

# Town of Oregon Ordinances

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TITLE 2 - GOVERNMENT AND ADMINISTRATION

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**CHAPTER 11 Review of Administrative Determinations [Reserved for Future Use]**

**TITLE 2 - CHAPTER 1 General Provisions and Elections.**

**Section 2.1.1 Voter Registration.**

**Section 2.1.1 Voter Registration.**

The purpose of this ordinance is to promote efficient order and expedite the registration process on election day.

Whereas, the Wisconsin Statutes allow voter registration for municipalities and the Town Board of the Town of Oregon wishes to do so, the Clerk is requested to proceed with establishing voter registration.

*Original ordinance #38 passed September 6, 1988, posted September 7, 1988.*

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**Section 2.2.9 Court Authority to Impose Alternative Juvenile Dispositions  
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**Section 2.2.10 Administering Agreement.**

**Section 2.2.1 Municipal Court for the Town of Oregon, Wisconsin.**

The Joint Municipal Court for the Village of Oregon and the Town of Oregon, created by Chapter 755 of the Wisconsin Statutes (1995-1996), is hereby established and shall become operative and functional the effective date of this Ordinance.

**Section 2.2.2 Jurisdiction.**

The Joint Municipal Court and the Municipal Judge shall have jurisdiction as provided in Wis. Stats. Section 755.045 and 755.05 (1995-1996), and as otherwise provided by Wisconsin law.

**Section 2.2.3 Municipal Judge.**

The Joint Municipal Court shall be presided over by a Municipal Judge.

- a) Election: Term. The Municipal Judge of the existing Village of Oregon Municipal Court shall serve as the judge for the Joint Municipal Court until the end of the judge's current term. After that, the Municipal Judge shall be elected at large by the electors of the Village and the Town at the spring election in odd numbered years for a term of two years, commencing May 1 succeeding the election. The Municipal Judge shall serve until a successor is elected and



qualifies. Mid-term vacancies in the office of Municipal Judge shall be filled by appointment, as agreed upon by the Village Board and the Town Board, pursuant to Wis. Stats. Section 8.50(4)(fm) (1995-1996).

b) Salary. The Municipal Judge shall receive a monthly salary paid by the Village, which shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during the term for which the official bond and oath have not been executed and filed, as required by paragraph (c) of this subsection.

c) Bond; Oath. The Municipal Judge shall execute and file with the Clerk of Courts for Dane County the oath prescribed by Wis. Stats. Section 757.02 (1995-1996) and a bond. The Municipal Judge shall not be qualified to act until a certified copy of the oath is filed with the Office of the State Administrator of Courts, as required by Wis. Stats. Section 755.03 (1995-1996).

d) Sessions. The Joint Municipal Court shall be open on the days and hours set by the Municipal Judge.

#### **Section 2.2.4 Location.**

The Municipal Judge shall keep an office and hold court in the Village Hall of the Village of Oregon.

#### **Section 2.2.5 Procedure.**

The procedure in the Joint Municipal Court shall be as provided by this Section and State law including, without limitation because of enumeration, Chapters 800 and 755 and Wis. Stats. Section 23.50 to 23.85, 345.11, 345.20 to 345.53 and 972.11(3m) (1995-1996).

#### **Section 2.2.6 Forfeitures.**

The Municipal Judge may impose punishment and forfeitures provided under Wisconsin law, and as provided in the Ordinances of the Village and the Town. The Municipal Judge shall collect all forfeitures, penalty assessments, jail assessments, court costs, fees and taxable costs in any action or proceeding before the Municipal Court, and shall pay over the amounts collected to the Village Clerk within 15 days of receipt. At such time, the Municipal Judge also shall report to the Village Clerk the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, assessment, fees and costs.

### **Section 2.2.7 Contempt of Court.**

The Municipal Judge may impose a sanction authorized under Wis. Stats. Section 800.12(2) (1995 -1996) for contempt of court, as defined in Wis. Stats. Section 785.01(1) (1995-1996), in accordance with the procedures under Wis. Stats. Section 785.03 (1995-1996). The Municipal Judge may impose a forfeiture for contempt under Wis. Stats. Section 800.12(1) (1995-1996) in an amount not to exceed \$50.00 or, upon nonpayment of the forfeiture, penalty assessment under Wis. Stats. Section 65.87 (1995-1996), jail assessment under Wis. Stats. Section 302.46 (1995-1996), and any applicable domestic abuse assessment under Wis. Stats. Section 973.055(1) (1995-1996), a jail sentence not to exceed seven days.

### **Section 2.2.8 Stipulation and Deposits in Joint Municipal Court.**

- a) Village Deposit Schedule to be Established. The Municipal Judge shall establish and submit to the Village Board for approval by Resolution a schedule of deposits for violations of Village Ordinances, except traffic regulations, which are governed by Wis. Stats. Section 345.26 (1995-1996), and all-terrain vehicle violations governed by Wis. Stats. Section 23.33 (1995-1996).
- b) Town Deposit Schedule to be Established. The Municipal Judge shall establish and submit to the Town Board for approval by Resolution a schedule of deposits for violations of Town Ordinances, except traffic regulations, which are governed by Wis. Stats. Section 345.26 (1995-1996).
- c) Stipulation and Deposit in Lieu of Court Appearance. Persons cited for violations of Village or Town Ordinances for which a deposit has been established under this subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stats. Section 800.03, 800.04, and 800.09 (1995-1996).
- d) Traffic and All-Terrain Vehicle Deposits. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345 of the Wisconsin Statutes (1995-1996) shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with Wis. Stats. Section 345.26 (1995-1996) and all-terrain vehicle regulations enacted in accordance with Wis. Stats. Section 23.33 (1995-1996).
- e) When no permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under subsection 2.2.7.

