

**MUNICIPAL CODE
of the Village of
GRATIOT, WISCONSIN**

Published by Order of the Village Board

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OFFICIALS OF THE
VILLAGE OF
GRATIOT, WISCONSIN

AT THE TIME OF THIS CODIFICATION

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PREFACE

This Code constitutes a complete recodification of the general and permanent ordinances of the Village of Gratiot, Wisconsin.

Source materials used in the preparation of the Code were the 2009 Code, and ordinances subsequently adopted by the Village Board. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 2009 Code, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catch lined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

CHAPTER AND SECTION NUMBERING SYSTEM

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a period. The figure before the period refers to the chapter number, and the figure after the period refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1.02, and the first section of chapter 6 is 6.01. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6.01 and 6.02 is desired to be added, such new section would be numbered 6.01.5. New chapters and new sections may be included in the same way or may be placed at the end of the chapter embracing the subject. The next successive number shall be assigned to the new chapter or section.

PAGE NUMBERING SYSTEM

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of total pages.

LOOSE LEAF SUPPLEMENTS

A special feature of this publication is the loose leaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

ADOPTING ORDINANCE

An Ordinance Adopting and Enacting a New Code for the Village of Gratiot, Wisconsin; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.

The Village Board of the Village of Gratiot, Wisconsin does ordain as follows;

Section 1. The Code entitled "Municipal Code of the Village of Gratiot, Wisconsin," published by **Municipal Code Corporation consisting of Chapters 1 through**, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before **July 1, 2009**, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a forfeiture of not less than \$5.00 nor more than \$500.00 for the first offense, plus costs of prosecution, and, upon default of payment of such forfeiture and costs, by imprisonment until paid, but for not exceeding 90 days, and for the second or subsequent violation of the same ordinance within one year, by a forfeiture of not less than \$50.00 nor more than \$500.00, plus costs of prosecution, and upon default of payment of such forfeiture and costs, by imprisonment until paid, but not exceeding six months. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the village may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code, when passed in the form as to indicate the intention of the village board to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

By: _____
Karl Johnson, Village President

CHAPTER 1 GENERAL GOVERNMENT

- 1.01 Form of Government
- 1.02 Elected and Appointed Officials

- 1.03 Boards and Commissions
- 1.04 Elections
- 1.05 Village Boundaries
- 1.06 Legal Notices
- 1.07 Fee and Forfeiture Schedule

1.01 Form of Government. The Village of Gratiot (herein referred to as the Village) shall be governed by Chapters 61 and 66 of the Wisconsin Statutes and organized under Chapter 61 of the Wisconsin Statutes.

1.02 Elected and Appointed Officials. The village will elect the following officers:

- (1) **Village President.** (a) The president shall be by virtue of the office a trustee and shall have a two-year term, elected in odd numbered years. (b) The powers and duties of the village president are those prescribed by the Wisconsin Statutes and delegated by the Village Board.
- (2) **Village Trustees.** There shall be two (2) Village Trustees who shall be elected at the regular spring election. One (1) trustee shall be elected in even-numbered years for a term of 2 years, and one (1) trustee shall be elected in odd-numbered years for a term of 2 years, commencing on the third Tuesday of April in the year of their election.
- (3) **Village Clerk and Treasurer.** (a) Pursuant to Sections 61.195 and 61.197, Wisconsin Statutes, the office of the Village Clerk-Treasurer shall be held by an officer who shall be designated Village Clerk-Treasurer and shall be appointed by the Village Board at the regular meeting of the Village Board the first Tuesday in April for a term of one year commencing on the first day of May succeeding his appointment and until his successor shall be appointed and qualify.
- (4) **Municipal Court.** Pursuant to the provisions of Wis. Stats. § 254.01(2), the Municipal Court for the Village of Gratiot is hereby abolished, effective July 1, 2009.
- (5) **Assessor.** (a) The Village of Gratiot pursuant to Wis. Stats. §§ 61.195 and 66.01.01 hereby elects not to be governed by those portions of Wis. Stats. § 61.19 relating to the election of an assessor which are in conflict with this Section. (b) Beginning with the next term of office, the method of selection of the village assessor shall be by appointment by the village president subject to confirmation by the village board rather than election by the voters.
- (6) **Village Attorney.** The Village attorney shall be licensed to practice law in the State of Wisconsin. The Village attorney shall have the powers and duties as specified from time to time by the Village Board.
- (7) **Inspector(s).** The various positions of inspector (building, electrical, plumbing, heating, ventilating, air conditioning) may be appointed separately or as combined positions depending upon the qualifications of the candidates at the

time of appointment. **The duties of the inspector(s) shall be those prescribed by chapter 15.**

- (8) **Appointed Officials.** Officials shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Village Board, pursuant to Wis. Stats. §61.197. This section, however, shall not preclude the Village Board from establishing other employment terms and conditions not inconsistent with the provisions of this code. The appointed officials shall hold an indefinite term of office unless specified by Wisconsin Statutes or specific provisions of this Code.
- (9) **Termination of Appointed Officials.** Appointed village officials may be dismissed pursuant to the provisions of Wis. Stats. §17.13 unless otherwise stated in Wisconsin Statutes.
- (10) **Compensation for Appointed Officials.** Compensation for appointed officials may be set from time to time by the Village Board as required.

1.03 Boards and Commissions.

- (1) **General Responsibilities.** Every board and commission of the village shall comply with open meeting laws and requirements as established by Wis. Stats. §19 for regular and special meetings, and keep minutes of its proceedings. The secretary of the board or commission shall file a copy of the minutes with the administrator.
- (2) **Appointments and Terms of the Office.** The following terms will apply to all boards and commissions unless otherwise stated in the Wisconsin Statutes:
 - (a) The members of all commissions and boards shall be appointed by the Village President, according to statutory guidelines, subject to confirmation by the Village Board;
 - (b) The members of all commissions and boards may be removed prior to the end of their terms according to the provisions of Wis. Stats. §17.13 and §17.14;
 - (c) Vacancies on village commissions and boards shall be filled in accordance with Wis. Stats. §17.24;
 - (d) The village president shall designate a chairperson of each commission and board unless the method of appointment is provided for by statute;
 - (e) Appointed members of commissions and boards shall serve without compensation.

- (3) **Boards Enumerated.** The village shall have the following boards and commissions with powers and duties as described.
- (a) *Board of Zoning Appeals.* The village hereby creates a Board of Appeals pursuant to Wis Stats. §62.23(7)(e) with all of the duties and functions prescribed therein.
1. Rules of Procedure. The board shall adopt its own rules of procedure not in conflict with this section or with applicable Wisconsin Statutes.
- (b) *Board of Review.*
1. The Board of Review shall be composed of the Village President, the two Village Trustees, the Village Clerk-Treasurer, and the Village Assessor. Each member's term of office shall be five years.
 2. The duties and powers of the Board of Review shall be as prescribed in Wis. Stats. §70.46 and §70.47.
 3. In accordance with Wis. Stats. §70.47(3)(b) the Village Board shall by resolution exercise its right to designate hours for the annual Board of Review proceedings other than those set forth in Wis. Stats. §70.47(3)(a).
- (c) *Plan Commission.*
1. The Plan Commission shall consist of the Village President, who shall be its presiding officer, one Village Trustee, and three citizens. The trustee shall be appointed in accordance with Wis. Stats. §62.23(1)(b). The citizen members shall be appointed in accordance with Wis. Stats. §62.23(1)(c).
 2. Three members shall constitute a quorum. Unless otherwise provided by law, all actions taken shall require the affirmative approval of a majority of all commission members.
 3. Meetings may be called only by the Village President. The village administrator shall give notice of meetings called by the commission.
 4. The powers and duties of the Plan Commission shall be as prescribed in the Wisconsin Statutes including §62.23 and Chapter 236 and in chapter 26 of this code.

1.04 Elections. The annual village election shall be held according to Wis. Stats. Chapter 8.

- (1) Polling Places.** All elections shall be held at the Village Office, 5895 Main Street, Gratiot, or at such place to be determined from time to time by resolution of the Village Board.
- (2) Form of Nomination.** Pursuant to Wis. Stats. §8.05(1), the village elects to use the caucus form of nomination.
- (3) Polling Hours.** Polling hours shall be from 7:00 AM to 8:00 PM each election day.
- (4) Election Officials.** (a) Pursuant to Wis. Stats. §7.32 the Village Board may by resolution reduce the number of election officials for any given election and redistribute the duties of the remaining election officials. No such action may reduce the number of officials at a polling place to less than three. (b) Pursuant to Wis. Stats. §7.30(1) and Wis. Stats. §7.32, the clerk may, as necessary, authorize the selection of two sets of election officials to work at different times on election day.

1.05 Village Boundaries. The Village boundaries, including future annexations and detachments, shall at all times be recorded on the official map of the Village and annexation ordinances adopted after the effective date of the code, shall be added to this section.

1.06 Legal Notices.

- (1) Posting Places.** According to Wis. Stats. §985.02(2), the bulletin boards at the following locations are designated as the legal posting places of the Village: (a) Village Office at 5895 Main Street; (b) Gratiot Post Office at 5800 Philips Lane; and (c) Fire House at 5835 Sheldon Street.
- (2) Posting.** Any notice, ordinance or other writing which by law or ordinance shall be directed to be posted in the Village of Gratiot, shall be posted by affixing the notices upon the bulletin boards.
- (3) Defacing Notices.** No person may destroy or deface said bulletin boards or who shall remove, deface or destroy any notice posted there, except Village officials exercising their official duty.

1.07 Official Village of Gratiot Fee and Forfeiture Schedule. The official Village of Gratiot fee and forfeiture schedule is hereby adopted. The Village Board shall be authorized to amend the Official Fee and Forfeiture Schedule by resolution, and, upon such amendment, the Updated Official Fee and Forfeiture Schedule shall be deemed adopted. The Official Village of Gratiot Fee and Forfeiture Schedule is set forth as Appendix A this Code.

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(FOR EASE IN MAKING ADDITIONS TO THIS CHAPTER.)

CHAPTER 2
THE GOVERNING BODY

- 2.01 Meetings
- 2.02 Ordinances and Resolutions
- 2.03 Publication and effect of Ordinances

- 2.04 Parliamentary Rules
- 2.05 Amendment of Rules

2.01 Meetings.

- (1) **Regular Meetings.** Regular meetings of the Village Board shall be held in the Village Hall on the first Tuesday of each month at 6:30 p.m. or at a date and time to be determined by the Village Board, except that the first regular meeting after the spring election shall be held no sooner than the third Monday after the Election. If a regular meeting falls on a legal holiday, such meeting shall be held on a date determined by the board.
- (2) **Special Meetings.** All special meetings of the Village Board shall be held at the place where the regular meetings are held; when special meetings shall have been called, the clerk-treasurer shall notify each member of the Village Board of the time, place and purpose of such special meeting. At least two days' notice shall be given each member of the Village Board of each special meeting of the Village Board unless the period intervening between the time of calling such meeting and the time fixed for such meeting precludes the practicability of giving so long a notice, and in that event the longest possible notice of such meeting shall be given each member by the clerk-treasurer.
- (3) **Presiding Officer.** The village president shall preside at all meetings of the board. In case of absence of the president, the clerk-treasurer shall call the meeting to order and the trustees present shall elect one of their number president pro tem. The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds vote of the members present.
- (4) **Roll call; quorum.**
 - (a) *Roll call; procedure when quorum not in attendance.* As soon as the village board shall be called to order, the clerk-treasurer shall proceed to call the names of the members in alphabetical order, noting who are present and who are absent, and record the same in the proceedings of the village board. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the village board may adjourn; or the presiding officer or in his absence the clerk-treasurer may issue a process to the chief of police or any police officer acting in the capacity of the police officer, or any police officer commanding him forthwith to summon the absentees.
 - (b) *Quorum.* A majority of the members shall constitute a quorum. The president shall be counted in computing a quorum.

- (5) **Call of the board.** A call of the village board shall be ordered at any time by the request of two or more members and absent members shall be sent for, but a call cannot be made after voting has commenced. When a call of the village board has been requested and ordered, the door shall be closed until the report of the police officer has been received and acted upon, or until further proceedings under the call are dispensed with by a majority of the entire village board.
- (6) **Disturbances and disorderly conduct.** Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the village board, the president may cause the room to be cleared of all persons guilty of such disorderly conduct except the trustees. In case any trustee shall be guilty of disorderly conduct, the president or presiding officer may order the police to take him into custody for the time being or until the meeting shall adjourn. Such member shall have the right to appeal from such order to the village board as in other cases.
- (7) **Appropriations and accounts.** All demands or accounts shall be acted upon at the time of presentation unless one or more members shall demand a reference. In the latter case, the accounts shall be referred to the village president and lay over until the next ensuing meeting unless the village board by a two-thirds vote of all the members present otherwise disposes of the same.

2.02 Ordinances and Resolutions. (a) The style of all proposed ordinances shall be in accordance with Wis. Stats. §61.50. When ordinances contain more than one subject, the subjects shall be clearly explained in the ordinance title. (b) All ordinances shall have three readings in at least two separate meetings. (c) Upon the first reading of the ordinance, the board may make a recommendations to amend the proposed ordinance. (d) Upon the second reading of the ordinance, the village president shall declare it ready for adoption.

2.03 Publication and effect of ordinances. (a) All general ordinances of the village and all regulations imposing any penalty shall be published in the local official newspaper once and shall be immediately recorded, with the affidavit of publication, by the village clerk-treasurer in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the village board shall be prima facie proof of due passage, publication and recording thereof. (b) All ordinances shall take effect and be in force from the day after their publication or a later date if expressly prescribed, and published copies thereof shall have appended the date of first publication. (c) A codification of the Village o Gratiot Municipal Ordinances shall be made available for public inspection and review at the Village Library. Notice of a proposed re-codification of the Village Ordinances shall be made ten (10) days prior to any public meeting seeking to adopt such ordinance(s) and shall contain the date, time, place of the meeting, the location where the proposed ordinance can be viewed and reviewed by the public, and the times that the proposed ordinance would be available for such review by the public.

2.04 Parliamentary Rules. Meetings of the village board shall be conducted according to the most current edition of Robert's Rules of Order.

- (1) When a motion is made and seconded, it shall be deemed to be before the village board and shall be stated (or if in writing, read) by the village president.
- (2) The clerk-treasurer shall call the roll, take, and record the vote.
- (3) All ordinances and resolutions shall require a majority vote of the village board unless otherwise specified by this code or statutes.
- (4) The assent of two-thirds of all the members of the board shall be required to suspend, alter, or modify the foregoing rules.

2.05 Amendment of Rules. The rules set forth in this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has been approved for two consecutive regularly scheduled Village Board meetings.

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CHAPTER 3 FINANCE AND TAXATION

- 3.01 Preparation of Tax Roll and Receipts
- 3.02 Property Tax Collection
- 3.03 Clerk-Treasurer's Bond

- 3.04 Fiscal Year
- 3.05 Allowance of Claims
- 3.06 Developing the Annual Budget
- 3.07 Setting the Annual Budget
- 3.08 Budget Hearing
- 3.09 Budget Approval
- 3.10 Appropriation of Village Funds
- 3.11 Letting of Contracts
- 3.12 Special Assessments
- 3.13 Abandoned or Unclaimed Property
- 3.14 Confidentiality of Assessor Information

3.01 Preparation of Tax Roll and Receipts. The clerk of the village shall annually prepare the tax roll in accordance with Wis. Stats. §70.65.

3.02 Property Tax Collection. All provisions of Chapter 74, Wis Stats., regarding property tax collection are adopted by reference and made a part of this chapter.

3.03 Clerk-Treasurer's Bond. The village elects not to give the bond on the village clerk-treasurer provided for by Wis. Stats. § 70.67(1).

3.04 Fiscal Year. The fiscal year of the village shall be the calendar year.

3.05 Allowance of Claims. In addition to Wis. Stats. §66.044(1):

- (1) No claim shall be allowed unless it is itemized. No account or demand against the Village shall be paid unless it has been reviewed and agreed upon by the Village Board.
- (2) The village may make such immediate payments as may be necessary, in accordance with Wis. Stats §66.044.

3.06 Developing the Annual Budget. The village shall consider the following policies and criteria in developing the annual budget:

- (1) Limit assessed tax rate growth to the extent possible by striving to maintain a steadily decreasing tax mill rate.
- (2) Maintain current services to the public and add new services when tax mill rate is not effected.
- (3) Provide new state and federal mandated services at the lowest possible cost yielding the highest benefit.
- (4) Make every effort to minimize growth in general fund expenditures to qualify for state expenditure resistant program.

- (5) Utilize current resources to fund capital projects provided such funding does not cause an adverse effect on the tax mill rate. Borrow only when a revenue source can be provided to substantially repay new debt service.
- (6) Add funding for additional street resurfacing and reconstruction projects.

3.07 Preparing the Annual Budget. The village clerk-treasurer shall, on the first Tuesday in November, prepare and submit to the village board a proposed budget presenting a financial plan for conducting the affairs of the village for the ensuing fiscal year in accordance with this section and with section 65.90 of the Wisconsin Statutes. The proposed budget shall include:

- (1) The expense of conducting each department and activity of the village for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increases and decreases recommended as compared with appropriations for the current year;
- (2) 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 year;
- (3) 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; and
- (4) Other information as may be required by the village board and by state law.
- (5) The village board shall provide a reasonable number of copies of the proposed budget for distribution to citizens.
- (6) The village president shall submit to the village board, at the time the annual budget is submitted, the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. On submission of the proposed appropriation ordinance to the village board it shall be deemed to have been regularly introduced to the body.
- (7) Upon written recommendation of the Village President, the Village Board may at any time by a two-thirds vote of the entire membership transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of the transfer shall be given by publication within ten days thereafter in accord with section 65.90(5)(a) of the Wisconsin Statutes.
- (8) 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 or that ordinance when changed as authorized by subsection (6) above, except that the Village Board may pass any special expenditure that it may deem necessary during the course of a year, provided that sufficient monies are available in the budget or general fund. At the close of each fiscal year any unencumbered balance of an 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 have been accomplished or abandoned. Expenditures shall be first paid from revenue available for the current year.

- 3.08 Budget Hearing.** The village board shall hold a formal public hearing on the budget at the time of its presentation by the village president by November 15.
- 3.09 Budget Approval.** Approval of the budget shall not be until one week after the formal public hearing, at which time the proposed budget may be changed or amended and allowance made for further public comment and any final adjustments that must be made.
- 3.10 Appropriation of Village Funds.** 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 in the adopted budget or when changed as authorized by Wis. Stats. § 65.90(5)(a). At the close of each fiscal year, any unencumbered balance of an 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 has been accomplished or abandoned.
- 3.11 Letting of Contracts.** As a complete alternative to the requirements established by Wis. Stats. §§61.54 and 61.55, Wis. Stats. §62.15 shall apply to village contracts. The authority vested in the board of public works by Wis. Stats. §62.15 shall be exercised by the village board.
- 3.12 Special Assessments.** The village may levy special assessments in accordance with Wisconsin law.
- 3.13 Abandoned or Unclaimed Property.** The police department is required and directed to dispose of abandoned or unclaimed property in accordance with Wis. Stats. §66.78.
- 3.14 Confidentiality of Assessor Information.** Whenever the assessor, in the performance of his or her duties, requests and obtains income and expense information pursuant to Sect. 70.47(7)(af), Wis. Stats., or any successor statute

thereto, then, such income and expense information that is provided to the assessor shall be held by the assessor on a confidential basis, except, however, that said information may be revealed to and used by persons in the discharge of duties imposed by law; in the discharge of duties imposed by office including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the board of review in performance of its official duties; or pursuant to order of a court. Income and expense information provided to the assessor under s. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is per Sect. 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under Sect. 19.35(1), Wis. Stats.

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(FOR EASE IN MAKING ADDITIONS TO THIS CHAPTER.)

CHAPTER 4 PUBLIC RECORDS

- 3.01 Definitions
- 3.02 Duty to Maintain Records

- 3.03 Legal Custodians
- 3.04 Public Access to Records
- 3.05 Access Procedures
- 3.06 Limitations on Right to Access
- 3.07 Destruction Records
- 3.08 Preservation through Microfilm

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

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

4.02 Duty to maintain records.

- (1) The Village Clerk-Treasurer shall be the primary custodian of Village records, and said records shall be so maintained. Each officer and employee of the village shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employee or his deputies, or to the possession or control of which he or they may be lawfully entitled as such officers or employees.

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

4.03 Legal custodians.

- (1) Each elected or appointed official is the legal custodian of his records. The Village Clerk-Treasurer is designated as the legal custodian of Village records.
- (2) Unless otherwise prohibited by law, the Village Clerk-Treasurer or his designee shall act as legal custodian for the village board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the village board.
- (3) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee.
- (4) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stats. §§19.21-19.39, and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section. The legal custodian is authorized to consult with the Village Attorney at his/her discretion.

4.04 Public access to records.

- (1) Except as provided in herein, any person has a right to inspect a record and to make or receive a copy of any record as provided in Wis. Stats. §19.35(1).
- (2) Records will be available for inspection and copying during all regular office hours. The legal custodian of the records shall at his/her discretion set reasonable office hours for the public to access records available for inspection under this Code and Wisconsin Statutes.
- (3) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- (4) A requester shall be permitted to use facilities comparable to those available to village employees to inspect, copy or abstract a record.

- (5) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (6) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
 - (a) The cost of photocopying shall be as established periodically by the board.
 - (b) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (c) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.
 - (d) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (e) There shall be no charge for locating a record unless the actual cost exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
 - (f) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
 - (g) Elected and appointed officials of the village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (h) The legal custodian may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.
- (7) Pursuant to Wis. Stats. §19.34, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the village board. Each authority shall also prominently display at its offices for the guidance of the public a copy of Wis. Stats. §§19.31 to 19.39.

4.05 Access procedures.

- (1) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. §19.37. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required herein. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons, federal law or regulations so require.
- (2) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the village attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.
- (3) If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. §19.37(1), or upon application to the attorney general or a district attorney.

4.06 Limitations on right to access.

- (1) As provided by Wis. Stats. §19.36, the following records are exempt from inspection under this section:

 - (a) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.
 - (b) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.

- (c) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.
 - (d) A record or any portion of a record containing information qualifying as a common law trade secret.
- (2) As provided by Wis. Stats. §43.30, public library circulation records are exempt from inspection under this section.
- (3) In responding to a request for inspection or copying of a record that is not specifically exempt from disclosure, the legal custodian, after conferring with the village attorney, may deny the request, in whole or in part, only if he determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include but are not limited to the following:
- (a) Records obtained under official pledges of confidentiality that were necessary and given in order to obtain the information contained in them.
 - (b) Records of current deliberations after a quasi-judicial hearing.
 - (c) Records of current deliberations concerning employment, dismissal, demotion, compensation, performance or discipline of any village officer or employee, or the investigation of charges against a village officer or employee, unless such officer or employee consents to such disclosure.
 - (d) Records concerning current strategy for crime detection or prevention.
 - (e) Records of current deliberations or negotiations on the purchase of village property, investing of village funds or other village business whenever competitive or bargaining reasons require nondisclosure.
 - (f) Financial, medical, social or personal histories or disciplinary data of specific persons that, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 - (g) Communications between legal counsel for the village and any officer, agent or employee of the village when advice is being rendered concerning strategy with respect to current litigation in which the village or any of its officers, agents or employees is, or is likely to become, involved or communications which are privileged under Wis. Stats. §905.03.

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

4.07 Destruction of records.

- (1) Village officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats. ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. §16.61(3)(e), and then after such shorter period:
 - (a) Bank statements, deposit books, slips and stubs.
 - (b) Bonds and coupons after maturity.
 - (c) Canceled checks, duplicates and check stubs.
 - (d) License and permit applications, stubs and duplicates.
 - (e) Official bonds.
 - (f) Payrolls and other time and employment records of personnel included under the state retirement plan.
 - (g) Receipt forms.
 - (h) Special assessment records.
 - (i) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (2) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats. ch. 442, subject to state public service commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. §16.61(3)(e); and then after such a shorter period, except that sewer and water stubs, receipts of current billings and customers' ledgers may be destroyed after two years:
 - (a) Contracts.
 - (b) Excavation permits.
 - (c) Inspection records.
 - (d) Water stubs.

- (e) Sewer rental charge stubs.
 - (f) Receipts of current billings.
 - (g) Customer's ledgers.
- (3) Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. §16.61(3)(e), and then after such a shorter period:
- (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) Oaths of office.
 - (g) Reports of boards, commissions, committees and officials duplicated in the board minutes.
 - (h) Petitions.
 - (i) Election notices.
 - (g) Canceled registration cards.
- (4) Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to the destruction of any record as provided by Wis. Stats. §19.21(4)(a).
- (5) Any tape recordings of a governmental meeting of the village may be destroyed, erased or reused no sooner than 10 days after the minutes of the meeting have been approved and published if the purpose of the recording was to make minutes of the meeting.

4.08 Preservation through microfilm. Any village officer or the director of any department or division of village government may, subject to the approval of the village board, keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stats. §16.61(7)(a), (b), and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of this chapter.

CHAPTER 5 PUBLIC PEACE AND GOOD ORDER

- 5.01 Provisions of State Law Adopted by Reference
- 5.02 Provisions of State Law Relating to Those of Certain Ages Adopted by Reference

- 5.03 Possession and Use of Firearms
- 5.04 Burning Regulation
- 5.05 Consumption of and Intoxication by Alcohol in Public Places
- 5.06 Curfew Established
- 5.07 Offenses Against Public and Private Property

5.01 Provisions of State Law Adopted by Reference. The provisions of the following Wisconsin Statutes are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future amendment of any statutory provision incorporated herein that the Village may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment. Any offense that would be a felony if charged as a violation of a Wisconsin Statute is not adopted.

