its intersection of Main Street.
 - Michigan Street from its intersection of Main Street to alley east of Main Street.
 - North Second Street from its intersection of Michigan to its intersection of Illinois Street.
 - Wisconsin Street from its intersection of North Fourth Street to its intersection of State Hwy 13.
 - Main Street from its intersection of Creamery Road to its intersection of Michigan Street.
 - Designated trail running between the intersection of Illinois Street and Main Street.
 - Main Street from its intersection of Illinois Street to its northern terminus.
 - Cemetery Road from its intersection of State Highway 13 to its intersection of North Road.
 - Bear Lake Road from Town of Chippewa to its intersection of State Highway 13.
 - Creamery Road from its intersection of Main Street to Town of Agenda.
 - South Park Road from its intersection of Creamery Road to Town of Agenda.
 - The alleyway between Fourth Street and State Highway 13 from its intersection of Minnesota Street to its intersection of Michigan Street.
 - First Street from its intersection of Minnesota Street to its intersection of Illinois Street.
- (5) Connecting Routes. All streets will be open for travel to and from Main routes to residents with the exception of the following:
- (a) State Highway 13

- (b) County Highway F
 - (c) County Highway B
 - (d) Iowa Street between Third Street and Fourth Street
 - (e) Wisconsin Street between North Second Street and North Fourth Street.
- (6) Trail Markers. The Trail Midgets ATV Club, Inc is directed and authorized to procure, erect and maintain appropriate all-terrain vehicle route, trail and limit signs and markers as approved by the State Department of Natural Resources under Section 350.13 of the Wisconsin Statutes. The Village of Butternut shall have the power to declare the all-terrain vehicle routes and trails either open or closed.
- (7) Notice. The clerk, following passage, will see that a copy of this ordinance is posted in three public places within 30 days, as well as delivering or mailing a copy to the Ashland County Sheriff's Department and local office for the Department of Natural Resources, in line with Sections 60.80 and 350.047. In addition, a copy of this ordinance will be made available to any snowmobile club or organization that has requested same or approached the village board concerning roadway use.

4.08 PENALTY.

- (1) Any person who shall violate any of the provisions of this chapter shall upon conviction thereof be subject to a penalty as provided in Section 4.10 of the Code, provided that the maximum shall not exceed the maximum for the same offense under State law.
- (2) The provisions of 345.16 of the Wisconsin statutes shall apply to adjudications of violation of any provisions of this chapter.

4.09 ENFORCEMENT.

- (1) Stipulation of Guilt. The Village law enforcement officer upon request of any person charged with a violation of any provision of this chapter within 48 hours after issuance of a citation therefore, may accept a written stipulation of guilt and the required penalty from such person. Such stipulation shall be in substantially the following form:

STIPULATION OF GUILT

State of Wisconsin)

(ss.

County of Ashland)

I, _____, having been issued a citation on the ____ day of _____, 20____, for violation of s.____ of the Municipal Code of the Village of Butternut, Wisconsin, hereby stipulate and plead nolo contendere to such offense and consent to forfeit as the penalty for such offense without court order or hearing the sum of \$_____ herewith delivered to the _____ of the same Village.

Dated _____ Signed _____

Received by _____

- (2) Forfeited Penalty. The sum to be forfeited pursuant to the stipulation for violation on this chapter shall be as provided in the schedule of penalties established by the Village Board resolution.
- (3) Forfeiture to Treasurer. The officer accepting forfeited penalties shall deliver them to the Treasurer at least once in every 7 days.
- (4) Bail Bonds. Nothing contained in this section shall be construed to limit the right of the proper authorities to accept bail bonds, deposits or certificates or money deposits as provided in ss. 66.114, 345.13, 345.135,345.15 or 345.61 of the Wisconsin statutes.
- (5) Statement of Notice. Any official, enforcement officer accepting a stipulation of guilt or bail bond under the provisions of this section or prosecuting a violation of this chapter shall comply with the provisions of ss. 343.27 and 343.29 of the Wisconsin statutes and shall inform the accused of the effect of a stipulation of guilt, forfeiture or bail or plea of guilty or nolo contendere. Such official or officer shall require the accused to sign a statement of notice, which shall be in substantially the following form:

STATEMENT OF NOTICE

State of Wisconsin)

(ss.

County of Ashland

I, _____, having been issued a citation on the ____ day of _____, 20__ , for violation of s. _____ of the Municipal code of the village of Butternut Wisconsin, hereby acknowledge that I have been informed that a stipulation of guilt, forfeiture or bail or plea of guilty or nolo contendere by men on the above charge will result in my license being revoked or my operator’s record being charged with _____ demerit points and that 12 demerit points will result in y operator’s license being revoked.

Dated _____ Signed _____

Received by _____

CHAPTER 5

FIRE DEPARTMENT

- 1.01 Fire Department Organization
- 1.02 Fire Chief
- 1.03 Firemen
- 1.04 Equipment and Apparatus
- 1.05 Police Power of Department
- 1.06 First Responders
- 1.07 False Fire Alarms Prohibited
- 1.08 Penalties

5.01 FIRE DEPARTMENT ORGANIZATION

- (1) Membership. The Fire Department of the Village of Butternut shall consist of the Fire Chief, a 1st and 2nd Assistant Chief, a captain and lieutenant for each company, a secretary-treasurer, one master mechanic and as many drivers and firemen who live and normally work within the Village of Butternut as may be appointed by the Chief and approved by the Village Board, provided that at no time shall the Department consist of less than 22 active members.
- (2) Department to Adopt Bylaws. The Butternut Fire Department shall adopt bylaws for the control, management and government and for the regulation of business and proceedings of the Department, which bylaws shall be adopted by a 2/3 vote of the Department members and approved by the Village Board. Amendments shall be adopted in the same manner.

5.02 FIRE CHIEF.

- (1) Appointment by Qualifications. See Section 2.03 of this code.
- (2) Duties and Powers. The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment, subject to the ordinances of the Village and the bylaws of the Department. He shall be present at all fires and command all fire fighting operations. He may demote or expel any officer or member of the Department for neglect or refusal to perform Departmental duties, subject to the right of any member demoted or expelled to appeal to the Village Board. He shall enforce or cause to be enforced all fire prevention ordinances, laws and regulations of the Village and State.
- (3) To Act as Fire Inspector. The Fire Chief as Fire Inspector of the Village of Butternut shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of Fire Inspectors by the laws of the State and rules of the State Industrial Commission, particularly S. 101.29 of the statutes.

5.03 FIREMEN.

- (1) Applications. Applications for membership in the Department shall be filed with the Department Secretary. Each applicant shall also file a certificate of physical fitness from

such physician as the Chief may designate. The name of any applicant appointed by the Chief as provided in the bylaws shall be presented to the Village Board for confirmation.

- (2) Age Limit. Active membership in the Department for members other than the Chief shall cease at the age of 60. Upon reaching the age of 60, active members shall become honorary members and shall be relieved from fire fighting duties

5.04 EQUIPMENT AND APPARATUS.

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

5.05 POLICE POWER OF DEPARTMENT.

- (1) Authority at Fires. The Chief and his assistants or officers in command are hereby vested with full and complete police authority at fires and may cause the arrest of any person failing to give the right of way to the Fire Department responding to a fire call.
- (2) Removal of Property. The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spread of fire or protect adjoining property, and during the progress of any fire he shall have the power to order the destruction of any property necessary to prevent the further spread of the fire. He shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impede the work of the Department during the progress of a fire.
- (3) Firemen May Enter Adjacent Property. It shall be lawful for any fireman acting under the direction of the Fire Chief or any officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and no person shall hinder, resist or obstruct any fireman in the discharge of his duty as hereinbefore provided.
- (4) Duty of Bystanders to Assist. Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in Command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person refusing to obey said orders.

5.06 FIRST RESPONDERS.

The Department may include those individuals designated as First Responders. First Responders may, but need not be, elected officers or members of the Department. (Elected officers and members may however, also be First Responders.) First Responders shall be designated as such by the Chief, in the discretion of the Chief, after having obtained appropriate education, training, and certification. First Responders so designated by the Chief shall continue to serve in that capacity purely in the discretion of the Chief, and the Chief shall have the authority to terminate such designation for any individual, with or without cause. First Responders are not members of the Fire Department unless qualified under the other membership provisions of these ordinances.

First Responders may resign such appointment by advising the Chief in writing. No specific change is necessary in the Butternut Volunteer Fire Department by-laws to implement these provisions regarding First Responders.

5.07 FALSE FIRE ALARMS PROHIBITED.

See Section 12.02 of this Code.

5.08 PENALTIES.

The penalty for violation of any provision of this chapter shall be a penalty as provided in Section 16.04 of this Code.

CHAPTER 6

PUBLIC WORKS

- 6.01 Street and Sidewalk Grades
- 6.02 Sidewalk Construction and Repair
- 6.03 Driveways
- 6.04 Street and Sidewalk Excavations and Openings
- 6.05 Obstructions and Encroachments
- 6.06 Snow and Ice Removal
- 6.07 Tree Trimming and Sanitation

6.01 STREET AND SIDEWALK GRADES.

- (1) Establishment. The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk in his office. No street, alley or sidewalk shall be worked until the grade thereof is established.
- (2) Alteration of Grade Prohibited. No person shall alter the grade of any street, alley sidewalk or public ground or any part thereof in the Village of Butternut by any means whatsoever unless authorized or instructed to do so by the Village Board or the Superintendent of Public Works. All such alterations of grade shall be recorded in the office of the Village Clerk by the Village Clerk or the officer authorizing the alteration.
- (3) Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in Section 16.04 of this Code.

6.02 SIDEWALK CONSTRUCTION AND REPAIR.

- (1) Owner to construct. It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Butternut and to pay the entire cost thereof. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Butternut, it shall proceed according to S 66.615 of the Wisconsin Statutes.
- (2) Permit Required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Butternut unless he is under contract with the Village to do such work or has obtained a permit therefore from the Superintendent of Public Works at least 7 days before work is proposed to be undertaken. No fee shall be charged for such permits.
- (3) Specifications. All sidewalks within the Village of Butternut hereafter shall be repaired, rebuilt and constructed in accordance with the following specifications:
 - (a) Subgrade. The subgrade shall be prepared by excavating to the line, grade and cross section as established by the Village Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be

thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Superintendent of Public Works a sub-base of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments the subgrade shall extend at least one foot beyond each edge of the sidewalk.

- (b) Material. All sidewalks shall be of air entrained concrete composed of 6 bags per cubic yard of one course construction, and built to the established line and grade. Gravel shall be of good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.
- (c) Forms. Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least 2 inches thickness except for sharply curved section. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats. To provide adequate drainage the sidewalk shall slope toward the curb at a minimum rate of ¼ Inch per foot of width of sidewalk. All joints and edges shall be finished with a 1/4 inch radius edging tool.
- (d) Width and Thickness. Residential walks shall be 5 feet in width and not less than 4 inches thick except within driveway approaches where the minimum thickness shall be 6 inches; provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this section. Sidewalks in front of commercial or industrial establishments shall be not less than 8 feet in width and 5 inches in thickness except within driveway approaches where the minimum thickness shall be 7 inches.
- (e) Finishing. Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before final finishing, the surface shall be checked with a 10 foot straight edge and any areas departing more than 1/8 inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.
- (f) Jointing. Transverse, full depth, 1/2 inch thick expansion joints of remolded expansion material shall be located every 40 feet and at the property line, and where the walk intersects another walk, curb line, building or driveway approach, and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least one inch in thickness and 5/16 inch in depth, shall be placed at intervals of approximately 5 feet. Steel division plates shall be placed at right angles to the centerline of the sidewalk at intervals not less than 15 feet.

All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Superintendent of Public Works.

(g) Curing and Drying. As soon as any of the concrete work hereinbefore mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "Impervious Coating," "Wet Fabric" or "Paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Specs. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as if fully set forth herein. Walks shall be kept from all traffic at normal temperatures for 48 hours and in cold weather (below 60 degrees F.) for 96 hours. No concrete shall be poured when the temperature may be expected to fall below 35 degrees F. in any 72-hour period or upon frozen subgrade.

(4) Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in Section 16.04 of this Code.

6.03 DRIVEWAYS.

(1) Approval Required. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Superintendent of Public Works.

(2) Specifications for Driveway Construction.

(a) Width. No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Village Board.

(b) Interference with Intersections Prohibited. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.

(c) Interference with Street. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage streets, side ditches or roadside areas or with any existing structure on the right of way. When required by the Superintendent of Public Works to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.

(d) Number of Approaches Limited. No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the Superintendent of Public Works. Any 2 approaches shall be at least 10 feet apart.

(e) Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for

sidewalk construction in Section 6.02 (3) of this code insofar as such requirements are applicable, including thickness requirements in Section 6.02(3)(d).

(f) Permittee Liable for Damage or Injury. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of Section 6.02(3).

(3) Penalty. The penalty for violation of any provision of this section shall be a penalty as provided Section 16.04 of this Code.

6.04 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

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

(2) Fee. The fee for a street opening permit shall be \$2.00 and shall be paid to the Village Treasurer who shall issue his receipt therefor.

(3) Bond. Before a permit for excavating or opening any street or public way may be issued, the applicant execute and deposit with the Village clerk an indemnity bond, approved by the Village President, in the sum of \$5,000.00 conditioned that he will indemnify and save harmless the Village of Butternut and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and sage condition all excavations and openings made in the street, and will replace and restore the pavement in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Superintendent of Public Works for a period of one year, and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such bond shall also guarantee that if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.

Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.

An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

- (4) Insurance. Prior to commencement of excavation work, a permittee must furnish the Superintendent of Public Works satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation, public liability insurance of not less than \$100,000.00 for one person, \$300,000.00 for one accident and property damage insurance of not less than \$50,000.00.
- (5) Regulations Governing Street and Sidewalk Openings.
- (a) Frozen Ground. No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Superintendent of Public Works.
- (b) Removal of Paving. In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (c) Protection of Public. Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, one red light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient number and properly spaced to give adequate warning. Except by special permission from the Superintendent of Public works no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (d) Replacing Street Surface. In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Superintendent of Public Works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than 6 inches in depth and each layer rammed, tamped, or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing, or other lumber shall be left in any trench. The Village may elect to have the Village make pavement repair for

any street or sidewalk opening, in which case the cost of making such repair and or maintaining it for one year shall be charged to the person making the street opening.

- (6) Excavation in New Streets Limited. Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Superintendent of Public Works shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of 5 years after the date of improvement or repaving unless in the opinion of the Superintendent of Public Works an emergency exists which makes it absolutely essential that the permit be issued.
- (7) Emergency Excavations Authorized. In the event of an emergency any person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.
- (8) Village Work Excluded. The provisions of this section shall not apply to excavation work under the direction of the of the Superintendent of Public Works by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village Streets.
- (9) Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in Section 16.04 of this Code.

6.05 OBSTRUCTIONS AND ENCROACHMENTS.

- (1) Obstructions and Encroachments Prohibited. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in sub. (2).
- (2) Exceptions. The prohibition on sub. (1) shall not apply to the following:
 - (a) Signs or clocks attached to buildings which project not more than 6 feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street or alley.
 - (b) Awnings which do not extend below any point 7 feet above the sidewalk, street or alley.
 - (c) Public utility encroachments duly authorized by state law or Village Board.
 - (d) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3 feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than 2 hours.

- (e) Temporary encroachments or obstructions authorized by permit under sub. (3).
- (f) Excavations and openings permitted under Section 6.04.

(3) Street Privilege Permit.

- (a) When Required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Superintendent of Public Works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by Ch. 8 of this Code.
- (b) Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk a bond or certificate of insurance with 10 day notice of cancellation in an amount determined by the Superintendent of Public Works, conditioned that the applicant will indemnify and save harmless the Village of Butternut from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.
- (c) Fee. The fee for a street privilege permit shall be \$10.00.
- (d) Conditions of Occupancy. The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Superintendent of Public Works for violation thereof:
 1. Such temporary obstruction shall cover not more than 1/3 of any street or alley.
 2. Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 3. Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than 4 feet in width guarded by a closed fence at least 4 feet high on both sides may be maintained during the period of occupancy.
 4. The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by the Superintendent of Public Works, shall continue during all hours of the day and night.
 5. No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 6. Buildings shall be moved only in accordance with the route prescribed by the Superintendent of Public Works.
 7. Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated,

cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.

- (e) Termination. All street privilege permits shall automatically terminate at the end of 3 months from the date of issuance unless an earlier determination date is specified thereon at the direction of the Superintendent of Public Works.
- (4) Removal by Village. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the Superintendent of Public Works to do so, it shall be the duty of the Superintendent of Public Works to remove such obstruction and make return of the cost and expense thereof to the Village clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.
- (5) Penalty. The penalty for violation of any of the provisions of this section shall be a penalty as provided in Section 16.04 of this Code.

6.06 SNOW AND ICE REMOVAL.

- (1) Responsibility of Owner, Occupant, Etc. The owner of each and every building, structure, or unoccupied lot in the Village of Butternut fronting or abutting any street shall clean or cause to be cleaned the entire length and width of the sidewalk in front of such building, structure, or unoccupied lot of snow within 48 hours after it shall cease to fall. Failure to remove the snow within that timeframe will result in the Village contracting for the removal and billing the property owner in the amount of \$100.00. Failure to pay will result in the fee being placed on the property tax roll.
- (2) Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in Section 16.04 of this Code, except that a person so charged may stipulate guilt under Section 4.09 of this Code for \$3.00. A separate offense shall be deemed committed during each hour or part thereof during which a violation occurs or continues.

6.07 TREE TRIMMING AND SANITATION.

- (1) Trees to be Kept Trimmed. Trees standing in and upon any public street or place, or upon any lot
- (2) or land adjacent thereto shall be pruned and trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and a clearance of not less than 10 feet over any other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not trimmed as herein provided shall be deemed hazardous.
- (3) Hazardous and Infected Trees. Any tree or part thereof, whether alive or dead, which the Superintendent of Public Works shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or

adjacent to which such tree or part thereof is located. The Superintendent of Public Works shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the Superintendent of Public Works on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Superintendent of Public Works shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk who shall thereupon enter such costs as a special charge against the property.

- (4) Cottonwood and Box Elder Trees Prohibited. No person shall plant or maintain within the Village of Butternut any female tree or the species Populus Deltoides, commonly called the “Cottonwood”, or any tree commonly call the seed-bearing Box Elder or Acer Negundo, Which may now or hereafter become infested with Box Elder bugs, and such trees are hereby declared a nuisance. Any person having any such trees on his premises shall cause the same to be removed. If any owner shall fail to remove any such tree within 30 days after receiving written notice from the Superintendent of Public Works, the Superintendent shall cause the removal of such trees and report the full cost thereof to the Village Clerk who shall place such charge upon the next tax roll as a special charge against the premises.
- (5) Planting of Certain Trees Restricted. No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Village of Butternut unless he shall first secure written permission from the Superintendent of Public works, who shall not approve any such planting if in his opinion said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the Public or the operation of any sewer or water system. The Superintendent of Public Works shall cause the removal of any tree planted in violation of this subsection.
- (6) Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in Section 16.04 of this Code.

CHAPTER 7

UTILITIES

- 7.01 Water department
- 7.02 Sewerage Service
- 7.03 Mandatory Hook-up

7.01 WATER DEPARTMENT.

(1) Management. The Butternut Municipal Water Department as a public utility shall be under the operation and management of the Committee on Public Works.

(2) Rates. Rates for water service shall be those as are most recently established and approved by the Public Service commission of Wisconsin.

(3) Compliance with Rules. All persons now receiving a water supply from the Butternut Municipal Water Department, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

(4) No Claims for Damages. No person shall enter a claim for damage against the Village or city of Butternut as a water utility, or any officer thereof, for damage to any pipe, fixture, or appurtenance by reason of interrupted water supply, or variation of pressure, or for damage of any nature whatsoever caused by the turning off, or turning on, either wholly or partially, of the water supply for the extension, alteration, or repair of any water main or premises supply, or for the discontinuance of the premise water supply for the violation of any rules or regulations of the Butternut Water Department. No claims will be allowed against the city or village on account of the interruption of the water supply cause by the breaking of pipes or machinery, or by stoppage for repairs, on account of fire or other emergency, and no claims shall be allowed for any damage caused by the breakage of any pipe or machinery.

(5) Main Extensions.

(a) Handling Water Mains and Service Pipes in Sewer or Other Trenches. Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.

Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at his own expense cause them to be replaced or repaired at once. He must not shut off the water service pipes from consumer for a period exceeding 6 hours.

(b) Settling Main or Service. Trenches in unpaved streets shall be refilled with moist, damp earth or by means of water tamping. When water tamping is used, the water shall be turned into the trench after the first 12 inches of backfill has been placed and then the trench shall be kept flooded until the remainder of the backfill has been put in.

It will be the duty of the superintendent to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or

vehicle and at night there shall be displayed red signal light in such manner as will, so far as possible, insure the safety of the public.

(6) Establishment of Service.

- (a) Service Applications. Application for the original installation of a supply from a water main, or for any extension, alteration of an existing supply from the curb line, or within the street property line, shall be filed by the owner of the property or an authorized agent therefore for the approval of the superintendent of the water department prior to the performance of any such work. If a master plumber, or the owner, makes such application, he shall provide, fully and truly, the legal description of the property, the street location, the officially designated building number, the size and character of the supply pipe, and the fixtures or appliances to be supplied. (Note particularly any special refrigeration or air conditioning water consuming appliances.)

The superintendent is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly and fully set forth by the applicant.

The signing of the application card or permit will constitute a contract for water supplied and its specific use, which contract embodies these regulations as part of same.

- (b) Service Connections. Each applicant for water service shall at the time of making application for such service, execute and deliver to the utility a contract for such water service, agreeing to put in the service pipe from the curb line to each piece of water using property existing at that point and owned by him where such water is desired, at the expense of such applicant and to commence the payment for such water service when a bill is rendered for the same.