### **Section 2.2.9 Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.**

a) For a juvenile adjudged to have violated an ordinance, the Municipal Court is authorized to impose any of the dispositions listed in Wis. Stats. Section 938.343 and 938.344 (1995-1996), in accordance with the provisions of those statutes.

b) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Wis. Stats. Section 938.343 or 938.344 (1995-1996), the municipal court is authorized to impose any of the sanctions listed in Wis. Stats. Section 938.355(6)(d) (1995-1996), in accordance with the provisions of those statutes.

c) The municipal judge may impose community service as an alternative to a monetary forfeiture in the case of a juvenile violator. In such a case, the juvenile may be required to complete a community service project as specified by the court. Supervision of the juvenile upon whom the sentence is imposed shall be the responsibility of the parent, parents or legal guardian having custody of the juvenile.

### **Section 2.2.10 Administering Agreement.**

The Village Board and the Town Board are authorized to enter into an Agreement to share the costs of maintaining the Joint Municipal Court.

*Original Ordinance #1, approved and passed February 4, 1969.*

*Ordinance #1 repealed by Ordinance #51 October 6, 1997.*

*Ordinance #51 adopted October 6, 1997, posted October 30, 1997.*

## **TITLE 2 - CHAPTER 4 Town Board.**

### **Section 2.4.1 Number of Town Supervisors**

### **Section 2.4.1 Number of Town Supervisors**

a. Authority. The Oregon Town Board has been authorized by the Oregon Town

Meeting to exercise Village powers. Accordingly, the Town Board is authorized by Wis. Stats. Section 60.21(1) to increase the size of its Board from three supervisors.

- b. Increase in Number. The membership of the Town Board shall be increased to consist of five (5) Supervisors, with three (3) Supervisors to be elected in odd numbered years, and two (2) Supervisors to be elected in even numbered years.
- c. Effective Date. This Ordinance shall take effect on January 1, 2000, but shall not be deemed to create any vacancy on the Town Board prior to the Spring election in 2000.

*Original Ordinance #57 adopted December 7, 1999.*

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## **TITLE 2 - CHAPTER 5 Town Officers and Employees.**

### **Section 2.5.1 Town Constable.**

### **Section 2.5.3 Prohibition of Receipt of Gifts or Gratuities by Public Officials.**

### **Section 2.5.1 Town Constable.**

- a) Statutory Authority. Pursuant to Section 60.22(4) and Section 60.35, Wisconsin Statutes (1983-1984), the jurisdiction and duties of the Town Constable of the Town of Oregon, Dane County, Wisconsin, are established as described herein.
- b) Jurisdiction and Duties. The Town Constable of the Town of Oregon, Dane County, Wisconsin, shall enforce and prosecute all violations of the Town Ordinances of the Town of Oregon, and this shall be the sole responsibility of the Town Constable except as otherwise provided by the Town Board pursuant to law.
- c) Nonexclusivity. The jurisdiction and duties of the Town Constable as stated herein shall not preclude the Town Board or any other Town officer from proceeding under any ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

*Original Ordinance #34 approved and passed March 5, 1985, posted March 6, 1985.*

**Section 2.5.2 Prohibition of Receipt of Gifts or Gratuities by Public Officials.**

a) It shall be unlawful for any public employee or public official to receive or offer to receive, either directly or indirectly, any gift, gratuity, or anything of value which he is not authorized to receive from any person, if such person

1) Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or the governmental body of the public official; or

2) conducts operations or activities which are regulated by such public employee's employer or the governmental body of a public official; or

3) has interests which may be substantially affected by such public employee's employer or the governmental body of the public official.

b) The receipt of any gift, gratuity, or anything of value as denoted above is contrary to the public policy of the Town of Oregon.

c) Severability: The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be effected thereby.

*Ordinance #13 passed on March 5, 1974, approved July 2, 1974.*

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**TITLE 2 - CHAPTER 6 Boards, Commissions, and Committees.**

**Section 2.6.1 Creation.**

**Section 2.6.2 Membership.**

**Section 2.6.3 Appointment.**

**Section 2.6.4 Term.**

**Section 2.6.5 Officers.**

**Section 2.6.6 Power.**

**Section 2.6.7 Functions.**

**Section 2.6.1 Creation.**

Pursuant to Sections 60.18(12), 61.35 and 62.23 of the Wisconsin Statutes (1968-1969), there is hereby created a "Plan Commission" for the Town of Oregon, Dane County, Wisconsin.

**Section 2.6.2 Membership.**

The Plan Commission shall at all times consist of seven (7) members composed of one (1) member of the Town Board, the Town Building Inspector, and five (5) citizens of the Town of Oregon. In April of each year, the Town Chairman shall appoint one member to be the presiding officer to the Plan Commission for a term of one (1) year.

**Section 2.6.3 Appointment.**

The members shall be appointed by the Town Chairman, subject to the approval of the Town Board.

**Section 2.6.4 Term.**

The five (5) citizen members shall serve for an initial term of three (3) years and shall be appointed by June 1, 1969. Beginning in June, 1972, the Town Chairman shall appoint two citizen members for three (3) years, two members for two (2) years and one member for (1) year. Thereafter appointments shall be for three (3) year terms.

The Town Board member shall be elected by a two-thirds vote of the Town Board in

April of each year.

#### **Section 2.6.5 Officers.**

The members of the Plan Commission shall elect a Chairman and Secretary from among its membership.

#### **Section 2.6.6 Power.**

The Plan Commission shall have the power and authority to employ experts and a staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such Commission by the Town Board, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Town Board of the Town of Oregon.