- 29.29 Noxious Substance in Water
- 134.66 Restrictions on sale and gift of cigarettes or tobacco products
- 167.10 Fireworks Violation
- 175.25 Illegal Storage of Junked Vehicle
- 254.92 Purchase or possession of tobacco products by person under 18 prohibited
- 940.19(1) Battery
- 941.10 Negligent Handling of Burning Material
- 941.12(2) Interfering With Fire Fighting Equipment
- 941.12(3) Interfering With Fire Fighting Hydrant
- 941.13 False Alarm
- 941.20(1) Reckless Use of Weapon
- 941.23 Carrying a Concealed Weapon
- 941.235 Carrying a Firearm in a Public Building
- 941.24 Possession of Switchblade Knife
- 941.2965 Illegal Use of a Facsimile Firearm
- 941.297 Sale of Imitation Firearm
- 941.35 Illegal Conduct Relating to Emergency Telephone Call
- 941.36 Fraudulent Tapping of Electric Wire or Gas or Water Meter or Pipe
- 941.37(2) Obstructing Emergency or Rescue Personnel
- 942.05 Illegal Opening of Letter
- 943.01(1) Damage to Property
- 943.017 Illegal Graffiti
- 943.11 Illegal Entry into Locked Vehicle
- 943.125 Illegal Entry into Locked Coin Box
- 943.13 Trespass to Land
- 943.14 Trespass to Dwelling
- 943.15 Illegal Entry Into Locked Site
- 943.20 Theft
- 943.37 Alteration of Property Identification Mark
- 943.38(3) Forgery
- 943.392 Fraudulent Data Alteration

943.41 Credit Card Crime
943.50 Retail Theft
943.61 Theft of Library Material
943.70 Computer Crime
944.20 Lewd and Lascivious Behavior
944.23 Making Lewd, Obscene or Indecent Drawing
944.36 Solicitation of Drinks
945.02 Gambling
945.04 Permitting Premises to be used for Commercial Gambling
946.40 Refusing to Aid Officer
946.41 Resisting or Obstructing Officer
946.42 Escape
946.46 Encouraging Violation of Probation or Parole
946.69 Falsely Assuming to Act as Public Officer or Employee
946.70 Impersonating Peace Officer
946.72 Tampering with Public Record or Notice
947.01 Disorderly Conduct
947.012 Unlawful Use of Telephone
947.0125 Unlawful Use of Computerized Communication System
947.013 Harassment
947.06 Unlawful Assembly
948.51 Hazing
951.02 Mistreating Animal
951.03 Dog napping or Cat napping
951.04 Leading Animal from Motor Vehicle
951.05 Cruel Transportation of Animal
951.06 Expose Animal to Poisonous or Controlled Substance
951.07 Illegal Use of Certain Animal Device
951.08 Instigating Fight Between Animals
951.09 Shooting at Caged or Staked Animal
951.095 Harassment of Police Animal
51.13 Failure to Provide Proper Food and Drink to Confined Animal
951.14 Failure to Provide Proper Shelter to Animal
951.15 Illegal Neglect or Abandonment of Animal
961.41(3g) Possession of a Controlled Substance

5.02 Provisions of State Law Relating to Those of Certain Ages Adopted by Reference.

The provisions of the following Wisconsin Statutes are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future amendment of any statutory provision incorporated herein that the Village may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment.

961.573(2) Possession of Drug Paraphernalia

961.574(2) Manufacture or Delivery of Drug Paraphernalia
961.575(2) Delivery of Drug Paraphernalia to a Minor

5.03 Possession and Use of Firearms and Fireworks.

- (1) **Discharge of Firearms Prohibited.** No person may fire or discharge any cannon or firearm of any description or any type of air gun within the Village.
- (2) **Fireworks.**
 - (a) *Definition.* The definition of fireworks stated in Wis. Stats. §167.10(1) is hereby adopted by reference.
 - (b) *Sale Regulated.* Except as provided in Wis. Stats. §167.10(2) and (4), no person may sell or possess with intent to sell fireworks.
 - (c) *Use Regulated.* Except as provided in Wis. Stats. §167.10(3) no person may possess or use fireworks without a user's permit issued pursuant to section (d) below.
 - (d) *User's Permit.* Wis. Stats. §167.10(3) fireworks user's permits may be issued by the Village president, police chief, fire chief, or other village official or employee designated by the Village Board. The applicant may provide a certificate of liability insurance or similar proof of coverage in an amount deemed necessary by the issuing official. A copy of the permit and proof of insurance may be filed with the administrator and fire chief at least two days before the authorized use.

5.04 Burning Regulation.

- (1) **Definitions.** For the purpose of this section, the following words shall have the meanings ascribed to them as follows:
 - (a) *Landscape and Agricultural Waste.* Landscape Waste and Agricultural Waste means dried grass and weed clippings, leaves, branches, twigs, small amounts of wood and other related combustible lawn and garden waste that is generated on the property.
 - (b) *Garbage.* Garbage means any food or food contaminated substance, including but not limited to the following; biodegradable animal or vegetable wastes resulting from the handling, preparation, cooking, sale or consumption of food, animal excretion and offal, rubber and plastic containers, packaging, and dead animal carcass. Garbage also includes but is not limited to mineral wastes including used oil or petroleum products, or anything else of an unhealthy or unsanitary nature which has been discarded, abandoned, or otherwise disposed of improperly.
- (2) **Health and Safety.** Clean air is a fundamental requirement for health, safety, and

well being of the residents of the Village of Gratiot. Clean air is an important aspect of the quality of life of the residents of the village and county and as such is an attraction to tourists, new residents, and new businesses. The burning of garbage, landscape waste, construction materials result in offensive smoke and odors that migrate across property lines. The Village Board of Trustees has received numerous signed complaints from residents concerning offensive smoke and odors from the burning of garbage and complaints of blowing sparks and ash. Recycling conserves energy, landfill space, and money. The Village has a burn site for the burning of unpainted wood and landscape waste.

(3) Burning Prohibited.

- (a) It shall be unlawful to burn garbage, construction materials and landscape waste.
- (b) It shall be unlawful to burn papers or other materials that may be blown by the wind.
- (c) It shall be unlawful to burn any substance except for fuels burnt in conjunction with the heating of buildings or charcoal or gas fuels for cooking food.
- (d) It shall be unlawful to maintain a site for the burning of any substance except for fuels burnt in conjunction with the heating of buildings or charcoal or gas fuels for cooking food.

(4) Burning Penalty. Any person violating the provisions of this section may be liable for a fine of not less than \$100.00 or more than \$250.00.

5.05 Consumption of and Intoxication by Alcohol in Public Places.

(1) Drunkenness and Boisterous Conduct in Streets and Public Places Prohibited. It is unlawful for any person to be in a state of drunkenness, intoxication, or impairment caused by the consumption of alcohol while on a street or in a public place.

(2) **Intoxicating Liquor and Fermented Malt Beverages in Public Facilities.** No person may carry, possess, or drink any fermented malt beverage or intoxicating liquor on or in any park, recreational area, community center, or other public place owned, leased, or operated by the Village. This subsection may not apply to:

- (a) Any person or the customers, members or invitees thereof, holding a valid Class “B” alcohol beverage license and/or a valid “class B” alcohol beverage license where said license or licenses, as the case may be, describe a portion of any publicly owned premises or building; or
- (b) Any person or invitee of any person having been issued a written permit by the Village Board authorizing the dispensing and consumption of

alcohol beverages in a specified public place and specifying such conditions as may be necessary to protect the premises and the public interest in the use thereof.

- (c) Nothing in this subsection may be construed to extend the premises or conditions described in or applicable to any license or permit.
- (d) For persons of legal drinking age it shall be legal to consume alcoholic beverages at the Wolf Creek Campground.

(3) Intoxicating Liquor and Fermented Malt Beverages In Public Parking Lots.

No person may drink any intoxicating liquor or fermented malt beverage in any parking lot that is open to the public during the hours that any store that is served by such parking lot is open for business to the public, provided, however, that a written permit may be granted by the Village Board for the consumption of intoxicating liquor or fermented malt beverages in any designated parking lot, specifying the conditions as may be necessary to protect the public interest in the use thereof.

5.06 Curfew Established. No child under seventeen years of age may loiter, idle, or remain, and no parent or guardian may knowingly permit his or her child or ward of such age to loiter, idle, or remain, in or upon any street, alley or public place between the hours of 11:00 pm and 5:00 am unless such child is accompanied by a parent, guardian, or some person having legal custody of such child. This subsection may not be construed to prohibit a child from performing a specific errand or duty if directed by the child's parent or guardian, or if of urgent necessity, or from going to or from places of employment within thirty minutes of starting and ending times.

5.07 Offenses Against Public and Private Property.

- (1) **Destruction of Property Prohibited.** No person may maliciously or wantonly destroy, remove, or injure any fence, gate, hedge, tree, or shrubbery enclosing any residence, garden, lot, or field on land belonging to or lawfully occupied by another; cut down, root up, injure, destroy, or carry away any tree, shrub, root, or plant; injure or destroy any building or personal property belonging to another, whether belonging to the owner or occupant of the land or not; or remove, destroy, mutilate, or injure any guidepost, sign, street light, or marking device on any highway or other public property. This section may apply to those acts described herein when committed on public property as well as private property.
- (2) **Trespass on Restricted Public Property Prohibited.** It is unlawful for any person to trespass upon any property owned by any municipal corporation or school district from which the general public has been excluded, without the express permission of a duly authorized official of the municipal corporation or school district owning the same.

- (3) **Trespass with Vehicle Prohibited.** No person may willfully drive any automobile, motorcycle, motor truck, snowmobile, other motor vehicle, or bicycle upon any land belonging to or lawfully occupied by another person or the Village; or park a motor vehicle or bicycle thereon without permission of the owner or occupant thereof. Permission of the owner or occupant of the land upon which any such acts occurred may constitute a defense in any action or proceeding under this section. The defendant shall have the burden of proving this defense if this defense is asserted. This section may not be construed to prohibit the driving or parking of any vehicle in any public area in which the same is permitted or in any private area designated for such use by the general public except that the owners or lessees of such areas may designate the nature, manner, and duration of such use, and if the same are publicly posted to be readily visible to the general public, violation of such regulation may be deemed to be a violation of this section.

- (4) **Trespass on Private Property Prohibited.** It is unlawful for any person to trespass upon the property or buildings belonging to another person without the permission of the lawful owner or occupant.

- (5) **Private Property.** No person may, without the permission of the owner or lessee of any private property, leave or park any vehicle thereon if there is in plain view on such property a "no parking" sign or a sign indicating limited or restricted parking. The Village police department is authorized to enforce all the provisions of this subsection and upon complaint, can tow any motor vehicle or vehicles found in violation of "no parking" and unauthorized parking as set forth above. Any charges or expenses for towing or otherwise removing vehicles under this section may be borne by the owner thereof.

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CHAPTER 6 ALCOHOLIC BEVERAGES

- 6.01 State Statutes Adopted.
- 6.02 Safety and Sanitation Requirements.
- 6.03 Outside Consumption
- 6.04 Licenses Required

- 6.05 Classes; Fees
- 6.06 Issuance to Violators Prohibited
- 6.07 Issuance to Unsanitary Premises Prohibited
- 6.08 Issuance on Delinquent Taxes Prohibited
- 6.09 Issuance for sale in Dwellings Prohibited.
- 6.10 Revocation for Nonuse

6.01 State statutes adopted. The provisions of Wis. Stats. ch. 125, defining and regulating the sale, procurement, dispensing, consumption and transfer of alcoholic beverages, including provisions relating to underage persons, are adopted and made a part of this section by reference. A violation of any such provisions shall constitute a violation of this section.

6.02 Safety and sanitation requirements. Each premises licensed under this chapter shall be maintained and conducted in a sanitary manner and shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

6.03 Outside consumption.

(1) Alcoholic beverages in public areas.

- (a) *Regulations.* It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, public park, cemetery or drives or other public area within the following described territory in the Village of Gratiot or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the village.
- (b) *Private property held out for public use.* It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the village unless the property is specifically named as being part of a licensed premises.
- (c) *Exceptions.* The provisions of this section may be waived by the village board for duly authorized events.
- (d) *Permit conditions.* Any individual, business or organization may apply to the Village Clerk-Treasurer of the Village of Gratiot for a permit upon the following terms and conditions:
 - 1. Said applicant shall submit to the village clerk the purpose of a public gathering to take place in any area listed in subsection (1)(a) at which gathering the consumption of intoxicating liquor, wine or fermented malt beverages will take place.

2. That said gathering shall be properly supervised and a surety bond in an amount not less than \$100.00 shall be posted by the applicant along with the payment of an application fee of \$5.00.
3. The permit to be issued by the village clerk shall contain the hours that said gathering may take place, the type and nature of beverage to be consumed, the name of the person responsible for the supervision of the gathering and such other information as the village clerk deems appropriate.
4. In the event the village clerk denies the issuance of the permit, the applicant may appeal to the village board, whose decision shall be final.

(2) Definitions.

- (a) As used in this section, the term "alcoholic beverage" shall include all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contains one-half of one percent or more of alcohol by volume and which are fit for use for beverage purposes.
- (b) As used in this section, the term "public area" shall be construed to mean any location within the village which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.
- (c) As used in this chapter "underage person" shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

6.04 Licenses Required. Except as provided by Wis. Stats. §125.06, no person shall, within the village, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Wis. Stats. ch. 125 requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See Wis. Stats. § 125.04(1).

6.05 Classes; Fees. There shall be the following classes and denominations of licenses that, when issued by the clerk-treasurer under the authority of the village board after payment of the fees enumerated in Appendix A, shall permit the holders to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in the referenced state statute. The full license fee shall be charged for the whole or fraction of any year.

- (1) "Class A" fermented malt beverage retailer's license, per Wis. Stats. §125.25.
- (2) "Class B" fermented malt beverage retailer's license, per Wis. Stats. §125.26.
- (3) Retail "class A" liquor license, per Wis. Stats. §125.51(2).

- (4) Retail "class B" liquor license, per Wis. Stats. §125.51(3).
- (5) Special event (picnic) license, per Wis. Stats. §125.26(6).
- (6) Operator's, per Wis. Stats. §125.17.
- (7) Club's, per Wis. Stats. §125.27(1).

6.06 Issuance to violators of liquor or beer laws or ordinances prohibited. No retail "class A" or "class B" license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this chapter or whose license has been revoked under Wis. Stats. §125.12, during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

6.07 Issuance for premises not meeting health and sanitation requirements prohibited. No retail class B" intoxicating liquor license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the state department of development pertaining to buildings and plumbing, to the rules and regulations of the state department of health and social services applicable to restaurants, and to all such ordinances and regulations adopted by the village.

6.08 Issuance for or to premises or persons delinquent on taxes, assessments or claims prohibited.

- (1) **Premises.** No initial or renewal intoxicating liquor or fermented malt beverage license shall be granted for any premises for which taxes, assessments or other claims of the village are delinquent and unpaid.
- (2) **Persons.** No initial or renewal intoxicating liquor or fermented malt beverage license shall be granted to any person delinquent in payment of:
 - (a) Any taxes, assessments or other claims owed to the village.
 - (b) A forfeiture resulting from a violation of any ordinance of the village.
- (3) **Hearing.** Prior to denying any license application under this section, an aggrieved party shall be entitled to notice and a hearing before the village board.

6.09 Issuance for sales in dwellings prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverages in any dwelling house, flat or residential apartment.

6.10 Revocation for nonuse.

- (1) Within 90 days from the issuance of a "class A" retail liquor license, a "class B" intoxicating liquor license or a "class B" fermented malt beverage license, the licensee shall be open for business with adequate stock and equipment. If the licensee fails to do business within such time, such license shall be subject to

revocation by the village board after a public hearing. The board may, for good cause shown, extend such 90-day period.

- (2) If any licensee shall suspend or cease doing business for a period of six consecutive months, that "class A" retail liquor license or that "class B" fermented malt beverage license shall be subject to revocation by the village board after public hearing.

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CHAPTER 7 AMUSEMENTS AND ENTERTAINMENT

7.01 Permit for Public Dance

7.02 Outdoor Performances Restricted

7.01 Permit for Public Dance. No person shall hold a public dance (whether outdoors or indoors) within the limits of the village without first having obtained a permit therefor from the village clerk-treasurer. Application for such permit shall be made at least three days before the dance authorized thereunder is to be held. The president or the village board can require that a public dance inspector be present during every dance, and such inspector shall be any person appointed by the village board. The fee for such permit shall be as specified in Appendix A hereto. The fee may be waived for nonprofit groups which sponsor public dances. Such group shall provide proof of nonprofit status to the village clerk-treasurer.

7.02 Outdoor performances restricted. Live bands and/or non-live music producers who play or produce music for a commercial purpose and which will perform all or in part out of doors, must cease all outdoor playing and/or any other outdoor music or sound production no later than 10:00 p.m., or later if given specific approval by the Village Board in advance of any said performance or sound production.

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**CHAPTER 8
ANIMALS**

7.01 Definitions

- 7.02 Animals and poultry not to run at large
- 7.03 Animal feces
- 7.04 Dog and Cat Licensing
- 7.05 Dogs and cats not to run at large
- 7.06 Vicious dogs
- 7.07 Impounding of dog or cat
- 7.08 Removal or surrender of dog
- 7.09 Number of dogs and cats allowed
- 7.10 Wild Animals Prohibited

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

- (1) *At large* means a wild animal outside of its secondary enclosure, or a wild animal outside of its primary enclosure but within its secondary enclosure and not in the presence of the owner.
- (2) *Dwelling* means a building or portion thereof designed or used exclusively for residential occupancy.
- (3) *Handling* means feeding, manipulating, transporting, restraining, treating, training, working or performing any similar activity with respect to a wild animal.
- (4) *Impound* means to seize and hold in legal custody.
- (5) *Keeping of wild animals* means possessing and handling a wild animal on any property and providing such an animal with the necessities of life, such as feeding and sheltering. The keeping of wild animals may include animals being used or intended to be used for research, training, breeding, boarding as a personal pet or for agricultural purposes. The keeping of a wild animal may also include wild animals intended to be used for exhibition providing that such animals are not exhibited within the village, such as in the case of a public showing, circus or zoo.
- (6) *Livestock* means a typical farm animal kept for agricultural use, pleasure or profit, including but not limited to horses, mules, sheep, goats, cattle, swine, fowl, rabbits and mink.
- (7) *Lot* means a tract, plat or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for the building development.
- (8) *Owner* means a person who keeps a wild animal or the parents or guardians of such a person under 18 years of age.
- (9) *Person* means an individual, partnership, firm, joint stock company, corporation, association, unincorporated association of individuals, trust, estate or other legal entity.
- (10) *Portable primary enclosure* means the portable structure used to confine a wild animal in a secure manner that prevents the running at large of a wild animal

during transportation or temporarily confining such an animal during handling.

- (11) *Restraint* means a primary enclosure or a secondary enclosure containing a wild animal in the presence of the owner or a vehicle specially equipped for transportation of wild animals.
- (12) *Secondary enclosure* means a structure such as a fence, wall or building that entirely encloses the area in which the primary enclosures, exercise facilities and training facilities are located and all handling activities occur. Such secondary enclosure serves to contain a wild animal from running at large and to prevent any unauthorized public access.
- (13) *Structure* means anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, such as a fence, wall or building.
- (14) *Wild animal* means a mammal, large or poisonous reptile and bird which, in their uncaptured wild state, have the physical capacity to be dangerous to the safety and welfare of any person or property. Examples of such wild animals are but are not limited to: ferrets, bears, lions, wolves, coyotes, cougars, bison, tigers, panthers, monkeys, apes, large alligators and crocodiles, large snakes (greater than three feet in length) and poisonous snakes; excluding dogs, cats, other traditional house pets and livestock. Reducing such mammals, reptiles and birds to captivity, whether trained, raised or bred in captivity or otherwise considered domesticated in any manner, shall not remove such wild animals from the requirements and regulations of this Chapter.

8.02 Animals and poultry not to run at large. (a) No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the village. (b) No person shall keep in his possession or under his control any livestock (as defined in section 8.01 herein) within the village. (c) This provision shall not apply to persons owning animals at the time of this ordinance being adopted.

8.03 Animal feces.

- (1) Any fecal matter deposited by any dog, cat, horse or other animal on any street, alley, sidewalk or other public or private property within the Village of Gratiot shall be immediately removed by the owner or person in charge of the animal. This section shall not apply if the fecal matter is deposited on the animal owner's own property.
- (2) Any individual accompanying any dog, cat, horse, or other animal in the Village of Gratiot which is not on the property of the animal's owner, shall carry a plastic bag or other receptacle to enable such individual to immediately remove any feces deposited by such animal off of the animal owner's property. Any such individual shall, upon demand by a village police officer, produce such bag or receptacle for inspection.
- (3) It shall constitute an exception to the requirements of this section when any dog, cat, horse or other animal is a participant in a parade approved or sponsored by

the Village of Gratiot as a local civic event.

8.04 Dog and Cat Licensing. No person in the village shall own, harbor or keep any dog more than five months of age without licensing of the same with the Village Clerk.

8.05 Dogs and cats not to run at large. No dog, cat or other animal kept for the purpose of being a service animal or a pet or companion of the owner or person exercising care and control of such animal, shall be permitted to run at large at any time in the village. A dog, cat or other animal kept for the purpose of being a service animal or pet or companion of the owner of such an animal or person exercising control of such animal, shall be considered running at large if it is off the premises of its owner, unless it is upon a leash and under the immediate control of a person at least 12 years of age. No dog, cat, service animal or other animal kept for the purpose of being a pet or companion or the owner, even though controlled by a leash, shall be permitted to go upon the lawn, garden, yard or field of any person other than the owner, without the consent of such person.

- (1) No unlicensed dog shall be at large, and any officer or person may seize or impound any such unlicensed dog found at large; and the fact that a dog is without a proper license tag attached to its collar shall be presumptive evidence that it is unlicensed.
- (2) Any person or officer who shall seize or impound an unlicensed dog as provided in this section shall, after delivery of the dog to the proper authorities, make a report to the village clerk-treasurer stating that the dog was unlicensed, when and under what conditions it was seized or impounded, and the owner's name, if known.
- (3) No cat or other service animal or animal kept as a pet or companion by the owner shall be at large, and any officer or person may seize or impound any such cat or other service animal, or pet or animal kept as a companion by its owner if found at large.
- (4) Any person or officer who shall seize or impound any cat or other animal as provided in this section shall, after delivery of the animal to the proper authorities, make a report to the village clerk-treasurer stating that the animal was at large, when and under what conditions it was seized or impounded, and the owner's name, if known.
- (5) It will be unlawful for anyone to keep any dog which habitually barks, yelps or howls. It will be unlawful for anyone to keep any cat that howls, cries or makes any excessive noise. The noise shall be considered excessive if it disturbs or annoys persons in the neighborhood who are of ordinary sensibilities. Such cats and dogs shall be considered a public nuisance and animal owner shall be considered in violation of this section.

- 8.06 Vicious dogs.** No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. A dog is declared to be vicious within the meaning of this section when it shall have bitten any person or when a propensity to attack or bite human beings shall exist and is known or ought to be reasonably known to exist.
- 8.07 Impounding of dog or cat.** Any dog, cat, service animal or animal kept by its owner for the purpose of being a pet or companion by its owner is found off the premises of its owner and not upon a leash and under the control of a person at least 12 years of age shall be considered a nuisance and may be seized, restrained, impounded and disposed of as provided in this section, by any police officer or other public official. Any person not a police officer or public official seizing and restraining such dog, cat, service animal, or other pet or animal kept by its owner for the purpose of companionship shall notify the chief of police, or police officer acting in the capacity of the chief of police, of such fact within a period of 12 hours, and the chief of police shall arrange for the prompt impounding of such dog, cat, or other service animal, pet or animal kept for the purpose of companionship by the owner. Whenever any impounded described animal bears an identification mark such as license tag or nameplate, the chief shall notify the owner of such dog or cat of the impounding if the owner can be reasonably found. If not, or if ownership is not determinable, a description of the impounded animal shall be posted by the chief in three public places in the village stating where impounded and the conditions for its release. Any animal herein described impounded shall be held for a period of five days after posting of such notice during which the owner may reclaim the herein described animal by the payment of a fee for the impounding plus a fee per day for each day the herein described animal was impounded, as set forth in appendix C to this Code. After the five-day period, such herein described animal shall be humanely destroyed or other disposition made thereof.
- 8.08 Removal or surrender of dog.** On complaint of any person by affidavit that a dog barks, howls or is vicious within the meaning of section 8.06 whereby the peace and quiet of the complainant is disturbed, the owner of the dog, within ten days after service upon him of a copy of the affidavit, shall remove the offending dog from the village or surrender the dog to the police authorities to be killed; and upon failure to do so the owner may be summoned to appear before the circuit court and shall, after a finding by the court that the dog has disturbed the peace and quiet of the complainant within the terms of this section and in the matter set forth in the affidavit, be subject to a forfeiture as provided in this chapter. The burden of proof, however, in any such proceeding shall be upon the complainant by clear and convincing evidence; and no such proceeding may be maintained upon such a complaint unless the summons shall have been served upon the owner of the offending dog within 40 days after the service of the copy of complainant's affidavit as set forth in this section.
- 8.09 Number of dogs and cats restricted.** No individual or entity shall harbor or keep more than two dogs or more than two cats, or other service animal or other animal kept as a pet or any animal kept for the purpose of companionship by the owner of such an animal at a

single address or premises within the Village of Gratiot. This provision shall not apply to persons owning animals at the time of this ordinance being adopted.

- 8.10 Wild Animals Prohibited.** No person shall keep a wild animal (as described in section 8.01 herein) within the Village.

CHAPTER 9 RUBBISH AND REFUSE

- 9.01 Disposal of Rubbish and Refuse
- 9.02 Deposit of Waste Materials
- 9.03 Village Refuse Facility

9.01 Disposal of Rubbish and Refuse.

(1) **Placing of Rubbish and Refuse a Nuisance.** No person, firm or corporation shall deposit or cause to be deposited in or upon any public street or grounds in the village or in any other place in said village, any rubbish or refuse that will contaminate or tend to contaminate any public waters, or that will obstruct any sidewalk, gutter or street, or that will in any manner create any bad or noisome stench, or that will endanger or tend to endanger public health or that will create an unsightly appearance to the general public; and the Village worker is hereby empowered to summarily move or cause to be moved any rubbish and refuse and to charge the cost of the removal to the person, firm or corporation depositing or causing the same to be deposited in violation of this section. The deposit or causing to be deposited of any rubbish and refuse in violation of this section is hereby declared to be a nuisance.