No service pipe shall be installed to any lot or parcel of land not now being served unless said lot or parcel of land has a frontage on a regularly platted street or public strip in which a cast iron or other long life water main has been laid and unless the water service connection therewith is made between the property lines, extended to the main.

The service pipe shall be laid not less than 6 feet below the surface of an established or proposed grade line. When laid in a combined sewer and water trench the service shall be laid on a shelf of solid ground not nearer than 12 inches to the sidewall of the sewer trench.

No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to any adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.

No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such insulation as may be approved by the superintendent of the water department. Service

pipes passing through curb or retaining walls, shall be adequately safe-guarded by the provision of a channel space of pipe casing, not less than twice the diameter of the service pipe. The space between the service pipe and the channel or pipe casing shall be filled and lightly caulked with oakum, mastic cement, or other resilient material, and made impervious to moisture.

When a change of direction of a cast iron service is made on either side of a curb or retaining wall, the cast iron fittings shall be securely braced to prevent the loosening or blowing out of the lead in the caulked joints. The bracing shall be made by concrete backing, or by clamp rods extending from the fitted bell to the next bell or fitting or by clamp rods securely anchored in the wall. Such clamp rods should be not less than five-eighths (5/8) inch diameter and when buried in soil should be protected against corrosion by painting with tar asphaltum or other suitable means. Set screws for fastening clamp rods to pipe will not be permitted.

In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.

All water supplies shall be of undiminished size from the street main to and including the outlet valve of the water meter. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an ample and equitable distribution of water supply for the greatest probably number of fixtures or appliance units operating simultaneously. In no instance, however, shall any water supply pipe to the furthestmost rise or fixture branch be of a smaller diameter than three-fourths (3/4) inch.

In case it is necessary to install a separate new or larger service to replace an existing small diameter service pipe an allowance equal to 50 percent of the present cost of the installation of the size of service replaced will be made, provided the new service is installed in the same ditch as the existing service. In no case, however, will this allowance be less than \$10.00 and can only be made if the old service can be removed when the new service is installed.

(7) Meters.

- (a) Installation of Meter. Meters will be furnished and placed by the utility and are not to be disconnected or interfered with by the consumer. All meters shall be so located that they shall be preserved from obstructions and allow easy access thereto for reading and inspection, such location to be designated by the superintendent. All piping within the building must be supplied by the consumer. If additional meters are desired by the consumer he shall pay for all piping and an amount sufficient to cover the cost of maintenance and depreciation but not less than twenty-five cents per month.
- (b) Service Piping For Meter Settings. In installing new service piping (or changing service piping where consumers have been on a flat rate) if meters are to be set, the consumer shall, at his own expense provide the proper connections for the meter. Where it is

possible to set meters in the basement, a short nipple shall be inserted after the stop and waste cock, then a union and then another nipple and a coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the superintendent (he may require a horizontal run of 18 inches in such pipe lines) which may later be removed for the insertion of the meter into the supply line.

No permit will be given to change from metered to flat rate service.

- (8) Turning on Water. The water cannot be turned on for a consumer except by a duly authorized employee of the utility. When a plumber has completed a job he must leave the water turned off. This does not prevent him from testing his work.
- (9) Protective Devices.
 - (a) Protective Devices in General. The owner or occupant of every premises receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high-pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
 - (b) Relief Valves. On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective temperature relief valve shall be installed either in the top tapping or the upper side tapping of hot water tank, or on the hot water distributing pipe connection at the tank. A one-half (1/2) inch drainpipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain. No stop valve shall be placed between the hot water tank and the relief valve or on the drainpipe.
 - (c) Air Chambers. An air chamber or approved shock absorber shall be installed at the terminus or each riser, fixture, branch or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter or not less than that of the pipe it serves and a length not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided with a valve and draincock at its base for water drainage and replenishment of air.
- (10) Cross-connection control. Any person, firm or corporation who owns, leases or occupies property which is connected to the city's public water supply shall protect the public water system from contamination resulting from backflow of contaminants through the water service connection into the public water system.
 - (a) A cross connection is defined as any physical connection or arrangement between the otherwise separate water systems, one of which contains potable water from the city water system, and the other, water from a private source, water of unknown or questionable safety, or steam gases or chemicals, whereby there is a possibility that flow

may occur from one system to the other, the direction of flow depending on the pressure differential between the two systems.

- (b) No person, firm or corporation shall establish or permit to be established, or maintain or permit to be maintained, any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the city's distribution system.
- (c) It shall be the duty of the Butternut water utility to cause inspections to be made of all properties served by the public water system where a cross-connection with the public water system is deemed possible, in the determination of the utility director. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Butternut water utility.
- (d) Upon presentation of credentials, the representative of the Butternut water utility shall have the right of entry at all reasonable hours to examine for cross-connections any property served by a connection to the public water system of the village. Refusing entry to such utility representative shall be sufficient cause for the utility to discontinue the property's connection to the public water system under subsection E of this section. Upon the village's request, the owner, the lessee and/or the occupant of any property so served shall furnish to the utility any pertinent information regarding the piping system or systems on such property.
- (e) The Butternut water utility is authorized and directed to discontinue water service to any property which has any connection in violation of this section, and to take such other precautionary measures as are deemed necessary by the utility director to eliminate any danger of contamination of the public water system.
 - 1. When the utility director finds that a connection exists which is in violation of this section or that other precautionary measures are necessary, the city shall serve or cause to be served upon the owner, lessee or occupant of the property, a written notice, either personally or by certified or registered mail, return receipt requested, which states the nature of the utility's complaint and the action proposed to be taken.
 - 2. Within thirty days of the date of receipt of the notice, the property owner, lessee and/or occupant shall respond personally or in writing to the city regarding the complaint. Thereafter, the parties shall meet to evaluate the allegations of the complaint and where necessary, establish a plan for the satisfactory correction of the problem.
 - 3. Where the problem is not corrected by time compliance of the owner, lessee and/or occupant of the property, the village may order the owner, lessee and/or occupant to show cause before the common council or its duly authorized representative why disconnection of water service shall not be made.
 - 4. Written notice shall be served upon the property owner, lessee and/or occupant by personal service, certified or registered mail, return receipt requested, specifying the time and place of the hearing to be held by the Village Board of Trustees or its

- designee regarding the problem and the reasons the service disconnection is proposed to be made. The notice shall direct the property owner, lessee and/or occupant to show cause why the proposed enforcement action should not be taken.
5. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer or authorized representative of the property owner, lessee, or occupant.
 6. The proceedings at the hearing shall be considered by the Village Board of Trustees or its designee who shall then enter whatever order it determines is appropriate.
 7. Appeal of such order may be taken by the property owner, lessee or occupant to circuit court in Ashland County, Wisconsin.
- (f) The village adopts by reference the State Plumbing Code of Wisconsin and the Wisconsin Administrative Code, as amended from time to time.
- (g) This section does not supersede the State Plumbing Code of Wisconsin, the Wisconsin Administrative code or Section 16.02 of Title 16 of this code, but is supplementary to them. (Ord. 87-542 SS 1,1987)

Village of Butternut's Cross-Connection Control Program Administrative Procedure

A database consisting of all commercial, industrial and public authority water accounts is used as the foundation for the properties that the Butternut Water Utility contacts via mail for compliance with the Cross-Connection ordinance sec. 7.01 (10). The water utility requires that the property owner have a Wisconsin licensed plumber inspect the plumbing and sign an inspection form stating that the property is free of any cross-connections. The procedure is as follows:

- Send first letter with blank inspection form enclosed. The signed inspection form is due to the Water Utility within two months of the date of the first letter.
- If inspection form not received by due date, send second letter reminding the customer the date of the first letter and stating that the inspection form is past due. Enclose a blank inspection form. The signed inspection form is due to the Water Utility within three weeks of the date on the second letter.
- If inspection form not received by the due date, send third letter reminding the customer the date of the first and second letters and stating that the inspection form is past due. Enclose a blank inspection form and carbon copy the Public Works Director. The signed inspection form is due to the Water Utility within three weeks of the date on the second letter.
- If inspection form not received by due date, send fourth letter (certified) reminding the customer the date of the first, second and third letters and stating that the inspection form is past due. This letter is signed by the Public Works Director and carbon copied to the Village Attorney. The signed inspection form is due to the Water Utility within two weeks of receipt of the letter. Failure to comply may result in termination of the water service.

Copies of the letters and other forms can be found in Appendix C.

- (11) Repairs to Service. The service pipe from the main to the curb will be maintained and kept in repair at the expense of the utility. The consumer shall maintain the service pipe from the curb to the point of use and can be billed for any water which has not passed through the meter and has been wasted by leakage of defective pipes and fixtures.

If a consumer fails to repair a leaky or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the superintendent of the utility after notification has been served on the consumer by the superintendent, the water will be shut off and will not be turned on again until the repairs have been completed

- (12) Repairs to Mains. The utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the company will give notification by newspaper publication or otherwise, of the discontinuance of the supply. No rebate or damages will be allowed to consumers for such temporary suspension of supply.

- (13) Thawing Frozen Services. Frozen services shall be thawed out by and at the expense of the utility except where the freezing was caused by contributory fault or negligence on the part of the consumer such as reduction of the grade or undue exposure of the piping in the building or on consumers property or failure to comply with water department specifications and requirements as to depth of service, lack of sufficient backfill, etc.

Following the freezing of a service the utility shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge will be made for re-thawings if the instructions are followed. In case it is necessary to allow the water of flow to prevent re-freezing the consumer must make provisions for proper disposal of the wastewater.

For the period in which the water is allowed to run the consumer will be billed according to his meter readings but in no even to excess the average amount paid in the corresponding billing period of the previous of the previous two years. A new consumer will be charged the average bill for the other consumers of the same class receiving service under comparable conditions.

- (14) Repairs to Meters. Meters will be repaired by the water department and the cost of such repairs caused by the ordinary wear and tear will be borne by the utility. Repairs of any damage to a meter resulting from the carelessness of the owner of the premises, his agent or tenant or from the negligence of anyone of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

- (15) Stop Boxes. The consumer shall protect the stop box in his terrace and shall keep the same free from dirt and other obstructions. The utility shall not be liable for failure to locate stop box and shut off water in case of a leak on the consumer's premises.

(16) Billing Procedures.

- (a) Unit of Service. A unit of service shall consist of any aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store office or factor, etc., which is equipped with one or more fixtures for rendering water service, separate and distinct from other users. Each unit of service shall be regarded as one consumer and the surcharge for additional consumers on a meter assessed accordingly.

Suites in houses, or apartments where complete housekeeping functions (such as cooking) are not exercised, shall be classed as rooming houses. Thus, houses and apartments having suites of one, two or more rooms with toilet facilities but without kitchen for cooking are classed as rooming houses.

When a consumer's premises have several buildings each supplied with service and metered separately, the full service charge will be billed for each meter separately, but the readings will be cumulated. If these buildings are all used in the same business and are connected by the consumer, they can be metered in one place. If the utility, for its own convenience installs more than one meter, the readings will be cumulated for billing.

- (b) Payment of Bills. Bills for water service are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A penalty of 10 percent will be added to bills not paid within 15 days from the date of bill. If the bill is not paid within 20 days, the consumer will be given written notice that the bill is delinquent and that unless payment or satisfactory arrangement for payment is made within the next five days, service will be disconnected without further notice.

Failure to receive a bill in no way exempts consumers from provisions of these rules. (Also see Deposit and Guarantee Rules.)

(17) Deposit and Guarantee Rules.

- (a) For Property Owners. Deposit may be required if the credit of the consumer has not been established satisfactorily to the utility.

- (b) For Renters. Either of the following alternatives to be used:

1. A deposit may be required of all renters using water service to guarantee the payment of the water bill by the renter.
2. A deposit will be required of renters where property owners have notified the utility in writing that they preferred to have the water bills paid by the renter.

- (c) Deposit. The amount of deposit required may be a sum not exceeding the estimated gross bills for all water service, both billed and unbilled, which can be supplied before the utility's filed disconnect rule become applicable. The amount to be deposited may be a minimum of \$1.00 per month of each class of water service furnished.

The deposit shall be refunded upon request of the consumer after two years' service with payments within the prompt payment period, and, without such request, shall be refunded voluntarily by the utility after three years' service with payments within the proper payment period. In no case, however, will a deposit be refunded if the customer's credit standing is not satisfactory to the utility.

A new or additional deposit may be required upon reasonable written notice of the need for such a requirement in any case where a deposit has been refunded or is found to be inadequate, or where the customer's credit standing is not satisfactory to the utility. The water service of any customer who fails to comply with these requirements may be disconnected upon 5 days' written notice.

The guarantor shall receive copies of all final disconnect notices sent to the customer whose account he has guaranteed.

In the event the utility is not able to collect any bill for water, even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in Section 66.06, Wisconsin Statutes.

- (18) Failure to Read Meters. Where the utility is unable to read meter after two successive trials, the fact shall be plainly indicated upon the quarterly bill, the minimum charge assessed and the difference adjusted with the consumer when the meter is read again, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month.

If the meter is damaged (see Surreptitious Use of Water.) or fails to operate for any reason, the utility will render a bill for the current period, base on the average of the last two quarters, providing there is no particular reason why the use during that period has not been normal. In case the last two periods cannot be properly used, then the bill shall be estimated by some equitable method.

- (19) Charges for Water Wasted Due to Leaks. When the meter registers losses due to pipe leaks the utility shall determine whether or not the defect in the piping or equipment was known to the consumer or, being known, he had used his best efforts to correct the condition. If the utility is satisfied that the loss occurred without the consumer's knowledge, or having known about it he had tried to correct the condition, the utility may determine as nearly as possible what is the amount of the loss by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. If, however, the consumer knew of the leak and failed to give proper attention to it the utility will bill for the total consumption shown by the meter at regular rates.

- (20) Complaint Meter Tests. If a consumer demands that a test be made of his meter in addition to the period or installation test, he shall pay a test fee of \$1.00 per inch of normal size or fraction thereof. If the meter is found fast in excess of 2 percent, the payment for the test will be refunded and the usual adjustment made in the past bills.

- (21) Surreptitious Use of Water. When the utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a 24 hour

disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions.

1. The consumer will be required to deposit with the utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.
2. The consumer will be required to pay the utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
3. The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.
4. Wisconsin Statutes as relating to water service, are hereby adopted and made a part of these rules.

(22) Water for Construction. When water is wanted for construction purposes, for filling cisterns, tanks or tank wagons, steam tractors or rollers, or portable steam boilers, an application therefor shall be made to the superintendent, in writing, upon provided for that purpose in the water department office, giving a statement of the amount of construction work to be done, or the size of the cistern, boiler, tank, or tank wagon to be filled. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be carried inside the cellar wall from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the superintendent.

(23) Use of Hydrant for Construction. In cases where no other supply is available permission may be granted by the superintendent to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. A charge of \$1.00 will be made for setting a valve, or for moving it from one hydrant to another. In no case shall any valve be moved except by a member of the water department. Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. The applicant must make deposit for \$1.00 for the hydrant wheel and \$1.50 for the reducer, if he desires one. When the contractor has finished using the hydrant he must notify the water department to that effect. The minimum charge for the use of water from a hydrant will be \$5.00, exclusive of the deposit, but including the charge for setting the valve.

(24) Emergency and Occasional Service. Water used for construction work must be covered by a written permit which can be obtained only from the superintendent. In no case will any employee of the utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work the contractor must return the original permit to the water department together with a statement of the actual amount of construction work performed.

Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the department. Any consumer failing to comply with this provision will have his water service discontinued and be deemed guilty of a misdemeanor. Upon conviction thereof he shall be subject to a fine as set forth in the following section.

- (25) Operation of Valves and Hydrants-Penalty. Any person who shall, without authority of the superintendent, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly injure or impair the same shall be subject to the penalty as provided in Section 16.04 of this Code. Permits for the use of hydrants or filling sprinkling carts apply only to such hydrants as are designated for such use. Owners or operators of motor vehicles will be held for the cost of repair of any hydrant damaged by being hit by a motor vehicle and the water department will not be responsible for the damage to the motor vehicle by reason of such accident.
- (26) Hydrant Connections. In the use of a fire hydrant supply, the hydrant valve will be set at the proper opening, by the water department when the sprinkling valve is set and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have a swing joint to facilitate quick disconnection from the fire hydrant.
- (27) Right to Open Hydrants. Only such persons as shall be authorized by the superintendent of the water department or the chief engineer of the fire department shall be permitted to open any fire hydrant for any purpose whatsoever and no one except such persons shall be permitted to take the hydrant wrenches or wheels or suffer the same to be taken from any fire engine house, except for fire department purposes.
- (28) Temporary Metered Supply Meter and Deposits. An applicant for temporary water supply on a meter basis shall make and maintain a monetary deposit of not less than \$15.00 for each meter installed, as security for payment for use of water and for such other charges which may arise from the use of the supply. The charge for setting the valve and furnishing and setting the meter will be \$5.00, so that of the \$15.00 deposit, \$10.00 will be available to pay for the water used at the scheduled rates.
- (29) Refunds and Monetary Deposits. All monies deposited as security for payment of charges arising from the use of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depressor and the return of the wheel and reducer.
- (30) Inspection of Premises. Any officer or authorized employee of the utility shall have the right of access during reasonable hours to the premises supplied with service, for the purpose of inspection or for the enforcement of the utilities rules and regulations. The utility will make a systematic inspection of all unmetered water taps at least once every twelve months for the purpose of checking waste and unnecessary use of water.
- (31) Vacation of Premises. When premises are to be vacated the utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the utility of vacancy.

7.02 SEWERAGE SERVICE.

- (1) Sewerage Service Charge. A sewerage service charge is hereby imposed upon each lot, parcel of land, building or premises served by the sewerage system, or otherwise discharging sewage (including industrial wastes) into the sewerage system. Such sewerage service charge shall be payable as hereinafter provided, and in an amount determinable as follows: The sewerage system charge for any lot, parcel of land, building or premises shall be based upon the quantity of water used therein or thereon as measured by the water meter in use, and the rates shall be those as are most recently established and approved by the Public Service Commission of Wisconsin.
- (2) Deleterious Sewage. No sewage (including industrial waste) shall contain any substance which is deemed deleterious by the Village Board to the operation of the sewerage system. If a user of the sewerage system discharges any deleterious substance therein, he shall be required to discontinue the discharge of such substance into the sewerage system within 10 days after receipt of notice in writing.
- (3) Payment: Penalty.
 - (a) The sewerage service charges as assessed or levied pursuant to this ordinance shall appear on the bills for water charges and shall be collected by the Village in the same place, in the same manner and at the same time as water bills are collected and paid.
 - (b) Each sewerage service charge levied by or pursuant to this ordinance is hereby made a lien upon the corresponding lot, land or premises served by a connection into the sanitary sewerage system of the Village of Butternut, and if the same is not paid within the period allotted for such payments, a penalty of 3 % shall be added to said charge and the same shall constitute a lien on the property served and be inserted in the Village's tax roll as provided in Sec. 66.09(1)(b) of the Wisconsin Statutes.
 - (c) The amounts received from the collection of the charges authorized by this ordinance shall be credited to the sanitary sewerage account, which shall show all receipts and expenditures of the sewerage system. When appropriated by the Village Board, the credits to said account shall be available for the payment of the requirements for operation, maintenance, repairs and depreciation of the sewerage system, for payment of all or part of the expenses for additions and improvements to said system, and for the payment of principal and interest on bonds or other evidences of indebtedness incurred in connection with said sanitary sewerage systems, including additions and improvements thereto.
 - (d) The Village shall make and enforce such rules and regulations as may be deemed necessary for the safe, economical and efficient operation, management and protection of the sewerage system and the sewage disposal plant.
- (4) Administration. The Village sewerage system as a public utility shall be administered by the Committee on Public works, subject to the further regulations and control of the village Board, and all regulations, acts of administration, expenditures and disbursements shall be subject to the Village Board approval.

(a) Sewer Charges.

1. There shall be charged to each user of the sewer system a charge as follows:
2. A minimum charge based on the size of water meter in service as per the following schedule:

5/8" & 3/4" Meters	20.00 per quarter
1" Meters	50.00 per quarter
2" Meters	120.00 per quarter
3" Meters	820.00 per quarter

3. A variable charge based on the amount of water consumed as defined in Section 4.03, of \$1.44 per 1,000 gallons per quarter.

(5) Prohibited Connections.

- (a) Eaves, troughs, roof leaders, downspouts, cisterns, overflows, surface and ground water drains of the like shall not be connected in any manner to discharge into sanitary sewers in the Village of Butternut, and the maintenance or the connection of the same as to discharge into sanitary sewers is hereby prohibited.
- (b) The Building Inspector or such other officer as may be hereafter designated by the Village Board shall have power and authority at all reasonable times to enter upon any private or public premises and make inspection thereof for the purpose of ascertaining whether or not the owner or occupant of the same is complying with the provisions of this section.

7.03 MANDATORY HOOK-UP

This ordinance establishes the water utility of the Village of Butternut of Ashland County and establishes water rates, rules and regulations concerning the government thereof and also concerning government of water takers, licensed plumbers and others, and penalties.