#### **Section 2.6.7 Functions.**

It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the municipality, including areas outside of its boundaries which, in the commission's judgment bear relation to the development of the Town. The master plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, airports, pierhead and bulkhead lines, waterways, routes for railroads, street railways and buses, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes of terminals, the general location, character and extent of community centers and neighborhood units, the general character, extent and layout of the replanning of blighted districts and slum areas, and a comprehensive zoning plan. The Commission may from time to time amend, extend or add to the master plan or carry any part or subject matter into greater detail. The Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

*Original ordinance #4 approved and passed May 6, 1969.*

*Ordinance #4 amended by Ordinance #15 July 1, 1975.*

*Ordinance #15 approved and passed July 1, 1975, posted July 2, 1975.*

**TITLE 4 PUBLIC WORKS.**

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**CHAPTER 1 Streets and Sidewalks [Reserved for Future Use]**

**CHAPTER 2 Driveways; Culverts.**

**CHAPTER 3 Private Roads; Road Excavations; Trees and Shrubs [Reserved for  
Future Use]**

**CHAPTER 4 Public Works Projects [Reserved for Future Use]**

**CHAPTER 5 Regulations of Parks and Navigable Waters.**

**TITLE 4 - CHAPTER 2 Driveways; Culverts.**

**Section 4.2.1 Authority and Purpose.**

**Section 4.2.2 Jurisdiction.**

**Section 4.2.3 Definitions.**

**Section 4.2.4 General Provisions.**

**Section 4.2.5 Application Statement.**

**Section 4.2.6 Specifications.**



**Section 4.2.7 Joint Driveways.**

**Section 4.2.8 Existing Driveways and Field Roads.**

**Section 4.2.9 Variances.**

**Section 4.2.10 Expiration of Permits.**

**Section 4.2.11 Fees.**

**Section 4.2.12 Violations.**

**Section 4.2.13 Severability.**

**Section 4.2.14 Permits Issued Under Previous Ordinance.**

**Section 4.2.15 Driveway Dedication.**

**Section 4.2.1 Authority and Purpose.**

The Town Board of the Town of Oregon has the specific statutory authority, pursuant to Wis. Stats. Sections 86.07(2) and 236.45 (1997-1998) and by its adoption of village powers under Wis. Stats. Section 60.22(3) (1997-1998), to provide regulations to promote the health and safety of the community, the transporting of public and emergency services personnel and equipment by regulating the placement, design, modification and maintenance of driveways and field roads accessing public highways in the Town of Oregon.

**Section 4.2.2 Jurisdiction.**

This ordinance applies to all driveways and field roads installed, altered, changed, replaced or extended after the effective date of this Ordinance.

**Section 4.2.3 Definitions.**

- a) Driveway: A road or other traveled way giving access from a public highway to one or more buildings located, or to be constructed, on adjacent land.
- b) Field Road: A road or other traveled way giving access from a public highway

to farmland, farm accessory buildings, or other adjacent vacant land.

c) Bump-out: A section of driveway measuring forty feet (40') in length and eighteen feet (18') in width, and a sixteen foot (16') height restriction for branches shall be maintained, to allow for the safe passage of motor vehicles.

d) Variance: Any deviation from the provisions of this Ordinance.

#### **Section 4.2.4 General Provisions.**

a) Permit Required. No person shall construct a driveway or field road without first obtaining a permit from the Town Board, pursuant to this Ordinance.

b) Permit Application Procedure.

1) All applications for a permit, authorized by this Ordinance, shall be in writing on an official form furnished by the Town Clerk. All applications shall be filed with the Town Clerk together with the permit fee. Permit applications shall contain the name, address, and phone number of the applicant, the name of the property owner, a proof of the applicant's ownership or right to possess the subject property, identification of materials proposed to be used, along with a sketch of the subject property and the proposed location of the driveway or field road. The sketch shall be approximately drawn to scale and shall show dimensions and location of any improvements, and/or proposed improvements.

2) The Town Clerk shall forward the completed application to the Town Chairman, or designee. The Chairman or designee shall make arrangements with the applicant to conduct a site visit of the proposed location of the driveway or field road to determine compliance with the provisions of this Ordinance. Following the site visit, the Town Chairman or designee shall inform the Town Clerk of application compliance, or non compliance. If application is non-compliant, the Town Clerk, at the request of the applicant, will include consideration of a variance on the agenda of the next regularly scheduled Town Board meeting. Note: No Board approval is necessary, unless the driveway or field road is in need of a variance from the Board.

3) If Town Board consideration is necessary, because a variance is required, the Board shall review the report of the Town Chairman or designee, who performed the site visit. The Town Board shall consider any variance and take action to approve or deny the

permit. The Town Board may alter the proposed location of the driveway or field road on the applicant's sketch. Any changes to the location or design, or any variance allowed to the specifications of this Ordinance, must be acknowledged by the applicant by initialing the Board's approved revisions on the sketch and application form.

4) The Town Clerk shall provide a copy of the approved permit and sketch to the applicant and maintain a file of all permits and applications.

#### **Section 4.2.5 Application Statement.**

All permit applications shall contain the applicant's statement that:

- a) The applicant represents all parties in interest and that such proposed driveway or field road is for the bona fide purpose of securing access to the applicant's property.
- b) The Town, notwithstanding the construction of such driveway or field road, reserves the right to make any changes, additions, repairs, or relocations within the dedicated portion of the public right-of-way at any time, including relocation, reconstruction, widening, and maintaining the public right-of-way without compensating the owner of such private driveway or field road for the damage or destruction of such private driveway or field road.
- c) The applicant and applicant's heirs, successor, or assigns agree to indemnify and hold harmless the Town, its officials, officers, agents, or employees against any claim or any cause of action for personal injury or property damage sustained because of granting such permit.
- d) Utility relocation costs shall be the responsibility of the property owner.

#### **Section 4.2.6 Specifications.**

- a) The portion of the driveway/field road between the traveled portion of the public highway and the private property.
  - 1) Visibility - As a standard, a driveway or field road shall be located as to permit a safe distance from a vehicle, at the driveway or field road, to see an approaching vehicle and to have adequate time to exit or enter the driveway or field road safely. An object

measuring three and one-half feet (3 1/2') in height shall be visible from the driveway or field road at the edge of the traveled portion of the highway for a distance identified in the sight/stopping distance criteria table below.

Stopping /Sight Stopping/ Sight

Design Speed MPH Distance in feet. Distance in feet.

Minimum Desirable

30 200 200

35 225 250

40 275 325

45 325 400

50 400 475

55 450 550

2) Approach - The driveway or field road approach angle at the edge of the traveled portion of the highway right-of-way must be between seventy (70) and one hundred ten (110) degrees.