(2) **Enclosed Container Required.** It shall be the duty of any person, firm or corporation who shall accumulate any rubbish and refuse, and deposit the same outside of any building for a period in excess of twenty-four hours, to keep the same in a closed container or in an enclosure or enclosed area of sufficient height and construction so as to prevent the same from being scattered or blown about outside of said container or enclosure. The storage of any rubbish and refuse without compliance with this section of the code is hereby declared a nuisance.

(3) **Harboring of Vermin Prohibited.** No rubbish and refuse shall be placed, left or dumped, or permitted to accumulate or remain in any building, container, place, or premises in the village so that the same shall or may afford food or a harboring or breeding place for rats or other disease-bearing vermin or insects. Dumping such rubbish and refuse so as to afford food or a harboring or breeding place for rats or other disease-bearing vermin or insects is hereby declared a nuisance.

- 9.02 Deposit of Waste Materials.** No person shall deposit any earth, sand, gravel, stone, concrete, brick, mortar, wood, metal, leaves, grass, or other waste materials not containing garbage or filth on any property in the village without the consent of the

lawful owner of such property and without leveling and covering the same in connection with filling in the land.

- 9.03 Village Refuse Facility.** Residents of the Village must take their refuse to the Village refuse facility, located at the Gratiot Township Shop, 10245 Village Road, Gratiot. Said facility has the following hours of operation: Tuesdays from 12:00 PM to 3:00 PM and Saturdays from 8:00AM to 12:00 Noon. Hours subject to change.

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CHAPTER 10 PARKS

- 10.01 Parks Defined
- 10.02 Management
- 10.03 Unlawful Conduct Prohibited
- 10.04 Regulation of Hours of Use of Public Facilities
- 10.05 Regulation of Motor Vehicles Regulated, Snowmobiles and Other Off-the-Road Vehicles

10.01 Parks Defined.

- (1) The term "park," wherever used in this Chapter, means all of the lands and water owned or used by the Village for park or recreational purposes, except those lands leased to others.
- (2) Parks in the Village governed by this Chapter include, without limitation:
 - (a) Wolf Creek Campground, located at the intersection of Highway 11 & County Road K. Campsites east of the Wolf Creek shall be considered part of the Wolf Creek Campground.
 - (b) Village park located at the North end of Main Street.

10.02 Management. The parks are under the management of the Village Board.

10.03 Unlawful Conduct Prohibited. No person may commit any of the following acts in or upon any park:

- (1) **Vandalism.** Soil, deface, injure, remove, damage, upset, destroy, or otherwise vandalize any building, fence, fountain, bench, table, receptacle, fireplace, tree, bush, flower, or other property situated, used, or kept upon park grounds.
- (2) **Fire.** Light any fire except in a fireplace, pit, or charcoal burner provided in the park. Private charcoal or gas burners may be used.
- (3) **Litter.** Litter in any fashion. Litter includes, without limitation, glass, boxes, and refuse, or other items, liquid or solid, which are not properly disposed of in a Village-approved refuse or recycling container.
- (4) **Remove or Move Park Equipment.** Without the approval of the Village Board, remove any item of park equipment, including, without limitation, a bench, seat, or table.

- (5) **Fireworks.** Use any fireworks except when the proper permit has been issued under section 8.03(2) of this Code.
- (6) **Sales.** Engage in the sale of any item without permission of the Village Board.
- (7) **Signs.** Place any sign without prior approval of the Village Board.

10.04 Regulation of Hours of Use of Public Facilities. No person may frequent, use, be in or be present at any park before the hour of 5:00 am or after the hour of 10:00 pm on any day. This section does not apply to the Wolf Creek Campground, or any person specifically authorized otherwise by the Village Board.

10.05 Regulation of Motor Vehicles, Snowmobiles and Other Off-Road Vehicles.

- (1) **Motor Vehicles.** No person, except Village personnel, may drive or park a motor vehicle in any park except on a road or in a parking lot designated for the use of motor vehicles.
- (2) **Snowmobiles, ATV's and Other Off-Road Vehicles.** The operation of snowmobiles, ATV's and other off-road vehicles are permitted only in the Wolf Creek Campground between the hours of 7:00AM and 10:00PM at a maximum driving speed of 10 MPH.

10.06 Campsite Park. No person may frequent, use, be in or be present at a campsite location between 9:00 p.m. and 6:00 a.m., other than those person(s), or such person(s) invitees, having first paid the established nightly fee for the electrical hook-up and nightly camp fee. The Village Board shall establish the nightly rental fee and electrical hook-up fee.

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CHAPTER 11 WATER UTILITY

- 11.01 Management of the Water Utility
- 11.02 Rates, Rules, and Regulations
- 11.03 Issuance of Permit
- 11.04 Payment to Village of Return on Investment

11.01 Management of the Water Utility. The water utility of the village is governed by the Village Board pursuant.

11.02 Rates, Rules, and Regulations.

- (1) Generally. The rates, rules, and regulations of the water utility shall be those approved by the village board, and shall be on file with and approved by the Wisconsin Public Service Commission (PSC).
- (2) **Operating Rules.** All persons applying for or receiving a water supply from the utility or who may hereinafter make application thereof shall be considered as having agreed to be bound by all rules and regulations as filed with the PSC.
- (3) **PSC Rules and Regulations Applicable.** All applicable PSC rules and regulations which are currently in existence or as subsequently amended are incorporated herein by reference. Copies of all current PSC rules and regulations shall be kept on file in the office of the administrator.

11.03 Issuance of Permit. Upon the filing of a properly executed application together with the permit fee, as set from time to time by the Village Board, the plumbing inspector shall ascertain whether a proposed connection to the water utility fulfills the rules and requirements established by the Village Board. If the connection is in compliance with the rules and regulations, then the plumbing inspector shall issue a permit for the connection; otherwise the plumbing inspector shall deny the same.

11.04 Payment to the Village of Return on Investment. The village water utility shall pay to the general fund out of net annual earnings, after paying operating costs, maintenance, depreciation and taxes, a return on the net investment of the general fund of the village as allowed by the PSC in the water utility or such lesser percent as may be earned in each calendar year, provided, however, that the Village Board may by resolution or ordinance provide for the use of such earnings for improvements and extensions of the water utility.

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CHAPTER 12 SEWER UTILITY

- 12.01 Introduction
- 12.02 Definitions
- 12.03 Public Sanitary Sewers; Use of Public Sewers Required
- 12.04 Connection to Sewer System
- 12.05 Use of Public Sewers
- 12.06 Sewer Use Charge System Policy
- 12.07 Basis for Service Charge
- 12.08 Sewer Service Charges
- 12.09 Reassignment of Sewer Users
- 12.10 Proportionate Costs
- 12.11 Billing and Collection
- 12.12 Delinquent Payments
- 12.13 Disposition of Revenue
- 12.14 Falsifying of Information
- 12.15 Enforcement
- 12.16 Penalty

12.01 Introduction.

- (1) **Authority.** This chapter is adopted under the authority granted by the Wisconsin Statutes.
- (2) **General Purpose.** This chapter regulates the use of public drains and the discharge of waters and wastes into the public sewerage system within the village. It provides for the levying and collecting of wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment system. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the public sewerage system within the Village.

12.02 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows:

- (1) **Approving Authority** is the Village Board.
- (2) **Building drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the wall of the building and conveys it to the building sewer.
- (3) **Debt service charges** shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system equipment and treatment facility.

- (4) **Ground garbage** shall mean the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particulates are no greater than one-half inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.
- (5) **Incompatible pollutants or wastewater** shall mean wastewater or septage with pollutants or of such a strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the sewerage system facility.
- (6) **Municipal wastewater** shall mean the wastewater of the Village. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water, and storm water that may have inadvertently entered the sewerage system.
- (7) **Natural outlet** shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface water or ground water.
- (8) **Normal user** shall be a user whose contributions to the sewerage system consist only of normal domestic strength waste water originating from a house, apartment, flat, or other living quarters occupied by a person or persons constituting a distinct household, business, or commercial enterprise.
- (9) **Person** shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency or other entity.
- (10) **Sanitary sewage** shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface and storm waters as may have inadvertently entered the sewerage system.
- (11) **Sanitary sewer** shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.
- (12) **Septage** shall mean the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
- (13) **Sewer service charge** is a service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as

well as the operation and maintenance costs, including replacement of said facilities.

- (14) **Sewer system** means the public sanitary sewers within a sewerage system. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewer system" except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost effective and are owned and maintained by the Village.
- (15) **Sewerage system** means all structures, conduits and pipes by which sewage is collected, treated and disposed of, except plumbing inside and in connection with buildings served and service pipes, from building to street main.
- (16) **Standard methods** shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and which are in compliance with federal regulations 40 FR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," all as amended from time to time.
- (17) **Storm drain** (*sometimes termed "storm sewer"*) shall mean drain or sewer for conveying surface water, groundwater, subsurface water or unpolluted water from any source.
- (18) Storm water runoff shall mean that portion of the rainfall that is collected and drained into the storm sewers.
- (19) **Wastewater facilities** shall mean the structures, equipment and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.

12.03 Public Sanitary Sewers; Use of Public Sewers Required.

- (1) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the village or in any area under its jurisdiction any human or animal excrement, garbage, or other objectionable waste.
- (2) No person shall discharge to any natural outlet within the village any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter, Dane County Sanitary Ordinance, or under the provisions of the public health laws of the state.

- (3) No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. This shall not exclude the use of portable toilet facilities which will be regulated and temporarily permitted by the Village Board.
- (4) The owner of any building used for human occupancy, or employment, situated within the village shall, at the owner's own expense, install suitable toilet facilities therein and connect such facilities directly with the public sewer.

12.04 Connection to Sewer System.

- (1) Combined Sewers. No combined sewers (i.e., sewers receiving both wastewater and storm or surface water) shall be connected with the wastewater facilities of the village.
- (2) **Sanitary Sewer Connections.** Applications for permission to connect to a sewer owned by the village shall be made to the village. No building sewer shall be connected to a village sewer unless the village sewer is adequately sized to transport the additional flow. At the time of connection, each building sewer shall be inspected by the village. The applicant shall pay the village a connection fee as determined from time to time by resolution of the village board. New connections will be allowed only if there is available capacity in the wastewater collection and treatment facilities, and such new connections are in compliance with all provisions of the Village Zoning Ordinances as set forth within this Code.
- (3) **Supervision of Construction of Village and Building Sewers.** (a) Construction of village sewers shall be under the direction of a licensed professional engineer. Such engineer shall provide to the Village Clerk-Treasurer accurate records of the location, depth and length of sewers as built and the location of the Y branches or slants. (b) All building sewers in the village shall be constructed and inspected as required by Wisconsin Administrative Code and the Village Zoning Ordinances.

12.05 Use of Public Sewers. No person shall discharge wastes to a village sewer which cause or are capable of causing either alone or with other substances: (a) A condition unacceptable to any public agency having regulatory jurisdiction over the village. (b) Use of a disproportionate share of the village's wastewater facilities.

12.06 Sewer Use Charge System Policy. It shall be the policy of the village to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage system, through a system of sewer service charges. The system shall assure that each user of the sewerage system pays a proportionate share of the cost of the sewerage system facilities.

12.07 Basis for Service Charge. The quarterly service charge shall be sufficient to pay the billing and customer-related administration expense, and the operation and maintenance

expenses. The rates in this section shall be reviewed not less than biennially. Rates shall be adjusted as required, to reflect actual number and size of users and actual costs.

12.08 Sewer Service Charges. A sewer service charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such sewer service charge shall be payable as hereinafter provided and in amount determinable as follows:

- (1) **Category A Service Charges** shall be imposed on users whose water use is metered and whose sewer discharges are normal domestic strength wastewater. The category A sewer service charge consists of a customer charge and a volume charge. The customer charge is a flat charge based on the size of the water meter. The volume charge is a volume of metered water in 100 cubic foot units of measurement multiplied by a volume rate.
- (2) **Category B Service Charges** shall be imposed on users whose sewer discharges are high strength wastewater having concentrations of carbonaceous biochemical oxygen demand (CBOD) greater than 200 milligrams per liter (mg/l), and/or suspended solids greater than 250 mg/l, and or total nitrogen (TKN) greater than 40 mg/l, or total phosphorus (TP) greater than 10mg/l.
- (3) **Category B Services Charges** are: Service Charge= Customer Charge+ Volume Charge + High Strength Surcharge. The customer charge and the volume charge are similar to those components of the Category A service charge. High Strength Service Charge equals the excessive CBOD, suspended solids, TKN, and TP multiplied by the respective CBOD, suspended solids, TKN, and TP rates. The excessive CDOB, suspended solids, TKN, and TP are the portions of each of these constituents that are in excess of normal domestic strength wastewater. The excessive amounts of CBOD, suspended solids, TKN, and TP are expressed in pounds, and their respective rates are in dollars per pound.

12.09 Reassignment of Sewer Users. The village will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

12.10 Proportionate Costs. The village will maintain proportionate distribution of operation, maintenance, and replacement costs among all of its users, based on water use.

12.11 Billing and Collection. Service charges and industrial cost recovery charges shall be billed quarterly. Payments shall be made within thirty (30) days of the billing date. Interest of one and **one-half percent (1.5%) per month** shall accrue on bills from and after the date payment is due.

12.12 Delinquent Payments. Delinquent payments shall be collected in the manner provided by **Wis. Stats. §66.076**.

12.13 Disposition of Revenue. The amounts received from the collection of charges authorized by this chapter shall be credited to a sanitary sewerage account which shall show all receipts and expenditures of the sewerage system. When appropriated by the village, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs and depreciation of the sewerage system consistent with 40 CFR 35.929. Any surplus outside the purview of 40 CFR 35.929, in said account, shall be available for the payment of principal and interest of bonds issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Village Board may resolve to pledge each surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including the refunding bonds, shall be paid from this fund as to both principal and interest.

12.14 Falsifying of Information. No person shall knowingly make or file any false statement, representation, record, report, plan, or other document with the village or the district or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Chapter.

12.15 Enforcement. The provisions of this chapter shall be enforced by Village Board.

12.16 Penalty. Except as otherwise provided, any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, shall be subject to a penalty as provided herein.

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CHAPTER 15
BUILDING PERMITS AND INSPECTIONS

- 14.01 Definitions.
- 14.02 Building Inspector
- 14.03 Plans
- 14.04 Uniform Dwelling Numbering System
- 14.05 Fire District
- 14.06 Smoke Detectors
- 14.07 Enforcement Penalties

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

- (1) *Addition* means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (2) *Alteration* means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) *Apartment* means a room or suite of rooms that is arranged, designed, used or intended to be used as a housekeeping unit for a single family in a multifamily dwelling.
- (4) *Day care nursery* means a licensed facility where persons provide for compensation or consideration group care for four or more children under seven years of age for less than 24 hours a day.
- (5) *Department* means the State Department of Development.
- (6) *Dwelling* means: (a) Any building, the initial construction of which is commenced on or after the effective date of the ordinance from which this article is derived, which contains one or two dwelling units; or; (b) An existing structure or that part of an existing structure which is used or intended to be used as a one- or two-family dwelling.
- (7) *Group homes* means a facility which provides 24-hour service to three or more unrelated adults who reside in a facility where care, treatment or services are offered above the level of room and board, but not including nursing services.
- (8) *Minor repair* means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

- (9) *One- or two-family dwelling* means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.
- (10) *Rooming or lodging unit* means a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room that provides sleeping accommodations shall be counted as one lodging room or rooming unit.
- (11) *Roominghouse* means any dwelling containing one or more rooming units in which space is let to three or more persons for pay or other consideration. It is intended that cooperatives, communes or other unchartered groups of people be included under this definition.
- (12) *Sleeping area* means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area, such as a kitchen or living room, are separate sleeping areas; but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas. Each individual room or suite of rooms in hotels or motels is considered a separate area.
- (13) *Smoke detector* means a device that detects particles or products of combustion other than heat.

15.02 Building Inspector. The village board shall appoint a building inspector, who shall enforce the provisions of this chapter and of all other ordinances, laws and orders of the state that relate to building construction and plumbing and electrical installations; and for these purposes he may, at all reasonable times, enter buildings and premises. With the consent of the village board, he may appoint one or more village employees as deputy building inspectors and may delegate to them the above-mentioned powers and duties; but such appointment shall not carry with it any increase in salary or wages.

15.03 Plans. With an application for a permit, there shall be submitted two 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 state department of development. Such plans and specifications shall be submitted in duplicate. One set shall be returned after approval as provided in **section 18-95**. The other set shall remain on file in the office of the clerk-treasurer. All plans and specifications shall be signed by the designer.

15.04 Uniform dwelling numbering system.

- (1) There is hereby created a uniform numbering system for all dwellings located in the village.
- (2) All dwellings and dwelling units presently located in the village are hereby designated an official number, a record of which is on file in the office of the village clerk-treasurer.

- (3) All numerals used on the exterior of such dwellings and dwelling units must be of uniform size and nature as designated by the village board, which uniformity specifications are on file in the office of the village clerk-treasurer.
- (4) No deviations may be made by individuals as to size of numerical designation for dwelling numbers or type of construction of such number without first obtaining approval from the village board.
- (5) All numerical designations as described in this section shall be attached to the dwellings and dwelling units as herein described unless deviation from this section is specifically approved by action of the village board.
- (6) The street superintendent of the village shall be responsible for assigning street numbers to each residence and structure in the village.

15.05 Fire district. The Village of Gratiot shall be included in the Gratiot Fire District.

- (1) **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 Wisconsin Administrative Code, ILHR §§ 75.03, 75.04, 75.05 and 75.07 of the state building code.

15.06 Smoke detectors.

- (1) **Scope.** The requirements of this section shall apply to all new and existing housing rental units, including but not limited to apartments, roominghouses and dwellings containing rooming units, university residence halls, hotels, motels, group homes, day care nurseries, homes for the aged and infirm, convalescent homes, one- and two-family rental units, mobile home rental units and other places of abode for which rent or a fee is obtained.
- (2) **Requirement.** The owner of any building or housing rental unit within the scope of this section shall install and maintain a smoke detector in each sleeping area, at the head of every open stair and at the door leading to every enclosed stair on each floor level.
- (3) **Installation and maintenance.**
 - (a) A smoke detector required under this section shall be approved by Underwriters' Laboratory that, when activated, shall provide an audible alarm.
 - (b) Smoke detectors shall be installed according to the directions and specifications of the manufacturer and maintained in good working order.
- (4) **Tampering/removal.** No person other than the owner shall tamper with, alter or remove any smoke detector, fire extinguisher, fire apparatus or alarm from any building or unit.
- (5) **Enforcement.**

- (a) No owner or operator shall be allowed to rent or allow the occupancy of any property in violation of the provisions of this section.
- (b) The building inspector shall not issue a rental license to any owner or operator found to be in violation of the provisions of this section.

(6) Penalties.

- (a) The building inspector, housing inspector, fire inspector, chief of police or police officer acting in the capacity of the chief of police shall have the power to issue citations for violations of this section.
- (b) Any person violating any of the terms of this section shall upon conviction **forfeit no less than \$10.00 nor more than \$200.00**, together with the costs of prosecution, provided that each day a violation is continued shall be construed to be a separate violation.

15.07 Enforcement Penalties. (a) Except as otherwise provided, any person violating any provision of this chapter shall, upon conviction thereof, forfeit **not less than \$10.00 nor more than \$200.00** and the cost of prosecution, and in default of payment of such forfeiture or costs shall be imprisoned in the county jail until payment of such forfeiture and the cost of such prosecution, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense. In any such action, the fact that a permit was issued shall not constitute a defense; nor shall any error, oversight or dereliction of duty on the part of the building inspector constitute a defense. (b) This chapter shall not be construed as assuming any liability on the part of the village for damages to anyone injured or for any property destroyed by any defect in any building or equipment or in any plumbing or electrical wiring equipment.

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**CHAPTER 16
MUNICIPAL COURT**

15.01	Abolished
15.02	Jurisdiction
15.03	Payment of bonds
and fees	
15.04	Stipulations and
deposits	

16.01 Abolished. Pursuant to the authority granted by Wis. Stats. ch. 755, the authority granted a municipal court shall be vested in the Circuit Court of Lafayette County. The Clerk of the Circuit Court of Lafayette County shall act as Clerk for the Village of Gratiot,

16.02 Jurisdiction.

- (1) Jurisdiction over of municipal matters and violations of village ordinances.**
Exclusive jurisdiction over violations of village ordinances and as otherwise provided by state law shall be vested with the Circuit Court of Lafayette County.
- (2) Juvenile jurisdiction.**
 - (1) Traffic violations. Subject to the provisions and limitations of Wis. Stats. § 938.17(1), the municipal court of the village shall have jurisdiction over complaints alleging a violation of the traffic code adopted by ordinance against persons 16 and 17 years of age.
 - (2) General ordinance violations. Subject to the provisions and limitations of Wis. Stats. § 938.17(2), the municipal court of the village shall have jurisdiction of complaints alleging violation of any ordinance of the village against persons aged 12 years or older.

16.03 Payment of bonds and fees. Bonds for appearance, partial payments, warrant service and other funds collected by the court shall be treated as escrow funds and deposited with the Village Clerk-Treasurer. The clerk of the circuit court shall collect all forfeitures and costs in any action or proceeding before the clerk, and shall pay over such moneys to the village clerk-treasurer not later than the seventh business day following the receipt thereof. At the time of payment, the circuit court clerk shall notify the village clerk-treasurer of the title of the action, the offense for which the forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any. The village clerk-treasurer shall disburse the fees as provided in Wis Stats. §814.65 and disburse any penalty assessments pursuant to Wis. Stats. §66.0114.

16.04 Stipulations and deposits.

- (1) Deposit schedule.** Deposits for violations of traffic regulations shall be as provided in Wis. Stats. § 345.26.
- (2) Stipulation and deposit in lieu of court appearance.** Persons cited for violations of village ordinances, resolutions or bylaws for which a deposit has been established under this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stats. §§ 800.03, 800.04 and 800.09.
- (16) Traffic deposits.** The deposit schedule established by the judicial conference and the procedures set forth in Wis. Stats. ch. 345 shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with that chapter.

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CHAPTER 17 ENVIRONMENT

- 17.01 Junk Storage
- 17.02 Regulating junked, inoperable or unlicensed vehicle storage.
- 17.03 Littering/Deposit of Waste or Harmful Substance
- 17.04 Noise Regulated
- 17.05 Use of mechanical devices, instruments.
- 17.06 Use of amplification.
- 17.07 Regulation of lawns.
- 17.08 Outdoor Wood Burning Furnaces

17.01 Junk Storage. No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris that substantially depreciates property values in the neighborhood except in an enclosure that houses such property from public view, or upon permit issued by the village board. The building inspector may require by written order any premises violating this section to be put in compliance within the time specified in such order, and if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

17.02 Regulating junked, inoperable or unlicensed vehicle storage.

- (1) No disassembled, inoperable, unlicensed, or junked or wrecked motor vehicle shall be stored or allowed to remain in the open upon public or private property within the village for longer than three days unless it is in connection with a vehicle sales or repair business enterprise located in a properly zoned area. The phrase, "in the open," as used in this section shall mean outside of an enclosed building or structure.

- (2) Whenever the chief of police or police officer acting in the capacity of the Chief of Police shall find any such vehicle placed or stored in the open upon public property within the village, he shall at his discretion issue a citation to the owner of the vehicle so found, for violation of this Village ordinance with a forfeiture in the amount of \$100 plus court costs. Each day that a vehicle is placed or stored in violation of this ordinance, shall constitute a separate violation and be subject a separate forfeiture by the owner of the vehicle so placed or stored. In the alternative the chief of police may cause such vehicle to be removed and stored for 30 days, at the end of which time the chief of police shall dispose of such vehicle unless previously claimed by the owner. To the extent this subsection applies to abandoned vehicles, the terms of Wis. Stats. § 342.40 shall also be complied with.
- (3) Whenever the chief of police shall find any such vehicle placed or stored in the open upon private property within the village for longer than 72 hours, the chief of police may either 1) issue a citation to the owner of the vehicle placed or stored in violation of this ordinance, or the owner of the land upon which any vehicle is placed or stored in violation of this ordinance for a forfeiture in the amount of \$100 plus court costs. Each day the placement or storage of the vehicle continues shall be a separate violation of this ordinance; and/or 2) notify the owner of the property upon which vehicle is placed or stored of the violation of this ordinance and further advise the owner of the vehicle(s) or the owner of the property where the vehicles are placed or stored in violation of this ordinance of the of the intention of the village to remove such vehicle immediately. If upon such notice such vehicle is not removed within three days, the chief of police shall cause the vehicle to be removed. Any unpaid forfeitures under this Section or any the costs of such removal of the placed or stored vehicles found to be in violation of this ordinance, or both, shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll. To the extent this subsection applies to abandoned vehicles, the terms of Wis. Stats. § 342.40 shall also be complied with.
- (4) If such vehicle is claimed by the owner, the owner will be charged a reasonable fee for handling and storage.
- (5) The provisions of this section shall not apply to auto salvage yards or junkyards that are licensed under the ordinance provisions of the village pertaining to such operations.

17.03 Littering/Deposit of Waste or Harmful Substance. No person shall throw any glass, refuse, waste, filth or other litter, nor shall any person deposit or cause to be deposited any waste or harmful or objectionable solid or liquid material on any public or private property or on any public street or on or into any body of water within the village. When any such material is placed on the person's private property, it shall be properly enclosed so as to prevent the material from becoming a public nuisance.

17.04 Noise Regulated. No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and are necessary for the protection or preservation of property or of the health, safety, life or limb of some person.

17.05 Use of mechanical devices, instruments. No person occupying or having charge of any building or premises, or any part thereof, shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph or other mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity.

17.06 Use of amplification. No person shall use or operate or cause to be used or operated in or upon any public street or from any aircraft, any device, apparatus or instrument for the amplification of the human voice or any sound or noise or other sound-making or sound-reproducing device. The Village President can grant exceptions to this provision.