(1) Section 1.00

- 1.01 The management, operation, and control of the water system for the Village of Butternut, is vested in the Butternut Municipal Water Department of said Village of Butternut: all records, minutes and all written proceedings thereof shall be kept by the Clerk of the Village of Butternut, who shall also keep all the financial records. It is understood that said Water System shall include not only water lines to provide water to users, but also, by reference, any required sewer system and necessary charges for that system. To the extent any provision in this Chapter shall conflict with any other provision of the Municipal Code of the village of Butternut, the provisions of the Chapter shall control.
- 1.02 The water utility of the Village of Butternut shall have the power to construct water lines for public use, and shall have the power to lay water pipes in and through the alleys, streets, and public grounds of the Village of Butternut, and generally, to all such work as may be found necessary or convenient in the management of the water system. The Village of Butternut shall have power by themselves, their officers, agents, and servants to enter upon any land for the purpose of making examination or supervise in the

performance of their duties under this Ordinance, without liability therefore; and the Village of Butternut shall have the power to purchase and acquire for the Village of Butternut all real and personal property which may be necessary for construction of the water system, or for any repair, remodeling, or additions thereof.

1.03 Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village of Butternut be necessary to the water system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Village of Butternut shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes, and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal funds are used.

1.04 Title to Real Estate and Personality. All property, real, personal and mixed, acquired for the construction of the water system, and all plans, specifications, diagrams, papers, books and records connected therewith said water system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the said Village of Butternut.

(2) Section 2.00

2.01 User Rules and Regulations. The rules, regulations, and water rates hereinafter set forth shall be considered a part of the contract with every person, company, or corporation who is connected with the water system and every such person, company, or corporation by connection with the water system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the said Village of Butternut may hereafter adopt are on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Village of Butternut may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation the said Village of Butternut furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Village of Butternut to change the said rules, regulations, and water rates from time to time as they may deem advisable; and to make special rates and contracts in all proper cases, all subject to the authority of the Wisconsin Public Service Commission.

(3) Section 3.00

The following rules and regulations for the government of licensed plumbers, water takers and others are hereby adopted and established:

3.01 Plumbers

(a) No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the water system without first receiving a license from the State of Wisconsin.

3.02 Users

(a) Lateral Charges

- i. “Street Laterals” will be installed by the Utility for water service, and will be charged to the requestor as determined from time to time by the Butternut Municipal Water Department.
- ii. If a request for an extension to the system is granted, the cost for such extension, including laterals, will be paid for by the requestor. Upon inspection and approval by the Utility, the extension will be dedicated to the Utility. There will be no additional charge for laterals installed by this method. All plans and specifications must be approved by the Utility before construction begins.

(b) Tap Permits. After water connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Village of Butternut.

(c) User to Keep in Repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary waste of water.

(d) User to Permit Inspection. Every user shall permit the Village Of Butternut or their duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the water is used, and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.

(e) Utility Responsibility. It is expressly stipulated that no claim shall be made against said Butternut Municipal Water Department or Village of Butternut by reason of the breaking, clogging, stoppage, or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the water service within any district of the said Village of Butternut the Village of Butternut shall, if practicable, give notice to each and every consumer within said Village of Butternut, of the time when such service will be so shut off.

(f) Meters. It shall be the duty of the owner of any premises to provide a location for a water meter, and to maintain such locations and passageway thereto, clean and sanitary and free from any obstruction or any conditions of a hazardous nature. No connection for water meters shall be installed in any location not easily accessible, or which is or may be, unclean, unsanitary, or in any manner unsafe to utility employees in the discharge of their duties.

3.03 Excavations

- (a) In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- (b) No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.
- (c) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted in to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Village of Butternut. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

3.04 Tapping the Mains

- (a) No persons, except those having special permission from the Village of Butternut, or persons in their service and approved by them will be permitted, under any circumstances to tap the water mains or distribution pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said Village of Butternut.
- (b) Pipes should be tapped on the top half of the pipe, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another connection.

3.05 Installation of House Laterals

- (a) All water lines on private property, whether underground or within a structure, will be installed in accordance with State of Wisconsin Administration Code, Chapter H-62, "Design, Construction, Installation, Supervision and Inspection of Plumbing;" specifically Section H-62.13, "Water Distribution Systems."
- (b) The building's water line shall be inspected upon completion of placement of the pipe and before backfilling and, tested before or after backfilling.

3.06 Water Service Rates. Water Utility Rules. So called standard rules published by the Public Service Commission of Wisconsin (small utility rules) and the rates as provided by the Public Service Commission Finding of Fact, Certification, and Order are hereby adopted by the Village of Butternut as applicable to the Water Utility. The methodology to be utilized by the Village of Butternut Treasurer in determining the minimum quarterly billing per customer for sewer use, as well as the variable, unit price cost for sewer use is as follows: The user charges should be reviewed and updated no less than biannually. However, if the sewer use charges are to be revised more often (i.e. annually or quarterly) the same methodology can be utilized at any time. It will be necessary for the Village of Butternut Treasurer to utilize the actual values, as determined by the final project audit, for (a) debt retirement; (b) Farmers Home Administration (FmHA) reserve account requirement; (c) operation and maintenance costs; (d) replacement costs; and (e) number of customers each time the sewer use costs are

determined. While the debt retirement, reserve account and replacement amounts should remain constant, the other costs and number of customers may vary considerably at each review. The applicable rate charges for the Butternut Municipal Water Department are attached hereto and incorporated herein by reference as if fully set forth and are designated as Appendix A. The Butternut Municipal Water Department, through the Village of Butternut, shall apply for a 3% rate increase each year. Any newly approved rate information shall be included in said Water Ordinance, which shall be regularly updated.

The Village of Butternut (Borrower) has received loan monies from the Farmers Home Administration, U.S. Department of Agriculture (FmHA) for construction of the Village sewage works. The Borrower is obligated to repay these loan monies at three percent interest, over 40 years, as set forth on the attached principle repayment schedule (Appendix B).

By adopting this methodology, the Village of Butternut similarly adopts other specific methodology as may from time to time be required by the referenced lender and shall control.

3.07 Mandatory Hook-up

- (a) The owner of each parcel of land adjacent to a water main on which there exists a building useable for human habitation or in a block, through which such system is extended, shall connect to such system within 30 days notice in writing from the Village of Butternut. Upon failure to do so, the Village of Butternut may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes provided, however, that the owner may within thirty (30) days after the completion of the work file a written option with the Village of Butternut secretary stating that he cannot pay such amount in one sum and ask that they be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of 12 percent per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 144.06 Wisconsin Statutes.
- (b) In lieu of the above, the Village of Butternut at their option may impose a penalty for the period the violation continues, after ten (10) days written notice to any owner failing to make a connection to the water system in an amount of \$100 per month for each residential unit equivalent for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes.
- (c) This ordinance ordains that the failure to connect to the water system is contrary to the minimum health standards of said Village of Butternut and fails to assure preservation of public health, comfort, and safety of said Village of Butternut.

3.08 Maintenance of Services

- (a) All water services within the limits of the Village of Butternut from the street main to the property line and including all controls between the same will be maintained by the Water Utility without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner, in which case they will be repaired at the expense of the property owner. All water services from the point of maintenance by the Utility to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

3.09 Payment of Bills

- (a) Failure to Receive Bill No Penalty Exception. Every reasonable care will be exercised in the proper delivery of water bills. Failure to receive a water bill, however, shall not relieve any person of the responsibility for payment of water rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.
- (b) Billing. The property owner is held responsible for all water bills on premises that he owns. All water bills and notices of any nature, relative to the water service, will be addressed to the owner and delivered to the premises referred to on such bill or notice.

3.10 Penalty for Improper Use

- (a) It shall be unlawful for any person to willfully pollute or otherwise injure any water supplied by the water system.
- (b) Cross-connections are not permitted between the water utility system and any other source of water as set forth in Wisconsin Administrative Code NR 111.25 and H 62.14.
- (c) All private wells which are unused, unsafe or do not comply with appropriate Wisconsin Administrative Code must be abandoned in compliance with Section NR 112.21 of the Code.

3.11 Damage Recovery

- (a) The utility shall have the right of recovery from all persons, any expense incurred by said utility for the repair or replacement of any water pipe, curb stop, gate valve, hydrant, or valve box damaged in any manner by any person by the performance of any work under their control, or by any negligent act. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by them and the utility will not be responsible for the damage due the motor vehicle by reason of such accident.

3.12 Penalties

- (a) Any person who shall violate any of the provisions of this Ordinance or rules or regulations of the Butternut Municipal Water Department of the Village of Butternut; or who shall connect a service pipe without first having obtained a permit therefore;

or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$10 nor more than \$200 and the costs of prosecution. This, however, shall not bar the Village of Butternut from enforcing the connection duties set out in Section 3.07 for mandatory hookup.

(4) Section 4.00

Miscellaneous Rules and Regulations

- 4.01 Charges are a Lien on Property. All water services, charges and special assessments shall be a lien on a lot, part of a lot, or land on which water service were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the Village of Butternut Clerk to be placed on the tax roll for collection as provided by Section 66.069 (1) of Wisconsin Statutes.
- 4.02 Adoption of Other Rules. There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor and Human Relations; and the Department of Natural Resources of the State of Wisconsin, insofar as the same are applicable to the Butternut Municipal Water Department of the Village of Butternut.
- 4.03 Severability. If any section, subsection, sentence, clause or phrase or the Ordinance is, for any reason, held to be invalid, such decisions shall not affect the validity of the remaining portions of the ordinance. The Village of Butternut hereby declares that it would have passed this Ordinance and section, subsection, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

CHAPTER 8

BUILDING REGULATIONS

- 8.01 Permits Required
- 8.02 Building Code
- 8.03 Electrical Code
- 8.04 Plumbing Code
- 8.05 Fire Prevention Code
- 8.06 Fire District Regulations
- 8.07 Penalties

8.01 PERMITS REQUIRED.

- (1) General Permit Requirement. No building, plumbing or electrical work shall be performed in the Village of Butternut unless a permit therefor is applied for and obtained or waived as required in the provisions of this chapter.
- (2) Payment of Fees. All fees shall be paid to the Village Treasurer and his receipt showing that the fees prescribed by ordinance have been paid, presented to the Building Inspector before the Inspector shall issue to the owner, or his agent, a building, electrical or plumbing permit.
- (3) Permit Lapses. A building permit shall lapse and be void unless operations under the permit are commenced within 6 months from the date of issuance thereof.
- (4) Revocation. If the Building Inspector shall find at any time that the 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 instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the side 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 Inspector may order to be done as a condition precedent to the reissuance of the permit, or as he may require for the preservation of human life and safety or property.
- (5) Duties of Building Inspector. It shall be the duty of the Building Inspector to enforce all laws relating to the construction, alteration, removal and demolition of buildings and structures. Such office is hereby created to be appointed by the Village President, subject to the approval of the Village Board.
- (6) 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 this ordinance.
- (7) Records. The Building Inspector shall keep a record of all permits, fees and inspections and shall make an annual report thereon to the Village Board.

8.02 BUILDING CODE.

- (1) Building Permits and Inspection.

- (a) Permit Required. No building or any part thereof shall hereafter be erected within the Village of Butternut or ground broken for the same, except as hereinafter provided until a permit therefor shall first have been obtained a permit therefor shall first have been obtained from the Building Inspector by the owner, or his authorized agent. The term “building” as used in this section shall include any building or structure, and any enlargement, addition, alteration, heating or ventilating installation, moving or demolishing, or anything affecting the fire hazards or safety of any building or structure.
- (b) Application. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land, and also of the owner of the building, if different, the legal description of the land upon which the building is to be located, and shall contain such other information as the Building Inspector may required for effective enforcement of this section.
- (c) Plans. With such application there shall be submitted 2 complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. Plans for buildings required to comply with the State Building code shall bear a stamp of approval from the Industrial commission. Such plans and specifications shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided; the other set 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 the application, he may waive the filing of plans for alterations, repairs or moving provided the cost of such work does not exceed \$5,000.00.
- (e) Approval of Plans. If the Building Inspector determines that the proposed building will comply in every respect with all ordinances of the Village and all applicable laws and orders of the State of Wisconsin, he shall officially approve and stamp one set of the plans and return it to the owner, and shall issue a building permit therefor 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 above-mentioned ordinances, laws and orders, or which involves the 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 or alterations valued at less than \$300.00 which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilations of the building without issuing a building permit.
- (g) Fees. The fees for building permits shall be \$1.00 for every \$1,000.00 or part thereof the cost of the proposed building, additions, or alterations, up to \$10,000.00; plus .50 for every additional \$1,000.00 or part thereof up to \$20,000.00; plus .25 for every \$1,000.00 in excess of \$20,000.00 The minimum fee shall be \$1.00.
- (h) Inspection of Work. The builder shall notify the Building Inspector when ready, the Building Inspector shall inspect all buildings upon completion of the foundation forms, or before the foundation is laid, and again when ready for lathe and plaster, or before

paneling is applied. After completion he shall make a final inspection of all new buildings and alterations.

(2) Building Code.

- (a) There is hereby adopted by the Village of Butternut for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties that certain building code known as the National Building Code, abbreviated Edition, recommended by the American Insurance Association, successor to the National Board of Fire Underwriters, being particularly the 1967 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which a copy is now filed in the office of the clerk of the Village of Butternut and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the Village of Butternut.
- (b) Wherever the word “Municipality” is used in the building code, it shall be held to mean the Village of Butternut. Wherever the term “Corporation Counsel” is used in the building code, it shall be held to mean the Attorney for the Village of Butternut.

(3) Unsafe Buildings.

- (a) Whenever the Building Inspector finds any building or part thereof within the Village to be in his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove such building or part thereof, or if it can be make safe by repairs, to repair and make safe and sanitary or to raze and remove it at the owner’s option. Such order and proceedings shall be as provided in s. 66.05(5) of the Wisconsin Statutes.

8.03 ELECTRICAL CODE.

- (1) State Code Applies. All electrical work in all dwellings and buildings, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code, adopted by the Wisconsin Department of Industry, Labor and Human Relations, and amendments and revisions adopted to date, which is hereby made by reference and part of this ordinance.
- (2) Permit. No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Village Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used, and all later deviations from such plan must be submitted to and approved by the Building Inspector. Permit fees shall be the same as set forth in Section 8.02(1)(g).

- (3) 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 finished work. If he finds that the work conforms to the State Electrical Code, he 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 filed by location in the office of the Building Inspector. It shall be unlawful to use any such electrical equipment until such certificate has been issued.

8.04 PLUMBING CODE.

- (1) Definition. Plumbing for the purpose of this ordinance is hereby defined as follows:
- (a) As is stated in Section 145.01 (1), (a), (c), (d) and (e) of the Wisconsin Statutes.
 - (b) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, storm water or industrial waste from a point three feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal termination including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.
- (2) State Code. The provisions and regulations of Wisconsin State Statutes, Chapter 145 and Chapters H 61, H 62, and H_63 of the Wisconsin Administrative Code adopted by the State Board of Health of Wisconsin are hereby made a part of this ordinance by reference, and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village of Butternut, Wisconsin.
- (3) Inspection and Supervision.
- (a) The Building Inspector shall perform such duties as are provided for in Section 145.05 (1) of the Wisconsin Statutes and shall make monthly and annual reports to the appointing body.
 - (b) He shall be under the direct supervision of the Village Board and shall enforce all of the provisions of this ordinance. He shall prepare suitable forms for applications, permits and other reports.
- (4) Authority of Building Inspector.
- (a) The Building Inspector shall have authority which is hereby granted, to enter all buildings in the Village of Butternut in the performance of his duties between the hours of 8:00 A.M. and 5:00 P.M. daily and any person who shall willfully or knowingly resist or obstruct the Building Inspector in the performance of his duties shall be deemed guilty of a violation of this ordinance.
 - (b) The Building Inspector is authorized to withhold approval of an application for a plumbing permit to any person who has not complied with a lawful order of the Building Inspector. The person refused such a permit may appeal within ten days to the appointive body or officer.
 - (c) It shall be the duty of the plumber in charge to notify the Building Inspector whenever any work is ready for inspection (i.e. soil, vent, underground drain, final inspection).

All plumbing work shall be left exposed until such time as the Inspector has completed his examination and inspection. When in the opinion of the Inspector, a test in addition to requisites of H62.21 of the Wisconsin Administrative Code is necessary, he may require a water or air test on any part of the entire installation.

(5) Application and Permits.

- (a) No plumbing shall be installed in the village of Butternut, Wisconsin, without first filing an application and receiving a permit. This shall also apply to any building located outside the limits of said Village before such building may be connected to the sewer or water system of the village of Butternut, Wisconsin. Each application must be approved by the local Building Inspector before a permit to install plumbing may be issued. Licensed master plumbers only may receive such permits, with the exception that a permit may be issued to a property owner to install plumbing in a single family residence which is owned and occupied by such owner, as his home.
- (b) A permit shall be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing.
- (c) Permit fees shall be the same as set forth in Section 8.02.

(6) Street Openings. In addition to other provisions of this code:

- (a) No openings in streets, alleys or other public ways to install plumbing will be permitted when the ground is frozen, except when necessary. In opening any street or other public way, all materials for paving or ballasting shall be removed with the least possible injury or loss and together with the excavated material from the trenches shall be placed where the least practicable inconvenience to the public will be caused, and admit of free passage of water along the gutters.
- (b) All openings made in the public streets or alleys in accordance with permission given pursuant hereto shall be enclosed with sufficient barriers, and red lamps shall be maintained upon the same at night and all other necessary precautions shall be taken to guard the public against accidents from the beginning to the completion of the work.
- (c) In opening a trench on any street or lot, the sidewalk materials, sand, gravel and earth, or whatever material is removed or penetrated, must be replaced in precisely the same condition and relation to the remainder as it was before. All rubbish must be removed at once, leaving the street, or sidewalk in perfect repair and must be so maintained for a period of one year thereafter. All gas, water and electric lines or conduits must be protected from injury or settling in a manner approved by the Building Inspector.
- (d) When any excavation is made in a permanently paved road or street or in any road or street which is to be permanently paved, all clay or had pan must be removed and the excavation entirely back filled with sand or gravel thoroughly wet and consolidated. Any tunnel dug in such road or street shall be back filled with concrete in a manner approved by the Building Inspector.

8.05 FIRE PREVENTION CODE.

- (1) Adoption of Fire Prevention Code. There is hereby adopted by the Village of Butternut 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, Abbreviated Edition, recommended by the American Insurance Association, being particularly the 1965 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which a copy is now filed in the office of the Clerk of the Village of Butternut and the same are hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the limits of the Village of Butternut.
- (2) Permits. Application for permits covered by Section 17 of the Fire Prevention Code are to be made to the Office of the Village Clerk. The fee for such permits shall be \$15.00 per year and shall be renewable each year.
- (3) Enforcement. The code hereby adopted shall be enforced by the Chief of the Fire Department/
- (4) Definition. Wherever the word "Municipality" is used in the code hereby adopted, it shall be held to mean the Village of Butternut.
- (5) Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents, Storage of Flammable Liquids in Outside Aboveground Tanks, and Bulk Storage of Liquefied Petroleum Gases is to be Restricted. The limits referred to in Section 53B of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, the limits referred to in section 74A of the code hereby adopted in which storage of Class I liquids in outside aboveground tanks is prohibited, and the limits referred to in Section 114 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted are hereby established as set forth in Section 8.06(1).
- (6) Modifications. The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.
- (7) 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 Fire Department to the Village Board of the Village of Butternut within 30 days from the date of the decision appealed.
- (8) Deletion. Section 13 of said fire Prevention code is hereby deleted.

8.06 FIRE DISTRICT REGULATIONS.

(1) Fire District. All that part of the Village of Butternut included within the following described territory shall be known as the fire district:

Blocks 1,2,3,4,5,6,7,8,9 and 10 of the Original Plat of the Village of Butternut Creek.

(2) Definitions. The terms “fire-resistive construction,” “mill construction,” “ordinary construction,” “frame construction” and “fire-retardant roof coverings” shall have the meaning as defined in the Wis. Adm. Code, ss. Ind. 51.001, 51.01, 51.02, 51.03 and 51.07 of the Wisconsin State Building code.

(3) Regulations within Fire Districts.

(a) 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 as provided in s. Ind. 51.05 Wis. Adm. Code, which is hereby by reference made a part of this ordinance with respect to all building and structures within the fire district.

(b) 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 750 square feet in area, located on the same lot with a dwelling; provided that any such building shall be placed at least 5 feet from the lot lines of adjoining property.
2. Buildings of frame construction, except when used for high hazard occupancy, not exceeding 500 square feet in area when used for business occupancy, nor more than one story in height, and having a horizontal separation of not less than 10 feet on all sides. Walls having a horizontal separation of less than 10 feet shall have a fire-resistive rating of not less than one hour.
3. Buildings of frame construction, not to exceed 2,000 square feet in area when used as up to a two family private residence dwelling, nor more than one story in height, and having a horizontal separation of not less than 10 feet on all sides, and only with approval of the Village Board. Walls having a horizontal separation of less than 10 feet shall have a fire-resistive rating of not less than one hour.
4. Greenhouses not more than 15 feet in height.
5. Builders’ shanties for use only in connection with a duly authorized building operation.

(4) Bulk Oil Tanks Prohibited. The storage of Class I and Class II flammable liquids as defined in s. Ind. 801 Wis. Adm. Code, in aboveground tanks outside of buildings is prohibited within the fire district.

(5) Razing Old or Damaged Buildings. Any existing building or frame construction within the fire limits which may hereafter be damaged by fire, or which has deteriorated to an amount greater than ½ of its value, exclusive of the foundation, as determined by the Village

Assessor, shall not be repaired or rebuild, but shall be ordered removed by the Building Inspector under the provisions of s. 66.05 of the Wisconsin statutes.

(6) Fire-Retardant Roofing.

(a) 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", in which is hereby adopted by reference and incorporated in this section as if fully set forth herein.

(b) No roofing on an 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. (a) of this section.

(7) The Building Inspector (or Fire Chief or other designated person) is hereby authorized and it shall be his duty to enforce the provisions of this ordinance.

8.07 PENALTIES.

In addition to the revocation provisions herein, the penalty for violating any provision of this chapter shall be as provided in Section 16.04 of this code. A separate offense shall be deemed committed on each day which a violation of any provision of this chapter occurs or continues.