3) Stormwater Run-off - The driveway or field road shall be constructed to prohibit stormwater run-off from flowing or encroaching onto the traveled portion of the public highway.

4) Grade - A driveway or field road surface shall be constructed with a maximum grade of five percent (5%) for a distance of thirty feet (30') from the edge of the existing roadway.

5) Width - The width of a driveway or field road surface shall be a minimum of twenty feet (20') and a maximum of twenty-four feet (24') wide.

6) Culvert - A culvert with metal flared end sections shall be installed under each driveway or field road. The culvert shall measure a minimum of eighteen inches (18") in diameter or equivalent capacity, and a minimum of twenty-four feet (24') in length. For the purpose of adequate stormwater management, the

Town Board may, in its discretion, require the dimensions of a culvert to exceed the minimum width or length requirements of this Subsection. Unless a variance is granted by the Town Board, in no event shall a culvert measure less than the surface width of the driveway or field road. It will be the applicant/owner's responsibility to bear the cost and expense of installing the culvert. Installation shall be completed within a reasonable time after the issuance of a permit pursuant to this Ordinance.

#### 7) Location

(A) A driveway or field road, outside of a town subdivision, shall be located at least one hundred feet (100') from a paved or traveled portion of an intersecting public highway.

(B) The nearest traveled edge of a driveway or field road shall be located a minimum of ten feet (10') from any property line.

(C) No driveway shall be closer than twenty-five feet (25') to the extended public highway at any existing "T" intersection.

#### 8) Accesses

(A) In no event shall a driveway, outside of a town subdivision be constructed within five hundred feet (500') of another driveway located on the same side of the public highway.

(B) Driveway access locations shall not exceed ten (10) per mile on each side of the public highway.

#### b) The portion of the driveway beyond the public right-of-way.

1) Surface - A driveway shall have a minimum finished surface at least fourteen feet (14') in width. The driveway shall have at least six inches (6") of two inch (2") rock, covered with at least three inches (3") of three-quarter inch (3/4") gravel, or other equivalent weight bearing surface.

2) Width Clearance - The minimum width clearance along a driveway shall be twenty-four feet (24').

3) Height Clearance - The minimum height clearance along the

entire driveway shall be sixteen feet (16').

4) Grades - The maximum allowable average grade of a driveway shall not exceed twelve percent (12%). In no event shall a segment of a driveway exceed fifteen percent (15%).

5) Drainage - Ditches, roadway crowning and culverts which provide adequate drainage shall be required.

6) Curves in Long Driveways - Curves located on driveways measuring fifty feet (50') or more in length have a minimum inside radius of thirty-six feet (36').

7) Safe Passage - Driveways measuring five hundred feet (500') or more in length shall include a bump-out that is a minimum of eighteen feet (18') in width, and a sixteen foot (16') height restriction for branches shall be maintained, for a distance of forty feet (40') to allow for safe passage of vehicles. In addition the following applicable requirements shall be satisfied.

(A) A driveway over eight hundred feet (800') with visibility unobstructed by curves, steep topography or vegetation, shall require a bump-out every five hundred feet (500').

(B) A driveway over eight hundred feet (800') with visibility obstructed by curves, steep topography, or vegetation, shall require a bump-out every three hundred feet (300').

8) Cul de sac - At the end of any driveway in excess of five hundred feet (500') in length, a minimum thirty-six foot (36') radius cul de sac shall be provided.

9) Erosion Control - Adequate erosion control measures shall be employed during construction of the driveway or field road. All disturbed ground and side banks shall be seeded promptly after construction to control erosion.

10) Engineer's Plan - The Town Board may, in its discretion, require an engineer's plan as a condition of approval, based on the intended use and/or characteristics of the site of the proposed driveway or field road.

#### **Section 4.2.7 Joint Driveways.**

Applicants may apply for a joint driveway permit provided a proposed Joint Driveway Agreement is submitted with their permit application. The Joint Driveway Agreement shall expressly provide for the responsibility of maintenance and repair of the joint driveway, including snow removal, and restrictions on its use. Such Agreement shall be approved by the Town Board prior to the issuance of a joint driveway permit. If approved, the Joint Driveway Agreement shall be recorded with the Register of Deeds.

#### **Section 4.2.8 Existing Driveways and Field Roads.**

When wash outs, erosion, or other conditions created by existing driveways or field roads become a potential hazard to a public highway, the Town Board shall provide written notice to the property owner of such conditions. If the property owner fails to correct such conditions within thirty (30) days of the date of the written notice by the Town Board, the owner shall be found in violation of this Ordinance. In addition, the Town Board shall take reasonable steps to eliminate the hazard, and charge the Town's cost to the property owner as a special charge, pursuant to Wisconsin Statutes, Section 66.60(16)(a) (1997-1998).

#### **Section 4.2.9 Variances.**

Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Ordinance because of exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper, as long as such modification does not violate the intent of this Ordinance as stated under Section 4.2.1. Authority and Purpose. Application for any such variance shall be made in writing to the Town Clerk.

#### **Section 4.2.10 Expiration of Permits.**

Unless construction of a driveway or field road has not commenced within one (1) year from the date of issuance of the permit, such permit shall lapse.

#### **Section 4.2.11 Fees.**

Driveway or field road permit fees must be paid prior to a building permit being issued.

a) Standard Driveway Fee - The standard fee for a driveway permit shall be thirty dollars (\$30.00). This fee shall cover the cost of one (1) on-site inspection by the Town Chairman or designee. A reinspection fee of ten dollars (\$10.00) shall be charged for each additional driveway inspection.

b) Standard Field Road Fee - The standard fee for a field road permit shall be fifteen dollars (\$15.00). This fee shall cover the cost of one on-site inspection by the Town Chairman or designee.

#### **Section 4.2.12 Violations.**

a) Violations in Construction or Modifications - It shall be unlawful to construct or modify any driveway or field road in violation of this Ordinance. Any person who fails to comply with the provisions of this Ordinance shall pay a fine equal to three (3) times the permit fee. The Town Board shall order such person to make the corrections or alterations necessary to comply with this Ordinance.

b) Violation Corrections - If a person fails to make the corrections or alterations as ordered, the Tow Board may make the corrections or alterations and charge the Town's cost to the property as a special charge, pursuant to Wisconsin Statutes Section 66.60(16)(a) (1997-1998).