17.07 Regulation of lawns.

- (1) **Purpose.** This section is created to address problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive lengths in the village.
- (2) **Public nuisance.** Lawns, grasses or noxious weeds which exceed eight inches in height on nonagricultural (as defined in the zoning code) lots within the village are declared to be a public nuisance because of the emission of pollen, fire and safety hazards, and adverse effect on surrounding property values which such lawns, grasses or weeds create. "Noxious weeds" as used in this subsection are those listed in section 66.0405(b) of the Wisconsin Statutes (Canada thistle, leafy spurge and field bindweed (creeping Jenny)), as well as the following:

Common ragweed
Great ragweed
Goat's beard
Poison ivy
Bull thistle
Wild parsnip
Burdock
Cocklebur
Pigweed
Common lambsquarter
Curled dock
Hemp
English plantain
Noxious grasses shall include but not be limited to the following:
Redtop
Orchard

Timothy
Johnson
Foxtail

Noxious weeds are also the following plants and other rank growth:

Ragweed

Thistles

Smartweed

Dandelions (over ten inches in height)

Milkweed (over ten inches in height)

- (3) **Nuisance prohibited.** No person or entity shall permit any public nuisance as defined in subsection (2) above, to exist or remain on any property owned or controlled by him within the village.
- (4) **Notice and abatement of nuisance.** If the weed commissioner or Chief of Police determines that a public nuisance as defined in subsection (2) above, exists, he shall immediately serve written notice on the property owner informing such owner that the village proposes to have the grass or lawn cut so as to conform with the requirements of this section. The notice shall give the owner seven days from the receipt of the notice to abate the nuisance and shall inform the owner that failure to do so will result in abatement of the nuisance by the village and assessment of a special charge for the cost of such abatement against the property. The notice shall further inform the owner of the hearing rights specified in subsection (5) below. "Abatement" of the public nuisance shall mean cutting the lawn or grasses so as to conform with the requirements of this section and destruction of the noxious weeds as defined in this section.
- (5) **Hearing.** If the owner believes that a public nuisance as defined in subsection (2) above, does not exist, he may request a hearing in writing before the Village Board. Such request shall be submitted to the village clerk's office within five days of receipt of the notice. A \$100.00 bond shall be submitted with the request for hearing. If the decision of the Village Board is in the property owner's favor, the bond shall be refunded to the owner; if the owner fails to appear for the hearing or the decision is against the owner, the bond shall be forfeited and applied against the cost of any abatement of the nuisance by the village. The board of appeals shall hold a hearing within 15 days of the date the request for hearing is given to the village clerk's office. The owner may present evidence and witnesses in his own behalf and may cross-examine witnesses presented by the village. Within 5 day from the close of the hearing, the Village Board shall issue its findings, facts and conclusions in writing. If the Village Board determines that a public nuisance does exist, it shall order the weed commissioner to mow the property at issue unless it has been mowed within 48 hours of the issuance of the Village Board's decision.
- (6) **Village abatement of nuisance.** If the owner fails to cut the lawn, grasses or weeds as set forth above, then the village may do so and charge the owner the expenses of doing so at a rate established by the village board. The charges shall be specified in a statement and mailed by the village clerk to the owner of the

premises. If the statement is not paid in full within 30 days of the date of the notice, the village clerk shall enter the charges in the tax roll as a special tax against the property at issue. Such tax shall be collected as provided in section 66.0701 and 66.0717 of the Wisconsin Statutes.

17.08 Outdoor Wood Burning Furnaces.

- (1) Intent and purpose.** The Village Board of the Village of Gratiot hereby finds that:

 - (a) It is recognized and found that wood smoke is hazardous to an individual's health and may affect the health of the general public when they are involuntarily exposed to the presence of wood smoke.
 - (b) Reliable scientific studies, including studies conducted by the Environmental Protection Agency (EPA), have shown that breathing wood smoke is a significant health hazard particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions, including asthmatics and those with obstructive airway disease.
 - (c) This article is adopted for the purpose of protecting the public health, safety, comfort, and the general welfare of the people of the Village of Gratiot; educating citizens affected by this section; and assisting property owners and managers in maintaining compliance.
 - (d) Those wood burning furnaces which are located out of doors emit significantly more smoke than those located indoors because due to the manner in which such furnaces are operated.
- (2) Definition of Outdoor wood burning furnace:** A furnace, or similar device, designed and intended, and/or used, through the burning of wood, for the purpose of heating the principal structure or another accessory structure such as a garage or storage building. These types of furnaces are characterized by a short stack height and are located outdoors. "Outdoor wood burning furnace" as used herein is not meant to include wood burning furnaces located indoors and which are used to heat the structure in which they are located, including accessory structures such as garages. This definition includes outside wood burning water stoves.
- (3) Prohibition of outdoor wood burning furnaces in the Village of Gratiot.** It shall be unlawful for any person to operate or use an outdoor wood burning furnace in the Village of Gratiot.
- (4) Nonconforming uses.**

 - (a) *Continuation of nonconforming uses.* The lawful use of any existing outdoor wood burning furnace existing at the time of the effective date of this section may be continued, subject to the provisions of this section.
 - (b) *Extension or enlargement.* No nonconforming or pre-existing outdoor wood burning furnace shall hereafter be extended, enlarged, or expanded.

(d) *Abandonment and discontinuance.*

1. Any currently existing and used outdoor wood burning furnace which is abandoned or not used for a period of 12 consecutive months shall not be permitted to be re-established as a nonconforming use, cannot be used, and must be immediately removed by the property owner from the subject premises.
2. If the property owner fails to remove the outdoor wood burning furnace within ten days of the end of the twelve-month period, the Village of Gratiot building inspector shall give written notice by certified mail, personal service, or posting to the property owner upon which the outdoor wood burning furnace is located. Such notice shall provide that such person shall remove the furnace within 15 days of the notice.
3. Should the outdoor wood burning furnace not be removed in the time specified, the building inspector shall arrange for the removal of the outdoor wood burning furnace. The cost of removal shall be charged to the owner of the premises. If the cost of removal is not paid within 30 days, it shall be assessed and collected as a special charge against the property pursuant to Wisconsin Statutes.

(d) *Termination.* At such time as the useful life of a nonconforming or pre-existing outdoor wood burning furnace has elapsed or would need to be repaired to function properly, the unit cannot be repaired or replaced and must be abandoned, not used, and removed from the property immediately.

(5) Enforcement and inspection. The Village of Gratiot Zoning Administrator shall have the power, whenever he deems it necessary, to enter upon the premises/property to inspect and ascertain compliance with the requirements of this section.

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CHAPTER 18
FIRE PREVENTION AND PROTECTION

- 18.01 Responsibility for Cost of Fire Calls
- 18.02 Flammable Liquid
- 18.03 Sale and Discharge of Fireworks

18.01 Responsibility for cost of fire calls. The owner of any structure, vacant land, vehicle or any other property which requires a fire call response from the joint fire protection district shall be responsible for any and all costs associated with the fire call; and no portion of the resulting costs shall be the responsibility of the village.

18.02 Flammable liquids. ILHR ch. 8, Wis. Adm. Code, Flammable Liquids Code, is hereby adopted by reference as a part of this article, and the building inspector and head of the fire district shall enforce the provisions thereof.

18.03 Sale and discharge of fireworks restricted. Wis. Stats. §167.10, regulating the sale and use of fireworks exclusive of any penalty imposed thereby, is adopted by reference and made a part of this article as though set forth in full.

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CHAPTER 19 LAW ENFORCEMENT

- 19.01 Law Enforcement Personnel
- 19.02 Appointment of Personnel
- 19.03 Tenure
- 19.04 Salary; collection of fees.
- 19.05 Duties and powers

19.01 Law Enforcement Personnel. The police department shall consist of the chief of police, or police officer contracted by the Village to serve in the capacity of chief of police

19.02 Appointment of Personnel. The office of the chief of police shall be filled by appointment by a majority vote of the members of the village board for a two-year term, or at the discretion of the Village Board may be filled by a contractual agreement with the Sheriff's Department of Lafayette County, Wisconsin. Any law enforcement officer contracted to provide services as Chief of Police shall have all the duties and authority attributed to the Chief of Police in this municipal code.

19.03 Tenure. The chief of police or any police officer contracted for personal service as chief of police shall serve at the pleasure of the Village Board. Any police officer providing services acting in the capacity of the chief of police, or providing law enforcement services to the Village shall have the length and duration of that service in a manner to be determined by the village board.

19.04 Salary; collection of fees. The chief of police and the police officers shall receive a salary fixed by the village board and shall not be entitled to any other compensation. All fees, bail deposits and other special remuneration or funds collected or received by the police department, or any officers thereof, shall be deposited with the clerk-treasurer not less than monthly.

19.05 Duties and powers.

- (1) The chief of police, or any law enforcement officer contracted to provide the services of the chief of police shall possess the powers conferred on the Chief of Police for the Village of Gratiot, subject to liabilities conferred by law upon marshals and constables, and shall also exercise the powers and duties as provided from time to time by the Village Board.
- (2) He/She shall obey all lawful written orders of the village president or village board.
- (3) He/She shall cause the public peace to be preserved and see that all laws and ordinances of the village and state are enforced; and whenever any violation thereof comes to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.
- (4) He/She shall exercise supervisory control over all the personnel of his/her department and may adopt, subject to the approval of the village board, rules and regulations for the government, discipline, equipment and uniforms of police officers.
- (5) He/She shall be solely responsible for the care and condition of the equipment used by his department.
- (6) He/She shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the police department.

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CHAPTER 20
MANUFACTURED HOMES AND TRAILERS

- 20.01 Mobile Homes Prohibited
- 20.02 Existing Mobile Homes

20.01 Placement of Mobile Homes and Mobile Home Parks Prohibited. No person shall construct, alter or extend any mobile home or mobile home park within the limits of the village.

20.02 Existing Mobile Homes. No mobile homes built prior to June 15, 1976 or that otherwise fails to comply with all manufactured home construction and safety standards established under 242 USC Sec. 5401, et seq., other than non-conforming structures, shall be permitted to be used as permanent residences within the Village.

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CHAPTER 21
OFFENSES AND MISCELLANEOUS PROVISIONS

- 21.01 Certain state offenses adopted
- 21.02 Nude dancing in licensed establishments prohibited
- 21.03 Offenses against Public Safety
- 21.04 Open cisterns, wells, basements and other openings
- 21.05 Refrigerators and iceboxes
- 21.06 Minors
- 21.07 Discharging and carrying firearms and guns prohibited

21.01 Certain state offenses adopted. The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under **section 1-12** of this Code:

TABLE INSET:

(1)	.29(3)refuse in waters/abandoning vehicles
(2)	.075(7)/using inspection sticker fraudulently
(3)	.06vehicles sales/bonus to chauffeur prohibited
(4)	.42(6)by motor vehicle/failure to repair
(5)	.41(1)manufacture/delivery of controlled substance
(6)	.41(3g)eof marijuana
(7)	.25storage of junked vehicles
(8)	.01(7a)cars/prohibited acts
(9)	.01(7b)vehicles/sale to minor
(10)	.76smoking
(11)	39.05to crime
(12)	.22and phrases defined
(13)	.32empty
(14)	.19(1)
(15)	.01operation of vehicle (off roadway)
(16)	.10handling of burning materials
(17)	.12(2), (3)erfering with firefighting
(18)	.13alarms and interference with firefighting
(19)	.20(1)use of weapon
(20)	.23concealed weapon
(21)	.24of switchblade knife
(22)	.01(1)damage to property (less than \$1,000.00)
(23)	.07damage to railroad
(24)	.11into locked vehicle
(25)	.125into locked coin box
(26)	.14trespass to dwellings
(27)	.20(less than \$1,000.00)
(28)	.21on hotel or restaurant keeper (\$1,000.00 or less)
(29)	.22of cheating tokens
(30)	.24of worthless checks (up to and including \$1,000.00)
(31)	.50theft (up to and including \$1,000.00)
(32)	.15
(33)	.17gratification
(34)	.20and lascivious behavior
(35)	.23lewd, obscene or indecent drawings
(36)	.30stitution
(37)	.31prostitutes
(38)	.33
(39)	.01relating to gambling
(40)	.02
(41)	.04premises to be used for commercial gambling
(42)	.40to aid officer
(43)	.41or obstructing officer

(44)	.42(1), (2)
(45)	.69assuming to act as a public officer
(46)	.70(1)peace officer
(47)	.72(2)with public records and notices
(48)	.01conduct
(49)	.012use of telephone
(50)	.06ful assemblies
(51)	.01--951.16against animals
(52)	.32battery
(53)	.68(4)hours--liquor establishments
(54)	.013t
(55)	.41(3g)bof cocaine
(56)	.41(3g)dof LSD, methcathinone
(57)	.573(1), (2)of drug paraphernalia
(58)	.574(1), (2)or delivery of drug paraphernalia
(59)	.575(1), (2)of drug paraphernalia to a minor
(60)	.07(4)b/consume alcohol by minor (17--20)
(61)	.07(4)b/consume alcohol by minor (14--16)
(62)	.09(2)alcohol to minor
(63)	.983of tobacco by minor
(64)	.23of concealed weapon
(65)	.13to land

21.02 Nude dancing in licensed establishments prohibited.

- (1) **Prohibition.** It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:
 - (a) Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than fully opaque coverage;
 - (b) Shows any portion of the female breast below a point immediately above the top of the areola; or
 - (c) Shows the covered male genitals in a discernibly turgid state.
- (2) **Exemptions.** The provisions of this section do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

- (3) **Definitions.** For purposes of this section, the term "licensed establishment" means any establishment licensed by the village board to sell alcohol beverages pursuant to chapter 125 of the Wisconsin Statutes. The term "licensee" means the holder of a retail "Class A," "Class B," or "Class C" license granted by the village board pursuant to chapter 125 of the Wisconsin Statutes.

21.03 Offenses against Public Safety. 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 person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the village.

21.04 Open cisterns, wells, basements and other openings.

- (1) The owner of any real estate shall securely protect any well, seepage pit, cistern, cesspool, septic tank or other similar structures in active use with a cover of concrete, metal or wood covered with sheet metal, securely fastened and of sufficient weight so it cannot be removed by small children and so as to make it free from danger to persons going upon such real estate.
- (2) Whenever any shallow-dug well, seepage pit, cistern, cesspool or septic tank is abandoned or its use discontinued, the owner of the real estate upon which it is located shall promptly fill the same to grade.
- (3) Whenever any drilled, bored or deep-dug well, except test wells of ten inches or less in diameter, is abandoned or its use discontinued, the owner of the real estate upon which it is located shall promptly fill the same, either with alternate layers of sand or clay and concrete, and seal with a concrete cover at least five inches thick, or in accordance with recommendations of the department of health and social services.
- (4) Whenever any mine shaft, exploration shaft or test well is abandoned or its used discontinued, the operator or contractor shall promptly fill same to grade or enclose the same with a fence of strong woven wire not less than 46 inches wide with one barbed wire above or cap same with a reinforced concrete slab at least six inches thick or with a native boulder at least three times the diameter of the top of the shaft or test well bore. The strands of the woven wire shall not be smaller than no. 12 wire, and the cross wires and meshes shall not be smaller than no. 16 wire; the strands shall not be more than 12 inches apart, and the meshes shall not exceed eight inches square. All wires must be tightly stretched and securely fastened to sufficient posts firmly set not more than eight feet apart. In case any person shall neglect to repair or rebuild such fence which the person is so required to build and maintain, any person may complain to the department of development or to the village board, which shall give notice in writing to the person who is required to build and maintain such fence. The department of development or the village board shall then proceed to examine the fence; and if it shall determine that such fence is insufficient, it shall notify the person responsible for its erection and maintenance and direct the person to repair or rebuild the fence within such time as it shall deem reasonable. Any person

refusing to comply with such order shall be subject to the penalties provided.

- (5) Existing abandoned mine shafts, exploration shafts or test wells shall be securely protected by owner of the real estate upon which it is located.

21.05 Refrigerators and iceboxes. Any person who discards or abandons any refrigerator, icebox or deep freeze locker, having a capacity of 1 1/2 cubic feet or more, which is no longer in use, and which has not had the door removed, or such portion of the latch mechanism removed to prevent latching or locking of the door, is guilty of a violation of this Code. Any owner, lessee or manager who knowingly permits such a refrigerator, icebox or deep freeze locker to remain on premises under his control without having the door removed or such portion of the latch mechanism removed to prevent latching or locking of the door is guilty of a violation of this Code. Any person violating this section shall be subject to punishment as provided in **section 1-12 of this Code**.

21.06 Minors.

(1) Curfew.

- (a) No person 15 years or under shall loiter, idle, wander, stroll or play either on the highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the village between 11:00 p.m. and 5:00 a.m. The provisions of this section shall not apply to a minor 15 years or under accompanied by his parent, guardian or adult person having legal custody or control of the minor or where the minor is on an emergency errand or legitimate business directed by his parent, guardian or adult person having legal custody or control of the minor, or at an organized social function, or where the minor is pursuing the duties of his employment, or where the minor is proceeding in an expeditious and orderly manner to his home.
- (b) No person 16 and 17 years of age shall loiter, wander, stroll or play either on the highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the village between 11:00 p.m. and 5:00 a.m. The provisions of this section shall not apply to a minor 16 and 17 years of age accompanied by his parent, guardian or other adult person having legal custody or control of the minor or where the minor is on an emergency errand or legitimate business directed by his parent, guardian or adult person having legal custody or control of the minor, or at an organized social function, or where the minor is pursuing the duties of his employment, or where the minor is proceeding in an expeditious and orderly manner to his home.

- (2) **Penalties.** Any minor found violating the provisions of this chapter shall be dealt with in accordance with the provisions of Wis. Stats. ch. 48.

- (3) **Responsibilities of parents, guardians.** No parent, guardian or other adult

person having legal custody and control of any person under the age of 18 years shall knowingly allow or permit such minor to violate any of the provisions of this section.

(4) Truancy.

(a) *Statutory authority.* This section regulating truancy in the village is adopted pursuant to the authority of Wis. Stats. § 118.163.

(b) *Definitions.* The following terms shall have the following meanings when used in this chapter:

Habitual truant means a pupil who is absent from school without an acceptable excuse under Wis. Stats. §§ 118.15 and 118.16(4) for part or all of five days or more on which school is held during a school semester.

Truant means a pupil who is absent from school without an acceptable excuse under Wis. Stats. §§ 118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.

(c) *Prohibitions; dispositions; truants.* No person shall be a truant. Any truant 17 years of age or younger shall be subject to the following dispositions. The court may impose either or both dispositions.

1. An order for the person to attend school.
2. A forfeiture of not more than \$50.00 plus costs for a first violation or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stats. § 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(d) *Prohibitions; dispositions; habitual truants.* No person shall be a habitual truant. Any habitual truant 17 years of age or younger shall be subject to the following dispositions. The court may impose any or all dispositions.

1. Suspension of the person's operating privileges for a period of not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and shall forward it to the department of transportation, together with a notice stating the reason for and the duration of the suspension.
2. An order for the person to participate in counseling or a supervised work program or other community service work, as described in Wis. Stats. § 938.54(5)(g). The court may also order the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

3. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
4. An order for the person to attend an educational program under Wis. Stats. § 938.34(7)(d).
5. A forfeiture of not more than \$500.00 plus costs, subject to Wis. Stats. § 938.67. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
6. An order for the person to attend school.
7. An order to revoke a work permit, Wis. Stats. § 118.163(2)(e).
8. An order to be placed in a teen court program, Wis. Stats. § 118.162(2)(f).
9. An order placing the person under formal or informal supervision for up to one year, Wis. Stats. § 118.163(2)(j).
10. Any other reasonable conditions consistent with Wis. Stats. § 118.163(2), including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

(e) *Contributing to truancy.*

1. Except as provided in subsection 2. of this section, no person 17 years of age or older shall, by act or omission, knowingly encourage or contribute to the truancy of a person subject to school attendance laws.
2. Subsection 1. above of this section does not apply to a person who has under his or her control a child who has been sanctioned under Wis. Stats. § 49.26(1)(h).
3. An act or omission contributes to a truancy of a child whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

21.07 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 gun or airgun within the village or have any firearm, rifle, spring gun or airgun in his possession or under his control unless it is unloaded and knocked down or enclosed

within a carrying case or other suitable container. No person shall in the territory adjacent to the village discharge any firearm in such manner that the discharge shall enter or fall within the village.

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CHAPTER 22 PEDDLERS AND SOLICITORS

- 22.01 Definitions
- 22.02 Exemptions
- 22.03 Records
- 22.04 Registration Required
- 22.05 Form
- 22.06 Investigation
- 22.07 Appeal
- 22.08 Regulation of Direct Sellers

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

Charitable organization includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

Direct seller means any individual who, for himself or for a partnership, association or corporation, sells goods or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of such individual, partnership, association or corporation, and shall include but not be limited to peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

Goods includes personal property of any kind and includes goods provided incidental to services offered or sold.

Permanent merchant means a direct seller who, for at least one year prior to the consideration of the application of this provision to such merchant, has continuously:

- (1) Operated an established place of business in the village.
- (2) Resided in the village and now does business from his residence.

22.02 Exemptions. The following shall be exempt from all provisions of this chapter:

- (1) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
- (2) Any person selling goods at wholesale to dealers in such goods.
- (3) Any person selling agricultural products that such person has grown.
- (4) Any permanent merchant or employee of the merchant who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this village and who delivers such goods in their regular course of business.
- (5) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, such person.
- (6) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
- (7) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.
- (8) Any person holding a sale required by statute or order of any court and any person conducting a bona fide auction sale pursuant to law.
- (9) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the clerk-treasurer proof that such charitable organization is registered under Wis. Stats. §440.41. Any charitable organization not registered under Wis. Stats. § 440.41, or which is exempt from that statute's registration requirements, shall be required to register under this chapter.
- (10) Any person who claims to be a permanent merchant but against whom complaint

has been made to the clerk-treasurer that such person is a transient merchant; provided that there is submitted to the clerk-treasurer proof that such person has leased, for at least one year, or purchased the premises from which he is conducting business, or proof that such person has conducted such business in this village for at least one year prior to the date complaint was made.

22.03 Records. The chief of police shall report to the clerk-treasurer all convictions for violation of this chapter, and the clerk-treasurer shall note any such violation on the record of the registrant convicted.

22.04 Registration required. No direct seller shall engage in direct sales within the village without being registered for that purpose as provided in this article.

22.05 Form.

- (1) Applicants for registration under this article shall complete and return to the clerk-treasurer a registration form furnished by the clerk-treasurer, which shall require the following information:
 - (a) Name, permanent address and telephone number, and temporary address, if any.
 - (b) Age, height, weight, color of hair and eyes.
 - (c) Name, address and telephone number of the person that the direct seller represents or is employed by, or whose merchandise is being sold.
 - (d) Temporary address and telephone number from which business will be conducted, if any.
 - (e) Nature of business to be conducted and a brief description of the goods and any services offered.
 - (f) Proposed method of delivery of goods, if applicable.
 - (g) Name, model and license number of any vehicle to be used by the applicant in the conduct of his business.
 - (h) Last cities, villages, towns, not to exceed three, where the applicant conducted similar business.
 - (i) Place where the applicant can be contacted for at least seven days after leaving this village.
 - (j) Statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last five years; the nature of the offense and the place of conviction.
- (2) Applicants shall present to the clerk-treasurer for examination:
 - (a) A driver's license or some other proof of identity as may be reasonably

required.

- (b) A state certificate of examination and approval from the sealer of weights and measures where the applicant's business requires use of weighing and measuring devices approved by state authorities.
 - (c) A state health officer's certificate where the applicant's business involves the handling of food or clothing and is required to be certified under state law, such certificate to state that the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.
- (3) At the time the registration is returned, the fee prescribed in **section 22-31** shall be paid to the clerk-treasurer to cover the cost of processing such registration. Such fee may be waived by the clerk-treasurer and the chief of police where they deem no investigation is necessary.
- (a) The applicant shall sign a statement appointing the clerk-treasurer as his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, if the applicant cannot, after reasonable effort, be served personally.
 - (b) Upon payment of such fee and the signing of such statement, the clerk-treasurer shall register the applicant as a direct seller and date the entry. Such registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in **section 50-38(b)**.

22.06 Investigation.

- (1) Upon receipt of each application, the clerk-treasurer shall refer it immediately to the chief of police, who shall make and complete an investigation of the statements made in such registration within 72 hours.
- (2) The clerk-treasurer shall refuse to register the applicant if it is determined, pursuant to the investigation above, that:
 - (a) The application contains any material omission or materially inaccurate statement;
 - (b) Complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business;
 - (c) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or
 - (d) The applicant failed to comply with any applicable provision of **section 50-37(b)**.

22.07 Appeal. Any person denied registration may appeal to the village board by filing a

written statement therewith within 14 days after the date registration was refused, setting forth the grounds for appeal. The village board shall notify the applicant, at least 48 hours prior to the hearing, date of the time and place set for the hearing, such notice to be sent to the address given by the appellant in his statement of appeal or served personally on the appellant.

22.08 Regulation of direct sellers.

(1) Prohibited practices.

- (a) A direct seller shall be prohibited from:
 - 1. Calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment;
 - 2. Calling on Sundays and legal holidays;
 - 3. Calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors," or words of similar meaning;
 - 4. Calling at the rear door of any dwelling place; or
 - 5. Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (b) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.
- (c) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (d) No direct seller shall make any loud noises or use any sound-amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
- (e) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(2) Disclosure requirements.

- (a) After the initial greeting, and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the

identity of goods or services he offers to sell.

- (b) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel such transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Wis. Stats. § 423.203(1)(a), (b), (c), (2) and (3).
- (c) If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

22.09 Revocation of registration.

- (1) Registration may be revoked by the village board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration; made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales; violated any provision of this chapter; or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- (2) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

CHAPTER 23 TRAFFICE AND VEHICLES

- 23.01 Provisions of state law adopted by reference; state traffic forfeiture laws adopted.
- 23.02 Penalty.
- 23.03 Enforcement.
- 23.04 Operating so as to create excessive noise or damage highway surface or shoulder prohibited.
- 23.05 Scooters.
- 23.06 Parking restrictions.
- 23.07 Nonmoving violation and registration program.
- 23.08 State snowmobile laws adopted.
- 23.09 Permitting operation by improper persons prohibited.
- 23.10 Written consent of owner required.