CHAPTER 9

PLANNING AND ZONING

- 9.01 Interpretation and Purposes
- 9.02 Official Map
- 9.03 Districts
- 9.04 Definitions
- 9.05 General Provisions
- 9.06 Single Family Residence District
- 9.07 Multiple Family Residence District
- 9.08 Business District
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- 9.10 Agricultural-Forestry District
- 9.11 Conservancy District
- 9.12 Conditional Uses
- 9.13 Board of Appeals
- 9.14 Changes and Amendments
- 9.15 Enforcement
- 9.16 Violations and Penalties
- 9.17 Annexation
- 9.18 Fair Housing

By the authority vested in Wisconsin Statutes, Section 62.23 this ordinance will promote the health, safety, morals and general welfare; promote the efficient and economical development of the Village of Butternut; regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purposes divide the Village of Butternut, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out the said purposes; provide a method for its administration and enforcement and provide penalties for its violation.

9.01 INTERPRETATION AND PURPOSES.

The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Butternut, Wisconsin.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height

of a building or requires larger open spaces than are required by other rules, regulations or permits or by easement, covenants or agreements, the provisions of this ordinance shall govern.

9.02 OFFICIAL MAP.

- A. There is hereby adopted the “OFFICIAL MAP of the Village of Butternut, Wisconsin”, showing the location and width of streets, highways and parkways and which map consists of two sheets: Amendment “A” sheet 1 of 2 (Street Development Plan), for the area within the village limits; and Amendment “A” Sheet 2 of 2 (Street Extension Plan), for the area outside the Village limits over which the Village has extra-territorial jurisdiction in accordance with Section 62.23(6) of the Wisconsin Statutes.
- B. The Village Planning Committee, when passing upon a land subdivision plat referred to it by the Village Board, shall not recommend such plat for approval unless it conforms with the OFFICIAL MAP.
- C. 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 paragraphs (d) and (g), subsection (6) of Section 62.23 of the Wisconsin Statutes. The proper official authorized by the Village Board to issued building permits shall require each applicant to submit a plot plan, certified by a qualified surveyor, for approval. Such plot plan shall show accurately the location of any proposed building with reference to any street as shown on the OFFICIAL MAP.

9.03 DISTRICTS.

- (1) For the purposes of this ordinance, the Village of Butternut, Wisconsin, is hereby divided into 6 districts, as follows:
 - 1. Single Family Residence District
 - 2. Multiple Family Residence District
 - 3. Business District
 - 4. Industrial District
 - 5. Agricultural-Forestry District
 - 6. Conservancy District
- (2) The boundaries of the aforesaid districts are hereby established as shown on the map entitled “District Map, Village of Butternut, Wisconsin,” which map accompanies and is made a part of this ordinance. All notations and references shown on the district map are as much a part of this ordinance as though specifically described herein.
 - (a) The district boundaries are either streets, alleys or lot lines, unless otherwise shown, and where the designation on the district map indicates that the various districts are approximately bounded by a street, alley or lot line, such lot line or the center line of such street, alley shall be construed to be the district boundary line.
 - (b) In unsubdivided property, the location of the district boundary lines shown on the district map shall be determined by the use of the scale shown on such map.

9.04 DEFINITIONS.

For the purposes of this ordinance, certain words and terms are defined as follows:

1. Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. Any words not herein defined shall be construed as defined in the state and village building code.
2. Airport, Public. Any airport which complies with the definition contained in Section 114.013 (3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
3. Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
4. Apartment House. See “Dwelling, Multiple.”
5. Automobile Wrecking Yard. Any premises on which more than one automotive vehicle not in running or operating condition, is stored in the open.
6. Basement. A story partly or wholly underground. The height of a basement shall be the vertical distance between the surface of the floor next above it.
7. Boarding House. A building other than a hotel where meals, or lodging and meals, are furnished for compensation for 4 or more persons not members of a family.
8. Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
9. Building, Accessory. A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. An automobile trailer or other vehicle or part thereof, or other building used as a temporary or permanent dwelling or lodging place shall not be considered an accessory building or use.
10. Building, Height of. The vertical distance from the average curb level in front of the lot or the finished grade at the front building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
11. Building, Main. A building constituting the principal use of a lot.
12. Dwelling, One-Family. A detached building designed for and occupied exclusively by one family.
13. Dwelling, Two Families. A detached or semidetached building designed for and occupied exclusively by 2 families.
14. Dwelling, Multiple. A building or portion thereof designed for and occupied by more than 2 families, including tenement houses, row houses, apartment houses and apartment hotels.
15. Exception. The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this

ordinance, which is permissible by reason of special provisions of this ordinance, or for which a special permit may be issued by the Village Board or the Board of Appeals, under conditions specified in this ordinance.

16. Family. The body of persons who live together in 1 dwelling unit as a single housekeeping entity.
17. Frontage. All the property abutting on one side of a street between 2 intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
18. Garage, Private. An accessory building or space for the storage only of not more than 2 motor-driven vehicles.
19. Garage, Public. Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
20. Garage, Storage. Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.
21. Home Occupation. A gainful occupation conducted by members of the family only, within their place of residence.
22. Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
23. Junk Yard. Any premises on which there is an accumulation of scrap metal, paper, rags, glass, scrap lumber or other scrap materials stored or customarily stored for salvage or sale, unless such accumulation shall be housed in a completely enclosed building.
24. Loading Space. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings and abutting on or affording direct access to a public street or alley, for the temporary parking of a commercial vehicle while loading or unloading cargo.
25. Lodging House. A building other than a hotel where lodging only is provided for compensation for not more than 5 persons not members of the family.
26. Lot. A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings, together with the open spaces required by this ordinance and abutting on a public street or officially approved place.
27. Lot, Corner. A lot abutting on 2 or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.
28. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.
29. Lot, Interior. A lot other than a corner lot.
30. Lot, Through. An interior lot having frontage on 2 nonintersecting streets.
31. Lot Lines. The lines bounding a lot as defined herein.

32. Nonconforming Use. A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or any amendments thereto.
33. Professional Office. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.
34. Roadside Stand. A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises.
35. Setback. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.
36. Stable. “Stable” shall have the same meaning as “garage”, 1 draft animal being considered the equivalent of 1 self-propelled vehicle.
37. Story. That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
38. Story, Half. The space under any roof except a flat roof which, if occupied for residential purposes shall be counted as a full story.
39. Street. All property dedicated or intended for public or private street purposes of subject to public easements therefor and 21feet or more in width.
40. Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.
41. Structural Alterations. Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.
42. Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
43. Temporary Structure. A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.
44. Tourist Camp or Motel. A tract or parcel of land on which one or more buildings containing rooms for transients or 1 or more camp cabins are located, or where temporary accommodations are provided for 2 or more automobile trailers or house cars, open to the public free or for a fee.
45. Variance. A departure from the terms of this ordinance as applied to a specific building, structure or parcel of land, which the Board of Appeals may permit, contrary to the regulations of this ordinance for the district in which such building, structure or parcel of land is located, when the Board finds that a literal application of such regulations will effect a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is no compensating to gain to the public health, safety or welfare.

46. Vision Clearance. An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.
47. Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provide herein.
48. Yard, Front. A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.
49. Yard, Rear. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building, excluding uncovered steps. In the case of irregular or triangular lots, where none of the lot lines bounding the rear of the lot are at an angle of less than 45 degrees to the front lot line, the rear lot line for the purposes of this ordinance shall be a line 15 feet long, wholly within the lot, parallel to the front lot line or the main chord thereof, and at the maximum distance from the lot line.
50. Yard, side. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

9.05 GENERAL PROVISIONS.

Except as otherwise provided in this ordinance, the following regulations shall apply to all districts:

No provision of this ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land, buildings or other structures as a nuisance under the appropriate laws of the State of Wisconsin.

A. Buildings and Uses.

1. The use of buildings hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than 1 main building on 1 lot.
2. Every building hereafter erected, converted, enlarges or structurally altered shall be located on a lot and in no case shall there be more than 1 main building on 1 lot.
3. Nothing herein contained shall require any change in the plans, construction, size or designed use of any building or part thereof for which a building permit has been issued before the effective date of this ordinance and the construction of which shall have been started within 6 months from the date of such permit.
4. Nonconforming Uses.
 - (a) The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this ordinance for the district in which it is located, but no building or premises containing a nonconforming use shall be enlarged or extended.
 - (b) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a

- conforming use, such use shall not thereafter be changed to a less restricted use. A nonconforming use shall not be changed to another nonconforming use of the same classification unless and until a permit therefor shall first have been secured from the Village Board. For the purposes of this ordinance, the uses permitted in the Single Family Residence District comprise the most restricted classification, and the uses first permitted in the other districts comprise progressively less restricted classifications in the same order in which the said districts appear herein. See Section 9.05(A)(8).
- (c) If the nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located. A reasonable interim between tenants or occupants shall not be construed to mean discontinuance.
 - (d) When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than 60 percent of its current local value as determined by the Village Assessor, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any nonconforming use shall not during its life exceed 50 percent of the local assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.
5. Where a housing project consisting of a group of 2 or more buildings containing a total of 8 or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout makes it impractical to apply the requirements of this ordinance to the individual building units, the Village Board may approve a development plan provided it complies with the regulations of this ordinance as applied to the whole of such sit.
 6. Accessory buildings which are not a part of the main building shall not occupy more than 30 percent of the area of the required rear yard, shall not be more than 15 feet high and shall not be nearer than 3 feet to any lot line, except that where a private garage has an entrance facing an alley , such entrance shall be located not less than 10 feet from the nearest alley line. The above height and area restrictions shall not apply to accessory buildings shall not be closer than 100 feet to any lot line. Where an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard requirements for the main building shall be applied to the accessory building.
 7. The Village Board may, after investigation and public hearing, authorize the location of any of the following buildings or uses in any district from which they are excluded by this ordinance, provided that each such building or use shall comply with all other regulations for the district in which it is proposed to be located. In authorizing the location of such buildings or uses, the board may establish such conditions and safeguards as will further and protect the general purpose and intent of this ordinance:
 - (a) Cemeteries.

- (b) Fire Stations.
 - (c) Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
 - (d) Public dumping ground.
 - (e) Public hospitals, except hospitals for the care or treatment of epileptics or drug or drink addicts or the insane or feeble-minded, when such hospital building shall be located not less than 100 feet from any lot in any residence district not used for the same purpose.
 - (f) Mobile Homes. No mobile home intended for occupancy shall be located within the Village of Butternut except in a mobile home park licensed in accordance with Section 11.03 (3).
 - (g) Public utility buildings, structures and lines, including microwave radio relay structures and their appurtenances, for such purposes as are reasonably necessary for the public convenience and welfare.
 - (h) Railroad siding and structures.
 - (i) Schools, both public and parochial, sanatoriums, homes for convalescents and the aged, and other public or private institutions of an educational, philanthropic or charitable nature.
 - (j) Sewage disposal plants.
 - (k) Storage garage or parking area in connection with a housing development project.
8. The Village Board may, after investigation and public hearing, authorize the change of a nonconforming use to another of the same classification, provided that the Board shall find that the proposed change of use will not adversely affect the character of the neighborhood in which such nonconforming use is located. See Section 9.05 A 4, (b).

B. Area Regulations.

- 1. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
- 2. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by 1 family.

C. Height Regulations.

- 1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarges or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
- 2. Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet nor 5 stories, provided the front, side and rear yards required in the district in which such building is to be located are each

increased at least 1 foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

3. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this ordinance.
4. Residences in the Residence Districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increase by 1 foot for each foot by which such building exceeds the height limit otherwise established for the district in which it is located.
5. Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
6. On through lots which extend from street to street, the height of the main building may be measured from the mean elevation of the finished grade along the end of the building facing either street.

D. Front, Side and Rear Yard Regulations.

1. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building.
2. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the 2 districts which abut the district boundary line.
3. Where part of a frontage is occupied by buildings have setbacks which are greater or less than the setback required by this ordinance for the district in which such frontage is located, the following rules apply:

(a) For Vacant Lots

(1) Interior Lot between 2 Buildings. Where lots which are occupied by main buildings are located on both sides of a vacant lot and within 200 feet thereof as measured between each such building and the nearest side line of such vacant lot, the setback line in the said vacant lot shall be established at the point of intersection of its center line, drawn from the front lot line, and a line connecting the nearest points on the setback lines in the said occupied lots.

(2) Interior Lot, Building On Only One Side. Where a lot which is occupied by a main building is located on only one side of a vacant lot and within 200 feet thereof as measured between such building and the nearest side line of such vacant lot, the setback line in the said vacant lot shall be established at the point of intersection of its center line, drawn from the front lot line, and a line

connecting the nearest points on the setback line in such occupied lot and the setback line required by this ordinance in the adjoining lot on the opposite side of the said vacant lot.

(3) Interior Lot, No Nearby Buildings. Where no lot which is occupied by a main building is located within 200 feet of a vacant lot, as measured according to the above rules, the setback in such vacant lot shall be the setback required by this ordinance.

(4) Corner Lot. Where a lot which is occupied by a main building is located within 200 feet of a vacant corner lot, as measured between such building and the nearest side line of such vacant corner lot, the setback line in the said vacant corner lot shall be the average of the setback in such occupied lot and the setback required by this ordinance.

(b) For Occupied Lots.

(1) Interior Lot between 2 Buildings. Where lots which are occupied by main buildings are located on both sides of a building on an interior lot and within 200 feet thereof, as measured between the nearest parts of such buildings, no alteration to such building, except uncovered steps, nor any accessory building on the same lot shall project beyond a setback line established as provided in (a)(1) above, or the setback line established by the original construction of such building, whichever requires the lesser setback.

(2) Interior Lot, Building Only One Side. Where a lot which is occupied by a main building is located on only one side of a building on an interior lot and within 200 feet thereof, as measured between the nearest parts of such buildings, no alteration to the second said building, except uncovered steps, nor any accessory building on the same lot shall project beyond a setback line established as provided in (a)(2) above, or the setback line established by the original construction of the second building, whichever requires the lesser setback.

(3) Interior Lot, No Nearby Buildings. Where no lot which is occupied by a main building is located within 200 feet of building on another lot, as measured between the nearest parts of such buildings, the setback for the second said building shall be the setback required by this ordinance.

(4) Corner Lot. Where a lot which is occupied by a main building is located within 200 feet of a building on a corner lot, as measured between the nearest parts of such buildings, no alteration to the building on such corner lot, except uncovered steps, nor any accessory building on the same lot shall project beyond a setback line established as provided in (a) (4) above, or the setback line established by the original construction of the building on the said corner lot, whichever requires the lesser setback.

4. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the

required rear yard provided that the setback requirements on both streets be complied with.

5. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 24 inches; provided, however, that no such ornamental feature shall project over a street line more than 8 inches.
6. Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet and into a required court not more than 3-1/2 feet, provided they be so located as not to obstruct light and ventilation.

E. Motor Vehicles and Parking.

1. No commercial motor vehicle exceeding 2 tons capacity shall be stored in any storage garage.
2. In any Business or Industrial District, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any business or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
3. (a) All theaters, arenas, auditoriums, churches, or other places of public gathering hereafter erected shall provide an accessible parking space off the public street of sufficient size to accommodate at least 1 car for every 10 seats provided.
(b) Every dwelling hereafter erected or structurally altered shall provide motor vehicle parking space off the public street and accessible thereto in the ratio of not less than 1 such parking space for each family which the building is intended to accommodate.

9.06 SINGLE FAMILY RESIDENCE DISTRICT.

Use. In the Single Family Residence District, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Single family dwellings.
2. Churches, public and parochial schools, public libraries, museums and art galleries. Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums. Public recreational and community center buildings and grounds.
3. Telephone buildings, exchanges and lines, electric substation and transformers, provided there is no service garage or storage yard; telephone and telegraph and power transmission poles and lines and necessary appurtenances. This regulation, however, shall not include microwave radio relay structures unless and until the location thereof shall first have been approved by the Village Board. The setback requirements of this ordinance shall not be applied to the necessary and customary construction, reconstruction and maintenance of public utility poles and lines.

4. Farming and truck gardening, excepting chicken, fur and stock farms and farms operated for the disposal of garbage, rubbish or offal, provided that there may be one roadside stand, not more than 300 square feet in ground area. On the same premises with each such farm or truck garden; nurseries and greenhouses only for the propagation of plants; provided that greenhouse heating plants and buildings in which farm animals are kept shall be distant not less than 75 feet from every lot line.
5. Accessory buildings or 1 private garage, or 1 private stable when such stable is located not less than 60 feet from the front lot line.
6. Not over 4 boarders or lodgers not members of the family.
7. Railroad right-of-way and passenger depots, not including switching, storage, freight yards or siding.
8. Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
9. Home occupations, provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the character of the premises or of the neighborhood, that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes and that no person other than a member of the immediate family living on the premises is employed.
10. Professional offices. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than 25 percent of the floor area of only 1 story of a dwelling unit shall be occupied by such office and only 1 person not a member of the family may be employed in such office.
11. Professional or announcement signs not over 1 square foot in area, except that public or religious institutions may have, for their own use, an announcement sign or bulletin board not over 8 feet square in area; signs place by the public authorities for the guidance or warning of traffic; signs not over 6 square feet in area pertaining to the lease, hire, or sale of a building or premises or the protection of persons or property, provided that no advertising sign of any other character shall be permitted in the Single Family Residence District; and provided further that all permitted signs, except public signs for the guidance or warning of traffic, shall be located within the lot lines and at least 15 feet from the inside sidewalk line, and that no such sign shall be illuminated except by order of the public authorities.

Height and Area. In the Single Family Residence District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Buildings hereafter erected or structurally altered shall exceed neither 35 feet nor 2 ½ stories in height. See Section 9.05 C 2, 3, 4,5.

Side Yard. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered. For buildings not over 1 ½ stories high, the sum of the widths of the

required side yards shall not be less than 20 feet, and no single side yard shall be less than 8 feet in width.

For buildings from 1 ½ stories to 2 ½ stories high, the sum of the widths of the required side yards shall be not less than 25 feet, and no single side yard shall be less than 10 feet in width.

Provided, however, that on a single lot having a width of less than 60 feet and of record at the time of the passage of this ordinance, the sum of the widths of the side yards shall not be less than the equivalent of 4 inches per foot of lot width for buildings from 1 ½ stories high and of 5 inches per foot of lot width for buildings from 1 ½ to 2 ½ stories high; provided further, that the buildable width of any such lot in no case shall be reduced to less than 30 feet, nor shall the width of any single side yard be less than 40 percent of the total required side yard width. See Section 9.05, A5; B1; D1; 2, 5, 6.

Setback. Unless otherwise provided, there shall be a setback line of not less than 30 feet, provided that on any corner lot less than 75 feet wide and of record at the time of the passage of this ordinance, where reversed frontage exists, the setback on the side street shall be the setback required on the lot in the rear less 1 foot for each foot by which the width of the said corner lot is less than 75 feet, but the setback on the side street shall not be less than 50 percent of the setback required on the lot in the rear; provided further that in no case shall the buildable width of such corner lot be reduced to less than 30 feet. No accessory building shall project beyond the setback line of the lot in the rear. See Section 9.05, A5; B1; D1, 2, 3.

Rear Yard. On every lot in the Single Family Residence District there shall be a rear yard having a depth of not less than 20 percent of the depth of the lot, provided that such rear yard shall not in any case be less than 25 feet in depth. See Section 9.05, A5; B1; D1, 2, 4. Lot Area Per family. Every building hereafter erected, moved or structurally altered shall provide a lot area of not less than 9,000 square feet per family and no such lot shall be less than 60 feet in width; provided that no corner lot shall be less than 75 feet in width. See Section 9.05, A5; B1, 2; D1.

Auto Parking. See Section 9.05, E3.

9.07 MULTIPLE FAMILY RESIDENCE DISTRICT.

Use. In the Multiple Family Residence District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the Single Family Residence District; 2-family dwellings; multiple-family dwellings.
2. Boarding houses and lodging houses.
3. Hospitals and Clinics, but not veterinary hospitals or clinics.
4. Private clubs, fraternities and lodges, except those whose chief activity is a service customarily carried on as a business.

Height and Area. In the Multiple Family Residence District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Buildings hereafter erected or structurally altered shall exceed neither 35 feet nor 2 ½ stories in height. See Section 9.05, C2, 3, 4, and 5.

Side Yard. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered. The sum of the widths of such side yards shall not be less than 15 feet, and no single side yard shall be less than 6 feet in width; provided that the buildable width of any such lot in no case shall be reduced to less than 24 feet, and that the width of any single side yard shall in no case be less than 5 feet. See Section 9.05, A5; B1; D2, 5, 6.

Setback. Unless otherwise provided, there shall be a set back line of not less than 25 feet, provided that on any corner lot less than 75 feet wide and of record at the time of the passage of this ordinance, where reversed frontage exists, the setback on the side street shall be the setback required on the lot in the rear less than 1 foot for each foot by which the width of the said corner lot is less than 75 feet, but the setback on the side street shall not be less than 50 percent of the setback required on the lot in the rear; provided further that in no case shall the buildable width of such corner lot be reduced to less than 28 feet. No accessory building shall project beyond the setback line of the lot in the rear. See Section 9.05. A5; B1; D1, 2, 3.

Rear Yard. On every lot in the Multiple Family Residence District there shall be a rear yard having a depth of not less than 20 percent of the depth of the lot, provided that such rear yard shall not in any case be less than 20 feet in depth. See Section 9.05, A5; B1; D1, 2, 4.

Lot Area per Family. Every building hereafter erected, moved or structurally altered for occupancy by 1 family shall provide a lot area per family as required by the regulations for the Single Family Residence District. Every building hereafter erected, moved or structurally altered for occupancy by 2 families shall provide a lot area of not less than 4300 square feet per family and no such lot shall be less than 60 feet in width. No corner lot laid out or divided after the effective date of this ordinance shall be less than 75 feet in width. See Section 9.05, A5; B1, 2; D1.