#### **Section 4.2.13 Severability.**

Should any section or provision of this Ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance.

#### **Section 4.2.14 Permits Issued Under Previous Ordinance.**

If a property owner fails to complete construction within one year of issuance of a driveway or field road permit under the previous Ordinance, the permit shall lapse and the current property owner of record shall apply for a new permit under this Ordinance and comply with all requirements contained herein.

#### **Section 4.2.15 Driveway Dedication.**

Under no condition shall any private driveway dedication occur prior to the private driveway first being upgraded to comply with town and road standards, and Wisconsin



State Statutes. All standards related to design, grading, construction and drainage shall meet State Department of Transportation Standard Specifications for Roads and Bridge Construction and its supplements, or the Town's Subdivision Land Division Ordinance, the more restrictive provision shall apply.

*Original Ordinance #16 approved and passed September 2, 1975, posted September 30, 1975.*

*Ordinance #16 amended by Ordinance #21 June 7, 1977.*

*Ordinance #21 approved and passed June 7, 1977, posted June 15, 1977.*

*Ordinance #21 and #16 repealed by Ordinance #28 May 6, 1980.*

*Ordinance #28 approved and passed May 6, 1980, posted May 7, 1980.*

*Ordinance #28 repealed by Ordinance #53 February 2, 1999.*

*Ordinance #53 adopted February 2, 1999, published February 11, 1999.*

#### **TITLE 4 - CHAPTER 5 Regulations of Parks and Navigable Waters.**

**Section 4.5.1 Definitions and Terms.**

**Section 4.5.2 Permits.**

**Section 4.5.3 Prohibited Items or uses.**

**Section 4.5.4 Park Hours.**

**Section 4.5.5 Park Closing and Opening Dates.**

**Section 4.5.6 Fees and Charges.**

**Section 4.5.7 Shelter Reservations.**

**Section 4.5.8 General Regulations.**

**Section 4.5.9 Snowmobile Operating Regulations.**

**Section 4.5.10 Town Board's Rule-making Authority.**

**Section 4.5.11 Penalties.**

**Section 4.5.12 Enforcement.**

#### **Section 4.5.1 Definitions and Terms.**

- a) The term "park" as hereinafter used shall include all grounds, structures and water courses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Town of Oregon.
- b) The term "permit" shall mean written authorization for specific uses and times of facilities or areas as required.

#### **Section 4.5.2 Permits.**

Permits shall be required for the following from the office of the Town Clerk:

- a) All public meetings, assemblies, entertainments, tournaments or speeches;
- b) Exclusive use of any facility or play area;
- c) Selling or offering for sale any tangible or intangible item or soliciting for any trade, occupation, business or profession;
- d) The possession or drinking of any intoxicating beverages;
- e) Snowmobiles in designated areas, renewable yearly.

#### **Section 4.5.3 Prohibited items or uses.**

In addition to illegal activities, the following activities shall be prohibited within the boundaries of any park, unless the appropriate permit is obtained:

- a) Building of fires other than in firepits or grills;
- b) Possession or discharging of any firearm or weapon of any kind;
- c) Possession, using or dispensing of a controlled substance in violation of the Uniform Controlled Substance Act;
- d) Hunting, trapping, or disturbing birds or wildlife;

- e) Throwing stones or missiles;
- f) Digging or removal of any turf, trees, shrubs, flowers or protected wildlife;
- g) Defacing, destroying or vandalizing any structure, sign or equipment other than an "official traffic control device" as defined in Section 340.01(38) of the Wisconsin Statutes (1979-1980);
- h) Operating or parking a motor vehicle in a park during closed hours;
- i) Littering in a park;
- j) Disposing of trash not relating to park usage;
- k) Possession or drinking of alcoholic beverages without a permit;
- l) Being abusive, boisterous or disorderly;
- m) Leading or riding horses in unauthorized parks or areas of parks;
- n) Removing any object of archaeological interest including any manmade article or implement originating from earlier cultures, all without the prior written consent of the Oregon Town Board.

#### **Section 4.5.4 Park Hours.**

Unless otherwise specified by the Town Board, park hours shall be from 7:00a.m. to 10:00p.m.

#### **Section 4.5.5 Park Closing and Opening Dates.**

The Town Board will have full authority to open and close any park, facility or area because of season, condition, construction or when in the interest of public safety, it is deemed necessary.

#### **Section 4.5.6 Fees and Charges.**

The Town Board shall have the authority to establish such fees as are deemed necessary for use of any facility, shelter or land area or for the reservation of such areas.

- a) Fee schedule shall be available upon request;
- b) It shall be unlawful to use such areas without payment of such fee or charge.

#### **Section 4.5.7 Shelter Reservations.**

- a) Shelters may be reserved by Town residents within any park for the exclusive use of groups, organizations or others on a first-requested basis;
- b) All reservation requests from Town residents will be made through the office of the Town Clerk;
- c) All reservation requests will be made at least one (1) week prior to the scheduled event;
- d) When any form of alcoholic beverages are served at the event for which a reservation permit has been issued a valid alcoholic beverage permit must also be obtained. Said alcoholic beverage permits must be held by the person in charge and shall be presented to any park employee or law enforcement officer upon request;
- e) Any member of the Town Board or authorized law enforcement officer may revoke any reservation permit when, in the official's judgment, persons or property on or within park premises may be endangered by the continuance of the exclusive use;
- f) Persons in charge of any reservation shall be responsible for the conduct of those in attendance, which shall include disallowing alcoholic beverages to minors, general safety to those attending and cleanliness of public property under reservation;

#### **Section 4.5.8 General Regulations.**

- a) No person shall interfere in any manner with any employee in the performance of his assigned duties;
- b) All sporting activities must be held in areas designated for that purpose;
- c) Motor vehicles are restricted to designated roadways and parking areas;
- d) Vehicular speed limits shall be restricted to 15m.p.h. unless otherwise posted. Operating speeds shall be speeds that are reasonable, safe, and prudent so as not

to interfere with the safety of park users;

e) Bicycles and other non-motorized vehicles shall comply with the rules and regulations applicable to those vehicles. No person shall ride a bicycle upon foot trails or lawns. Careless operation will be grounds for removal from the park;

f) All pets shall be effectively restrained on a leash no more than six (6) feet long and controlled at all times. No pets allowed in park shelters or buildings.

g) It shall be unlawful and a violation of this ordinance to park, stop, or leave standing any motor vehicle within any town park between the hours of 10:00p.m. and 7:00a.m.