23.01 Provisions of state law adopted by reference; state traffic forfeiture laws adopted.

Except as otherwise specifically provided in this chapter, all provisions of Wis. Stats. chs. 340 to 348 and 350, describing and defining regulations with respect to vehicles, traffic and snowmobiles for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

23.02 Penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as provided in this section together with costs under Wis. Stats. §345.27.

- (1) **State forfeiture statutes.** Forfeitures for violation of any provisions of Wis. Stats. chs. 341 to 348 and 350 shall conform to forfeitures for violation of the comparable state offenses, including any variations or increases for second offenses.
- (2) **State fine statutes.** The forfeiture for violation of any statute adopted by reference in this chapter for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

23.03 Enforcement.

- (1) **Procedure.** This chapter shall be enforced according to state statutes.
- (2) **Deposit.** Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the police station or at the office of the clerk of court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall comply with Wis. Stats. §345.26.
- (3) **Stipulation of no contest.** Unless otherwise prohibited by statute or law, any person charged with a violation of this chapter may at the time of the alleged violation or within five days thereafter make a stipulation of no contest pursuant to Wis. Stats. §345.27. Such person shall at the time of entering into the stipulation make the deposit as required under subsection (2) of this section. A person who has mailed or filed a stipulation under this subsection may, however, appear in court on the appearance date.
- (4) **Bail bonds.** Nothing in this chapter shall be construed to limit the right of the proper authorities to accept bail bonds, deposits or certificates of money deposits as provided for in state statutes.
- (5) **Notice of demerit points.** Any official accepting a stipulation of guilt or nolo contendere or bail under this chapter shall comply with the provisions of state statutes.

23.04 Operating so as to create excessive noise or damage highway surface or shoulder prohibited.

- (1) The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this subsection, except where the context clearly

indicates a different meaning:

Drive or operate means exercising physical control over the vehicle's speed and direction while in motion.

Motor vehicle means a self-propelled, motorized device by which a person or property is or may be transported upon a highway.

Public highway has the meaning designated in Wis. Stats. § 340.01(22).

Unnecessary and annoying noise is any sound or noise produced by a motor vehicle, which noise exceeds in duration or intensity that attending the routine and safe acceleration and operation of a motor vehicle.

- (2) No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noises.
- (3) No person shall use "jake brakes"--motor vehicle brakes within the village that are in any way activated or operated by the compression of an engine of any such motor vehicle or any unit or part thereof. This section is not meant to make punishable the use of "jake brakes" in an emergency situation.
- (4) No person shall intentionally drive or operate a motor vehicle in such manner as to deface or mar the surface or shoulder of a public highway.
- (5) Any person who shall violate the provisions of this article shall, upon conviction thereof, be subject to a penalty as provided in **section 1-12**.

23.05 Scooters.

- (1) **Motorized objects not to be operated on public streets.** It shall be illegal for anyone to operate a motorized scooter, or other similar motorized object on the public streets, sidewalks, public alleys and public parks within the Village of Gratiot.
- (2) **Motorized scooter.** A motorized scooter is defined as a two tandem-wheeled vehicle that is powered by a gasoline engine or electric motor, with or without a seat.
- (3) **Exception.** This section shall not apply to licensed mopeds or other licensed cycles which are operated in compliance with Wisconsin law.

23.06 Parking restrictions.

- (1) **Parking limits.** No person shall park any vehicle for a period longer than twelve (12) hours in any parking space within the Village.
- (2) **Angle parking.** Angle shall only be permitted as follows:
 - (a) On the East side of Sheldon Street across from the Middle School from Oak to Railroad Street as marked.

- (b) On the North side of Oak Street across from the Middle School from Sheldon to Main Street as marked.
 - (c) On the West side of Main Street across from St. Joseph's Catholic Church (during Church functions only).
 - (d) On the East side of Main Street north of the Exchange House as marked.
 - (e) No other angle parking is permitted within the Village unless marked.
- (3) Storage on street and public parking places prohibited.** No person shall use any street, public alley, public parking lot or other public parking place for storage purposes. As used in this section, "storage" means spaces for sale purposes, or for storage for hire of any kind, or for any purposes other than that of ordinary use for travel. No person shall park or leave standing any vehicle on any public street, public alley, public parking lot or other public parking place for more than 48 hours continuously. Merely moving a vehicle from one of the places described in this section to another location in one of the places described in this section shall not interrupt the running of such 48-hour period.
- (4) Parking of certain vehicles on residential streets prohibited.**
- (a) *Definitions.* As used in this subsection, the following words are defined as follows:
 - 1. *Truck tractor* means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn.
 - 2. *Semi trailer* means a vehicle of the trailer type so designed and used in conjunction with a truck tractor that some part of its own weight and that of its own load rests upon or is carried by a truck tractor.
 - (b) *Loading and unloading.* No person shall park or leave standing any truck tractor or semi trailer on any street within the village where abutting property is zoned residential other than for the purpose of loading or unloading at a commercial establishment or to effect transfer of property to or from a private dwelling. No person shall park or leave standing any such vehicle between 10:00 p.m. and 6:00 a.m. on any street in the Village where abutting property is zoned residential except in designated areas.
- (5) Parking of mobile recreation equipment prohibited in designated areas.** Parking of mobile recreation equipment on public streets, easements, parks or other public ways for more than 48 hours is prohibited except in designated areas. Mobile recreation equipment includes but is not limited to mobile homes, boats, boat trailers, private buses principally designed for recreational uses, and camper trailers.

(6) Snow emergency.

(a) Definitions.

1. *Motor vehicle* means a vehicle that is self-propelled.
2. *Snow emergency* means a period during which intensive, unobstructed snow removal shall be necessary due to snowfall, wind or drifted snow or a combination thereof.
3. *Public notice* means a communication by the utility superintendent to the public by announcement on radio station WIXK of the existence of a snow emergency or cancellation thereof.

(b) Emergency. A snow emergency shall be declared upon public notice when in the opinion of the utility superintendent intensive, unobstructed snow removal is necessary. Such notice shall be provided 24 hours prior to the beginning of the snow emergency. The snow emergency, once declared, shall remain in effect until canceled upon public notice by the utility superintendent.

(c) Parking limits. During the time a snow emergency has been declared and is in effect, no person shall leave parked or standing any motor vehicle, device towable by a motor vehicle, or other property on any public street in the village.

(d) Violating vehicles. In addition to the issuance of a citation, any motor vehicle, device towable by a motor vehicle, or other property parked in violation of subsection (3) may be towed to an appropriate location in order to facilitate the removal of snow. Any person violating this subsection shall be responsible for paying the towing costs and storage costs associated with the removal of such vehicle, device or property.

23.07 Nonmoving violation and registration program. Pursuant to the provisions of section 345.28(4) of the Wisconsin Statutes, the village elects to participate in the nonmoving traffic violation and registration program of the Wisconsin Department of Transportation and pay the costs established by the department under section 85.13 of the Wisconsin Statutes; such costs shall, in turn, be assessed against persons charged with nonmoving traffic violations. The village attorney shall be responsible for complying with the requirements set forth in section 345.28(4) of the Wisconsin Statutes.

23.08 State snowmobile laws adopted. Except as otherwise specifically provided in this article, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section:

TABLE INSET:

(1)	.01
(2)	.02of snowmobiles on or in the vicinity of a highway
(3)	.03of-way
(4)	.04races, derbies and routes
(5)	.045utility exemption
(6)	.047ordinance to be filed
(7)	.05by youthful operators restricted
(8)	.07animals
(9)	.08permitting operation
(10)	.09, taillamps and brakes
(11)	.10provisions for snowmobile operation
(12)	.101snowmobiling
(13)	.102breath screening test
(14)	.1025of intoxicated snowmobiling law
(15)	.103consent
(16)	.104tests
(17)	.106arrest to department
(18)	.107's action after arrest for operating a snowmobile while under influence of intoxicant
(19)	.11
(20)	.12of snowmobiles
(21)	.13trail signs and standards
(22)	.135with uniform trail signs and standards prohibited
(23)	.15and accident reports
(24)	.155and medical examiners to report; require blood specimen
(25)	.17ement
(26)	.19of landowners
(27)	.99to a violation

23.09 Permitting operation by improper persons prohibited. No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under state law to operate such snowmobile or who is under the influence of an intoxicant.

23.10 Written consent of owner required. The consent required under Wis. Stats. § 350.10(6), (11), (12) and (13) shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one person, the consent of each must be obtained.

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(FOR EASE IN MAKING ADDITIONS TO THIS CHAPTER.)

CHAPTER 24 ATV ROUTES

- 24.01 Definition
- 24.02 Authority
- 24.03 Routes
- 24.04 Conditions
- 24.05 Enforcement
- 24.06 Penalties

24.01 Definition. Pursuant to §340.01(2g), “All-terrain vehicle” (hereinafter ATV) means an engine-driven device which has a net weight of 900 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator

and which is designed to travel on 3 or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of 6 inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.

24.02 Authority. This route is created pursuant to §23.33(8)(b), Wis. Stats.

24.03 Routes. The following roads are designated as ATV routes:

- (1) West on Village Road from M.E. Cemetery to Gratiot Street, northwest on Gratiot St. to Sheldon St. north on Sheldon St. to trail access. A map of such routes is located at Appendix D of of this Code.
- (2) From a village resident's home to the trail or the ATV route described in section 29.03(1); following the most direct route without traveling on a state highway.

24.04 Conditions. As a condition for the use of this route, the following conditions shall apply to all operators (and passengers where applicable):

- (1) All ATV operators shall observe travel at 10 mph or less.
- (2) All ATV operators shall ride single file.

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

24.06 Penalties. Wisconsin state All-Terrain Vehicle penalties as found in §23.33 (13)(a) Wis. Stats., are adopted by reference.

CHAPTER 25 ZONING

25.01 Authority	25.39 Review and Approval
25.02 Purpose	25.40 Application of Standards
25.03 Intent	25.41 Conditions
25.04 Abrogation and Greater Restrictions	25.42 Compliance
25.05 Interpretation	25.43 Approval
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25.07 Repeal	25.45 Denial
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25.09 Effective Date	25.47 Appeal from Action of the Plan Commission
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25.11	Village Plan Commission Designated	25.48	Record Keeping
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25.18	Use Restrictions	24.55	Storage of Tractors, Trucks and Road Machinery
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25.20	Reduction or Joint Use	24.57	Outside Storage of Firewood
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25.22	Penalties	24.59	Swimming Pools
25.23	Zoning Districts Designated	24.60	Home Occupations and Professional Offices
25.24	District Boundaries	24.61	Permit Required
25.25	R-1 Single-Family Low Density Residential District	24.62	Signs Excepted
24.26	R-2 Single-Family Medium Density Residential District	24.63	Signs Permitted
25.27	R-3 Multiple-Family Residential District	24.64	Signs Prohibited
25.28	B-1 General Business District	24.65	Non-Conforming Signs
25.29	B-2 Highway and Service Business District	24.66	Sign Removal
25.30	I-1 Industrial District	24.67	Special Sign Requirements
25.31	A-1 Agricultural District	24.68	Sign Definitions
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24.74	Performance Standards	24.88	Zoning Board of Appeals Membership
24.75	Noise	24.89	Zoning Board of Appeals Organization
24.76	Vibrations	24.90	Zoning Board of Appeals Powers
24.77	Glare and Heat	24.91	Appeals and Applications
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24.79	Fire and Explosive Hazards	24.93	Findings
24.80	Air Pollution	24.94	Decision
24.81	Hazardous Pollutants	24.95	Review by Court of Record
24.82	Radioactivity and Electrical Disturbances	24.96	Changes and Amendments
24.83	Refuse	24.97	Initiation of Change or Amendment
24.84	Height Modifications	24.98	Petition for Change
		24.99	Recommendations for Petition

24.85 Yard Modifications
24.86 Average Street Yards
24.87 Zoning Board of Appeals

24.100 Board Actions upon Recommendation
24.101 Protest of Change
24.102 Definitions

25.01 Authority. These regulations are adopted under the authority granted by §§61.35 and 62.23 of the Wisconsin Statutes.

25.02 Purpose. The purpose of this Chapter is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Village.

25.03 Intent. It is the general intent of this Chapter to:

- (1) Regulate and restrict the use of all structures, lands, and waters;
- (2) Regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways;
- (3) Secure safety from fire, flooding, panic, and other dangers;
- (4) Provide adequate light, air, sanitation, and drainage;
- (5) Facilitate the adequate provision of public facilities and utilities;
- (6) Stabilize and protect property values;
- (7) Further the appropriate use of land and conservation of natural resources;
- (8) Preserve and promote the beauty of the community;
- (9) Implement the community's comprehensive plan or plan components;
- (10) Provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.
- (11) Provide for and assure reasonable accommodations for the disabled residents of the Village.

25.04 Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

25.05 Interpretation. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the

Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

- 25.06 Severability.** If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- 25.07 Repeal.** All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.
- 25.08 Title.** The zoning ordinances of this Chapter shall be known as, referred to, or cited as the “ZONING ORDINANCE, VILLAGE OF GRATIOT, WISCONSIN.”
- 25.09 Effective Date.** This Ordinance shall be effective after a public hearing, adoption by the Village Board of Trustees, and publication or posting as provided by law.
- 25.10 Jurisdiction.** The jurisdiction of this Chapter shall include all lands and waters within the corporate limits of the Village of Gratiot.
- 25.11 Village Plan Commission Designated.** A Village Plan Commission is hereby created to carry out the intent of the Village of Gratiot Comprehensive Plan and Zoning Ordinance. The make up of the commission and its powers and duties shall be prescribed by Chapter 62.23 of the Wisconsin Statutes.
- 25.12 Zoning Administrator Designated.** The office of Zoning Administrator is hereby created as the administrative and enforcement officer for the provisions of this Chapter. The duties of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all approvals required herein. The Zoning Administrator shall investigate all complaints, give notice of violations, issue order to comply with the zoning ordinance, and assist the Village Attorney in the prosecution of ordinance violators. The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.
- 25.13 Compliance.** No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, and without full compliance with the provisions herein and all other applicable Village, County, and State regulations.
- 25.14 Zoning Appeals.**
- (1) Zoning approval shall be required for all new structures, exterior renovation, interior alterations, demolition, placement of signs, and changes in land use unless specifically accepted by this Ordinance. Applications for zoning approval shall be made to the Zoning Administrator and shall include the following where

appropriate:

- (a) Name and addresses of the applicant, owner of the site, architect, professional engineer, or contractor.
 - (b) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of employees; the zoning district within which the subject site lies.
 - (c) Site Plan showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the site plan shall show the location, and use of any abutting lands and their structures within forty (40) feet of the subject site.
 - (d) Additional information as may be required by the Village Plan Commission or the Village Zoning Administrator.
- (2) Anyone that is disabled or claims to be disabled, and seeks a reasonable accommodation because of that disability, shall set forth on the application for zoning permit the nature of the disability, and the requested accommodation or accommodations and a statement as to why such an accommodation is needed. Anyone seeking a reasonable accommodation may seek consideration as a conditional use permit, but such an election must be made at the time of the application for permit.
 - (3) A written decision on the requested zoning approval shall be issued by the zoning administrator within 30 days of his receipt of the application for zoning permit, The zoning administrator may at his discretion have any permit requests reviewed by the Village Board, and a decision on the approval or denial made by the Village Board. Any applicant that requests a reasonable accommodation based upon a disability or claimed disability shall have his or her request for a permit considered by the entire Village Board. The Village Board may enter into an informal discussions with any applicant requesting a reasonable accommodation as set forth above in an effort to investigate and resolve any claim of the necessity and appropriateness of the requested reasonable accommodation. Any permit request that seeks a reasonable accommodation shall be acted upon by the Village Board within 60 days from the time of the application. Any approval shall expire within one (1) year unless substantial work has commenced. Any approval given in conflict with the provisions of this Ordinance shall be null and void

25.15 Zoning/Building Permit Fee. A fee is required for all zoning/building permits, with payment due at time of application. The amount of the fee is set by the Village Board

and is based on the type of construction.

25.16 Uses not Requiring Zoning Approval.

- (1) Any small, movable accessory structure or construction such as birdhouses, pet houses, play equipment, arbors; said minor structures shall be limited to sixteen (16) square feet in floor space.
- (2) Private sidewalks and driveways, poured or formed patios, decks, and walkways that do not exceed six (6) inches in height above ground level.

25.17 Site Restrictions.

- (1) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he/she bases their conclusions that the land is not suitable for certain uses. The applicant shall have an opportunity to appeal a finding of such unsuitability to the Zoning Board of Appeals if he/she so desires. Thereafter, the Zoning Administrator may affirm, modify, or withdraw the determination of unsuitability.
- (2) **Street Frontage.** All lots shall abut upon a public street, and each lot shall have an absolute minimum frontage of forty (40) feet, except in the B-1 Retail Business District where the minimum frontage shall not be less than twenty-five (25) feet.
- (3) **Principal Structures.** All principal structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot.
- (4) **Dedicated Street.** No zoning approval shall be granted for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (5) **Water Supply and Sewage Disposal.** All new principal structures shall be served by public water and sewer systems where available.
- (6) **Foundation Required.** All principal structures shall be built or placed on a permanent foundation that meets the requirements of the Wisconsin Administrative Code, Chapter ILHR 21, except for existing non-conforming structures and manufactured home units located within an approved and licensed manufactured home park.

- (7) **State and County Regulations.** More restrictive standards regarding building setback and property access may be imposed by state and county regulations in certain circumstances where lots abut on state or county highways.

25.18 Use Restrictions. The following use restrictions and regulations shall apply:

- (1) **Principal Uses.** Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in a designated district.
- (2) **Accessory Uses.** Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry other than a permitted home occupation. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's, and watchman's quarters not for rent; private swimming pools; and private emergency shelters.
- (3) **Conditional Uses.** Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Plan Commission in accordance with Section 4.0 of this Ordinance. The Village Board shall act as the Board of Appeals for conditional uses granted by the Plan Commission.
- (4) **Unclassified Uses.** Unclassified or Unspecified Uses may be permitted by the Village Plan Commission provided that such uses are similar in character to the principal uses permitted in the district. The Village Board shall act as the Board of Appeals for the unclassified uses granted by the Plan Commission.
- (5) **Temporary Uses.** Temporary Uses, such as shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Planning Commission.

25.19 Mobile Homes. No mobile homes built prior to June 15, 1976 or that otherwise fails to comply with all manufactured home construction and safety standards established under 242 USC Sec. 5401, et seq., other than non-conforming structures, shall be permitted to be used as permanent residences within the Village.

25.20 Reduction or Joint Use. No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for structure or use shall be used for any other structure or use.

25.21 Violations. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Board of Trustees, the Zoning Administrator, the Village Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate

action or proceeding to enjoin a violation of this Ordinance.

25.22 Penalties. Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than twenty dollars (\$20) or more than two-hundred dollars (\$200) and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

25.23 Zoning Districts Designated. For the purpose of this Chapter, the Village of Gratiot is hereby divided into the following zoning districts:

- (1) R-1 Single-Family Low-Density Residential District
- (2) R-2 Single-Family Medium-Density Residential District
- (3) R-3 Multi-Family Residential District
- (4) B-1 General Business District
- (5) B-2 Highway and Service Business District
- (6) I-1 Industrial District
- (7) A-1 Agricultural District
- (8) PG Public Grounds District
- (9) CON Conservancy District
- (10) PUD Planned Unit Development District

25.24 District Boundaries.

- (1) **Zoning Map.** The boundaries of These Districts are hereby established as shown on a map entitled "Zoning Map, Village of Gratiot, Wisconsin" which accompany and are part of this Ordinance. A certified copy of the zoning map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Village Clerk and shall be available to the public in the office of the Village Clerk. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.
- (2) **Boundary Lines.** Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the zoning map.
- (3) **Vacation.** Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (4) **Annexations and Consolidations.** Annexations to or consolidations with the Village subsequent to the effective date of this Ordinance shall be placed in the A-1 Agricultural District unless the annexation ordinance places the land in another district. Within ninety (90) days, the Village Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

25.25 R-1 Single-Family Low Density Residential District. The R-1 Single Family Residential District is primarily intended to provide for low density, detached single-family homes, subject to the following:

- (1) Permitted Uses.** The following uses of land are permitted in the R-1 District:
 - (a) Single-family detached residences.
 - (b) Horticulture and gardening, but not including commercial greenhouses.
 - (c) Essential facilities and services.
 - (d) Community living arrangements that have a capacity for eight (8) or fewer persons and not closer than one-quarter (1/4) mile from a similar facility.
 - (e) Foster family care.
 - (f) Home occupations (permitted).
 - (g) Accessory uses and buildings as follows: Private garages and carports for up to three (3) cars for each residential parcel with a maximum of eight-hundred-sixty-four (864) square feet, provided that no such garage shall be erected prior to the construction of the principal building to which it is accessory.
 - (h) Paved parking areas when located on the same lot and not including the conduct of business, except as a permitted household occupation or conditional use.
 - (i) Gardening, tool and storage sheds incidental to the residential use, not to exceed one-hundred-ninety (190) square feet.
 - (j) Uses and structures customarily accessory and clearly incidental to permissible principal use and structures.
 - (k) Signs as permitted by Village ordinances.

- (2) Conditional Uses.** The following are permitted as conditional uses in the R-1 District:
 - (a) Elementary and secondary schools and churches.
 - (b) Boarding, rooming, lodging, and bed and breakfast houses.
 - (c) Community living arrangements that have a capacity for nine (9) or more persons.
 - (d) Home occupations (conditional).
 - (e) Two-family dwellings, with a minimum of eight-hundred (800) square feet per unit.
 - (f) Garages larger than eight-hundred-sixty-four (864) square feet in size.

- (3) Lot, Yard and Building Requirements.** Within the R-1 District, the following standards shall apply:
 - (a) **Lot Width.** Minimum eighty (80) feet.
 - (b) **Lot Area.** Minimum nine-thousand (9,000) square feet.
 - (c) **Building Coverage.** Thirty-five percent (35%) maximum building coverage.

- (d) **Principal Building:**
- (e) **Front Yard.** Minimum twenty (20) feet.
- (f) **Side Yards.** Minimum twelve (12) feet.
- (g) **Rear Yards.** Minimum thirty (30) feet.
- (h) **Building Height.** Maximum thirty-five (35) feet, and no more than two and one-half (2-1/2) stories.
- (i) **Building Area.** Each side of a dwelling shall be a minimum of twenty (20) feet in dimension but not less than nine-hundred (900) square feet total floor area.
- (j) **Accessory Building:**
- (k) **Front Yard.** Minimum twenty (20) feet (must be behind principle structure).
- (l) **Side Yards.** Minimum three (3) feet.
- (m) **Rear Yard.** Minimum three (3) feet.
- (n) **Building Height.** Maximum twenty-five (25) feet.

25.25 R-2 Single-Family Medium Density Residential District. The R-2 Single Family Residential District is primarily intended to provide for medium density, detached single-family homes, subject to the following:

- (1) **Permitted Uses.** The following uses of land are permitted in the R-2 District: Single family detached residences.
 - (a) Horticulture and gardening, but not including commercial greenhouses.
 - (b) Essential facilities and services.
 - (c) Community living arrangements that have a capacity for eight (8) or fewer persons and not closer than one-quarter (1/4) mile from a similar facility.
 - (d) Foster family care.
 - (e) Home occupations (permitted).
 - (f) Accessory uses and buildings as follows: Private garages and carports for up to three (3) cars for each residential parcel with a maximum of eight-hundred-sixty-four (864) square feet, provided that no such garage shall be erected prior to the construction of the principal building to which it is accessory.
 - (g) Paved parking areas when located on the same lot and not including the conduct of business, except as a permitted household occupation or conditional use.
 - (h) Gardening, tool and storage sheds incidental to the residential use, not to exceed one-hundred-ninety (190) square feet.
 - (i) Uses and structures customarily accessory and clearly incidental to permissible principal use and structures.
 - (j) Signs as permitted by Village ordinances.
- (2) **Conditional Uses.** The following are permitted as conditional uses in the R-2 District:

- (a) Elementary and secondary schools and churches.
- (b) Boarding, rooming, lodging, and bed and breakfast houses.
- (c) Community living arrangements that have a capacity for nine (9) or more persons.
- (d) Home occupations (conditional).
- (e) Two-family dwellings, with a minimum of eight-hundred (800) square feet per unit.
- (f) Garages larger than eight-hundred-sixty-four (864) square feet in size.

(3) Lot, Yard and Building Requirements. Within the R-2 District, the following standards shall apply:

- (a) **Lot Width.** Minimum fifty (50) feet.
- (b) **Lot Area.** Minimum five-thousand (5,000) square feet.
- (c) **Building Coverage.** Thirty-five percent (35%) maximum building coverage.
- (d) **Principal Building:**
- (e) **Front Yard.** Minimum fifteen (15) feet.
- (f) **Side Yards.** Minimum ten (10) feet.
- (g) **Rear Yards.** Minimum twenty-five (25) feet.
- (h) **Building Height.** Maximum thirty-five (35) feet, and no more than two and one-half (2-1/2) stories.
- (i) **Building Area.** Each side of a dwelling shall be a minimum of twenty (20) feet in dimension but not less than nine-hundred (900) square feet total floor area.
- (j) **Accessory Building:**
- (k) **Front Yard.** Minimum fifteen (15) feet (must be behind principle structure).
- (l) **Side Yards.** Minimum three (3) feet.
- (m) **Rear Yard.** Minimum three (3) feet.
- (n) **Building Height.** Maximum twenty-five (25) feet.