Auto Parking. See Section 9.05, E3.

9.08 BUSINESS DISTRICT.

Use. In the Business District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the Multiple Family Residence District.
2. Any of the following specified uses:
 - (1) Animal hospital, Pet shop.
 - (2) Art shop, antique shop, or gift shop.
 - (3) Automobile sales and service establishments, public garage, parking lot.
 - (4) Bakery (retail).
 - (5) Bank, financial institution.

- (6) Barber shop, beauty parlor.
- (7) Book and stationery store, newsstand.
- (8) Bowling alley, pool and billiard room.
- (9) Bus depot.
- (10) Business and professional offices, public utility offices.
- (11) Candy Store, confectionery store.
- (12) Clinic.
- (13) Clothing store, department store, dress shop, hosiery shop, millinery shop, shoe store, shoe repair shop.
- (14) Drug store, ice cream shop, pharmacy, soda fountain, soft drink stand.
- (15) Florist shop.
- (16) Food and dairy products establishments (retail), delicatessen, fruit and vegetable market, grocery store, meat and fish shop.
- (17) Furniture store, office equipment store, upholsterer's shop.
- (18) Hardware store, home appliance store, paint store, plumbing, heating and electrical supplies, sporting goods store.
- (19) Hotel, motel.
- (20) Jewelry store, watch repair shop.
- (21) Laundry or cleaning and dyeing establishment.
- (22) Microwave radio relay structures.
- (23) Music store, radio and television store.
- (24) Optical store.
- (25) Photographer and photographer's supplies.
- (26) Police and fire station, post office, municipal garage, except public shops and storage yards.
- (27) Printing shop.
- (28) Restaurant, barbecue stand, café, cafeteria, caterer, lunchroom, tavern.
- (29) Tailor shop, clothes pressing shop.
- (30) Telephone and telegraph office.
- (31) Temporary structures, including signs, billboards and other outdoor advertising structures.
- (32) Theaters and places of amusement, except drive-in theaters.
- (33) Tobacco store.
- (34) Undertaking establishment.
- (35) Variety store, notion shop.
- (36) Any other uses similar in character and the manufacture of treatment of products clearly incidental to the conduct of a retail business on the premises.
- (37) Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.

Height and Area. In the Business District the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Buildings hereafter erected or structurally altered shall exceed neither 45 feet nor 3 stories in height. See Section 9.05, C2, 3.

Side Yard. For buildings or parts of buildings hereafter erected or structurally altered for residential use, the District shall apply; otherwise a side yard, if provided, shall not be less than 6 feet in width.

Setback. Where parts of the frontage are designated on the district map as residence District and Business District, the setback regulations of the Residence district shall apply to the Business District; otherwise no setback shall be required.

Rear Yard. There shall be rear yard having a minimum depth of 25 feet for a building 2 stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased 5 feet. See Section 9.05, A 5; B 1; D 1, 2, 4, 5, 6.

Lot Area Per Family. Every building or part of a building hereafter erected or structurally altered for residential purposes shall provide a lot area of not less than 5000 square feet per family. See Section 9.05. B 1. 2; D 1.

Vision Clearance. No building located at the intersection of 2 or more streets, where a setback of less than 10 feet exists or is provided, shall hereafter be erected or structurally altered for any purpose unless a vision clearance triangle is provided at the corner of the building nearest such intersection. Such vision clearance triangle shall be free of visual obstruction of any kind except for 1 vertical supporting member not more than 12 inches square in horizontal cross section. Such vision clearance triangle shall extend not less than 10 feet horizontally along each street line from their intersection and shall extend vertically from the curb line to the ceiling line of the ground floor, but in no case shall such vision clearance triangle be less than 12 feet high.

9.09 INDUSTRIAL DISTRICT.

Use. In the Industrial district, unless otherwise provided in this ordinance, building or land may be used for any purpose except the following:

1. Residential, education or institutional uses, except a dwelling for a watchman or caretaker employed on the premises and members of his family.
2. Uses in conflict with any laws of the State of Wisconsin or any ordinances of the Village of Butternut governing nuisances.
3. Any of the following uses unless the location of such use has been approved in writing by the Village of Butternut after investigation and public hearing.
 - (a) Acid, ammonia, bleach, chlorine or soap manufacture.
 - (b) Ammunition manufacture; explosives or fireworks mfr. or storage.
 - (c) Asphalt, coal and coal and coal tar or coke manufacture.
 - (d) Automobile wrecking yard; junk yard.
 - (e) Bones, distillation of.
 - (f) Cement, lime, gypsum or plaster of Paris manufacture.

- (g) Fat rendering.
- (h) Forge plant.
- (i) Fertilizer manufacture.
- (j) Garbage, rubbish, offal or dead animal reduction or dumping.
- (k) Gelatin, glue or size manufacture.
- (l) Inflammable gases or liquids, refining or manufacture of; over ground tank farms.
- (m) Slaughterhouse, stockyard.
- (n) Smelting.

Height and Area. In the Industrial district the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Buildings hereafter erected or structurally altered shall exceed neither 60 feet nor 5 stories in height. See Section 9.05, B 2; C 3, 5; D 4.

Side Yard. For buildings or parts of buildings used for residential purposes, the side yard regulations of the Single Family Residence District shall apply; otherwise a side yard, if provided, shall be not less than 6 feet in width. See Section 9.05, D 1, 2.

Setback. Where parts of the frontage are designated on the district map as Residence district and Industrial District, the setback regulations of the Residence District shall apply to the Industrial District.

Rear Yard. There shall be a rear yard having a minimum depth of 20 feet for a building 3 stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased 3 feet. Loading platforms may be established in such rear yard where it abuts on a railroad. See Section 9.05, A 6; B1; D1,2,4,5,6,.

Lot Area Per Family. Every building or part of a building hereafter erected or structurally altered for residential purposes shall provide a lot area of not less than 10,000 square feet per family. See Section 9.05, B1, 2; D1.

Vision Clearance. No building located at the intersection of 2 or more streets, where a setback of less than 10 feet exists or is provided, shall hereafter be erected or structurally altered for any purpose unless a vision clearance triangle is provided at the corner nearest such intersection. Such vision clearance triangle shall be free of visual obstruction of any kind, except for 1 vertical supporting member not more than 12 inches square in horizontal cross section. Such vision clearance triangle shall extend not less 10 feet horizontally along each street line from their intersection and shall extend vertically from the curb line to the ceiling line of the ground floor, but in no case shall such vision clearance triangle be less than 12 feet high.

Auto Parking. Every building hereafter erected or structurally altered for any industrial use shall provide not less than 1 parking space for each 4 persons employed at any one time on the premises, plus at least 1 additional parking space for each vehicle operated in connection with the use of such building.

9.10 AGRICULTURAL-FORESTRY DISTRICT.

This district is intended to provide for the continuation of forestry and related programs, conserve those areas best suited for agricultural development, and to prevent the untimely scattering of residential, commercial and industrial uses in areas not served by utilities and municipal facilities.

(a) Permitted Uses.

1. General farming, provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest residential or commercial district.
2. One and two family farm residences and a single mobile home, but only when occupied by owners and/or persons engaged in farming activities on the farm which it is located.
3. Woodlots and tree farms.
4. Production of forest corps, including tree plantations.
5. Harvesting of wild crops such as marsh hay, moss, berries, tree fruits and tree seeds.
6. Hiking trails, wildlife refuges.
7. Hunting and fishing unless prohibited by ordinances or laws.
8. Customary accessory buildings including not more than one roadside stand for the sale of farm products produced on the premises. Any such roadside stand shall be set back 50 feet from the center line of the road or highway and no more than two non-lighted signs no larger than 24 square feet in area advertising the sale of said products may be erected within 100 feet of the stand. The Board of Appeals may order the removal of a farm stand if said Board determines that it constitutes a traffic hazard or nuisance.
9. Airports including terminal facilities and necessary concessions.

(b) Dimensional Requirements.

Building Height Limit

Residential	35 feet
Agricultural	Not Applicable

Required Lot Area	5 acres
Minimum Lot Width	300 feet

Yards Required

Front Yard	40 feet
Side Yard	

Principal Building	10 feet
Accessory Building	3 feet

Rear Yard	30 feet
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Parking

Off-Street Residential	1 per family
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9.11 CONSERVANCY DISTRICT.

The conservancy District is intended to preserve the natural state of scenic areas in the city and to prevent uncontrolled, uneconomical spread of residential development, and to help discourage intensive development of marginal lands so as to prevent potential hazards to public and private property. The 2,000 feet restricted development radius around the sewage lagoon is also included in this district.

(a) Permitted Uses:

1. Management of forestry, wildlife, and fish.
2. Harvesting of tame hay and wild crops, such as: Marsh hay, ferns, moss, berries, tree fruits and tree seeds.
3. Hunting, fishing and trapping.
4. Dams, power stations, transmission lines and water storage facilities.
5. Gravel or sand pits and quarrying including the washing and grading of products.
6. Parks and general recreational area.
7. Uses similar and customarily incident to any of the above uses.

There are no setbacks, lot side or other dimensional requirements applicable to the Conservancy District.

9.12 CONDITIONAL USES.

- A. The Planning Committee or the Village Board may authorize the Building Inspector (as referred to in the Enforcement and Penalties Sections of this ordinance) to issue a conditional use permit for conditional uses specified in this ordinance after a review and a public hearing, provided such uses are in accordance with the purpose and intent of this ordinance.
- B. Application for conditional use permits shall be submitted to the Building Inspector on forms provided by the Inspector and shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, and the existing and proposed use of each structure and lot. The cost of land use permits shall be established by the Butternut Village Board.
- C. The Planning Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.
- D. Conditions related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, increased yards, parking requirements, may be required by the Planning Committee upon its findings that such conditions are necessary to fulfill the purpose and intent of this ordinance.
- E. Conditional uses shall comply with all other provisions of this ordinance such as lot width and area, yards, height, parking and loading.
- F. The following are conditional uses:

1. Mobile Homes and Mobile Home Parks in the single Family, Multi-Family and Agricultural-Forestry District.
2. All uses in the Business District including the following:
 - (a) Drive-In establishments serving food and beverages for consumption on the premises.
 - (b) Recreational establishments including drive-in theaters, golf or baseball driving ranges, archery fields, miniature golf courses or similar uses.
 - (c) Uses clearly similar in character or customarily incident to any of the above uses.
3. Any use in the Industrial District.
4. The following use in the Agricultural-Forestry District:
 - (a) Churches, schools, cemeteries, community parks and recreation areas, public and semi-public buildings, water storage and sewage disposal facilities and power stations (provided they are enclosed by an eight (8) foot or more protective screened fence.)
 - (b) Single family residences and mobile homes provided they are located on five (5) acres or more tracts and that soils analyses indicate suitability for private sewer and water systems.
 - (c) Dumping grounds, sanitary land fill, and related operations provided sufficient setback screening and protective fencing are provided. No salvage yards or junk yards shall be permitted.
5. The following uses in the Conservancy District:
 - (a) Sewage disposal plants, sanitary land fill, water storage and pumping facilities, golf course, and seasonal camping grounds.

9.13 BOARD OF APPEALS.

- A. 1. A Board of Appeals is hereby established as provided in Section 2.08 of this Code. The members shall serve without compensation and shall be removable by the Village President for cause upon written charges and after public hearing. The Village President shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
The Board of Appeals may employ a secretary and other employees.
2. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board of Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
3. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the Office of the Board of Appeals and shall be a public record.
4. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village of Butternut affected by any decision of the Building Inspector. Such appeal shall be taken within a reasonable time, as provided by

the rules of the board of Appeals, by filing with the Building Inspector and with the Board of Appeals a notice of appeal specifying the ground thereof. The Building Inspector shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time.

B. Powers of the Board of Appeals.

The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector.
2. To hear and decide special exceptions to the terms of this ordinance upon which the Board of Appeals is required to pass. See Section 9.04, 15.
3. To authorize, upon appeal in specific cases, such variance from the terms of this ordinance, as will not be contrary to the public interest, where, owing to special conditions peculiar to a specific property, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. See Section 9.04, 45.

Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that an “unnecessary hardship” or “practical difficulty” exists and the records of the Board shall clearly show in what particular and specific respect an “unnecessary hardship” or “practical difficulty” is created.

4. The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. The concurring vote of 4 members of the Board of Appeals shall be necessary to reverse any order, decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this ordinance.
5. In addition to the foregoing, the Board of Appeals shall have the following specific powers:
 - (a) To grant a permit for a temporary building for commerce or industry in a Residence district which is incidental to the residential development, such permit to be issued for a period of not more than 1 year.
 - (b) To grant a permit for the extension of a district boundary for a distance of not more than 35 feet only where the boundary of a district divides a lot in a single ownership at the time of the adoption of this ordinance.

- (c) To permit a private garage to house more than 2 but not more than 4 non-commercial automobiles, as an accessory building to a dwelling, hospital, school, or other public or semi-public institution, provided that the lot whereon such garage is to be located shall contain an area of not less than 2000 square feet per motor vehicle housed.
 - (d) To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan as shown on the district map accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout on the aforesaid map.
 - (e) The Board of Appeals shall have the power to call on any other village department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.
6. In exercising the foregoing powers the Board of Appeals may in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this ordinance.

9.14 CHANGES AND AMENDMENTS.

The Village Board may from time to time on its own motion or on petition, amend, supplement, or change the district boundaries or the regulations herein or subsequently established upon giving at least 10 days' notice, by publication in the official paper at least 3 times in the preceding 30 days, of the proposed amendment, supplement or change and of hearing thereon, and opportunity to any person interested to be heard.

In case of protest against such change duly signed and acknowledged by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 per cent or more of the land directly opposite thereto extending 100 feet from the street frontage shall not become effective except by the favorable vote of three-fourths of the members of the Village Board.

9.15 ENFORCEMENT.

- (1) It shall be the duty of the Building Inspector, with the aid of law enforcement officers to enforce the provisions of this ordinance.
- (2) No building shall hereafter be erected, moved or structurally altered until a land use permit therefore shall have been applied for and issued.
- (3) All applications for a land use permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be build upon, the exact size and location on the lot of the proposed or existing building and accessory building, the line within which the building shall be erected, altered or moved, the existing or intended use of each building or part of a building, the number of families the building is intended to accommodate, an such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance.

- (4) All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- (5) Except as otherwise provided in this ordinance, the Building Inspector shall issue or refuse to issue a land use permit within 10 days after receipt of an application therefor. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal.

Certification of Compliance

- (1) No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of compliance shall have been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. Such certificate shall be applied for when application is made for a land use permit and shall be issued within 10 days after the completion of the work specified in such land use permit application, but only if the building or premises and the proposed use thereof conform with all the requirements of this ordinance.
- (2) Under such rules and regulations as may be established by the Village Board, the Building Inspector may issue a temporary certificate of compliance for part of a building.
- (3) Upon written request from the owner, the Building Inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

9.16 VIOLATIONS AND PENALTIES.

Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the village attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or establishment of such use or to cause such building, structure or use or to cause such building, structure or use to be vacated or removed.

Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall be subject to the penalty as provided in Section 16.04 of this Code.

9.17 ANNEXATION.

All territory annexed to the Village of Butternut shall automatically become a part of the Single Family Residence district until definite boundaries and regulations are adopted by the Village Board, provided, however, that the Village Board shall adopt definite boundaries and strict regulations within 90 days from the date of the annexation.

9.18 FAIR HOUSING

- (1) The Village of Butternut hereby adopts SS.101.22, Wisconsin Statutes, and all subsequent amendments thereto, by reference.

- (2) The officials and employees of the Village of Butternut shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Butternut by implementing the authority and enforcement procedures set forth in SS 101.22, Wisconsin Statutes.
- (3) The Village Clerk shall maintain forms for complaints to be filed under SS. 101.22, Wisconsin statutes, and shall assist any person alleging a violation thereof in the Village of Butternut to file a complaint thereunder with the Wisconsin Department of Industry, Labor and Human Relations for enforcement of SS. 101.22, Wisconsin Statutes.

Declaration of Policy.

It is hereby declared to be the policy of the Village of Butternut in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of sex, race, color, physical condition, developmental disability, religion, national origin or ancestry and to that end, to prohibit discrimination in housing by any persons.

(1) Definitions. For the purposes of the Ordinance:

- (1) “Real Property” includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (2) “Discrimination” or “Discriminatory Housing Practice” means any difference in treatment based upon sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance.
- (3) “Person” includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- (4) “Owner” includes a lessee, sub lessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (5) “Financial Institution” includes any person, as defined herein, engaged in the business of lending money or guaranteeing loans.
- (6) “Real Estate Broker” or “Real Estate Salesman” includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodations; or who is engaged in the business of charging and advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or and individual employed by or acting on behalf of any of these.
- (7) “Housing Accommodation” or “Dwelling” means any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for

occupancy, as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.

- (8) "Mortgage Broker" means an individual who is engaged in or who performs the business or service of a mortgage broker as the same are defined by Wisconsin Statutes.
- (9) "Open Market" means the market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.
- (2) Unlawful Practices. In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful with the Village of Butternut, for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above to :
 - (1) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance; or
 - (2) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or
 - (3) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance; or
 - (4) To refuse to negotiate for the sale, purchase, rental, or lease of any housing accommodation to a person because of his sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance; or
 - (5) To represent to a person that any housing accommodations is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodations, because of his sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance; or
 - (6) To make, publish, print, circulate, post or mail, or cause to be made published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to

- announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation which indicates any discrimination or any intent to make a discrimination; or
- (7) To offer, solicit, accept or sue a listing any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or service in connection therewith; or
 - (8) To induce directly, or attempt to induce directly, or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance or may result in either:
 - (a) The lowering of property values in the area, or
 - (b) An increase in criminal or antisocial behavior in the area, or
 - (c) A decline in the quality of schools serving the area.
 - (9) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any housing accommodation in any area in the Village of Butternut for the purpose of including or attempting to induce any such listing of any of the above transactions; or
 - (10) To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any for the above, of any housing accommodations; or
 - (11) To retaliate or discriminate in any manner against a person because he has oppose a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this ordinance; or
 - (12) To aid, abet, incite, compel or coerce any person to commit any of the practices prohibited by this Ordinance; or to obstruct or prevent any person from complying with the provisions of this Ordinance; or any order issued thereunder; or
 - (13) By canvassing to commit any unlawful practices prohibited by this Ordinance; or
 - (14) Otherwise to deny to, or withhold any housing accommodation from a person because of his sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance; or
 - (15) For any bank building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial

assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of the sex, race, color, physical condition, developmental disability, religion, national origin or ancestry; or any act that is unlawful under this Ordinance.

(3) Exemptions. This Ordinance shall not apply to:

- (1) A religious organization, association, or society of any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy of dwellings which it owns or operated for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin.
- (2) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (3) Any single-family house sold or rented by an owner; Provided, that such private individual owner does not own more than three such single-family houses at any one time; Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three single-family houses at any one time; Provided further, the sale or rental of any such single-family house shall be excepted from the application of this Ordinance only if such house is sold or rented:
 - (a) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman of such facilities or dwelling, or of any employee or agent of any such broker, agent, salesman, or person, and
 - (b) Without the publications, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604(c) or of Section 3 of the Ordinance; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer title.
- (4) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(4) Procedure. Any person aggrieved by an unlawful practice prohibited by this Ordinance may file a complaint with the Clerk for the Village of Butternut within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than

sixty (60) days after the alleged unlawful practice occurred. The Clerk shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties in compliance with is Ordinance shall cause the Clerk for the Village of Butternut to forward the complaint and his findings to appropriate County, State, and Federal officials.

- (5) Other Remedies. Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency.
- (6) Penalties. Any person violating any provision of this ordinance shall, upon conviction thereof, be punished by forfeiture not to exceed \$250.00 for each violation thereof.
- (7) Repeal of Conflicting Ordinances, Resolutions and Laws. This Ordinance shall take precedence over any conflicting Village Ordinance, Resolution, and Law now in effect that tend to abrogate any covenants declared herein.
- (8) Intent. The intent of this Ordinance is to remove any question of the affirmative action of the Village of Butternut, Wisconsin concerning the right of all persons to have equal opportunities for housing regardless of their sex, race, color, physical condition, developmental disability, religion, national origin or ancestry as of the effective date.
- (9) Severability of Invalid Provisions. In case any one or more of the sections, subsections, clauses, or provisions of this Ordinance, or the application of such section, subsections, clauses or provisions to any situations, circumstances, or person, shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions of this Ordinance of the application of such sections, subsections, clauses or provisions to an other situation, circumstances or person, and it is intended that this ordinance shall be construed and applied as if such section or provisions so held unconstitutional or invalid had not been included in this Ordinance.
- (10) Effective Date. This Ordinance shall take effect and be in force from and after its passage.

CHAPTER 10

HEALTH AND SANITATION

- 10.01 Board of Health
- 10.02 Health Officer: Duties and Powers
- 10.03 Grade "A" Milk Required
- 10.04 Compulsory Connection to Sewer and Water
- 10.05 Keeping of Animals and Fowl
- 10.06 Displayed Food and Dairy Products
- 10.07 Sale of Unwholesome or Tainted Food Prohibited
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- 10.09 Grocery Store and Meat Market Sanitation
- 10.10 Meat Inspection
- 10.11 Control of Weeds and Grasses
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- 10.14 Keeping of Fowl Prohibited
- 10.15 Garbage Collection
- 10.16 Solid Waste Disposal Sites
- 10.17 Recycling
- 10.18 Penalties

10.01 BOARD OF HEALTH

- (1) How Constituted. See Section 2.06 of this code.
- (2) Duties. It shall be the duty of the Board of Health of the Village of Butternut to assume the general administration of health and sanitation laws and regulations in the Village, to supervise the work of the Health Officer and to attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the Village.
- (3) Powers. The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the Village of butternut. All orders and regulations of the Board shall be published in the official newspaper, and after publication shall have the force and effect of ordinances, including penalty for violation.