#### **Section 4.5.9 Snowmobile Operating Regulations.**

Operations of snowmobiles shall be restricted to such parks as authorized and posted for such use by the Town Board. All snowmobiles must be operated in conformity with the state statutes and the following regulations:

a) Unless otherwise established by the Town Board, trail hours shall be 8:00a.m to 10:00p.m.

b) Snowmobiles must stay on marked trails;

c) All machines must have valid registration;

d) Maximum trail speed shall be speeds that are reasonable, safe and prudent but shall at no time exceed 30m.p.h.

e) Snowmobiles must travel single file;

f) Careless or negligent operation will be grounds for suspension, fine or both;

g) Littering shall be prohibited;

h) No machines will be permitted on trails when a "Trail Closed" sign is posted;

i) All accidents or injuries must be reported immediately to the Dane County Sheriff's Department. State Law Reference: Section 350.18 Wis. Stats. (1979-1980).

#### **Section 4.5.10 Town Board's Rule-making authority.**

The Town Board is authorized to adopt additional or revised rules and regulations for the proper conduct and administration of the parks in the Town of Oregon not inconsistent with this ordinance, to grant permits in conformity with the provisions hereof and to perform such other acts with reference to the management of said parks as are lawful and as they may deem expedient, to promote the beauty and usefulness of said parks and to increase the comfort, safety, convenience and public welfare of the citizens of the Town of Oregon and of visitors to said parks in their use of the same.

#### **Section 4.5.11 Penalties.**

a) Any person who shall violate any of the provisions of the ordinance shall for each offense forfeit to the Town of Oregon not less than \$10.00 nor more than \$100.00 together with the costs of prosecution and court costs. The judgment so obtained may be enforced in the same manner as any civil judgment. Any person who has the ability to pay such forfeiture but refuses to do so may be confined in the county jail until such forfeiture is paid but in no event to exceed 60 days. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be considered regardless of whether such income or assets are subject to garnishment, lien or attachment by creditors.

b) In addition to the penalty above, any person damaging the property of the Town of Oregon or of another person shall remain liable in a civil action for the amount of that damage.

#### **Section 4.5.12 Enforcement.**

Any law enforcement officer may arrest any offender whom he may detect in the violation of any of the provisions of this ordinance. The officer shall have at all times the right to enter the premises of any building, structure or enclosure in any park for the purpose of inspection or investigating disturbances.

*Original Ordinance #30 approved and passed November 4, 1980, posted November 7, 1980.*

*Ordinance #30 amended by Ordinance #32 April 13, 1982.*

*Ordinance #32 approved and passed April 13, 1982, posted April 14, 1982.*

TITLE 5 PUBLIC UTILITIES

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**CHAPTER 1 Cable Television.**

**CHAPTER 2 Water and Sewer Utilities Regulations [Reserved for Future Use]**

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**TITLE 5 - CHAPTER 1 Cable Television.**

**Section 5.1.1 Short Title.**

**Section 5.1.2 Definitions.**

**Section 5.1.3 Franchise Required.**

**Section 5.1.4 Grant of Franchise.**

**Section 5.1.5 Franchise Rights to Police Power.**

**Section 5.1.6 Review, Renegotiation, and Modification.**

**Section 5.1.7 Franchise Expiration and Cancellation, Continuity of Service.**

**Section 5.1.8 Transfer of Control, Conditions of Sale.**

**Section 5.1.9 Franchise Territory and Extension of Service.**

**Section 5.1.10 Subscriber Privacy.**

**Section 5.1.11 Subscriber Protection.**

**Section 5.1.12 Protection of Nonsubscribers.**

**Section 5.1.13 Technical Standards and Complaints.**

**Section 5.1.14 Description of System.**

**Section 5.1.15 Grantee's Use of Town's Rights.**

**Section 5.1.16 Method of Installation.**

**Section 5.1.17 Indemnity.**

**Section 5.1.18 Franchise Fee.**

**Section 5.1.19 Joint Use.**

**Section 5.1.20 Unauthorized Connections or Modifications.**

**Section 5.1.21 Removal of Equipment.**

**Section 5.1.22 Acceptance by Grantee.**

**Section 5.1.23 Penalties.**

**Section 5.1.24 Creation of Cable Committee.**

**Section 5.1.25 Incorporation of Amendments.**

**Section 5.1.26 Severability.**

**Section 5.1.1 Short Title.**

Town of Oregon Cable Television (CATV) Franchise Enabling Ordinance

**Section 5.1.2 Definitions.**

For the purpose of this chapter the following terms, phrases, and words and their derivations shall apply:

a) Additional service - A subscriber service provided by the Grantee for which a special charge is made based on program or service content or time of usage.

b) Basic service - Any service tier which includes the retransmission of local broadcast signals including all tiers of subscriber service provided by the grantee



including the delivery of broadcast signals, the delivery of broadcast signals and programming originated over the cable system covered by the regular monthly charge paid by the subscribers.

c) Board - The duly elected Town Board of the Town of Oregon, Dane County, Wisconsin or other future governing body of the said entity.

d) Cable Act - The Federal Cable Communications Policy Act of 1984, 47 U.S.C. Sections 521-559.

e) Cable Channel - The term "cable channel" or "channel" means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel (as television channel is defined by the Commission by regulation).

f) Cable Operator - The term "cable operator" means any person or group of persons