25.27 R-3 Multiple-Family Residential District. The R-3 Multiple-Family Residential District is primarily intended to provide for multiple-family housing, subject to the following:

(1) Permitted Uses. The following uses of land are permitted in the R-3 District:

- (a) Multi-family residential units.
- (b) Horticulture and gardening, but not including commercial greenhouses.
- (c) Charitable or non-profit institutions and facilities.
- (d) Essential facilities and services.
- (e) Community living arrangements that have a capacity for eight (8) or fewer persons and not closer than one-quarter (1/4) mile from a similar facility.
- (f) Home occupations (permitted).
- (g) Accessory uses and buildings as follows: Private garages and carports for

up to three (3) cars for each residential parcel with a maximum of eight-hundred-sixty-four (864) square feet, provided that no such garage shall be erected prior to the construction of the principal building to which it is accessory.

- (h) Paved parking areas when located on the same lot and not including the conduct of business, except as a permitted household occupation or conditional use.
- (i) Gardening, tool and storage sheds incidental to the residential use, not to exceed one-hundred-ninety (190) square feet.
- (j) Uses and structures customarily accessory and clearly incidental to permissible principal use and structures.
- (k) Signs as permitted by Village ordinances.

(2) Conditional Uses. The following uses of land are permitted as conditional uses in the R-2 District:

- (a) Rooming and boarding houses.
- (b) Clubs, lodges, and meeting places of a non-commercial nature.
- (c) Community living arrangements that have a capacity for nine (9) or more persons, rest homes, convalescent homes, nursing homes, homes for the care of children, homes for the care of the indigent, and similar institutions (CBRF).
- (d) Day care facilities.
- (e) Libraries, museums and art galleries.
- (f) Hospitals and clinics.
- (g) Funeral homes.
- (h) Home occupations (conditional).
- (i) Garages larger than eight-hundred-sixty-four (864) square feet in size.
- (j) Uses customarily incidental to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.

(3) Lot, Yard and Building Requirements. Within the R-3 District, the following standards shall apply:

- (a) **Lot Width.** Minimum seventy-five (75) feet.
- (b) **Lot Area: Two-Family.** Minimum seven-thousand-five-hundred (7,500) square feet.
- (c) **Lot Area: Multi-Family.** Minimum ten-thousand (10,000) square feet, with two-thousand (2,000) square feet per efficiency unit, two-thousand-five-hundred (2,500) square feet per one-bedroom unit, and three-thousand (3,000) square feet per two-bedroom unit.
- (d) **Building Coverage.** Thirty-five percent (35%) maximum building coverage.
- (e) **Principal Building:**
- (f) **Front Yard.** Minimum fifteen (15) feet.

- (g) **Side Yards: Two-Family.** Minimum ten (10) feet on each side
- (h) **Side Yards: Multi-Family.** Minimum fifteen (15) feet on each side.
- (i) **Rear Yards.** Minimum twenty-five (25) feet.
- (j) **Building Height.** Maximum forty (40) feet, and no more than three (3) stories.
- (k) **Floor Area:** Minimum six-hundred (600) square feet/unit.
- (l) **Accessory Building:**
- (m) **Front Yard.** Minimum fifteen (15) feet (must be behind principle structure).
- (n) **Side Yards.** Minimum three (3) feet.
- (o) **Rear Yard.** Minimum three (3) feet.
- (p) **Building Height.** Maximum twenty-five (25) feet.

25.28 B-1 General Business District. The B-1 District is intended to provide an area for the business and commercial needs of the community, especially those that can be most suitably located in a compact and centrally located business district, subject to the following:

(1) Permitted Uses. The following uses of land are permitted in the B-1 District:

- (a) Art and school supply stores.
- (b) Automotive servicing repairs and gasoline sales.
- (c) Antique shops.
- (d) Appliance stores.
- (e) Barber shops and beauty parlors.
- (f) Banks and other financial institutions.
- (g) Business and professional offices.
- (h) Candy and ice cream stores.
- (i) Caterers.
- (j) Churches.
- (k) Clothing repair shops.
- (l) Convenience stores.
- (m) Delicatessens, bakeries.
- (n) Department stores, variety stores.
- (o) Drug stores.
- (p) Dwelling units above the ground floor.
- (q) Electrical supply.
- (r) Food stores.
- (s) Funeral homes.
- (t) Furniture stores.
- (u) Government and cultural uses.
- (v) Hardware stores.
- (w) Hotels and motels.
- (x) Jewelry stores.
- (y) Medical and dental clinics.
- (z) Newspaper offices.

- (aa) Opticians and optical stores.
- (bb) Paint stores, retail only.
- (cc) Parking facilities.
- (dd) Photographic studios.
- (ee) Small animal hospitals.
- (ff) Upholsterer's shops.
- (gg) Utilities and essential services.

(2) **Conditional Uses.** The following are permitted as conditional uses within the B-1 District:

- (a) Cocktail lounges, clubs and taverns, with permit by Village Board.
- (b) Liquor stores.
- (c) Other similar business uses not specifically listed above which are compatible with established uses on adjoining properties.

(3) **Lot, Yard and Building Requirements.** Within the B-1 District, the following standards shall apply:

- (a) **Lot Width.** Minimum fifty (50) feet.
- (b) **Lot Area.** Minimum five-thousand (5,000) square feet.
- (c) **Front Yard.** None.
- (d) **Side Yards: Fireproof Construction.** None.
- (e) **Side Yards: Non-Fireproof Construction.** Minimum ten (10) feet.
- (f) **Rear Yards.** Minimum twenty-five (25) feet.
- (g) **Building Height.** Maximum forty (40) feet, and no more than three (3) stories.

25.29 B-2 Highway and Service Business District. The purpose of the B-2 District is to provide for principally motor vehicle oriented or dependent commercial activities that cater to the traveling public, or require larger land areas than can normally be found in the downtown business district. Lot dimensional requirements are established to provide for the orderly grouping of commercial uses and for adequate off-street parking, subject to the following:

(1) **Permitted Uses.** The following uses are permitted in the B-2 District:

- (a) Convenience stores.
- (b) Motels and hotels.
- (c) Restaurants and drive-in establishments serving food or beverages.
- (d) Service stations and automobile repair businesses.
- (e) Tourist information and hospitality centers.
- (f) Banks and other financial institutions.
- (g) Bowling alleys.
- (h) Carwash.
- (i) Hardware stores.

- (j) Business and professional offices.
- (k) Small motor sales and/or service.
- (l) Essential facilities and services, utilities.
- (m) Health clubs.
- (n) Miscellaneous repair services.

(1) Conditional Uses. The following uses are permitted as conditional uses in the B-2 District:

- (a) Veterinary clinics.
- (b) Agricultural services.
- (c) General building contractors; general contractors--heavy construction; special trade contractors.
- (d) Retail trade with outside display and storage, such as boat dealers, building materials, farm machinery and equipment sales and service, lawn and garden supply, manufactured home dealers, motor vehicle dealers, recreation and utility trailer dealers.
- (e) Other business uses not specifically listed above that are consistent with the purpose and intent of this district, with approval of the Plan Commission.

(3) Lot, Yard and Building Requirements. Within the B-2 District, the following standards shall apply:

- (a) **Lot Width.** Minimum seventy-five (75) feet.
- (b) **Lot Area.** Minimum seven-thousand-five-hundred (7,500) square feet.
- (c) **Front Yard.** Minimum twenty-five (25) feet
- (d) **Side Yards.** Minimum ten (10) feet.
- (e) **Rear Yards.** Minimum twenty-five (25) feet.
- (f) **Building Height.** Maximum fifty (50) feet, and no more than three (3) stories.

25.30 I-1 Industrial District. The purpose of the I-1 District is to provide appropriate areas within the Village limits for manufacturing and related activities that strengthen the Village's economic base and that are not incompatible with other land uses in the Village, subject to the following:

(1) Permitted Uses. The following uses are permitted in the I-1 District:

- (a) Freight yards, freight terminals, and trans-shipment depots.
- (b) Inside storage, warehousing.
- (c) Wholesale trade, durable goods and non-durable goods.
- (d) Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textile, and wood.
- (e) Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food, instruments,

- jewelry, pharmaceuticals, tobacco, and toiletries.
- (f) Other similar uses not specifically listed.

(2) Conditional Uses. The following are permitted as conditional uses in the I-1 District:

- (a) Disposal areas, incinerators and sewage disposal plants.
- (b) Dwelling for a watchman employed on the premises and members of his family.
- (c) Manufacturing establishments that require outside storage areas that may be objectionable to surrounding land uses. The Village Board may require solid fencing or evergreen plantings to screen objectionable outside storage areas from other properties or from the public right-of-way.

(3) Prohibited Uses. The following uses are not permitted within the I-1 District:

- (a) Abattoirs, except for slaughter of poultry.
- (b) Acid manufacture.
- (c) Cement, lime, gypsum, or plaster-of-paris manufacture.
- (d) Dead animal reduction or dumping.
- (e) Distillation of bones.
- (f) Explosives manufacture or storage.
- (g) Fat rendering.
- (h) Fertilizer manufacture.
- (i) Glue manufacture.
- (j) Junk yards.
- (k) Petroleum refining.
- (l) Residential (other than watchman residence), educational, or institutional uses.
- (m) Uses in conflict with village or state ordinances governing nuisances.

(4) Lot, Yard and Building Requirements. Within the I-1 District, the following standards shall apply:

- (a) **Lot Width.** Minimum one-hundred (100) feet.
- (b) **Lot Area.** Minimum ten-thousand (10,000) square feet.
- (c) **Building Coverage.** Maximum fifty percent (50%).
- (d) **Principal Building:**
- (e) **Front Yard.** Minimum twenty-five (25) feet.
- (f) **Side Yards.** Minimum twenty (20) feet.
- (g) **Rear Yards.** Minimum twenty-five (25) feet.
- (h) **Building Height.** Maximum seventy-five (75) feet, and no more than three (3) stories.
- (i) **Accessory Building:**
- (j) **Front Yard.** Minimum twenty-five (25) feet (must be behind principle structure).

- (k) **Side Yards.** Minimum ten (10) feet.
- (l) **Rear Yard.** Minimum ten (10) feet.
- (m) **Building Height.** Maximum twenty-five (25) feet.

- (5) **Required Buffer Strips.** Where the I-1 Industrial District abuts a residential district or adjoins along a street line opposite a residential district, a buffer strip of not less than fifteen (15) feet in width as measured at right angles to the lot line shall be provided. Plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round effective visual screen when viewed from the residential district shall be planted within the buffer strip. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be not less than five (5) feet or more than ten (10) feet in height, and shall be of such materials as to effectively screen the industrial area. No parking, exterior storage of any material or accessory use is allowed within the buffer strip.

25.31 A-1 Agricultural District. The purpose of this district is to preserve those agricultural lands, woodlands, and wetlands where it has been determined that their highest and best uses are in long-term agriculture or wildlife habitat, and to prevent uneconomical scattering of residential, commercial, and industrial development in such areas, subject to the following:

- (1) **Permitted Uses.** The following are permitted uses in the A-1 District:
- (a) Forestry and forest management.
 - (b) General crop farming, including floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, viticulture, and similar agricultural uses.
 - (c) Greenhouses.
 - (d) One single-family dwelling per parcel.
 - (e) Roadside stands for the sale of farm products produced on the premises, not exceeding one per farm. Any such stand shall conform to the setback, sign, and other provisions of this Ordinance.
 - (f) General livestock and poultry raising, dairying, and other animal raising and management activities, provided the buildings in which farm animals are kept or manure is stored shall be at least one hundred (100) feet from the nearest lot line.
- (2) **Conditional Uses.** The following are permitted as conditional uses in the A-1 District:
- (a) Sale and service of machinery used in agricultural production.
 - (b) The storage and sale of seed, feed, fertilizer, and other products essential to farm production.
 - (c) Utility uses except transmission corridors.
 - (d) Veterinary services for farm animals.
 - (e) Similar agriculturally-related business uses.

(f) Mineral extraction.

(3) Lot, Yard and Building Requirements. Within the A-1 District, the following standards shall apply:

(a) **Lot Width.** Minimum one-hundred-fifty (150) feet.

(b) **Lot Area.** Minimum one (1) acre.

(c) **Front Yard.** Minimum fifty (50) feet*

(d) **Side Yards.** Minimum fifty (50) feet*

(e) **Rear Yards.** Minimum fifty (50) feet*

*(100 feet for buildings containing animals or manure storage).

(f) **Building Height.** Maximum of two times their distance from the nearest lot line.

(4) Standards for Rezoning. Decisions on petitions for rezoning land from the A-1 Agricultural District shall be based on findings that consider the following:

(a) Adequate public facilities to serve the development are present or will be provided.

(b) The land is suitable for development.

(c) The development is designed to minimize the potential for conflict with remaining agricultural uses in the area.

(d) The development is consistent with the Village Comprehensive Development Plan.

25.32 PG Public Grounds District. The PG District is limited to those areas owned and/or used exclusively by the village, school, or other governmental agencies and/or used exclusively for recreation and public purposes, subject to the following:

(1) Permitted Uses. The following are permitted uses in the PG District:

(a) Government offices, garages and storage facilities.

(b) Greenways, open space.

(c) Libraries.

(d) Playgrounds and parks.

(e) Schools.

(f) Swimming pools, shelters, and other recreation buildings.

(g) Water towers, wells and pumping facilities.

(h) Parking lots.

(i) Cemeteries.

(2) Conditional Uses. The following are conditional uses in the PG District:

(a) Campgrounds, travel trailer parks.

(b) Sewage treatment plants.

(c) Golf courses.

- (d) Temporary festivals, concerts, and other social/entertainment events, including associated retail sales with Village Board approval.
- (3) **Lot, Yard and Building Requirements.** Within the PG District, the following standards shall apply:
- (a) **Lot Frontage.** None.
 - (b) **Lot Area.** None.
 - (c) **Front Yard.** None.
 - (d) **Side Yards.** Must meet requirements of abutting districts.
 - (e) **Rear Yard.** Must meet requirements of abutting districts.
 - (f) **Building Height.** None.

25.33 CON Conservancy District. This district is intended to preserve the natural state of scenic areas in the Village and to prevent the uncontrolled, uneconomical spread of residential or other development, and to help to discourage intensive development of marginal lands, particularly flood plain lands and steep slopes, as to prevent hazards to public and private property, subject to the following:

- (1) **Permitted Uses.** The following are permitted uses in the CON District:
- (a) Flood mitigation facilities.
 - (b) Forestry and the management of woodlands.
 - (c) Hiking trails and bridle paths.
 - (d) Agriculture, grazing.
 - (e) Hunting, fishing, and trapping.
 - (f) Management of wildlife, including waterfowl, fish, and other similar lowland animals.
 - (g) Park and recreation areas.
 - (h) Wildlife preserves.
 - (i) Uses similar and customarily incidental to any of the above uses.
- (2) **Conditional Uses.** The following are permitted as conditional uses in the CON District:
- (a) Essential services and facilities.
 - (b) Removal of topsoil, peat.
 - (c) Non-residential buildings and structures used solely in conjunction with permitted or approved conditional use.
- (3) **Lot, Yard and Building Requirements.** There are no lot size or other dimensional standards applicable in the conservancy district. Buildings or other structures must conform to the setback requirements of the abutting districts and the floodplain requirements, if applicable.

25.34 PUD Planned Unit Development District. The Planned Unit Development District is

established to promote improved environmental design and innovative uses of land in the Village of Gratiot. To this intent this District allows variation in the relationship of uses, structures, and open spaces in developments conceived and implemented as cohesive unified projects. It is further intended to encourage more rational and well-planned developments with relationship to public services, energy efficiency, and community appearance consistent with the overall intent of this Ordinance and the Comprehensive Plan of the Village of Gratiot, subject to the following:

- (1) **Permitted Uses.** Any permitted or conditional use in the other Districts in this Ordinance may be permitted subject to the criteria listed below, but such conditions or requirements as are made a part of an approved development plan shall be construed to be and enforced as a part of this Ordinance.
- (2) **Lot, Building, Yard, and Parking Requirements.** In the Planned Unit Development District, there shall be no specific lot area, lot width, yard, height, parking and open space requirements, but such requirements as are made a part of an approved development plan shall be construed to be and enforced as a part of this Ordinance.
- (3) **Criteria for Approval.** As a basis for determining the acceptability of application for zoning to the Planned Unit Development District, the following criteria shall be applied to the proposed development plan:
 - (a) The proposed development shall be compatible with the physical nature of the site with particular concern for preserving natural features, existing vegetation, and topography.
 - (b) The proposed development shall be an asset to the community aesthetically. The buildings and uses shall blend in with the surrounding neighborhood.
 - (c) The proposed development shall not create a traffic or parking demand incompatible with existing or proposed facilities. The width and location streets, other paving, and lighting should be appropriate to the uses proposed. In no case shall standards be less than that necessary to ensure public safety as determined by the Village.
 - (d) The proposed development shall not place avoidable stress on the Village's water supply, sanitary sewer, and storm water drainage systems.
 - (e) The proposed development shall make adequate provisions for the permanent preservation and maintenance of open space.
 - (f) The proposed development makes provision for any reasonable accommodations necessary for handicapped residents.
- (4) **Procedure.**
 - (a) The procedure for rezoning to the Planned Unit Development District shall be the same as for any other Zoning District change, except that in addition a general development plan shall be submitted to the Village Plan Commission. The general development plan of the proposed project shall

be presented at a scale of 1" = 100' and shall show at least the following information:

1. The pattern of public and private roads, driveways, and parking facilities.
2. A description of land uses and building types, size, and arrangements.
3. A utility feasibility analysis.
4. The location of recreational and open space areas reserved or dedicated to the public.
5. General landscape treatment.
6. The plan for phasing the development.
7. Any other data required by the Village Plan Commission or Board.

(b) Upon final approval and adoption of the zoning change to the Planned Unit Development District, all plans submitted as well as other commitments, restrictions, and other factors pertinent to assuring that the project will be carried out as presented, shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans.

(c) Detailed plans are not required to be completed at the time the zoning is approved; however, the review process may be made faster by doing so. Before any building permit is issued, the Plan Commission shall review and approve a Specific Implementation Plan. The applicant shall file the following with the Plan Commission:

1. A final plat of the entire development area showing detailed lot layout, intended uses of each parcel, public dedication, public and private streets, driveways, walkways, and parking facilities.
2. The location and treatment of open space areas.
3. The arrangement of building groups other than single family residences and all final landscape plans.
4. Architectural drawings and sketches illustrating the design of proposed structures.
5. A utility plan locating all utility installations.
6. A storm water drainage and erosion control plan.
7. Agreements, by-laws, provisions, or covenants that govern the organizational structure, use, maintenance, and continued protection of the Planned Unit Development.

(d) At a regular meeting, the Plan Commission shall approve or require changes consistent with the approved general development plan. Upon final approval of the specific implementation plans, they shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans. All covenants, restrictions, or contractual agreements with the Village shall be recorded

with the Register of Deeds before final issuance of building permits.

- (5) **Modifications.** Any subsequent change of use of any parcel of land or addition or modification of any approved development plans shall be submitted to the Plan Commission for approval. Minor changes can be granted administratively by the Plan Commission. Major changes shall require a public hearing preceded by a Class 1 Notice.

25.35 Statement of Purpose; Conditional Uses. The development and execution of this section is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

25.36 Permits. The Village Plan Commission may require the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

25.37 Application. Applications for zoning permits for conditional uses shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following:

- (1) Name and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- (2) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.
- (3) Site Plan showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the site plan shall show the location, and use of any abutting lands and their structures within forty (40) feet of the subject site. Additional Information as may be required by the Village Plan Commission or Zoning Administrator.
- (4) Anyone that is disabled or claims to be disabled, and seeks a reasonable accommodation because of that disability, shall set forth on the application for the

conditional use permit the nature of the disability, and the requested accommodation or accommodations and a statement as to why such an accommodation is needed.

25.38 Hearings. The Village Plan Commission shall hold a public hearing upon each conditional use application giving Class 2 Notice thereof and written notice shall be given to all abutting and opposite property owners of record.

25.39 Review and Approval. The Village Planning Commission shall use the following standards when reviewing applications for conditional use:

- (1) That the establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or reduce the values of other property, or endanger the public health, safety, morals, comfort or general welfare.
- (2) That adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.
- (3) That the conditional use conforms to all applicable regulations of the district in which it is located.
- (4) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property or uses permitted in the district.
- (5) That the conditional use conforms to the purpose and intent of the village land use plans.
- (6) Any shown disability by the applicant, for which a reasonable accommodation may be made under this paragraph, shall be at the discretion of the Plan Commission

25.40 Application of Standards. When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board and Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.

25.41 Conditions. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Village Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

25.42 Compliance. Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses. Variances shall only be granted as provided in other sections of this ordinance.

25.43 Approval. Following the public hearing and review of the conditional use application,

the planning commission shall approve, disapprove, or further conditionally approve the application. A simple majority approval by the planning commission constitutes final approval of the conditional use. No further action by the Village Board is required.

25.44 Conditional Terms. Any reasonable accommodation granted under this paragraph or Chapter shall have the conditional terms and conditions of such reasonable accommodation set forth in the conditional use permit.

25.45 Denial. No application for a conditional use which has been denied wholly or in part by the Plan Commission shall be resubmitted for a period of one (1) year from the date of the denial, or based on a disability requiring reasonable accommodation, except on the grounds of new evidence or proof of change of conditions found to be valid by the Plan Commission.

25.46 Complaints Regarding Conditional Uses. The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval of violation of any other provision of this Code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards or conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that the standards will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

25.47 Appeal from Action of the Plan Commission. An appeal from the decision of the Plan Commission may be taken to the Village Board by the applicant of the conditional use or by one or more of the property owners notified objecting to the establishment of such conditional use. Such appeal must specify the grounds thereof in respect to the findings of the Plan Commission and must be filed with the Village Clerk-Treasurer within ten (10) days of the final action of the Plan Commission. The Village Clerk-Treasurer shall file such appeal with the Village Board. The Village Board shall fix a reasonable time for the hearing of the appeal, and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The action of the Plan Commission shall be deemed just and equitable unless the Village Board, by a favorable

vote of a majority of the members of the Village Board present, reverses or modifies the action of the Plan Commission. An appeal from a decision of the Village Board shall be commenced by the remedy of certiorari in Circuit Court within thirty (30) days of the date of the decision. If the asserted ground(s) of an appeal is based upon a claim that a disability was not reasonably accommodated, such ground shall be set forth with specificity.

25.48 Record Keeping. Records of all Village Planning Commission actions approving conditional uses shall be maintained by the Zoning Administrator and shall be referred to in regard to enforcement and modification of conditional use approvals. All public hearings shall be recorded by a court reporter, when an applicant has requested a reasonable accommodation, the Board may request in advance of the hearing, any documentary or medical evidence that supports the applicant's claim that he or she is disabled. If that documentation is not sufficient, then the applicant shall submit themselves for an appropriate medical evaluation as the Village may request. The cost of such an evaluation shall be immediately bore by the Village, except that if no reasonable basis exists for the claimed disability, the Village shall be entitled to seek reimbursement for the expense from the applicant.

25.49 Traffic Visibility. No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2-1/2) feet and ten (10) feet above the plane through the mean curb-grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of twenty-five (25) feet from their intersection. (Refer to Figure 5 in Appendix.) In the Case of Arterial Streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

25.50 Loading Requirements. In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way. This section applies to new uses or uses undergoing substantial remodeling or expansion.

25.51 Parking Requirements. The following apply regarding parking:

- (1) **Design Standards.** In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:
 - (a) Adequate Access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for parking areas for less than ten (10) vehicles and twenty (20) feet for parking lots for ten (10) or more vehicles.
 - (b) Size of each parking space shall be not less than one-hundred-eighty (180) square feet exclusive of the space required for ingress and egress.

- (c) Location to be on the same lot as the principal use or not over four-hundred (400) feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district, and no residential driveway shall be closer than eight (8) feet from any lot line except on cul-de-sacs.
 - (d) Curbs or Barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (2) **Lighting.** Any lighting used to illuminate an off-street parking area shall be shaded or diffused in order to direct the light away from adjoining properties and adjoining streets.
- (3) **Surfacing.** All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking areas for more than five (5) vehicles shall be paved and have the aisles and spaces clearly marked.
- (4) **Number.** The number of parking stalls required for various uses is as follows:
- (a) Single-family dwellings: two (2) stalls for each dwelling unit.
 - (b) Multi-family dwellings (housing for the elderly exempted): two (2) stalls for each dwelling unit.
 - (c) Hotels, motels: one (1) stall for each guestroom plus one (1) stall for each three (3) employees.
 - (d) Hospitals, clubs, lodges, sororities, dormitories, lodging and boarding houses: one (1) stall for each two (2) beds plus one (1) stall for each three (3) employees.
 - (e) Rest and nursing homes: one (1) stall for each five (5) beds plus one (1) stall for each three (3) employees.
 - (f) Medical and dental clinics: three (3) stalls for each doctor.
 - (g) Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly: one (1) stall for each five (5) seats.
 - (h) Colleges, secondary and elementary schools: one (1) stall for each two (2) employees plus one (1) stall per student auto permitted.
 - (i) Restaurants, bars, places of entertainment, repair shops, retail and service stores: one (1) stall for each one-hundred (100) square feet of floor area.
 - (j) Manufacturing and processing plants, laboratories, and warehouses: one (1) stall for each three (3) employees.
 - (k) Financial institutions, business, governmental, and professional offices: one (1) stall for each two-hundred (200) square feet of floor area, plus one (1) stall for each two (2) employees.
 - (l) Funeral homes: one (1) stall for each four (4) seats plus one (1) stall per vehicle used in the business.
 - (m) Bowling alleys: five (5) stalls for each alley.

- (5) **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
- (6) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use that is similar shall apply.

25.52 Driveways. All driveways installed, altered, changed, replaced, or extended after the effective date of this chapter shall meet the following requirements:

- (1) Islands between driveway openings in business and industrial areas shall be provided with a minimum of twelve (12) feet between all driveways and six (6) feet at all lot lines.
- (2) Openings for vehicular ingress and egress shall not exceed twenty-four (24) feet at the street line and thirty (30) feet at the roadway.