10.02 HEALTH OFFICER: DUTIES AND POWERS.

- (1) How Selected. See Section 2.02 of this Code.
- (2) General Duties. The Village Health Officer under the supervision of the district State health officer shall:
 - (a) Make an annual sanitary survey and maintain continuous sanitary supervision over his territory.

- (b) Make a periodic sanitary inspection at least every 4 months of all school buildings, restaurants, dairies, grocery stores, meat markets, and places of public assemblage and report thereon to those responsible for the maintenance thereof.
 - (c) Promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.
 - (d) Enforce the health laws, rules and regulations of the State Board of Health, the State and the Village, including the laws relating to contagious diseases contained in ch. 143 Wis. Stats.
 - (e) Take steps necessary to secure prompt and full reports of physicians of communicable diseases and prompt and full registration of births and deaths.
 - (f) Keep and deliver to his successor a record of all his official acts.
 - (g) Make an annual report to the State board of Health and to the Village Board and such other reports as they may request.
- (3) Materials and Supplies. The Health Officer shall have the authority to procure at the expense of the village all record books, quarantine cards and other materials needed by the Board of Health, except such as are furnished by the State Board of Health.

10.03 GRADE “A” MILK REQUIRED.

No person shall sell, offer or expose for sale any milk or milk product other than Grade “A” milk and milk products as those terms are defined in Wis. Adm. Code, ch. Ag 80, issued by the State Department of Agriculture and State board of Health, which are hereby incorporated in this section by reference as if fully set forth herein. The Clerk is directed to file a certified copy of such regulations in his office for public inspection.

10.04 COMPULSORY CONNECTION TO SEWER AND WATER.

- (1) When Required. Whenever a sewer or water main becomes available to any building used for human habitation, the Health Officer shall notify the owner of his agent in writing in the manner prescribed by s. 262.06 of the Wisconsin Statutes or by registered mail addressed to the last known address of the owner or his agent.
- (2) Contents of Notice. The notice required by this section shall direct the owner of his agent to connect the building to such main or mains in the manner prescribed by the Health Officer and to install such facilities and fixtures as may be reasonably necessary to permit passage of sewage incidental to such human habitation into the sewerage system and to furnish an adequate supply of pure water for drinking and prevent creation of a health nuisance.
- (3) Health Officer May Cause Connection at Expense of Owner. If the owner of his agent fails to comply with the notice of the Health Officer within 10 days of service or mailing thereof, the Health Officer may cause connection to be made at the expense thereof shall be assessed as a special tax against the property.
- (4) Installment Option. The owner or his agent may, within 30 days after completion of the work, file a written option with the Village Clerk stating that he cannot pay the cost of connection in one sum and electing that such sum be levied in 5 equal annual installments, with interest at the rate of 6% per annum from the completion of the work.

- (5) Privies, Cesspools, etc. Prohibited After Connection With Sewer. After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.
- (6) Well Abandonment. Ch. NR 111, Wisconsin Adm. Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or noncomplying wells located on the premises served by their system, by local ordinance or water utility rule, to prevent such well as acting as channels for contamination or vertical movement of water and to eliminate all existing cross-connections and prevent all future cross-connections.
- (a) Abandonment Required. All wells located on Premises served by the municipal water system shall be abandoned in accordance with the terms of this ordinance and Ch. NR 112, Wisconsin Adm. Code, by July 8, 1996, or no later than one year from the date of connection to the municipal water system whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village of Butternut Waterworks.
- (b) Well Operation Permit. The Village of Butternut may grant a permit to a private well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Village of Butternut, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for applications and renewals shall be made on forms provided by the Clerk. The following conditions must be met for issuance or renewal of a well operation permit:
- (1) The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 112, Wisconsin Adm. Code.
 - (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least 2 samplings taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued used of the well.
 - (3) There are no cross-connections between the well and pump installation and the municipal water system.
 - (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.
- (c) Abandonment Procedures.
- (1) All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of Ch. NR 112, Wisconsin Adm. Code. All debris, pump, piping, unsealed lines and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
 - (2) The owner of the well, or the owner's agent, shall notify the Clerk at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Village of Butternut Waterworks operator.

(3) As abandonment report form supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 10 of completion of the well abandonment.

PENALTIES. Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$100.00, nor more than \$1,000.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 10 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

(7) Cross Connection Control.

- (a) A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Butternut water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (b) No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Butternut may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Butternut waterworks and by the Wisconsin Department of Natural Resources in accordance with Section NR 111.25(3), Wisconsin Adm. Code.
- (c) It shall be the duty of the Butternut Waterworks to cause inspections to be made of all properties served by the public water system where cross connections with the public reinspections based on potential health hazards involved shall be as established by the Butternut Waterworks and as approved by the Wisconsin Department of Natural Resources.
- (d) Upon presentation of credentials, the representative of the Butternut Waterworks shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village of Butternut for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under SS. 6.122, Wisconsin Statutes. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (e) The Butternut Waterworks is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of

contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Section 6. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this ordinance.

- (f) If it is determined by the Butternut Waterworks that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk of the village of Butternut and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 day of such emergency discontinuance.
- (g) The Village of Butternut adopts by reference the State Public Code of Wisconsin being Chapter ILHR 82, Wisconsin Adm. Code.
- (h) This ordinance does not supersede the State Plumbing Code and Village of Butternut Plumbing Ordinance, but is supplementary to them.

10.05 KEEPING OF ANIMALS AND FOWL.

- (1) Sanitary Requirements. All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors. Interior walls, ceilings, floors, partitions, and appurtenances of such structures, except structures or houses occupied by no more than one dog, cat, rabbit, skunk or similar animal kept as a pet, shall be whitewashed or painted annually or more often as the Health Officer shall direct.
- (2) Animals Excluded from Food Handling Establishments. No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

10.06 DISPLAYED FOOD AND DAIRY PRODUCTS.

The provisions of s. 97.66 of the Wisconsin statutes relating to covering and display of food and dairy products are hereby adopted by reference and incorporated in this code as if fully set forth herein.

10.07 SALE OF UNWHOLESOME OR TAINTED FOOD PROHIBITED.

No person shall sell, offer for sale or hold for sale any meat, fish, fruits, vegetables or other articles of food or drink which is not fresh or properly preserved, sound, wholesome and safe for human consumption or the flesh of any animal which died by disease. The Health Officer is hereby authorized and directed to seize and destroy any articles of food or drink which are offered or held for sale to the public which have become tainted, decayed, spoiled or otherwise unwholesome or unfit for human consumption.

10.08 RESTAURANT REGULATIONS.

- (1) Definition. The term "restaurant" as used in this section shall mean any place, kitchen or conveyance where meals or lunches are prepared for sale, sold or served to transients or the general public.

- (2) General Sanitation. All restaurant premises shall be kept clean and free of litter or rubbish. All garbage and rubbish shall be kept in suitable, airtight containers so as not to become a nuisance and shall be disposed of daily in a sanitary manner. No living or sleeping room, urinal, water closet, ash pit or coal bin shall connect directly with any room used for preparation, storing or serving of food. Between May 1 and October 1, all doors shall be self-closing to prevent the entrance of flies. All equipment shall be kept clean and free from dust, dirt, insects and other contaminating material.
- (3) Cleanliness and Health of Employees.
- (a) Clothing and Conduct. All restaurant employees or workers shall wear clean clothing, hair nets or caps and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees or workers shall not expectorate or use tobacco in any form in any area in which food is prepared.
- (b) Disease. No person infected with any disease in a communicable form or who is a carrier of any contagious disease shall work in any restaurant and no restaurant owner or operator shall employ any such person to work in any restaurant.
- (c) Duty of Health Officer. If the Health Officer shall suspect that an employee or worker in any restaurant is afflicted with any disease in communicable form, he shall present a certified statement of a reputable physician or other satisfactory evidence that he is free from communicable disease.
- (4) Water Supply and Plumbing. In every restaurant adequate safe water under pressure shall be convenient and available in any room where food is prepared or utensils washed. Private water supplies shall be tested for purity not less than once every 6 months in the manner directed by the Health Officer. Plumbing shall be so designed, installed and maintained to prevent contamination of the water supply, food, drink or equipment.
- (5) Cleansing of Utensils and Equipment. In order to insure proper cleansing and disinfection of glasses, cups, dishes another eating utensils in restaurants, they shall be thoroughly washed and sanitized after each use by one of the methods described in ss. H 96.31 and H 96.32 of the Wisconsin Adm. Code, which are incorporated in this section by reference as if fully set forth therein. Glasses or utensils may be chilled in cold running water or dry cold chest but shall not be chilled in a stationary container or cold or ice water.
- (6) Responsibility for Compliance. It shall be the duty of the restaurant owner or operator to comply with the provisions of this section. Restaurant employees or workers shall also be personally responsible for compliance with sub. (3) of this section.

10.09 GROCERY STORE AND MEAT MARKET SANITATION.

No person shall operate a grocery store or meat market within the village of Butternut in an insanitary, filthy or unclean manner so as to endanger the health of patrons or other persons. In all grocery stores and meat markets, refrigerators or refrigerator counters shall be kept in sanitary condition and shall maintain a temperature of 40 degrees Fahrenheit or below. Spoiled or unwholesome food shall be removed from the refrigerator immediately upon detection. The walls and ceilings of the store and stockrooms shall be kept clean and painted. Basements shall

be clean and orderly and all refuse or garbage kept inside the premises must be placed in metal containers properly covered and disinfected when necessary. Meat grinders, hooks and all other utensils must be cleaned at the end of each work day. All unwrapped bakery or confectionery products shall be handled in such a manner that they do not come in direct contact with the hands of the individual selling them. The operator of the store or market shall be responsible for compliance with this section.

10.10 MEAT INSPECTION.

No person shall sell, have, keep or expose for sale for human consumption the flesh or meat food products of any cow, calf, sheep, swine, horse or goat in the Village of Butternut unless the same shall have been slaughtered, inspected or prepared under the supervision of a United States Department of Agriculture bureau of Animal Industry, Title 9, Ch. 1(a), C.F.R. The Health Officer may authorize the sale of meat or meat food products which have been slaughtered, inspected or prepared under the supervision of any municipal inspector or health officer in accordance with prescribed standards which he determines to be substantially similar to the above regulations of the United States Department of Agriculture.

10.11 CONTROL OF WEEDS AND GRASSES.

- (1) Mowing Required. No person owning property within the Village of Butternut shall permit to grow or pollinate upon his premises any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or conceal filthy deposits. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses or weeds exceeding one foot in height.
- (2) Mowing by Village. It shall be the duty of the Weed Commissioner to enforce this section, and if any person shall fail to comply herewith, the Commissioner shall, after 5 days' written notice to the owner, cause the premises to be mowed. For each such mowing, the owner shall be charged \$100. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as other taxes unless such lands are exempt from taxation; or such charges may be collected in any other manner authorized by law. This provision does not limit penalties which may otherwise be assessed by the Village by ordinance.

10.12 RIGHT OF HEALTH OFFICER TO ENTER PREMISES.

The Health Officer shall have the right to enter and examine any public premises or any place where meat, fish, poultry, game, milk, bakery goods or other foodstuffs are stored, prepared or dispensed for public consumption and to inspect or examine any vehicle transporting such foodstuffs for the purpose of enforcing the provisions of this chapter. Any person who shall hinder, obstruct or prevent the Health Officer from entering or carrying out his examination of such premises or vehicle shall upon conviction thereof forfeit not less than \$10.00 nor more than \$100.00 together with the costs of prosecution and in default of payment of such forfeiture or costs shall be imprisoned in the county jail until such forfeiture and costs are paid but not exceeding 60 days.

10.13 ABATEMENT OF HEALTH NUISANCES.

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

10.14 KEEPING OF FOWL PROHIBITED.

Within the subdivided and platted portion of the Village of Butternut it shall be unlawful to harbor, keep or raise chickens, turkeys, ducks, guinea hens, geese, pigeons, doves, pheasants, or similar fowl.

10.15 GARBAGE COLLECTION.

(1) Definitions.

- (a) For the purpose of this ordinance the word “garbage” as used herein shall include all kinds of organic kitchen refuse, remains from the preparation of food and all decayed or spoiled food products and all ashes and cans resulting from the ordinary operations of private residences or households, but shall not include trimmings from shrubs and trees, rocks, lawn and garden refuse, plaster, paper cartons or wood boxes.
- (b) Commercial waste shall mean all wastes, combustible, non-combustible or garbage, arising out of the operations of business and industry.
- (c) Solid waste is garbage, refuse and all other discarded or salvageable material, including waste material resulting from industrial, commercial and agricultural operations, and from domestic use and public service activities, but does not include solid or dissolved material in waste water effluents or other common water pollutants.

(2) Littering Prohibited. It shall be unlawful for any person being or residing within the limits of the Village of Butternut to dispose, throw or place any garbage, offal, dead animals or other deleterious matter in any park, alley, street or public place within said Village. And it shall be unlawful for any person to place any garbage, offal, dead animals or other refuse matter upon any private property, either owned by such person or not, unless the same shall be enclosed in proper containers.

No person shall throw, or scatter any trash, refuse or other waste, or cause the same to be thrown or scattered in any street or other public place. All loose waste paper, rags and other waste material of such kind as to be subject to be blown about by the wind or otherwise scattered, must be hauled in such manner as not to litter the streets.

(3) Containers. Each and every householder or occupant of any dwelling house, boarding house, restaurant or any place of business having garbage to dispose of, who does not otherwise provide for the disposal of this garbage in a sanitary manner, shall provide one or more rust-resistant containers approved by the board of Health sufficient to receive all garbage that may accumulate between the times of collection; each can, except when otherwise especially permitted, to have a capacity not to exceed twenty (20) gallons, and provided with a bail or handles and tight fitting fly proof cover, shall be weather tight, rodent proof and kept in a sanitary condition. These cans shall at all times be readily accessible for removing or emptying the same, and no other receptacle shall be used for such garbage.

- (4) Collection. All garbage shall be set out in proper containers on collection days at such places or on the sidewalk adjacent thereto, as shall be in accordance with the rules and regulations prepared by the Board of Health. Garbage containers placed on the sidewalk shall be promptly removed there from after the same have been emptied.
- (5) Storage. All garbage accumulating between the times of collection as provided by the Board of Health shall be placed in such cans and the cans to be kept tightly covered. It shall be permissible to place tin cans, china, crockery or glass in the cans with the garbage. Before being disposed of in the garbage container, all garbage shall be drained or moisture and wrapped in paper.
- (6) Spilling Prohibited. No person shall turn over or upset the contents of any garbage container on any street, sidewalk or other public place, or on private property owned by another.
- (7) Ashes. Ashes shall be placed in separate metal containers not exceeding two (2) bushels in capacity with suitable handles thereon.
- (8) Premises Kept Sanitary. No person shall allow any garbage, rubbish or refuse matter to accumulate upon the premises occupied by him, within the corporate limits of the Village of Butternut, in such manner and to such extent as to render the said premises unsanitary, or in such a manner as to be a source of unsanitary conditions for others not residing on such premises.
- (9) Commercial Waste. The Board of Health is authorized to establish service charges for the removal, by the Village, of commercial waste to the public village dump. All bills for such service shall be due and payable at the end of each month for which the service has been rendered and shall become delinquent upon the 10th day of the month next succeeding such period. Such service, to any place for which a bill is delinquent and unpaid, may be discontinued by the Village without further notice.
- (10) Defective Containers. The Board of Health is authorized to seize and destroy any container which is in poor repair or which has rough or sharp edges or other defects rendering the same dangerous to handle, or which are so dilapidated they are not suitable for handling garbage or waste materials, provided that written notice is given to the owner or person, firm or corporation, having control of such container, that such container is dangerous or unsuitable for use and must be replaced or satisfactorily repaired prior to the next collection of garbage or waste.
- (11) Clear Pathway. The owner or occupant of any premises from which garbage or ashes is collected under this ordinance, shall at all times have a clear pathway from the street to the place where the containers are kept as provided in this ordinance.

10.16 SOLID WASTE DISPOSAL SITES.

- (1) Operation. Dump or solid waste disposal sites shall be operated under the direction of the Board of Health and subject to its rules and regulations.
- (2) Persons Prohibited. No person shall be present on any dump or solid waste disposal site except during the hours provided for its operation by the Board of Health and then only for the purpose of disposing of solid wastes.

- (3) Disposal of Wastes. All solid wastes shall be disposed of in dump or solid waste disposal sites according to the rules and regulations established by the Board of Health and according to the laws of the State of Wisconsin.
- (4) Removal Prohibited. No person shall remove anything from the dump or solid waste disposal site without written permission from the Board of Health.

10.17 RECYCLING.

The purpose of this ordinance is to promote recycling, composting, resource recovery, material reuse and reduction through the administration of an effective recycling program, as provided in s. 159.11, Wisconsin Statutes, and Chapter NR 544, Wisconsin Adm. Code. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

(1) Definitions. For the purpose of this ordinance:

- (a) “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (b) “Container Board” means corrugated paperboard used in the manufacture of shipping containers and related products.
- (c) “Foam polystyrene packaging” means packaging primarily from foam polystyrene that satisfies one of the following criteria:
 - (1) Is designed for serving food or beverages.
 - (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (3) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- (d) “HDPE” means high density polyethylene, labeled by the SPI code #2.
- (e) “LDPE” means low density polyethylene, labeled by the SPI code #4.
- (f) “magazines” means magazines and other materials printed on newsprint.
- (g) “major appliances” means a residential air conditioner, clothes dryer, clothes washer, dishwasher, microwave oven with capacitor removed, refrigerator or stove.
- (h) “multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
- (i) “newspaper” means a newspaper and other materials printed on newsprint.
- (j) “non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

10.18 PENALTIES

The penalties for violation of any provision of this chapter shall be a penalty as provided in Section 16.04 of this Code. A separate offense shall be deemed committed on each day on which a violation occurs or continues, provided no forfeiture shall be imposed for a violation of

Section 10.04 when connection to the sewer or water main is enforced at the expense of the property owner.

CHAPTER 11

LICENSES AND PERMITS

- 11.01 Intoxicating Liquor and Fermented Malt beverages
- 11.02 Peddlers, Canvassers and Transient Merchants
- 11.03 Trailers, Trailer Parks and Mobile Homes
- 11.04 Cigarettes
- 11.05 Regulation of Pets and Domesticated Animals and Licensing of Dogs
- 11.06 Cemetery

11.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

- (1) State Statutes Adopted. The provisions of Chapter 176 and Section 66.054 of the Wisconsin Statutes relating to the sale of intoxicating liquor and fermented malt beverages, except Sections 176.051, 176.055, 176.08, 176.17, 176.41 and 176.71. exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, as amended, are hereby adopted and made a part of this ordinance by reference.
- (2) Licenses.
 - (a) When Required. No person, except as provided by Section 1, shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license or permit, as provided in this section, nor without complying with all the provisions of this section and all statutes, ordinances and regulations of the State and Village applicable thereto.
 - (b) Separate License Required for Each Place of Sale. A separate license shall be required for each stand, place, room or enclosure, or for each suite of rooms or enclosures, which are in direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of processing, selling or offering for sale any intoxicating liquor or fermented malt beverages in any dwelling, house, flat or residence apartment.
- (3) License Fee. There shall be the following classes and denominations of licenses, which, when issued by the Village Clerk under the authority of the Village Board, after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in Sections 66.054 (6), (6a), 7, 8, 11, or 176.05 (2) (a), 176.05 (13) or 176.18 of the Wisconsin Statutes;
 - (a) Class "A" Fermented Malt Beverage Retailers License, \$10.00 per year.
 - (b) Class "B" Fermented Malt Beverage Retailer's License, \$75.00 per year, or $\frac{3}{4}$ of such amount for a six month period. Club license as defined in Section 66.054 (8) (b) shall be

issued for a fee of \$10.00. Class "B" Fermented Malt Beverage Retailer's License for brewers shall be issued pursuant to Section 66.054 (4) (b) of the Wisconsin Statutes.

(c) Wholesaler's Fermented Malt Beverage License, \$10.00 per year or a fraction thereof.

(d) Special Wholesaler's License, \$25.00 per year.

(e) Beverage Operator's License, \$5.00 per year or a fraction or part thereof.

(f) Retail Class "A" Liquor License, \$200.00 per year.

(g) Retail Class "B" Liquor License \$125.00 per year.

(h) Pharmacist's Permit, \$10.00 per year.

(i) Part-time or semi-annual Liquor License shall be issued pursuant to Section 176.05 (6).

(4) License Restrictions. In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in Section, the following restrictions shall apply to the issuance of licenses or permits pursuant to this Section:

(a) Requirements for License. No license or permit shall be issued to any person who is not twenty-one (21) years of age, or over, of good moral character, a citizen of the United States and State of Wisconsin. No license shall be issued to any person who has been a habitual petty law offender or convicted of a crime under the laws of this state, punishable by imprisonment in the state prison unless such person has been pardoned. This paragraph shall not apply to Wisconsin corporations, but shall apply to all officers and directors of any such corporation.

(b) Effect of Revocation of License. No license shall be issued for any premises if a license covering such premises has been revoked within six months prior to application. No license shall be issued to any person who has had a license issued pursuant to this Section revoked within twelve months prior to application.

(c) Inspection of Application and Premises. The Village Clerk shall notify the Health Officer or other designated inspector and these officials shall inspect, or cause to be inspected, each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, and the applicant's fitness for the trust to be imposed. These officials shall furnish to the Village board in writing the information derived from such investigations. No license or permit provided for in this section shall be issued without the approval of a majority of the Village Board, and no license shall be renewed without a re-inspection of the premises and report as herein required.