1. who provides cable service of a cable system and directly or through one or more affiliates own a significant interest in such cable system; or

2. who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

g) Cable Service - The term "cable service" means

1. the one-way transmission to subscribers of video programming, or other programming service, and

2. subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

h) Cable System - Any system using coaxial cables, wave guides, or other conductors and equipment which receives and amplifies signals broadcast by television and/or radio stations or distributed via satellite and which transmits video and audio programming originated by the system itself or by other parties, and distributes such signals and programming by wire, cable, microwave, satellite, or other means to persons who subscribe to such service. Such terms do not include:

1. a facility that serves only to retransmit the television signals of one or more television broadcast stations;

2. a facility that serves only subscribers in one or more multiple

unit dwellings under common ownership, control or management, unless such facility or facilities uses any public right of way;

3. a facility of a common carrier which is subject, in whole or in part, to the provisions of the Cable Act, except that such facility shall be considered as a cable system to the extent such facility is used in transmission of video programming directly to subscribers; or

4. any facilities of any electric utility used solely for operating its electric utility system.

i) Commence operation - Operation shall be considered commenced when sufficient distribution facilities have been placed in use to offer full network service to at least twenty-five percent (25%) of the inhabitants in the initial service area.

j) Completed - Operations shall be considered completed when sufficient distribution facilities have been placed in use to offer full network service to one hundred percent (100%) of the inhabitants in the initial service area.

k) Extension policy - The policy of the Cable Operator in regard to extending service beyond the limits as defined in the "Initial Service Area". The "Extension Policy" is to be presented to the Town Board at the time of application for a Franchise and becomes one of the conditions for granting of the Franchise.

l) Federal Agency - Any agency of the United States, including the Federal Communications Commission.

m) Franchise - The term "franchise" means an initial authorization, or renewal thereof (including renewal of an authorization which has been granted subject to the Cable Act, Section 626), issued by the Town of Oregon to construct and operate a cable system.

n) Franchise Fee - The term "franchise fee" includes any tax, fee, or assessment of any kind imposed by the Town of Oregon on a cable operator or cable subscriber, or both, because of the cost to the Town of Oregon in enabling the cable operation to take place to selected areas in the Town of Oregon.

o) Full Network Service - All "Basic Services" and "Additional Services" offered by the Grantee.

p) Grantee - Any person, firm, company, corporation, association or governmental entity to whom or which a Franchise under this ordinance is granted or lawfully transferred under this ordinance.

q) Gross Revenues - Any and all compensation derived by a Grantee from the provision of Cable Services in the Town of Oregon. The term does not include any taxes on services provided by a Grantee and imposed directly upon any subscriber or user by the state, town, or other governmental unit and collected by a Grantee on behalf of said unit.

r) Initial Service Area - The territory, services, and policies of the Grantee. The "Initial Service Area" is presented to the Town Board at the time of application and is one of the conditions upon which the Franchise is granted.

s) Person - Means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

t) Service Tier - The term "service tier" means a category of cable service or other services provided by a cable operator and for which a separate rate is charged by the cable operator.

u) State - The term "State" means any state, or political subdivision or agency thereof.

v) Subscriber - Any person, firm, company, corporation, or association, receiving reception service for the Grantee.

w) Town - Town of Oregon in its present form or as it may be changed by annexation.

### **Section 5.1.3 Franchise Required.**

a) No person, firm, company, corporation, or association shall construct, install, maintain, or operate within any public street in the Town, or within any other public property of the Town, any equipment or facilities for the distribution of television signals or radio signals or other intelligences either analog or digital over a Broadband Information Network subscriber unless a franchise authorizing the use of the streets or properties or areas has first been obtained pursuant to the provisions of this ordinance, and unless such franchise is in full force and effect.

b) Any franchise granted hereunder shall be a privilege to be held for the benefit of the public by the parties.

### **Section 5.1.4 Grant of Franchise.**

a) The Town shall have the right to award one or more non-exclusive franchises

within its jurisdiction from a date certain for an initial term not to exceed fifteen (15) years.

b) Said franchise shall be construed to authorize the right and privilege to construct, erect, operate, and maintain in, upon, along, across, above, over, and under the streets, alleys, public ways, and through easements and public places now laid out or dedicated, and all extension thereof and additions thereto, in the Town, poles, wires, cables, and underground conduits, manholes, and other conductors and fixtures necessary for the maintenance and operation in the Town of cable communications system.

c) In the event that any such easement is used, a Grantee shall ensure:

1. that the safety, functioning, and appearance of the property and the convenience and safety of other persons not be adversely affected by the installation of construction of facilities necessary for a cable system.

2. that the cost of the installation, construction, operation, or removal of such facilities be borne by the cable operator or subscriber, or a combination of both.

3. that the owner of the property be justly compensated by the cable operator for any damages caused by the installation, construction, operation or removal of such facilities by the cable operator.

### **Section 5.1.5 Franchise Rights to Police Power.**

The Grantee shall, at all times during the life of the Franchise, be subject to the lawful exercise of the police power by the Town and to such reasonable regulations as the Town shall hereinafter provide. Such additions or revisions shall be made only after public hearings of which the grantee shall have received written notice at least thirty (30) days prior to such hearing.

### **Section 5.1.6 Review, Renegotiation, and Modification.**

a) In order to provide for a maximum degree of flexibility in the franchise, which covers a field that is relatively new and rapidly changing and which probably will see many regulatory, technical, financial, marketing, and legal changes during the term of the franchise, and to help achieve a continued advanced and modern system for the Town of Oregon, the following terms and conditions are a part of

the franchise granted.

1. Each year during the month of March at the regular or special Town Board meeting the Town and the Grantee at the Town's option shall meet to discuss application of new technologies, system performances, services provided, programming offered, customer complaints, privacy and human rights, amendments to this ordinance, and judicial and FCC rulings. The parties may renegotiate any of the above provisions at that time. The local and corporate Grantee shall provide year end financial statements and operating statements for review by the Town Board. The Town is to receive a copy of any report required to be filed with any regulatory agency having jurisdiction.