25.53 Highway Access.

- (1) **Private Access Restricted.** No direct private access shall be permitted to the existing or proposed rights-of-way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (2) **Public or Private Access Prohibited.** No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
 - (a) Arterial streets intersecting another arterial street within one-hundred (100) feet of the intersection of the right-of-way lines.
 - (b) Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines.
- (3) **Barriers.** Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers may be required to prevent unauthorized vehicular ingress or egress to the above-specified streets or highways as deemed necessary by the Village Board.
- (4) **Temporary Access.** The Village Board may grant temporary access to the above rights-of-way after review and recommendation by the highway agencies having jurisdiction. Such access permits shall be temporary and revocable and subject to any conditions required, and shall be issued for a period not to exceed twelve (12) months.

25.54 Storage and Parking of Recreational Vehicles.

- (1) **Definitions—Recreational Vehicles.** For purposes of this Section, the following definitions shall apply:

- (a) **Recreational Vehicle.** Recreational vehicle means any of the following:
1. **Travel Trailer.** A vehicular, portable structure built on a chassis and on wheels; that is, between ten (10) and thirty-six (36) feet long, including the hitch, and eight (8) feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
 2. **Pick-up Coach.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
 3. **Motor Home.** A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
 4. **Camping Trailer.** A vehicle with a canvas, collapsible or folding structure, designed for human habitation for travel, recreation, vacation or other uses and is mounted on wheels and towed by a motor vehicle.
 5. **Chassis Mounts, Motor Homes and Mini-Motor Homes.** Recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom.
 6. **Converted and Chopped Van.** Recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
 7. **Fifth-Wheel Mobile Home.** A vehicle designed to be towed by a vehicle upon a highway, as a single unit or in sections, with a flatbed frame so the trailer hitch of the mobile home is bolted to the flatbed frame of the towing vehicle. This mobile home is equipped and used or intended to be used primarily for human habitation, with walls of rigid uncollapsible construction.
- (b) **Boat or Snowmobile Trailer.** A vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article, is termed an unmounted boat or snowmobile.
- (c) **Boat.** Every description of watercraft used or capable of being used as a means of transportation on water.

(2) **Permitted Parking or Storage of Recreational Vehicles.** In all residential and commercial districts provided for in this Zoning Code, it is permissible to park and store a recreational vehicle or boat and boat trailer on private property in the following manner:

- (a) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where

located.

- (b) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five (5) feet to the lot line.
- (c) Parking is permitted outside in the front yard on a hard-surfaced or well-drained gravel driveway, provided:
 - 1. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard.
 - 2. A corner lot is always deemed to have reasonable access to the rear yard.
 - 3. A fence is not necessarily deemed to prevent reasonable access.
 - 4. Inside parking is not possible.
 - 5. The unit is parked perpendicular to the front curb.
- (d) No part of the unit may extend over the public sidewalk or public right-of-way.
- (e) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
 - 1. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in any one calendar year. Cooking is not permitted at any time.
 - 2. Permanently connected to sewer lines, water lines and/or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - 3. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (f) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (g) The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.
- (h) Nothing in these ordinances shall be construed to prevent the reasonable accommodation needs and anyone that is disabled.

25.55 Storage of Tractors, Trucks and Road Machinery. No person, firm or corporation shall park, keep or maintain on properties zoned as residential or multiple residential construction equipment and road machinery unless they are stored in an enclosed building. Trucks and semi-tractors may be parked on the primary driveway of the

residence.

25.56 Accessory Uses or Structures.

- (1) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (2) **Placement Restrictions—Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
 - (a) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) accessory building may be placed on a lot.
 - (b) **Accessory Building Size Limits.** No detached accessory building or structure shall exceed the height of the principal building or structure.
 - (c) **Attached Accessory Buildings.** All accessory buildings that are attached to the principal building shall comply with the yard requirements of the principal building.
 - (d) **Detached Accessory Buildings.** No detached accessory building shall occupy any portion of the required front yard, and no detached accessory building shall occupy more than twenty percent (20%) of the rear yard, or exceed thirty (30) feet by twenty-four (24) feet in size (whichever is more restrictive), or be located within three (3) feet of any other accessory building or lot line. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure. Additional size restrictions may be prescribed for each zoning district, see Section 3.
 - (e) **Accessory Building Yard Requirements.** Accessory building yard requirements shall be as prescribed for each zoning district.
- (3) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five (5) feet to the side line of the adjacent structure. (See Appendix)
- (4) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flagpoles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (5) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent

structure may be permitted by the Zoning Administrator, and shall be removed within thirty (30) days of occupancy of the project.

- (6) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (7) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.

25.57 Outside Storage of Firewood. The following provisions shall apply regarding the outside storage of firewood:

- (1) No person shall store firewood in the front yard on residentially zoned property.
- (2) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (3) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (4) Woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code and other Village Ordinances.
- (5) **Not more than fifteen percent (15%) of the side and rear yard may be used for storage of firewood at any time.**

25.58 Fences. The following provisions shall apply regarding fences:

- (1) **Definition.** For the purpose of this Section, the following definitions apply:
 - (a) **Fence.** An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress.
 - (b) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (c) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (d) **Architectural or Aesthetic Fence.** A fence constructed to enhance the

appearance of the structure or the landscape.

- (e) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

(2) Height of Fences Regulated.

- (a) Except as provided in section 5 of this Chapter, a fence or wall may be erected, placed, or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding eight (8) feet above the ground level, except that no fence, that is located in a required front or corner side yard shall exceed a height of two and one-half (2-1/2) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be a ten (10) feet limit on the height of a fence along such lot line.
- (b) No fence or wall shall be erected, placed, maintained or grown along a lot line on any business or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding ten (10) feet.
- (c) In any residence district, no fence or wall shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected. (See Section 5)

- (4) Setback for Residential Fences.** Fences or walls in or adjacent to a residential property shall have a minimum six (6) inch side and rear yard setback. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.

- (5) Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

- (3) Prohibited Fences.** No fence shall be constructed of unsightly or dangerous materials that would constitute a nuisance, or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially and agriculturally zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.

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

- (5) Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such

fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.

- (6) **Nonconforming Fences and Hedges.** Any fence or hedge existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but any alteration, modification or improvement of said fence shall require compliance with this Section if such changes exceed fifty percent (50%).

25.59 Swimming Pools. The following provisions shall apply regarding swimming pools:

- (1) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than fifteen (15) inches located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his or her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (2) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of eighteen (18) feet and a maximum wall height of fifteen (15) inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this Section.
- (3) **Permit Required.** Before work is commenced on the construction or erection of a private or residential swimming pool or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until the applicant obtains a written permit for such work. A current fee shall accompany such application.
- (4) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
 - (a) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.
 - (b) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall

waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

- (c) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool, shall be in conformance with the state laws and Village Ordinances regulating electrical installations.

(5) Setbacks and Other Requirements.

- (a) Private swimming pools shall be erected or constructed on rear or side yards only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (b) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than six (6) feet from any lot line. The inside wall of a pool shall be located at least ten (10) feet from any overhead or underground electrical wiring except such wiring needed for the pool and related accessories.

(6) Enclosure/Fence.

- (a) Pools within the scope of this Section, which are not enclosed within a permanent building, shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than forty-two (42) inches in height and so constructed as not to have voids, holes or openings larger than six (6) inches in one (1) dimension. Gates or doors shall be kept locked while the pool is not in actual use.
 - (b) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top, or if the sidewalls are unobstructed and a minimum of thirty-six (36) inches high. Such pool must have secure access by use of self-closing/self-latching gates.
- (7) **Compliance.** All swimming pools existing at the time of passage of this Ordinance not satisfactorily fenced are not required to comply with the fencing requirements of this Section. However, any change requiring a building permit shall cause the pool to be brought into compliance with this Section.

25.60 Home Occupations and Professional Offices. The intent of this Section is to provide a means to accommodate a small family business without the necessity of a rezoning into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated;

relocation of the business to an area that is appropriately zoned may be necessary.

- (1) **Home Occupations Classified.** There are three types of home occupations allowed within the village: Permitted, Conditional and Professional Home Offices. These uses are permitted accessory uses or conditional accessory uses in all residential districts. Professional Home Offices and Conditional home occupations require a conditional use permit from the village prior to operating.
- (2) **Home Occupations: Permitted.** A permitted home occupation is defined as any occupation conducted within the principal building by residential occupants which is incidental to the residential use of the premises. Permits are not required prior to engaging in such activities, but the use must meet the following criteria:

 - (a) Such use shall not occupy more than twenty percent (20%) of the classified floor area of the principal building in which it is located and require no use of accessory structures.
 - (b) Such use shall not include the conduct of any retail or wholesale business on the premises. Garage sales are allowable provided that not more than two are held on a single premises per year and that each such sale shall not exceed four days in duration.
 - (c) Such use shall not include the outside storage or display of materials or goods.
 - (d) Such use shall not employ more than one (1) person not a resident on the premises.
 - (e) Such use shall not include the operation of any machinery, tools, or other appliances, or other operational activity, which would create a nuisance or be otherwise incompatible to the surrounding residential area.
 - (f) Such use shall not involve the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes.
- (3) **Home Occupations: Conditional.** A conditional home occupation is defined as any occupation conducted within the principal and/or accessory building by residential occupants which is incidental to the residential use of the premises and which exceeds the criteria for a permitted home occupation. The conditional home occupation must meet the following criteria:

 - (a) Such use shall not occupy more than twenty-five percent (25%) of the combined square footage of the principal building and accessory buildings used by the occupation.
 - (b) Such use shall not employ more than one (1) person not a resident on the premises.
 - (c) Such use shall not include the operation of any machinery, tools, or other appliances, or other operational activity, which would create a nuisance or be otherwise incompatible to the surrounding residential area.
 - (d) Such use shall not include the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes.

- (e) In reviewing applications for conditional home occupations the Planning Commission shall consider the following:
 - (f) Compatibility with the neighborhood.
 - (g) Traffic generation.
 - (h) Parking availability.
 - (i) Noise, odors, vibrations or other emissions which could threaten public health, safety, or welfare.
- (4) **Professional Home Offices:** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half of the area of only one (1) floor of the residence and only one (1) non-resident person is employed.
- (5) **Signs for Home Occupations.** Home occupations may have no more than one (1) sign not larger than four (4) square feet in size. Such sign shall not be located within ten (10) feet of a lot line. No signs for home occupations shall be illuminated or move in a manner to be noticeable from the public right-of-way.

25.61 Permit Required. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs excepted in **Section 9.02** and without being in conformity with the provisions of this Ordinance.

25.62 Signs Excepted. All signs are prohibited in all residential and agricultural districts except the following. Signs that meet the following requirements do not require a sign permit:

- (1) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Real Estate Signs not to exceed eight (8) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (3) Name, Home, Occupation, Professional Office, and Warning Signs not to exceed two (2) square feet located on the premises.
- (4) Farm Signs giving the name of the farm, farm owner, or commodities produced shall not exceed fifteen (15) square feet in total area.
- (5) Bulletin Boards for public, charitable, or religious institutions not to exceed eight (8) square feet in area located on the premises.

- (6) Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (7) Official Signs, such as traffic control, parking restrictions, information, and notices.
- (8) Temporary Signs or banners when authorized by the Planning Commission.
- (9) Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.
- (10) Political signs may be posted sixty (60) days before an election and must be removed within ten (10) days after said election. Said sign may be a maximum of thirty-two (32) square feet.

25.63 Signs Permitted. Signs are permitted in all business and manufacturing districts subject to the following restrictions:

- (1) **Wall Signs.** Wall Signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed four-hundred (400) square feet in area for any one premises, and shall not exceed twenty (20) feet in height above the mean centerline street grade.
- (2) **Projecting Signs.** Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one-hundred (100) square feet in area for any one premises; shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not be less than a height of ten (10) feet above the mean centerline street grade and shall not be less than fifteen (15) feet above a driveway or an alley and not be more than twenty (20) feet above a driveway or alley.
- (3) **Ground Signs.** Ground Signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed one-hundred (100) square feet in total advertising area.
- (4) **Roof Signs.** Roof Signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed three-hundred (300) square feet on all sides for any one premises.
- (5) **Window Signs.** Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.

- (6) **Combinations.** Combinations of any of the above signs shall meet all the requirements for the individual sign.

25.64 Signs Prohibited. All signs installed in the village shall conform to the following criteria:

- (1) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices.
- (2) Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
- (3) No signs shall be placed so as to obstruct or interfere with traffic visibility.
- (4) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape.
- (5) No sign shall be attached to a standpipe or fire escape.
- (6) No sign shall be placed on a tree.
- (7) No flashing, moving, or apparent moving signs shall be permitted except for railroad signals, time and temperature signs, and changeable copy displays.
- (8) Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line. Signs for nonprofit public, charitable or religious institutions and rummage/garage sale signs shall be temporarily allowed in public rights-of-way for a period not to exceed seventy-two (72) hours.

25.65 Non-Conforming Signs.

- (1) **Legal Nonconforming Signs.** Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size, or location does not conform to the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure, and the provisions of Section 10.0 shall apply.
- (2) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
 - (a) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or natural occurrence; or structurally altered in any way, except for normal

maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article.

- (b) The sign is relocated.
- (c) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
- (d) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Section with a new permit secured therefor or shall be removed.

- (3) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Section shall relieve the owner of use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Section regarding safety, maintenance and repair of signs.

25.66 Sign Removal.

- (1) At the termination of an advertised use, all signs advertising that use shall be removed from public view within thirty (30) days. Responsibility for violations shall be with the property owner according to the latest tax roll listing.
- (2) All signs shall be removed by the owner or lessee of the premises upon which the sign is located when, in the judgment of the Building Inspector, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Building Inspector or Village Board, or a designee, may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Building Inspector, Village Board or designee to the Zoning Board of Appeals.

25.67 Special Sign Requirements .

- (1) **Lighted Signs.** Lighted signs shall be shielded to prevent glare onto adjoining properties or onto the public street.
- (2) **Electronic Message Unit Signs.**
 - (a) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
 - (b) Segmented messages must be displayed for not less than ten (10) seconds.
 - (c) Traveling, continuous or rolling message signs are not permitted.
- (3) **Portable Signs/Message Boards.** Such signs shall be limited in use to thirty (30)

days at a time following approval by the Building Inspector, provided, however, that the Building Inspector shall not give approval for placement of a portable sign/message board if it presents a vision obstruction and shall not be displayed more frequently than three (3) times per year at any one (1) location.

25.68 Sign Definitions. The following definitions apply to signs referred to in this Chapter:

- (1) **Area of Sign.** The area is the perimeter that forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines.
- (2) **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (3) **Billboard.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (4) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (5) **Canopy.** A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (6) **Day.** A day shall be designated as a period of time in terms of calendar days.
- (7) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (8) **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (9) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (10) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

- (11) **Flat Sign.** A sign erected parallel, and attached directly, to a wall surface.
- (12) **Freestanding (Ground and/or Pole Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (13) **Identification Sign.** Any sign that carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (14) **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.
- (15) **Marquee Sign.** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (16) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Chapter.
- (17) **Off-Premise Sign.** Any sign, device or display that advertises goods other than that commonly available or services other than that commonly performed on the premise on which the sign is located.
- (18) **Political Sign.** Any sign displaying a candidate for an election, or a current election's subject matter.
- (19) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground, which is designed to be easily moved from one location to another.
- (20) **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way.
- (21) **Real Estate Sign.** Any sign used to offer for sale, lease or rent the property upon which the sign is placed.
- (22) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
- (23) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.
- (24) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed twenty-eight (28) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary

sign shall not exceed eight (8) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Ordinance, a portable sign is not a temporary sign.

(25) **Wall Sign.** Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than sixteen (16) inches from such wall.

(26) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way.

25.69 Existing Non-Conforming Uses . Except as otherwise specially provided in this Section, the lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, provided however:

(1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this Ordinance.

(2) Total lifetime structural repairs or alterations shall not exceed fifty percent (50%) of the Village's current equalized assessed value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.

25.70 Abolishment or Replacement of Non-Conforming Use . If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty percent (50%) of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

25.71 Existing Non-Conforming Structures . The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this Ordinance.

25.72 Changes and Substitutions of Non-Conforming Use or Structure . Changes of use may be permitted by the Village Board if such changes will reduce the incompatibility of the nonconforming use with the neighboring uses, or to permit the reasonable accommodation of the applicants shown disability. Once the Village Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Village Board. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

25.73 Non-Conforming Lots and Substandard Lots . A lot that does not contain sufficient area to conform to the dimensional requirements of this ordinance but which is at least eighty percent (80%) of the required minimums, may be used as a single-family building site provided that the use is permitted in the zoning district, providing the lot is on record in the county Register of Deeds office prior to the effective date or amendment of this Ordinance, and providing the lot is in separate ownership from abutting lots. If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.

25.74 Performance Standards. It is the intent of this section to use performance standards for the regulation of uses to facilitate a more objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects. This Chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following environmental performance standards.

25.75 Noise. No operation or activity shall transmit any noise exceeding 75 dBA from 7:00 a.m. to 11:00 p.m. and 70 dBA from 11:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:

- (1) Noises not directly under the control of the property owner;
- (2) Noises from temporary construction or maintenance activities during daylight hours;
- (3) Noises from emergency, safety or warning devices.
- (4) Concerts and festivals permitted by the Village Board.

25.76 Vibration. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source.

Vibration perception threshold means the minimum ground- or structure-borne vibration motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

25.77 Glare and Heat. No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial district which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

25.78 Odor. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wisconsin Administrative Code.

25.79 Fire and Explosive Hazards. All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive material shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

25.80 Air Pollution.

- (1) No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wisconsin Administrative Code.
- (2) No activity or operation shall be established or maintained which by reason of its nature causes emission of any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. In no case shall any activity emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mines' Information Circular 7718 in any Industrial District.

25.81 Hazardous Pollutants.

- (1) **Pollutants.** No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations

established in Chapter NR 154.19, Wisconsin Administrative Code.

- (2) **Liquid or Solid Wastes.** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

25.82 Radioactivity and Electrical Disturbances. No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

25.83 Refuse. All waste material, debris, refuse or garbage not disposed of through the public sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

25.84 Height Modifications. The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:

- (1) **Architectural Projections.** Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.
- (2) **Special Structures.** Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, windmills, substations, smoke stacks and solar collectors, are exempt from the height limitations of this Ordinance.
- (3) **Essential Services.** Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- (4) **Communication Structures.** Communication structures, such as radio and television transmissions and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- (5) **Agricultural Structures.** Agricultural Structures such as barns, silos, and windmills, shall not exceed in height two (2) times their distance from the nearest lot line.
- (6) **Public or Semi-Public Facilities.** Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental

offices, and stations may be erected to a height of sixty (60) feet provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

25.85 Yard Modifications. The yard requirements stipulated elsewhere in this Chapter may be modified as follows:

- (1) **Uncovered Stairs.** Uncovered stairs, landings, and fire escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.
- (2) **Architectural Projections.** Architectural projections, such as chimneys, flues, sills, eaves, belt courses, ornaments, and solar collectors may project into any required yard.
- (3) **Cul-de-Sac and Curve Restrictions.** Residential lot frontage on cul-de-sacs and curves may be less than the requirements of the district in which it is located, provided the width at the building setback line meets the lot width requirements and the street frontage is no less than forty (40) feet.
- (4) **Essential Services.** Essential services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
- (5) **Landscaping.** Landscaping and vegetation are exempt from the yard requirements of this Ordinance.

25.86 Average Street Yards .

- (1) The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side. Where the established setback in any residential or business districts is greater than the minimum required, no structure shall be permitted to extend in front of the established building setback line.
- (2) Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.
- (3) On a reversed corner lot each yard abutting a street shall be governed by the front yard requirements.

25.87 Zoning Board of Appeals. There is hereby established a Zoning Board of Appeals for the Village of Gratiot for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this Ordinance

in harmony with the purpose and intent of the zoning ordinance.

25.88 Zoning Board of Appeals Membership.

- (1) The Zoning Board of Appeals shall consist of five (5) citizen members appointed by the Village President and confirmed by the Village Board.
- (2) Terms shall be for staggered three-year periods.
- (3) The Chairman shall be designated by the Village President.
- (4) An Alternate Member may be appointed by the Village President for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of a conflict of interest.
- (5) Secretary shall be the Village Clerk.
- (6) Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- (7) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of this appointment.
- (8) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

25.89 Zoning Board of Appeals Organization.

- (1) The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.
- (2) Meetings shall be held at the call of the Chairman and shall be open to the public.
- (3) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

25.90 Zoning Board of Appeals Powers. The Zoning Board of Appeals shall have the following powers:

- (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or body in the course of enforcing this Ordinance.
- (2) **Variances.** To hear and grant appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- (3) The Concurring Vote of four (4) members of the Board shall be necessary to correct an error; grant a variance; and make an interpretation
- (4) **Reasonable Accommodations.** To grant reasonable accommodations for the applicants shown disability

25.91 Appeals and Applications.

- (1) **Appeals** may be made by any person aggrieved or by an officer, department, board, or commission of the Village. Such appeals shall be filed with the secretary within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator.
- (2) **Applications** may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and application shall include the following:
 - (a) Name and address of the appellant or applicant and all abutting and opposite property owners of record.
 - (b) Site plan showing all of the information required under Section 2.03 for a zoning permit.
 - (c) Additional Information required by the Village Plan Commission, Village Engineer, Zoning Board of Appeals, or Zoning Administrator.

25.92 Hearings. The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, give class 2 notice thereof, and give written notice to all abutting and opposite property owners of record. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney. A record shall be kept of the public hearing by a court reporter.

25.93 Findings. No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions

exist, and so indicates in the minutes of its proceedings or, that by clear and convincing evidence the applicants's shown disability requires that a reasonable accommodation be granted :

- (1) **Exceptional Circumstances.** There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the zoning ordinance should be changed. A reasonable accommodation due to an applicants demonstrated disability and the need for such reasonable accommodation shall be a basis for a variance under this section, and such reasonable accommodation can be made in a way the preserves other property owners rights and there can be an absence or minimization of detriment or not materially impair adjacent landowners property.
- (2) **Preservation of Property Rights.** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (3) **Absence of Detriment.** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

25.94 Decision. The Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or application, Zoning Administrator, and Village Plan Commission. Conditions may be placed upon any zoning permit ordered or authorized by this Board. Approvals granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant. An extension of another six (6) months can be requested from the Board of Appeals.

25.95 Review by Court of Record. Any person or persons aggrieved by any decisions of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Zoning Board of Appeals.

25.96 Changes and Amendments. Whenever the public necessity, convenience, general welfare, or good zoning practice

require, the Village Board of Trustees may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto. Such Change or Amendment shall be subject to the review and recommendation of the Village Plan Commission.

25.97 Initiation of Change or Amendment . A change or amendment may be initiated by the Village Board, or any member thereof, Village Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

25.98 Petition for Change . Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

- (1) Plat Plan drawn to a scale of one-inch equals one-hundred feet (1"=100') showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two-hundred (200) feet of the area proposed to be rezoned.
- (2) Owners' Names and Addresses of all properties lying within two-hundred (200) feet of the area proposed to be rezoned.
- (3) Additional Information required by the Village Plan Commission or Village Board.

25.99 Recommendations for Petition . The Village Plan Commission shall review all proposed changes and amendments within the corporate limits, conduct a public hearing (with class 2 notice), and shall recommend that the petition be granted as requested, modified, or denied.

25.100 Board Actions upon Recommendation . Following such hearing and after careful consideration of the Village Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.

25.101 Protest of Change . In the event of a protest against such district change or amendment to the regulations of this Ordinance duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the

land included in such proposed change or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one-hundred (100) feet there from, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one-hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

25.102 Definitions. For the purpose of this Chapter, the following definitions shall be used.

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 "shall" is mandatory, the word "should" is advisory and the word "may" is permissive. Any words not defined in this section shall be presumed to have the customary dictionary definitions.

- (1) **Accessory Use or Structure:** A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
- (2) **Alley:** A special public right-of-way affording only secondary access to abutting properties.
- (3) **Animal Unit:** One animal unit shall be defined as being the equivalent of one (1) cow, one (1)-1,000 lb. steer or bull, one (1) hog, four (4) sheep, four (4) goats, ten (10) poultry, one (1) horse or pony.
- (4) **Arterial Street:** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
- (5) **Basement:** That portion of any structure located partly below the average adjoining lot grade.
- (6) **Building:** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.
- (7) **Building, Alterations Of.** Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.

- (8) **Building Area:** The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, porches, breezeways, and unfinished attics.
- (9) **Building, Front Line Of.** A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
- (10) **Building Height:** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.
- (11) **Building, Principal.** A building in which is conducted the main use of the lot on which said building is located.
- (12) **Classes of Notice:** References in this Ordinance to Class 1 and Class 2 notices refer to Chapter 985 of the Wisconsin Statutes.
- (13) **Clinic.** A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or non-boarding basis only.
- (14) **Clothing Repair Shops:** Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but none employing over 5 persons.
- (15) **Clothing Stores:** Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.
- (16) **Commercial Livestock Operation:** An animal confinement facility used or designed for the feeding or holding of more than four-hundred (400) animal units for thirty (30) days or more.
- (17) **Commercial Poultry Operation:** A confinement facility used or designed for the raising of more than one-hundred-fifty (150) animal units for egg or meat production.
- (18) **Community Living Arrangement.** The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child welfare agencies under Sec. 48.60, Wis. Stats., group foster homes for children under Sec. 48.02(7m), Wis. Stats., and community-based residential facilities under Sec. 50.01, Wis. Stats.; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Secs. 46.03(22), 69.97(15), 62.23(7)(i), and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (19) **Conditional Uses:** Uses of a special nature as to make impractical their predetermination as a principal use in a district.

- (20) **Dwelling Unit.** A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels or lodging houses.
- (21) **Dwelling, One-Family.** A detached building designed, arranged or used for and occupied exclusively by one (1) family. Shall include specially designed buildings covered by earth.
- (22) **Dwelling, Two-Family.** A building designed, arranged or used for, or occupied exclusively by, two (2) families living independently of each other.
- (23) **Dwelling, Multiple-Family.** A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.
- (24) **Efficiency:** A dwelling unit consisting of one principal room with no separate sleeping room.
- (25) **Essential Services:** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants.
- (26) **Family:** Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.
- (27) **Floor Area.** The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the centerlines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.
- (28) **Foster Family Home.** The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Sec. 48.62, Wis. Stats., and amendments thereto.
- (29) **Frontage:** The smallest dimension of a lot abutting a public street measured along the street line.
- (30) **Garage:** Structure whose primary purpose is the storing of personal vehicles.