(d) Health and Sanitation. No license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the State Industrial Commission and the State Board of Health, and to all such ordinances and regulations adopted by the Village.

(e) Tax Delinquency. No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the Village are delinquent or unpaid.

(f) Location of Premises. No retail Class "A" or "B" Fermented Malt Beverage license or Liquor license shall hereafter be issued for premises less than 200 feet from any

established public or parochial school, church or any residence district, as defined in the zoning ordinance, if there be one. Such distance shall be measured by the shortest route along the highway or street from the closest point of the boundary of such school or church to the closest entrance to such premises.

- (5) Search of Licensed Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police official of the Village of Butternut, without any warrant, and the application for a license hereunder shall be deemed consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder, and shall be deemed a violation of this section.
- (6) Posting Licenses. Licenses or permits issued under this section shall be posted and displayed as provided in Sections 66.054 (8) (b) and 176.05 (12) of the Wisconsin Statutes, and any licensee or permittee who shall fail to post his license or permit as herein required, shall be presumed to be operating without a license.
- (7) Regulations of Licensed Premises.
 - (a) Sale of beer to minors restricted at provisions of Sections 176.28, 176.29 ,176.30 and 176.32 of the Wisconsin Statutes shall apply to the sale of fermented malt beverages to persons under 18 years of age when not accompanied by a parent, guardian, or adult spouse, except as provided in Section 66.054(13) of the Wis. Stats.
 - (b) Safety and sanitation requirements. Each licensed premise shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
- (8) Revocation and Suspension of Licenses.
 - (a) Procedure. Except as hereinafter provided, the provisions of Sections 176.11 and 176.12 of the Wisconsin Statutes shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this ordinance. Revocation or suspension proceedings may be instituted by the Village Board upon its own motion by adoption of a resolution.
 - (b) Suspension of Licenses. The Village President or the police officer, upon obtaining reasonable information that any licensee has violated any provision of this ordinance or any state or federal liquor or fermented malt beverage law, or committed any felony, may suspend the license or permit of such person for a period not to exceed ten (10) days, pending hearing of the Village Board, pursuant to sub-section (a).
 - (c) Automatic Revocation. Any license or permit issued under the provisions of this ordinance shall stand revoked without further proceedings, upon the conviction of a licensee or permittee or his employee, agent or representative, of a second offense under this ordinance or chapters 176 or 139, or Section 66.054 of the Wisconsin Statutes, or any other state or federal liquor or fermented malt beverage law, or any felony.
 - (d) Repossession of License or Permit. Whenever any license or permit under this Section shall be revoked or suspended by the Village Board, or action of any Court or under sub-

section (c), it shall be the duty of the Clerk to notify the licensee or permittee of such suspension or revocation, and to notify the law enforcement officer, who shall take physical possession of the license or permit wherever it may be found, and file it in the Clerk's office.

(9) Penalty. The penalty for violation of any of the provisions of this ordinance shall be as follows:

(a) First Offense. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than one (\$1.00) Dollar or more than One Hundred (\$100.00) Dollars, together with the cost of prosecution, and in default of payment of such forfeiture and costs or prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

(b) Second Offense. Any person found guilty of violating this ordinance, who previously had been convicted of a violation of this ordinance, shall, upon conviction thereof, forfeit not less than Ten (\$10.00) Dollars nor more than Two Hundred (\$200.00) Dollars for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not to exceed 6 months.

11.02 PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS.

(1) License Required. No person shall engage in the business of peddler, hawker, trucker, solicitor, canvasser or transient merchant within the Village of Butternut without first obtaining a license from the Village police officer in compliance with the provisions of this section.

(2) Exemptions. This section or any part thereof shall not apply to the following: newsboys; merchants delivering goods in the regular course of business; vendors of milk, bakery goods, groceries or ice distributing products to only regular customers on established routs; farmers and truck gardeners; religious, charitable, patriotic or philanthropic organizations; persons selling property at wholesale to dealers; persons holding a State license issued pursuant to s. 129.02 Wis. Stats.; but such persons shall comply with the provisions of sub. (8)(c), (d) and (e) of this section.

(3) Application. At the time of filing application, an investigation fee of \$5 shall be paid to the Village Treasurer to cover the cost of investigation of the facts stated in the application. The application shall be sworn to by the applicant and filed with the Village police officer and shall contain such information as the Village police officer shall require for the effective enforcement of this section and the safeguarding of the residents of the Village from fraud, misconduct or abuse.

(4) Investigation: Issuance. Upon receipt of each such application, the Village police officer shall immediately institute such investigation of applicant's business and moral character as he deems necessary for the protection of the public good, and shall endorse his approval or disapproval upon said application within 72 hours after it has been filed with him, and shall

issue or deny the license in accordance with his findings after presentation by the applicant of a receipt of the Village Treasurer showing payment of the required fee.

- (5) Fee. The fee for a peddler's license shall be \$5 per day; \$20 per week; \$50 per month; \$200 per year. The fee for a transient merchant's license shall be \$25 per day; \$60 per week; \$150 per month; \$500 per year. Annual licenses issued on or after July 1 shall be issued for ½ the required annual fee. No fee shall be required for a solicitor's or canvasser's license. Peddlers may employ one assistant and transient merchants may employ two assistants without payment of any additional license fee, but such persons must comply with the other provisions of this section.
- (6) Bond. If the Village police officer determines from his investigation of said application that the interest of the Village of inhabitants of the Village require protection against possible misconduct of the licensee or that the applicant is otherwise qualified but due to causes beyond his control is unable to supply all of the information required by sub. (3), he may require the applicant to file with the Village Clerk a bond in the sum of \$500 with surety acceptable to the Village President running to the Village conditioned that he will fully comply with the ordinances of the Village and laws of the State relating to peddler, canvassers or transient merchants and guaranteeing to any citizen of the Village of Butternut doing business with him that the property purchase will be delivered according to the representations of applicant, provided that action to recover on any such bond shall be commenced within 6 months after the expiration of the license of the principal.
- (7) Expiration: Renewal: Transfer. The Village police officer shall date all licenses issued hereunder and shall specify thereon the fee paid and date of expiration. Annual licenses shall be issued on a calendar year basis and expire December 31 of the year of issue. Applications for renewals shall be handled in the same manner as original applications. Licenses issued under this section are personal and may not be transferred.
- (8) Regulations and Restrictions.
 - (a) Consent Required. No peddler, canvasser or transient merchant as herein defined shall go in or upon any private residence, business establishment or office in the Village for the purpose of soliciting orders for goods, wares and merchandise or peddling or hawking the same or soliciting subscriptions for magazines or other periodicals without having been requested or invited to do so by the owner or owners, occupant or occupants of said place.
 - (b) Display of License. Persons licensed under this section shall carry their licenses with them while engaged in licensed activities and shall display such licenses to any law enforcement officer or citizen upon request.
 - (c) Misrepresentation Prohibited. No licensee shall intentionally misrepresent to any prospective customer the purpose of his visit or solicitation, nor the name or business of his principal, if any, nor the source of supply of the goods, wares or merchandise which he sells or offers for sale nor the disposition of the proceeds or profits of his sales.

- (d) Loud Noises and Speaking Devices. No licensee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the Village or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.
- (e) Use of Streets. No licensee shall have any exclusive right to any location in the public streets, nor shall any licensee be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this ordinance, the judgment of a law enforcement officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
- (9) Suspension or Revocation of License. Licenses issued under the provisions of this section may be revoked or suspended by the Village President for a period not to exceed 5 days pending hearing by the Village Board for fraud, misrepresentation or incorrect statement contained in the application of licensee of any crime or misdemeanor or conducting the licensed business in an unlawful or disorderly manner or in such a manner as to menace the health, safety or general welfare of the public.
- (10) Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in Section 16.04 of this code. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

11.03 TRAILERS, TRAILER PARKS AND MOBILE HOMES.

- (1) State Statutes adopted: Definitions. The provisions of s. 66.058, Wisconsin Statutes, and the definitions therein are hereby adopted by reference.
- Parking Permit Fee. There is hereby imposed on each occupied, non-exempt mobile home located in the Village of Butternut a monthly parking fee as determined in accordance with S. 66.058 Wisconsin Statutes. Said fee shall be paid to the Village Treasurer on or before the 10th day of the month following the month for which such fees are due.
- (2) Parks and Camps. It shall be unlawful for any person to establish or operate upon property owned or controlled by him within the Village of Butternut a mobile home park without having first secured a license therefore from the Village Clerk. The application for each license shall be accompanied by a fee of \$2 for each space in the existing or proposed park but not less than \$25. The license shall expire one year from the date of issuance. Such parks shall comply with Wis. Adm. Cod H 77, which is hereby adopted by reference.
- (3) Licenses and Payment of Fee.
- (a) Licenses of mobile home parks and owner of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Village Clerk or Village Assessor on such homes added to their park or land within 5 days after arrival of such

home on forms furnished by the Village Clerk in accordance with s. 66.058(3)(c) and (e), Wisconsin Statutes.

- (b) Occupants or owners of nonexempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Village Treasurer as provided in Section 2. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied, nonexempt mobile home therein and to remit such fees to the Village Treasurer as provided in Section 2.
 - (c) Owners of nonexempt, occupied mobile homes, upon receipt of notice from the Village Clerk of their liability for the monthly parking permit fee, shall remit to the Village Clerk a cash deposit of \$25 to guarantee payment of such fees when due to the Village Treasurer. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and remit such deposits to the Village Clerk. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the Village, the Village clerk shall direct the Village Treasurer to apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.
- (4) Penalty. The penalty for violation of any provision of this ordinance shall be not less than \$10 nor more than \$100 provided that the maximum forfeiture for violation of Section 4 (a) shall be \$25; all together with the cost of prosecution, and in default of payment of such forfeiture and costs the violator shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 90 days.

11.04 CIGARETTES.

- (1) License Required. No person shall in any manner, directly or indirectly, manufacture, sell, exchange, dispose or give away or keep for sale any cigarettes or cigarette papers or wrappers without first obtaining a license therefore from the Village Clerk in the manner provided in s. 134.65, Wisconsin Statutes. This section shall not apply to jobbers or manufactures doing interstate business with customers outside Wisconsin.
- (2) Fee. The fee for such cigarette license shall be \$5 and the Treasurer's receipt therefrom must be presented to the Clerk before he shall issue any license hereunder.
- (3) Form of License: Expiration: Transfer. All cigarette licenses shall be signed by the Village Clerk and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business and shall expire on June 30th next succeeding the date of issue.
- (4) Penalty. The penalty for violation of any provision of this section shall be as provided in Section 16.04 of this code. A separate offense shall be deemed committed on each day upon which a violation occurs or continues. If any person shall be convicted of a second or subsequent violation of the provisions of this sections and the court in its judgment shall determine that he was personally guilty of a failure to exercise due care to prevent violation, his license privileges shall terminate immediately and he shall not be entitled to another license nor act as an agent or servant of another licensee for 5 years thereafter.

11.05 REGULATION OF PETS AND DOMESTICATED ANIMALS AND LICENSING OF DOGS.

- (1) License Required. It shall be unlawful for any person in the Village of Butternut to own, harbor or keep any dog more than 6 months of age without complying with the provisions of chapter 174, Wisconsin statutes, relating to the listing, licensing and tagging of dogs, relating to the payment of any dog license taxed; and relating to damage by dogs. The penalty for a violation of these provisions shall be as specified by Wisconsin statute in said chapter 174, or as specified in chapter 16 of this code, in the discretion of the village.
- (2) Definitions. In this section, unless the context or subject matter otherwise require:
 - (a) “Owner” shall mean any person owning, harboring or keeping a dog, pet, or other domesticated animal, and the occupant of any premises on which a dog, pet, or domesticated animal remains or to which it customarily returns daily for a period of 10 days; and if these circumstances exist, any such person is presumed to be harboring or keeping the dog, pet, or domesticated animal within the meaning of this section.
 - (b) “At large” means to be off the premises of the owner as defined above, and not under the control of some person either by leash or otherwise and within 10 feet of said person, but a dog, pet, or domesticated animal within an automobile of its owner or in an automobile of any other person with the consent of the owner of the dog, pet, or domesticated animal, shall be deemed to be upon the owner’s premises.
- (3) Restrictions on Keeping of Dogs and Domesticated Animals. It shall be unlawful for any person within the Village of Butternut to own, harbor or keep any pet (including any dog) or domesticated animal which:
 - (a) Habitually pursues any vehicle upon any public street, alley or highway, or upon any private premises open to public vehicle travel, in the Village.
 - (b) Assaults or attacks any person.
 - (c) Is at large within the limits of the Village.
 - (d) Habitually barks, howls, or otherwise create noise to the annoyance of any person or persons.
 - (e) Kills, wounds or worries any other pet or domesticated animal.
 - (f) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (4) Duty of Owner in Cases of Pet Bite. Every owner and person harboring or keeping a pet or domesticated animal who knows that such pet or domesticated animal has bitten any person, shall immediately report such fact to the Health Officer and shall keep pet or domesticated animal confined for not less than 14 days, or for such period of time as the Health Officer shall direct. The owner or keeper of any such pet or domesticated animal shall surrender the dog or domesticated animal to the Health Officer, the Humane Officer, or to any law enforcement officer upon demand for examination.
- (5) Impounding or Killing of Pets and Domesticated Animals.

- (a) Any law enforcement officer shall cause to be disposed of, as provided by law, all unlicensed dogs which are required to be licensed.
 - (b) In addition to actions otherwise authorized by this Code, the Village may retain a Humane Officer or Humane Officers, pursuant to chapter 173, Wisconsin Statutes, and Wisconsin Administrative Code Chapter ATCP 15. Any such Humane Officer must be properly certified. Any such Humane Officer is granted the powers and duties provided by Wisconsin Statute, and may take custody of pets and domesticated animals according to statute, then providing for the proper care and disposal thereof.
 - (c) Any Health Officer or Humane Officer, or Law Enforcement Officer, may also enforce the provisions of this Code relating to the keeping of Animals and Fowl, as set forth in Chapter 10 of this Code.
 - (d) Any costs or expense incurred by any such Health Officer, Humane Officer, or Law Enforcement Officer, relating to the enforcement of this code, and payable by the village, shall be charged to the owner of the pet or domesticated animal. These expenses shall include, but shall not be limited to, impoundment and disposal charges. Any such amounts payable by an owner are in addition to the amounts due from any person or owner for penalties relating to violations of this code.
- (6) Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in Chapter 16 of this Code. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

11.06 CEMETERY.

- (1) Sale of Cemetery Lots. The Village President and the Village Clerk shall, and they are hereby authorized to sell lots in the Municipal Cemetery at the prices hereinafter provided, and to make, execute and deliver to the purchasers of said lots or portions of lots, a proper deed of conveyance shall be prescribed by the Village Board of the Village of Butternut.
- (2) Cemetery Operation. The Municipal Cemetery shall be under the management and operation of the Cemetery Board, which shall be comprised as follows: The President of the Board shall be the President of the Village of Butternut, the Secretary of the Board shall be the Clerk of the Village of Butternut, two members at large of the Board shall be the Chairmen of the Towns of Agenda and Chippewa. The price of lots or portions of lots and all rules and regulations for the management and operation of the cemetery shall be set by the Board.
- (3) Cemetery Fund. That the Village of Butternut establish a Special Cemetery Fund to take hold and use donations, contributions and gifts or the income and proceeds thereof, for the improvement, maintenance, repair, preservation or ornamentation of the cemetery or any lot therein, according to the terms of such donations and gifts, and that all such donations, contributions and gifts be kept in a special cemetery account.
- (4) Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in Section 16.04 of this code. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

CHAPTER 12

ORDERLY CONDUCT

- 12.01 Offenses Endangering Public Safety.
- 12.02 Offenses Endangering Public Peace and Good Order
- 12.03 Offenses Endangering Public Morals and Decency.
- 12.04 Offenses Against Public and Private Property.
- 12.05 Regulation of Sale and Possession of Harmful Glues.
- 12.06 Penalties.

12.01 OFFENSES ENDANGERING PUBLIC SAFETY.

- (1) Discharging and Carrying Firearms and Guns Prohibited. No person, except a sheriff, constable, police officer or their deputies shall fire or discharge any firearm, rifle, spring or air gun of any description within the village of Butternut or have any firearm, rifle, spring or air gun in his possession or under his control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container, provided that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board, or the firing or discharging of BB guns upon private premises by persons over 16 or under the direct personal supervision of a parent or guardian. This subsection shall be deemed to prohibit hunting within the Village, provided that the Marshal may issue a permit to shoot on such premises if he finds such privileges necessary for the protection of life or property and subject to such safeguards as he may impose for the safety of the lives and property of other persons within the Village.
- (2) Throwing or Shooting of Arrows, Stones or Other Missiles Prohibited. No person shall throw or shoot any object, arrow, stone, 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 Village of Butternut.
- (3) Burning of Grass and Trash Restricted.
 - (a) Grass Fires Regulated. No person shall kindle any grass fire within the Village of Butternut without first securing a written permit from the Village Clerk who shall issue such permit only upon approval of and subject to any conditions for the protection of life and property imposed by the Fire Chief.
 - (b) Trash Burning Restricted. No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private ground within the Village within 24 feet of any building or within any fire lane unless the same be confined within a wire reuse burner, basket or metal enclosure with a cover attached to prevent the escape of sparks and burning material. No burning shall be allowed within the fire district as defined in Section 8.06(1).
- (4) 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 Village unless he shall be authorized by a fireworks permit as 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 ponds 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 Village President. All applications shall be referred to the Fire Chief for investigation and no permit shall be granted unless the Village President from the report of the Chief determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the Village President shall require the applicant to post with the Village Clerk an approved indemnity bond or certificate of insurance with 10 days notice of cancellation in the sum of \$25,000.00 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.
- (5) Obstructing 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 Village in such 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.

12.02 OFFENSES ENDAGERING PUBLIC PEACE AND GOOD ORDER.

- (1) Disorderly conduct Prohibited. No person shall within the Village of Butternut:
 - (a) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance or breach of the peace.
 - (b) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (2) Drunkenness. No person shall within the Village be habitually drunk or intoxicated so as to disturb the good order and quiet of the Village or be found in any place within the Village in such a state of intoxication that he is unable to care for his own safety or for the safety of others.
- (3) Loud and Unnecessary Noise Prohibited. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

- (4) False Fire Alarms Prohibited. No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false.
- (5) Obedience to Officers. No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the Village while such officer is doing any act in his official capacity and with lawful authority.
- (6) Assisting Escape of Prisoner. No person shall intentionally aid any prisoner or person to escape from the lawful custody of a law enforcement officer of the Village.
- (7) Impersonating Law Enforcement Officers. No person shall impersonate a law enforcement officer within the Village of Butternut.

12.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY.

- (1) Gambling, Lotteries, Fraudulent Devices and Practices Prohibited. All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the limits of the Village. Any law enforcement officer of the Village is hereby authorized to seize anything devised solely for gambling or found in actual use of gambling within the Village and to dispose thereof after a judicial determination that said device was used solely for gambling or found in actual use for gambling.
- (2) Vagrancy and Loitering Prohibited. No person shall within the Village 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 suspicion of wrongdoing and who is unable to give a satisfactory account of himself, or who, having the physical ability to work is without any visible means of support and does not seek employment or who derives part of his 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 himself in any indecent, lewd, lascivious or obscene manner within the Village.
- (4) Curfew. No child 17 years of age or under shall loiter, idle or remain, and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the Village between the hours of 10p.m. and 5 a.m. unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child. This subsection shall not be construed 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 expeditious and orderly manner or from going to or from places of business or amusement or private homes.

12.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY.

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

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

12.05 REGULATION OF SALE AND POSSESSION OF HARMFUL GLUES.

- (1) Possession. No person under the age of 18 years shall have in their possession any glue containing toluol, toluene, benzene, acetone, or methyl ethyl ketone or nay similar hydrocarbon capable of producing intoxication when inhaled, with the intent to inhale the vapors of said glue to induce a state of intoxication or euphoria.
- (2) Sale. No person shall sell any glue as defined in section 1 to any person under the age of 18 years excepting that one container of said glue not to exceed 2 ounces in capacity may be sold in conjunction with the sale of a model kit if necessary for the construction of said kit.

12.06 PENALTIES.

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

- (1) For a violation of Section 12.03(4) of this ordinance he shall forfeit not more than \$25 and the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs of prosecution are paid, but not exceeding 5 days, provided that for a first offense any person 18 years of age or under who shall be found violating the provisions of this section shall be warned of the penalty for such violation by any law enforcement officer of the Village and shall be taken and delivered to the custody of the person having legal custody over him and for a second or subsequent offense he shall be dealt with according to the provisions of Chapter 48 of the Wisconsin statutes.
- (2) For a violation of any other provision of this chapter, he shall be subject to a penalty as provided in Section 16.04 of this code.
- (3) In addition to any penalty imposed for violation of Section 12.04(1) of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 12.04 (1) of this chapter may also be held liable for the costs of replacing or repairing such damaged or destroyed property in accordance with s. 895.035 of the Wisconsin statutes.

CHAPTER 13

PUBLIC NUISANCES

- 13.01 Public Nuisances Prohibited
- 13.02 Definitions
- 13.03 Abatement of Public Nuisances
- 13.04 Cost of Abatement
- 13.05 Penalties

13.01 PUBLIC NUISANCES PROHIBITED.

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

13.02 DEFINITIONS.

- (1) Public Nuisance. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to: (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; (b) In any way render the public insecure in life or in the sue of property; (c) Greatly offend the public morals or decency; (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.
- (2) Public Nuisances 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 sub. (1) of this section:
 - (a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - (b) Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - (c) Accumulations of 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.
 - (d) All stagnant water in which mosquitoes, flies or other insects can multiply.
 - (e) Privy vaults and garbage cans which are not fly-tight.
 - (f) All noxious weeds and other rank growth of vegetation.
 - (g) All animals running at large.
 - (h) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village limits or within one mile therefrom in such quantities as to endanger the health of persons or ordinary sensibilities or to threaten or cause substantial injury to property in the Village.