- (31) **Government Uses:** Includes all public uses and facilities including parks.
- (32) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under Sec. 48.62, Wis. Stats., for the care and maintenance of five (5) to eight (8) foster children.
- (33) **Dwelling, Multiple Family:** A residential building designed for or occupied by two (2) or more families, with the number of families in residence not to exceed the number of dwelling units provided.
- (34) **Home Occupation:** Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises.
- (35) **Hotel.** A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than six (6) sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.
- (36) **Joint Extraterritorial Zoning Committee:** Any zoning committee established in accordance with Section 62.23 (7a) of the Wisconsin Statutes.
- (37) **Loading Area:** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (38) **Lot:** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.
- (39) **Lot Lines and Area:** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (40) **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear. (See Appendix)
- (41) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines. (See Appendix)
- (42) **Lot Width:** The width of a parcel of land measured at the rear of the specified street yard.
- (43) **Machine Shops:** Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair and overhaul shops.

- (44) **Manufactured Home.** Any structure, transportable in one or more sections, which in the traveling mode is twelve (12) body feet or more in width, and eighteen (18) feet or more in length and at least eight-hundred-sixty-four (864) square feet when erected on site, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and which complies with all manufactured home construction and safety standards established under 242 USC Sec. 5401, et seq.
- (45) **Manufactured Home Park:** Any lot on which two (2) or more manufactured or mobile homes are parked for the purpose of temporary or permanent habitation.
- (46) **Minor Structures:** Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses; play equipment, arbors; and walls and fences under four (4) feet in height.
- (47) **Mobile Homes:** A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction which does not comply with construction and safety standards established under 242 USC Sec. 5401, et seq. Any mobile home fitting the definition of a mobile home as set out above shall be designated a mobile home regardless of whether the plans for the mobile home include a concrete foundation, a basement, utility hookup, attachments, additions, annexes, foundations, and appurtenances.
- (48) **Motel:** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (49) **Nonconforming Uses or Structures:** Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (50) **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (51) **Nursery School.** Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.
- (52) **Nursing Home.** Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

- (53) **Parking Lot:** An open area, other than a street or alley, which is used for temporary parking of more than three (3) vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
- (54) **Parking Space:** A graded and surfaced area of not less than one-hundred-eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (55) **Parties in Interest:** Includes all abutting property owners, all property owners within one-hundred (100) feet, and all property owners of opposite frontage.
- (56) **Professional Home Offices:** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) of the area of only one (1) floor of the residence and only one (1) non-resident person is employed.
- (57) **Rear Yard:** A yard extending across the full width of the lot, and depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.
- (58) **Renovation:** A general upgrading of the building's interior and exterior appearance. Exterior improvements can include cleaning and painting, and will often involve a substantial change to shop front and sign. Interior rehabilitation can include the upgrading of electrical, mechanical, or structural elements and new interior design.
- (59) **Restoration:** The reinstatement of original architectural integrity of structural form to quality buildings of the past, but does not necessarily extend to a reinstatement of the past use of the building.
- (60) **Side Yard:** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
- (61) **Signs:** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.
- (62) **Small Livestock and Poultry:** For purposes of this Ordinance, small livestock shall be limited to animals weighing less than twenty (20) pounds.

- (63) **Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it.
- (64) **Story, Half.** A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- (65) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- (66) **Street Yard:** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- (67) **Structure:** Anything constructed or erected, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment, the use of which requires location on the ground or that it be attached to something having a location on the ground.
- (68) **Structural Alterations:** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
- (69) **Use.** The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.
- (70) **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- (71) **Use, Principal.** The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."
- (72) **Utilities:** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telephone exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
- (73) **Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile shall not be considered a vehicle except for purposes made specifically applicable by statute or ordinance.

- (74) **Yard:** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
- (75) **Yard, Front.** A yard extending along the full length of the front lot line between the side lot lines. (See Appendix)
- (76) **Yard, Rear.** A yard extending along the full length of the rear lot line between the side lot lines. (See Appendix)
- (77) **Yard, Side.** A yard extending along a side lot line from the front yard to the rear yard. (See Appendix)
- (78) **Yard, Corner Side.** A side yard which adjoins a public street.
- (79) **Yard, Interior Side.** A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.
- (80) **Yard, Street.** Yard abutting a street.

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(FOR EASE IN MAKING ADDITIONS TO THIS CHAPTER.)

CHAPTER 26 ADMINISTRATIVE REVIEW

- 26.01 Purpose
- 26.02 Review of Initial Determination
- 26.03 Determinations Reviewable
- 26.04 Determinations Not Subject to Review

26.05 Administrative Rules Appeals Board

26.06 Conflicting Code Provisions

26.01 Purpose. The purpose of this chapter is to afford a constitutionally sufficient, fair, and orderly administrative procedure and review in connection with determinations by all village officers, employees, agents, agencies, committees, boards, and commissions which may involve constitutionally protected rights of specific persons which are entitled to due process protection under the 14th amendment of the US Constitution. Wis. Stats. §68, relating to municipal review procedures, shall be in full force and effect in the village, except as otherwise provided in this chapter.

26.02 Review of Initial Determination. Upon the filing of a written request by any person aggrieved to review an initial determination filed pursuant to Wis. Stats. §68.08, the village officer, employee, agent, agency, committee, board, or commission receiving the request shall conduct an administrative review of his or her own determination in accordance with Wis. Stats. §68.09. All written requests for review shall be immediately referred to the village attorney.

26.03 Determinations Reviewable. Reviewable determinations will be those specified in Wis. Stats. §68.02.

26.04 Determinations Not Subject to Review. Determinations not subject to review will be those specified in Wis. Stats. §68.03.

26.05 Administrative Rules Appeals Board. The administrative rules appeals board, as specified in section 1.04(3)(d) of this code, shall hear all requests for review.

26.06 Conflicting Code Provisions. The provisions of this chapter shall not be deemed to repeal or supersede the provisions of any other section of this code in conflict herewith or providing other procedures for review of administrative determinations within the village.

CHAPTER 27 GENERAL PROVISIONS

27.01 Rules of Construction

27.02 Conflict and Separability

27.03 Administrator to File Documents Incorporated by Reference; Amendments

27.04 Public Records

- 27.05 Penalty Provisions
- 27.06 Use of Citations
- 27.07 Repeal Provisions
- 27.08 Effect of Repeal
- 27.09 Title, Effective Date, Citation

27.01 Rules of Construction. In the construction of this code the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the code:

- (1) **Wisconsin Statutes.** The term Wisconsin Statutes, or Wis. Stats., wherever used in this code, shall mean the most current edition of the Wisconsin Statutes and Annotations, published under authority of Wis. Stats. §35.18 and §35.23, by the Reviser of Statutes Bureau.
- (2) **General Rule.** In construing the meaning of the language of this code, the provisions of Wis. Stats. §990.001 and §990.01 apply.
- (3) **Other Reference.** Any reference to the Wisconsin Administrative Code or other rules and regulations are to the most current edition.

27.02 Conflict and Separability.

- (1) **Conflict.** If the provisions of the different sections of this code conflict with or contravene each other, the provisions of each section shall prevail as to all matters and questions arising out of the subject matter of such section.
- (2) **Separability of Code Provisions.** If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be invalid or unconstitutional according to the laws of the State of Wisconsin or the United States, by 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 the village board declare that they would have adopted 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.

27.03 Village Clerk-Treasurer to File Documents Incorporated by Reference; Amendments.

- (1) 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-Treasurer is hereby directed and

required to file, deposit, and keep in his or her 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 regular village office hours, subject to such orders or regulations which the Village Clerk-Treasurer may prescribe for their preservation.

- (2) As each ordinance affecting this code becomes effective, the new or revised ordinance shall be incorporated into the code. The rearranging, renumbering, and editing shall not affect the validity of the ordinances or the provisions of the code.

27.04 Penalty Provisions.

- (1) **General Penalty.** Except as provided elsewhere in this code and in subsection (2) below, any person who violates any of the provisions of this code shall, upon conviction of such violation, be subject to penalty which shall be as follows: Any person who shall violate any provision of this code shall, upon conviction of such violation, forfeit not less than \$50.00 and not more than \$500.00, along with court costs, and if 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, not exceeding 90 days.
- (2) **Penalty for Juveniles.** In the event proceedings are commenced against a juvenile aged twelve or older for violations of this Code, the provisions of Wis. Stats. relative to the prosecution of juveniles for ordinance violations shall be applicable.
- (3) **Continued Violations.** Each violation and each day a violation continues shall constitute a separate offense. Nothing in this code shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provision of this code.
- (4) **Execution.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any provision of this code, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

27.05 Use of Citations.

- (1) **Authority.** The provisions of Wis. Stats. §66.119 as amended, revised, or modified from time to time are hereby adopted and incorporated herein by reference.

- (2) **Issuance.** Any village law enforcement officer may issue a citation for the violation of any ordinance. In addition, the following village officials may issue citations for violations of any provisions of this code which are directly related to their official capacities:
 - (a) fire chief;
 - (b) fire inspector
 - (c) building commissioner
 - (d) zoning administrator
 - (e) building inspector
 - (f) plumbing inspector
 - (g) electrical inspector
- (3) **Schedule of Cash Deposits.** The village board may from time to time by resolution establish a schedule of cash deposits for violations of provisions of this code.
- (4) **Payment of Cash Deposits.** Payments of cash deposits shall be made to the police department for citations issued by law enforcement officers and/or to the village clerk-treasurer or his/her assistant for citations issued by village officials. Receipts shall be given for cash deposits.

27.06 Repeal Provisions. All ordinances heretofore adopted by the village board are hereby repealed.

27.07 Effect of Repeal. 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 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 this 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 prosecution 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 action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all

such proceedings had after the time this code shall take effect, shall be conducted according to the provisions of this code and shall be, in all respects, subject to the provisions of this code.

27.08 Title; Effective Date; Citation. These ordinances shall be known as "The Municipal Code of the Village of Gratiot, Wisconsin" and shall take effect from and after passage and publication as provided in Wis. Stats. §66.035. All references thereto shall be cited by section number.

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(FOR EASE IN MAKING ADDITIONS TO THIS CHAPTER.)

APPENDIX A – Fee Schedule

The Village Board of the Village of Gratiot does hereby establish the following Fee Schedule:

**Abandoned and Junked Vehicles or
Appliances:**

Actual Cost and Administrative Fees

Abandoned Vehicle Impoundment Fee	\$ 50.00 Per Day
Abandoned Vehicle	\$ 100.00 - 500.00 Per Day
Junked Vehicle	Actual Cost and Administrative Fees
Removal of junked vehicle or appliance	\$ 100.00 - 500.00
Interference with Removal/Disposal	

Administrative Fee

A fee equal to the cost of any legal, administrative, or fiscal work which may be undertaken by the Village.

Alcohol License Fees:

Temporary Operator	\$ 10.00 Each
Provisional Operator	\$ 5.00 Each
Operator	\$ 15.00 Annual
“Class A” Liquor	\$ 350.00 Annual
Class “A” Beer	\$ 100.00 Annual
“Class B” Liquor	\$ 350.00 Annual
Class “B” Beer	\$ 100.00 Annual
Class “C” Liquor	\$ 10.00 Annual
Class “D” Liquor	\$ 10.00 Annual
Wholesaler’s Fermented Malt Beverage	\$ 10.00 Annual
Temporary Class “B” Beer (Special Event, Picnic)	\$ 10.00 Per Event
Pharmacist’s License	\$ 20.00 Annual
Publication Fee	\$ 10.00 Per License
Late Fee	\$ 5.00 Per License
Background Check	

Animal Control:

Un-neutered Male Dog License	\$ 20.00 Annual
Un-spayed Female Dog License	\$ 20.00 Annual
Neutered Male Dog License	\$ 10.00 Annual
Spayed Female Dog License	\$ 10.00 Annual
Animal Control Penalty	\$ 25.00 - 250.00 Per Dog
Rabies Vaccination Required Penalty	\$ 10.00 - 25.00 Per Dog

Annexations

A fee equal to the cost of any legal, engineering, administrative, or fiscal work which may be undertaken by the Village.

Assessment Payment Schedule (Special):

If Special Assessments Exceed \$400, maximum terms:	\$400.00 or less Paid by December 1 (same year) \$401.00 to \$799.00 Paid over two (2) years \$800.00 to \$1,499.00 Paid over three (3) years \$1,500.00 to \$2,999.00 Paid over four (4) years
Administrative Fees	\$3,000.00 and over Paid over five (5) years
Interest	7.5% 1% in excess of the then 1-year C.D. rate of the official Village bank

Board of Appeals:

Building Permit Appeal Application Fee \$ 100.00 Per Appeal

Building Permit Fees:

(Fees are in addition to any Department of
Commerce Permit Fees)

Garage	\$ 40.00 Each
New Dwellings, Additions, Decks, and Alterations (Residential)	\$.23 per square foot
Business, Institutional and Office Buildings	\$.10 per square foot
Manufacturing and Industrial Buildings	\$.08 per square foot
Razing Permits	\$ 20.00 Each
Moving Buildings over Public Ways (any structure)	\$ 25.00 Each \$ 35.00 Each
Permission to start construction	\$ 25.00 Each
Fence permit	\$ 10.00 - 100.00
Failure to comply	\$ 100.00 Per Appeal
Variance Application (Board of Appeals)	\$.50 per square foot
Sign Permit	\$ 4 times Permit Amount
Sign Permit Violations	\$ 350.00 plus State seal
Mobile Home Building Permit Fee	\$ 20.00 Each
Minimum cost for any building permit not listed	

Cigarette License \$ 50.00 Annual

Conditional Use Permit \$ 100.00 Each

Dance License

Fee	\$ 5.00 Annual
Penalty	\$ 10.00 - 50.00 Each

**Delinquent Personal Property Tax Interest
Rate** 1% per month until paid

Development Fees:

Preliminary Plat Review	\$ 25.00 plus \$2 for each lot or parcel
Final Plat Review	\$ 25.00 plus \$2 for each lot or parcel
Plat Reapplication Fee	\$ 15.00
Capital Improvement for Park Development (w/land dedication)	\$ 345.00 Per Dwelling
Public Park Site Fee	\$ 839.00 Per Dwelling
Park Fees for Annexed Lands	\$ 839.00 Per Dwelling
Park Fees for Commercially Developed Lands	\$300.00 plus \$25 per acre
Public Improvement Inspection Fees (utilities, streets)	Actual Cost and Administrative Fees
Engineering Fees	Actual Cost and Administrative Fees
Development and Subdivision Penalties	\$ 25.00 - 200.00
Certified Survey Map Review	\$ 100.00 Per Lot
Re-submittal of Certified Survey Map for Review	\$ 50.00 Per Lot

Discrimination in Housing Penalty \$ 10.00 - 200.00 Each

Dumpster Permit \$ 10.00 Per Unit

Elections (special for non-municipal purposes) Actual Cost and Administrative Fees

Engineering Fees (See Development Fees)

Facsimile Service \$ 1.00 Per Page

Gasoline Station Permit Fee \$ 10.00 Each

Gas Safety License Fee \$ 10.00 Annual

Grass, Leaves, and Noxious Weeds:

Grass and Weed Cutting	\$ 75.00/hr. – Minimum
Blowing or Placing Grass and Leaves in Right-of-Ways	\$ 10.00 - 200.00
Grass and Weed Cutting Penalty	\$ 75.00

Hotel/Motel Room Tax:

Tax Imposed	1% of gross receipts
Administration Fee 1% of gross receipts	1% of gross receipts
Permit Fee	\$ 10.00 Annual

Renewal Fee	\$ 5.00 Annual
Failure to File Return	10% of tax required to be paid
Unpaid Room Tax Interest	18% per annum
Delinquent Tax Return	\$ 10.00
Negligent and Late Return	25% of tax, exclusive of interest
Failure to Obtain Permit	\$ 1,000.00 plus costs

Community Building Use:

Room Rental	\$ 25.00 Per Use
Refundable Security Deposit	\$ 20.00 Per Use

Parking:

Removal of Parking Signs in Violation of Ordinance	Actual Cost and Administrative Fees
Removal Violating Vehicles	Actual Cost and Administrative Fees
Alternate Side Parking	\$ 8.00 Per Day
Overtime Parking	\$8.00 Per Day
Abandoned Vehicle	\$ 8.00 Per Day
Alley Parking	\$ 25.00 Per Day
Parking in Loading Zone	\$ 8.00 Per Day
Handicapped Parking	\$ 8.00 Per Day
Fire Hydrant Zone	\$ 50.00 Per Day
Parking in School Zone	\$ 50.00 Per Day
Night Parking	\$ 8.00 Per Day
No Parking Zone	\$ 8.00 Per Day

Park Shelter and Park Use Fees:

Shelter Rental	\$ 25.00 Per Day
Refundable Deposit	\$ 20.00 Per Renter
Ball field Rental (1 day event)	\$ 40.00 Per Field
Ball field Rental (Weekend Tournament)	\$ 200.00 Per Weekend

Photocopy Fee	\$.25 Per Copy
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Public Works Charges:

Labor	\$ 40.00 Per Hour
Equipment Rental	\$ 40.00 - 75.00 Per Hour
Any and all supplies, property, etc. used for repairs/damages	Actual Cost and Administrative Fees

Return Check Charge	\$ 25.00 Per Check
Recycling Charges:	
Appliances	\$ 20.00 Per Unit
Automobile Tires	\$ 2.00 Per Tire
Truck Tires	\$ 10.00 Per Tire
Tractor Tires	\$ 15.00 Per tire
Large Appliances	Actual Cost Charged by Recycler
Recycling Bin	\$ 9.00 Per Bin
Recyclable Materials Penalty	- 1st Offense \$ 50.00 - 2nd Offense \$ 200.00 - 3rd Offense & Subsequent \$ 2,000.00 (ea)
Sewer Accidental Discharge Penalty:	(Plus Actual Costs Incurred by Village)
If Reported	\$ 500.00
If NOT Reported If Not Reported	\$ 1,500.00
Sidewalk Permits:	
Installation	\$ 5.00 Each
Repair	\$ 5.00 Each
Village Installed or Repaired	Actual Cost and Administrative Fees
Sign Permit	(See Building Permits)
Snow and Ice Removal	\$ 75.00/hr. – Minimum
Snowmobiles:	
Operator's Permit	\$ 2.00 Annual
Parking/Highway Fees	Same as Motor Vehicle Fines
Street and Sidewalk Excavation (Street Opening Permit):	\$ 25.00 Each Site
Tobacco License	(See Cigarette License)
Trees:	
Planting or Transplanting	\$ 5.00 Each Tree
Removal	\$ 5.00 Each Tree
Unlawful Planting or Removal	Actual Cost and Administrative Fees
Vacate Street or Alley	Actual Cost and Administrative Fees

Weed Cutting	\$ 75.00/hr. – Minimum
Zoning Amendment Petition (Rezoning)	\$ 100.00 Each

APPENDIX B – Summary of Zoning District Standards

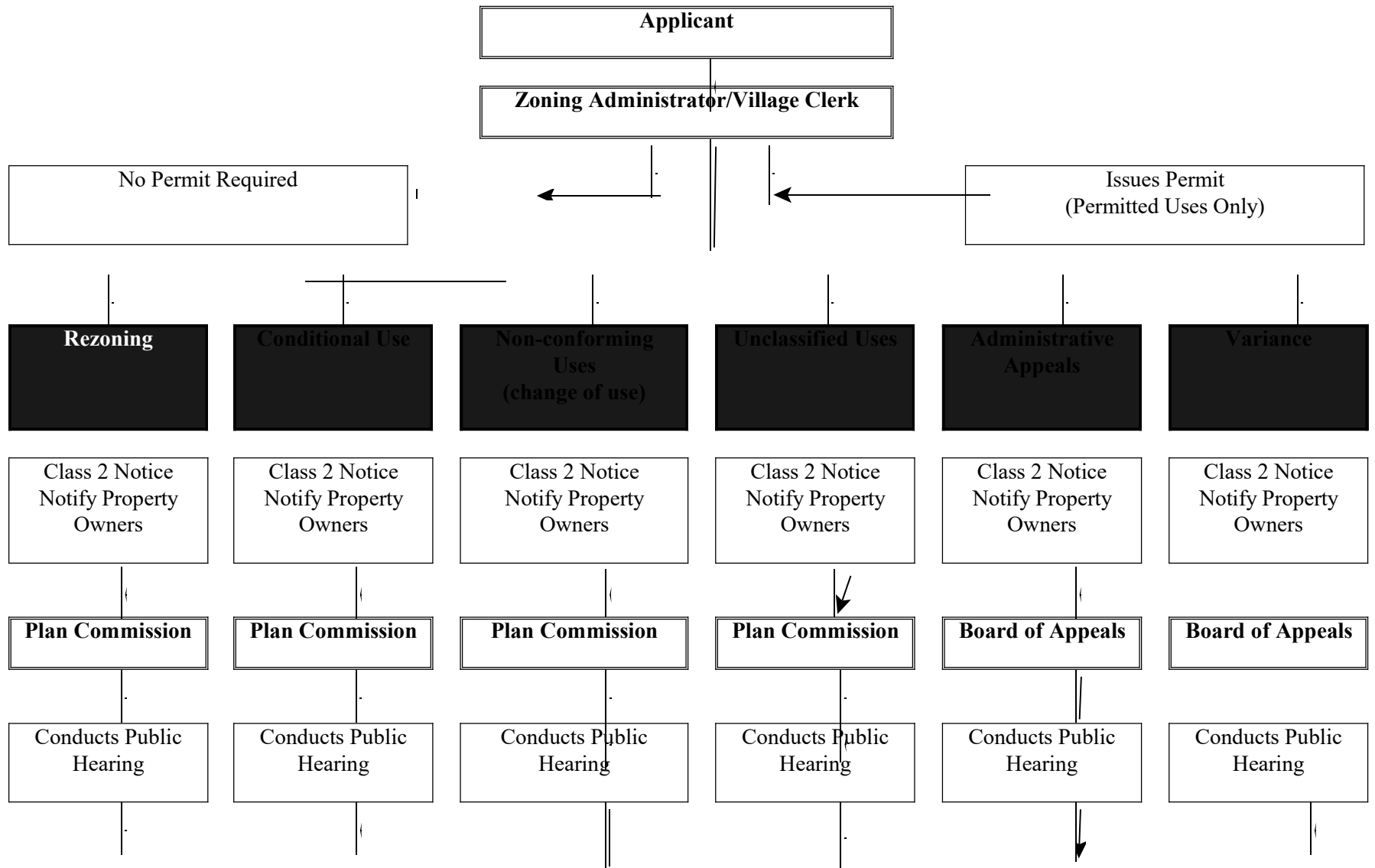
	Minimum Lot Requirements		Minimum Yard Requirements						Building Requirements		
	Area	Width	Principal Building			Accessory Building			Minimum	Maximum Height	
Zoning District	(Sq. Ft.)	(feet)	Front	Side	Rear	Front	Side	Rear	Floor Area	Principal	Accessory
R-1 Low-Density Single-Family Residential	9,000	80	20	12	30	20*	3	3	900*	35	25
R-2 Medium-Density Single-Family Residential	5,000	50	15	10	25	15*	3	3	900*	35	25
R-3 Multi-Family Residential	7,500/ 10,000*	75	15	10/15	25	15*	3	3	1,200*	40	25
B-1 General Business	5,000	50	0	0/10	25					40	
B-2 Highway and Service Business	7,500	75	25	10	25					50	
I-1 Industrial	10,000	100	25	20	25	25*	10*	10		75	25
A-1 Agricultural	43,560 (1 acre)	150	50*	50*	50*					2x setback	2x setback
PG Public Grounds	None	None	Same as abutting districts.						None	None	

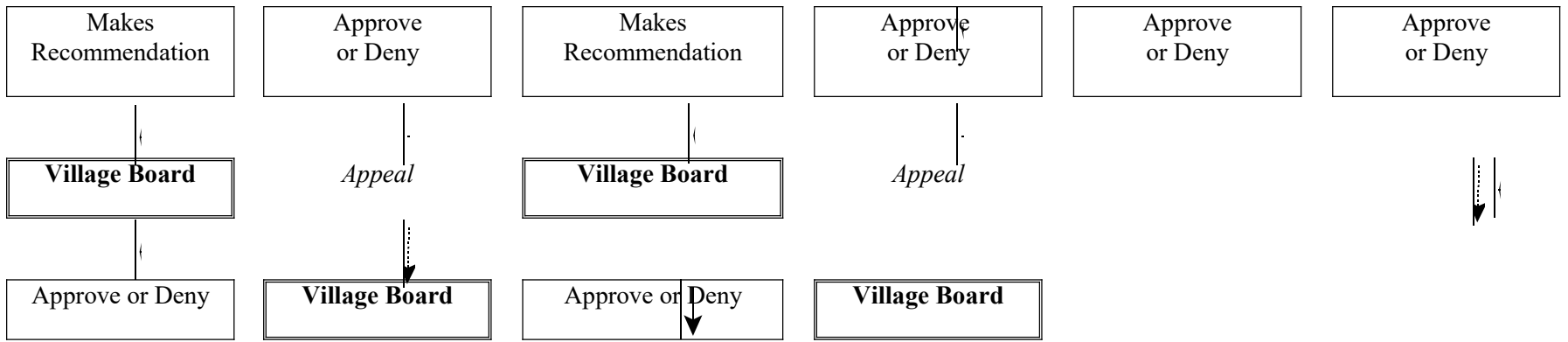
CON Conservancy	None	None	Same as abutting districts.
PUD Planned Unit Development	Requirements based on an approved plan.		

Note: Additional requirements are applicable, check with individual district standards in Section 3 and other sections of this ordinance.

* Depends on type or use of building or other characteristics.

APPENDIX C - Zoning Review and Approval Process





APPENDIX D – ATV Route Map

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