- (i) The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (j) Any use of property, substances or things within the Village of Butternut emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia of stenches which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.

WELL ABANDONMENT and WELL OPERATION PERMIT

WHEREAS, s. NR811.10, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or non-complying wells located on the premises served by their system, and to provide a permit system to allow retention of safe and code-complying wells, by local ordinance or water utility rule, to eliminate sources of unsafe water and to prevent such wells from connections and prevent all future cross-connections.

NOW THEREFORE, the Village of Butternut, Ashland County, does ordain as follows:

SECTION 1: PURPOSE

To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or non-complying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.

SECTION 2: APPLICABILITY

This Ordinance applies to all wells located on premises served by the Butternut Municipal Water System. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above.

SECTION 3: DEFINITIONS

- (a) “Municipal water system” means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
- (b) “Non-complying” means a well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.
- (c) “Pump installation” means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
- (d) “Unsafe” well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the

drinking water standards of ch. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

- (e) “Unused” well or pump installation means one which is not used or does not have a functional pumping system.
- (f) “Well” means a drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.
- (g) “Well Abandonment” means the proper filling and sealing of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

SECTION 4: ABANDONMENT REQUIRED

All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 6 of this ordinance by _____ or not later than _____ days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Butternut under terms of Section 5 of this ordinance.

SECTION 5: WELL OPERATION PERMIT

Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than _____ days after connection to the municipal water system. The Village of Butternut shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that all conditions of this section are met. The Village of Butternut or its agent, may conduct Inspections and water quality tests or required inspections and water quality tests to be conducted at the applicant’s expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. All initial and renewal applications must be accompanied by a fee of _____.

The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation shall meet the Standards for Existing Installations described in s. NR 812-42, Wisconsin Administrative Code.
- (2) The well and pump installation shall have a history of producing safe water evidenced by at least 1 coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical test may be required to document the safety of the water.
- (3) There shall be no cross-connections between the well’s pump installation or distribution piping and the municipal water system.
- (4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- (5) The private well shall have a functional pumping system.

- (6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

SECTION 6: ABANDONMENT PROCEDURES

- (1) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of s. NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) The owner of the well, or the owner's agent may be required to obtain a well abandonment permit prior to any well abandonment and shall notify the Clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal water system.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.

SECTION 7: PENALTIES

Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than _____ nor more than _____ and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

- (a) 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 Village.
- (3) Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of sub. (1) of this section.
- (a) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (b) All gambling devices and slot machines.
- (c) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village of Butternut.
- (d) Any place or premises within the Village of Butternut where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

- (4) Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of sub. (1) of this section:
- (a) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
 - (b) All buildings erected, repaired or altered within the fire limits of the Village of Butternut in violation of the provisions of the ordinances of the Village, relating to materials and manner of construction of buildings and structures within said district.
 - (c) All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.
 - (d) All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
 - (e) All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street less than 10 feet above any other public place.
 - (f) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village.
 - (g) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
 - (h) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
 - (i) All loud, discordant and unnecessary noises or vibrations of any kind.
 - (j) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
 - (k) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
 - (l) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
 - (m) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

- (n) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (o) Repeated or continuous violations of the ordinances of the Village or laws of the State of Wisconsin relating to the storage of flammable liquids.
- (p) All snow and ice not removed or sprinkled with ashes, sawdust or sand as provided in Section 6.06 of this code.

13.03 ABATEMENT OF PUBLIC NUISANCES.

- (1) Inspection of Premises. Whenever complaint is made to the Village President that a public nuisance exists within the Village of Butternut, he shall promptly notify the Marshal, Health Officer or Building Inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Village President. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk.
- (2) Summary Abatement.
 - (a) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the Marshal to serve notice on the persons causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
 - (b) Abatement by Village. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found the Health Officer, in case of health nuisances, and the Marshal, in other cases, shall cause the abatement or removal of such public nuisance.
- (3) Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Village President who shall cause an action to abate such nuisance to be commenced in the name of the Village in the circuit court of Wisconsin County in accordance with the provisions of ch. 280 of the Wisconsin Statutes.
- (4) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Village of Butternut or its officials in accordance with the laws of the State of Wisconsin.

13.04 COST OF ABATEMENT.

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or

maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge.

13.05 PENALTY.

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

CHAPTER 14

FINANCE

- 14.01 Preparation of Tax Roll and Tax Receipts
- 14.02 Duplicate Treasurer's Bond Eliminated
- 14.03 Claims Against Village
- 14.04 Preparation and Adoption of Annual Budget
- 14.05 Public Records

14.01 PREPARATION OF TAX ROLL AND TAX RECEIPTS.

- (1) Aggregate Tax Stated on Roll. Pursuant to s. 70.65 (2) of the Wisconsin statutes, the Village Clerk shall, in computing the tax roll, insert only the aggregate amount of State, county, school and local taxes in a single column in the roll 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 x. 74.08 (1), Wisconsin statutes, in lieu of entering on each tax receipt the several amounts paid respectively for State, county, school, local and other taxes, the aggregate amount of such taxes shall be combined in a single column on the tax receipt issued by the Village Treasurer. The Treasurer shall cause to be printed or stamped on the tax receipt the separate proportion or rate of taxes levied for State, county, school, local or other purposes.

14.02 DUPLICATE TREASURER'S BOND ELIMINATED.

- (1) Bond Eliminated. The Village of Butternut elects not to give the bond on the Village Treasurer provided for the s. 70.67 (1), Wisconsin statutes.
- (2) Village Liable for Default of Treasurer. Pursuant to s. 70.67 (2), Wisconsin Statutes, the Village of Butternut shall be obligated to pay, in case the Village Treasurer shall fail to do so, all State and county taxes required by law to be paid by such Treasurer to the County Treasurer.

14.03 CLAIMS AGAINST VILLAGE.

- (1) Claims to be Certified. Prior to submission of any account, demand or claim to the Village Board for approval of payment, the Village Clerk shall certify, or cause to be endorsed thereon or on attached papers, that the following conditions have been complied with:
 - (a) That funds are available therefor 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.
- (2) Village Board to Audit Accounts. No account or demand against the Village, except as provided in sub. (3) of this section, shall be paid until it has been audited by the Village Board and an order drawn on the village Treasurer therefor. Every such account shall be

itemized and certified as provided in sub. (1). After auditing the Village Board shall cause to be endorsed by the Clerk, on each accounts, the words “ allowed” or “disallowed,” as the fact is, adding the amount allowed or specifying the items or parts of items disallowed. The minutes of the proceedings of the board of a statement attached thereto shall show to whom and for what purpose every such account was allowed and the amount.

- (3) Payment of regular Wages or Salaries. Regular wages or salaries of Village officers and employees shall be paid by payroll, verified by the proper Village Official, department head, board or commission and filed with the Village Clerk in time for payment on the regular payday.
- (4) Method of Incurring Claims. All actions of the Village Board appropriating money or creating a charge against the Village, other than claims for purchases or work previously authorized by the Board, shall only be acted upon at the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of $\frac{3}{4}$ of all members of the Board. A roll call vote shall be taken and recorded on all appropriations.

14.04 PREPARATION AND ADOPTION OF ANNUAL BUDGET.

- (1) Village President to Prepare Budget. On or before the 20th day of October of each year the Village President, with the assistance of the Village Clerk, shall prepare and submit to the Village Board a proposed budget presenting a financial plan for conducting the affairs of the Village for the ensuing year. Before preparing the proposed budget, the President shall consult with the heads of Village departments and with Village officials and shall then determine the total amount to be recommended in the budget for each Village department or activity.
- (2) Form of Proposed Budget. The proposed budget shall include the following information:
 - (a) The actual expenditures of each department and activity for the expired portion of the current year and last preceding fiscal year and the estimated expense of conducting each department and activity of the village for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.
 - (b) An itemization of all anticipated income of the Village from sources other than general property taxes and bond issues, with a comparative statement of the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal years.
 - (c) All existing indebtedness of the village, including the amount of interest payable and principal to be redeemed on any outstanding general obligation bonds of the Village and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
 - (d) 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 the proposed expenditures.
 - (e) Such other information as may be required by the Village board and by State law.

- (3) Appropriation Ordinance: Hearing. The Village President, with the assistance of the Village clerk, shall submit to the Village Board with the annual budget a draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Before adoption of a final appropriation ordinance, the Village Board shall hold a public hearing on the budget and the proposed appropriation ordinance as required by law.
- (4) Changes in Final Budget. Upon written recommendation of the Village President, the Village board may at any time by a 2/3 vote of the entire membership transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within 8 days thereafter in a newspaper in general circulation in the Village.
- (5) Expenditures Limited by Annual Appropriation. No money shall be drawn from the treasury of the Village nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance and changes therein authorized in accordance with sub. (4) of this section. At the close of each fiscal year any unencumbered balance of any appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Village Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or 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 be accomplished or abandoned.

14.05 PUBLIC RECORDS.

- (1) Financial Records. Village officers are empowered to destroy the following non-utility records under their jurisdiction after the completion of audit by the Department of State Audit or an auditor licensed under ch. 135 of the Wisconsin statutes, but not less than 7 years after payment or receipt of the sum involved in the applicable transaction:
 - (a) Bank statements, deposit books, slips and stubs.
 - (b) Bonds and coupons after maturity.
 - (c) Canceled check, duplicates and check stubs.
 - (d) License and permit applications, stubs.
 - (e) Pay rolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
 - (f) Receipt forms.
 - (g) Special assessment records.
 - (h) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (2) Utility Records. Village officers are empowered to destroy the following records of municipal utilities subject to regulation by the State Public Service commission and after an audit as provided above, but not less than 2 years after payment or receipt of the sum involved in the applicable transaction.
 - (a) Water (sewer) (electrical) stubs and receipts of current billings.
 - (b) Customer's ledgers.

- (c) Vouchers and supporting documents pertaining to charges not included in plant accounts.
 - (d) Other utility records after 7 years with the written approval of the Public Service Commission
- (3) Other Records. Village officers are empowered to destroy the following records but not less than 7 years after the record was effective:
- (a) Assessment rolls and related records, including board of review minutes.
 - (b) Contracts and papers relating thereto.
 - (c) Correspondence and communications.
 - (d) Financial reports other than annual financial reports.
 - (e) Insurance Policies.
 - (f) Justice dockets.
 - (g) Oaths of office.
 - (h) Reports of boards, commissions, committees and officials duplicated in the official Village board minutes.
 - (i) Resolutions and petitions.
 - (j) Voter record cards.
- (4) Notice Required. Prior to the destruction of any public record described above, at least 60 days notice shall be given the State Historical Society.
- (5) Limitation. This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or State administrative regulations.

CHAPTER 15

TRAILER PARK

- 15.01 General Provisions
- 15.02 Lease Requirements
- 15.03 Site Rent
- 15.04 Mobile Home Requirements
- 15.05 Site Requirements
- 15.06 Pets
- 15.07 Enforcement

15.01 GENERAL PROVISIONS.

- (1) These provisions apply to all trailer park property designated as such by the Village and located in the SE(1/4) SW(1/4), Section 21, Township 41 North, Range 1 West.
- (2) The size of all trailer park lots shall be determined by the Village and shall be appropriately mapped as determined by the Village. Each lot shall be a single mobile home site.
- (3) The Village shall determine the location of any public roadway in the trailer park, shall see that the location is appropriately mapped, and shall post a 15 MPH speed limit on any such roadway.
- (4) Snowmobiles, ATV's, and other similar recreational vehicles are not allowed to travel through the trailer parks, regardless of whether on any public roadway or on mobile home sites. Said travel is prohibited for any access to the community park. Trailer park residents will be allowed to travel from a particular mobile home site, south to the designated trail on West Road, on a route location designated by the Village.
- (5) No trees or shrubs may be removed or planted, within the entire area of the trailer park, without approval by the Village Board or Village Public Works Superintendent. No excavating or landscaping may be done, that alters the flow of storm water or changes the elevation of any mobile home site, without the approval of the Village Public Works Superintendent.
- (6) One mailbox per mobile home site shall be allowed; and all mailboxes shall be located in a single area designated by the Village. Residents shall be responsible for obtaining, installing, and maintaining their own mailboxes.
- (7) Unless or until a trailer park manager is appointed by the Village Board, the park shall be managed by the Village Public Works Superintendent and the Village President.

15.02 LEASE REQUIREMENTS.

- (1) All lease agreements for mobile home sites shall include a specific provision addressing the term of the lease, which may be any term, including month to month. All lease agreements shall be in writing, and all tenants and occupants shall be subject to all guidelines and regulations established by the Village. Regardless of the term of any lease, the lease

agreement shall provide that the Village reserves the right to terminate the lease upon any tenant's failure to pay rent or failure to adhere to all guidelines and regulations, in which case the right of the Village to terminate the lease shall be as set forth in the lease, or as if the lease were month to month, whichever period is shorter.

- (2) Mobile home occupants shall be in one off the two categories: either a tenant that owns his or her mobile home; or a tenant that does not own his or her mobile home but instead rents that mobile home from a third party mobile home owner. In either case, the tenant shall be obligated to the Village as a tenant and shall execute the written lease agreement, whether there is a separate tenant or not. Each full time occupant of the home shall execute the lease agreement as a tenant. Tenants, occupants, and mobile home owners shall be jointly and evenly reliable for all obligations associated with each mobile home site, including but not limited to mandatory obligations due the Village.
- (3) Every mobile home located in the trailer park shall be insured for fire and extended coverage, naming the Village as a loss payee as to any amounts owed the Village pursuant to the written lease agreement for the particular mobile home site. Such insurance shall be obtained by the mobile home owner, and proof of such insurance shall be provided to the Village. Nothing prevents any tenant or occupant from having other insurance coverages.

15.03 SITE RENT.

- (1) The Village shall determine site rent, which will be reflected in the written lease agreement.
- (2) Site rent is initially set at \$150.00 per month, including household garbage removal; though the Village is authorized to adjust monthly site rent as the Village determines appropriate, taking into account County rental information. Site rent does not include any utility or similar expense, such as sewer and water, electric, cable, telephone, fuel, or satellite. Site rent is due on the first day of each month.
- (3) Rental periods beginning other than on the first day of a month shall be for the balance of that month only, so that subsequent months are full months and subsequent rent payments are due on the first of each month. For the partial month, rent will be prorated, and payable upon lease signing.
- (4) Rent modification may only occur at the end of a lease agreement term, unless otherwise provided in the lease agreement. Site rent shall be determined by a Trailer Park Committee, subject to the approval of the Village Board. The Village Board will also determine how site rents paid are allocated among Village departments or funds.

15.04 MOBILE HOME REQUIREMENTS.

- (1) All mobile homes shall meet minimum code requirements and zoning requirements, including but not limited to those requirements set forth in the Wisconsin Administrative Code, and in the Ashland County Zoning Ordinances. In addition, mobile homes shall be at least 32 feet in length, and shall not exceed 15 feet in height.
- (2) All mobile homes shall meet any setback requirements established by the Village, and shall be connected to Village sewer and water utilities. No private wells or sewer systems are allowed.

- (3) All mobile homes shall be appropriately blocked and skirted, and water connections shall be protected from freezing, all at the expense of the owner or tenant.
- (4) All mobile homes shall be of good exterior appearance, as shall all other improvements on each site (such as entrances, decks, porches, lean-tos, sheds and garages); and all shall be regularly and properly maintained at the expense of the owner or tenant.

15.05 SITE REQUIREMENTS.

- (1) Owners and tenants are responsible, at their expense, for all site maintenance, including regular lawn mowing and any necessary snow removal. Sites must be of neat appearance at all times, and free of trash and debris. Trash shall be held in containers approved by the Village, and shall be collected according to the normal Village trash collection schedule. Recycling shall occur as specified by the Village recycling program. Trash other than household garbage shall be disposed of by the owners and tenants at their expense.
- (2) Burn barrels, fire pits, and outdoor wood furnaces are prohibited.
- (3) Any privacy fence must be of neat appearance, approved by the Village, and installed and regularly maintained at the expense of the owner or tenant.
- (4) Only two registered motor vehicles shall be allowed per site, unless written approval is obtained from the Village for additional registered vehicles. No unregistered vehicles are allowed. No inoperable vehicles are allowed without written Village approval, and then only for a specified period of time.
- (5) No site shall be used for the storage of recreational vehicles or boats which are not registered, and which are not tenant owned.
- (6) No site shall be used for business purposes or manufacturing.

15.06 PETS.

- (1) Pets are prohibited on all trailer park property.

15.07 ENFORCEMENT.

- (1) The provisions of this chapter may be enforced as determined by the Village Board, or through law enforcement, or by legal action, with all costs and fees related thereto payable by the owner, tenant, or occupant then subject to enforcement.
- (2) Penalties may be established by the Village Board by Resolution, chargeable by citation.
- (3) Ordinance violation may result in eviction from the trailer park, which eviction can include persons and mobile homes.

CHAPTER 16

GENERAL PROVISIONS

- 16.01 Rules of Construction
- 16.02 Conflict and Separability
- 16.03 Clerk to File Documents Incorporated by Reference
- 16.04 Penalty Provisions
- 16.05 Repeal of General Ordinances
- 16.06 Effect of Repeals
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- 16.09 Clerk to File Ordinances: Supplemental Sheets
- 16.10 Posting

16.01 RULES OF CONSTRUCTION.

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

- (1) Wisconsin Statutes. The term Wisconsin statutes wherever used in this code shall mean the Wisconsin statutes for the year 1969.
- (2) Gender: Singular and Plural. Every word in this code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter to context of such provisions may be repugnant thereto.
- (3) Person. The word “person” extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.
- (4) Acts by Agents. When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

16.02 CONFLICT AND SEPARABILITY.

- (1) Conflict of Provisions. If the provisions of the different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
- (2) Separability of Code Provisions. In any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Village President and

Village Board of the Village of Butternut hereby declare that they would have passed this code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

16.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE.

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

16.04 PENALTY PROVISIONS.

- (1) General Penalty. Whenever so provided in this code, any person who shall violate any of the provisions of this code shall upon conviction of this violation, be subject to a penalty, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 90 days.
- (2) Specific Penalties. Any person violating any of the provisions of this Code, for which a specific penalty is provided in this section, shall upon conviction of said violation, subject to the penalty provided, together with the costs of prosecution:
 - (a) Any person violating the provisions of section 11.05 of this Code shall be subject to the following forfeitures, plus any applicable court fees and cost, plus any expenses payable according to the Code.
 - i. For a first offense, a warning, (no forfeiture), plus the cost of the Humane Officer, which is a minimum of \$25 plus applicable mileage;
 - ii. For a second offense, \$175 forfeiture, plus the cost of the Humane Officer;
 - iii. For a third offense, \$350 forfeiture, plus the cost of the Humane Officer;
 - iv. For a fourth offense, \$700 forfeiture, plus the cost of the Humane Officer, plus mandatory impoundment, and all cost associated therewith.
- (3) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture, costs, fees, or expenses, as set forth above, relating to the violation of any ordinance of the village, the court may, in lieu of ordering imprisonment of the defendant under sub (1) above, or after the defendant has been released from custody, or at any time under sub (2) above; issue an execution against the property of the defendant for any such forfeiture, costs, fees, and expenses.

16.05 REPEAL OF GENERAL ORDINANCES.

All ordinances heretofore adopted by the Village Board of the Village of Butternut 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:

The issuance of corporate bonds and notes of the Village of Butternut of whatever name or description.

The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys.

The fixing of salaries of public officials and employees.

Rights, licenses or franchises or the creation of any contract with the Village of Butternut.

The lighting of streets and alleys.

The annexation of territory to the Village of Butternut.

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

The letting of contracts without bids.

Tax and special assessment levies.

Release of person, firms or corporations from liability.

Construction of any public works.

Water, sewer and electric rates, rules and regulations and sewer and water main construction.

Budget ordinance, resolutions and actions.

Charter ordinances.

16.06 EFFECT OF REPEALS.

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

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

16.07 TITLE: EFFECTIVE DATE: CITATION.

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

16.08 STYLE OF ORDINANCES: ADDITIONS, AMENDMENTS AND REPEALS.

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

16.09 CLERK TO FILE ORDINANCES: SUPPLEMENTAL SHEETS.

The Village Clerk shall certify one copy of this code as the original Municipal code of the Village of Butternut and shall file the same as part of the Village ordinance book. Such copy shall be retained in its original form. In addition, the Clerk shall retain in his office at least one copy of the Municipal Code of the Village of Butternut in current form in which shall be inserted all supplemental sheets as hereinafter provided.

Whenever any ordinance amending, repealing, revising or creating any section of this code is adopted by the Village Board, the Clerk, after recording such ordinance in the ordinance book, shall cause copies of such ordinance to be reproduced on supplemental sheets in proper form for insertion in the municipal code and shall insert such ordinances in all copies of this code in his possession except the aforementioned original copy. The Clerk shall make such supplemental sheets available (at cost) (at a fee specified by the Village Board) to all persons requesting the same.

16.10 POSTING.

Pursuant to the provisions of Section 985.02 and 985.05 Wisconsin statutes, the Village Clerk is directed to publish legal notices, ordinances, etc., where required by posting such notices, ordinances, etc., in the following three public places:

- Northern State Bank building
- Post Office building
- Fire Hall

Such posting, however, shall not be substituted for a newspaper publication in proceedings relating to tax sales, tax sales certificates or tax redemptions, civil annexations, detachments, consolidation or incorporations, or legal notices directed to specific individuals.

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