2. Board members, administrative personnel, the public or the Grantee may add further topics to the list recited in "1".

3. It is the intent of the Town of Oregon to consider extension of the franchise during the 6 month period which begins with the 12<sup>th</sup> month before the franchise expiration as outlined in Section 626 of the Cable Act.

b) Section 626 of the Cable Act regarding Modification of Franchise obligations is incorporated herein as if fully set forth except for the commencement of review for extension outlined in Paragraph a.3 above.

### **Section 5.1.7 Franchise Expiration and Cancellation, Continuity of Service.**

a) The Town Board may cancel the franchise granted by this Chapter, or provide for its termination at a date prior to expiration date of the franchise at any time upon a finding, made after thirty (30) days notice of proposed cancellation or reduction in duration and public hearing, that the Grantee has failed to cure one or more of the following defects during a sixty (60) day period following written notice by the Town Clerk to the Grantee of such defect:

1. Material breach, whether by act or omission, of any term or condition of the chapter; or the Franchise Agreement; or

2. Insolvency of the Grantee, or inability or unwillingness of the Grantee to pay its just debts when they accrue, or application by the Grantee for adjudication as a bankrupt, or the filing of a voluntary assignment for the benefit of creditor, or if a judgment, tax warrant or tax lien remains unsatisfied for a period of six (6)

months.

3. Failure to complete the system within one (1) year as defined in the Initial Service Area attached to the Franchise Agreement would also be cause for cancellation.

b) In the event any of the above mentioned defects are caused by equipment failure or the Grantee's inability to obtain certain equipment for reasons beyond Grantee's control, then Grantee shall be allowed an additional sixty (60) days beyond the date of receiving the necessary equipment before there is deemed a ground for termination.

c) Termination or forfeiture of the franchise shall in no way affect the rights of the Town under the franchise or any provision of the law.

d) In the period between expiration or cancellation of the franchise and the transfer of the cable system as provided in this chapter, the Grantee shall continue to provide service to the public as if its franchise were still in effect, but in the capacity of a trustee for its successor in interest.

#### **Section 5.1.8 Transfer of Control, Conditions of Sale.**

a) No transfer of effective ownership or control of the cable system may take place, whether by forced or voluntary sale, lease, mortgage, assignment, encumbrance or any other form of disposition, without prior notice to and approval by the Town Board. Refusal to approve must be related to Grantee's future service and performance; otherwise approval shall not be unreasonably withheld. The notice shall include full identifying particulars of the proposed transaction. For purposes of this section, a "transfer of effective ownership or control" shall be taken to mean and include the acquisition, within any consecutive period of thirty-six (36) months of more than thirty percent (30%) interest in the Grantee's voting stock, franchise, plant, equipment, or other property used in the conduct of business, or more than thirty percent (30%) representation on the Grantee's Board of Directors, by any person or group of persons acting in concert who before that period did not enjoy such interest or representation in the partnership. Such definition shall not include the disposition of facilities of equipment no longer required in the conduct of business or a pledge or mortgage or similar instrument transferring conditional ownership of all or part of the system's assets to a lender or creditor in the ordinary course of business so long as the lender or creditor does not thereby acquire the right to control the system's operations.

b) If a franchise held by a cable operator is denied and the franchising authority acquires ownership of the cable system or effects a transfer of ownership of the

system to another person, any such acquisition or transfer shall be:

1. At fair market value, determined on the basis of the cable system valued as a going concern but with no value allocated to the franchise itself.

2. In the case of any franchise existing on the effective date of this title, at a price determined in accordance with the franchise if such franchise contains provisions applicable to such an acquisition or transfer.

c) If a franchise held by a cable operator is revoked for cause and the franchising authority acquires ownership of the cable system or effects a transfer of ownership of the system to another person, any such acquisition or transfer shall be at an equitable price.

d) Anything contained herein to the contrary notwithstanding all provisions of this ordinance and any franchise granted hereto shall be binding upon grantee and its successors, lessee's or assigns.

#### **Section 5.1.9 Franchise Territory and Extension of Service.**

a) The Grantee shall provide its service to the areas as outlined in the "Initial Service Area" to be attached to the Franchise Agreement.

b) The service shall be provided subject to the Grantee's "Extensions Policy" for unusual or lengthy installations. Grantee's "Extension Policy" shall be filed at the time of acceptance of the franchise for approval by the Town Board. The Town Board shall act upon the extension policy within thirty (30) days after filing with the Town Board. In the event that the Grantee is requested by a subscriber to extend the system beyond two hundred fifty (250) feet beyond its main cable, Grantee shall be allowed to recover its costs in making same. In the event said subscriber is not willing to pay same, Grantee shall not be required to either extend the system or make the installation.

c) The Grantee shall not deny cable service to any group of potential residential cable subscribers because of the income of the residents of the local area, in which such group resides.

d) Grantee shall update the definition of "Initial Service Area" whenever it is changed with the approval of the Town.

### **Section 5.1.10 Subscriber Privacy.**

- a) No monitoring of any terminal connected to the system shall take place without either specific written authorization by the user of the terminal in question on each occasion or written notice to the Town Board.
- b) Grantee shall not, except as required by governmental action, provide any data concerning specific subscribers or users or their use of its services without first securing Town Board's written authorization for the provision of such data.
- c) Section 631 of the Cable Act relating to Protection of Subscriber Privacy is incorporated herein as if fully set forth.

### **Section 5.1.11 Subscriber Protection.**

The Cable Committee defined in Section 5.1.24 will receive information on cable system performance and act as liaison between the subscriber(s) and the Grantee.

### **Section 5.1.12 Protection of Nonsubscribers.**

Grantees shall at all times keep its cables and other appurtenances used for transmitting signals shielded in such a manner that there will be no interference with signals received by private receiver sets owned by person not subscribing to the Grantee's service.

### **Section 5.1.13 Technical Standards and Complaints.**

- a) The Grantee's operations shall conform to the technical standards set by the Federal government. The Grantee shall maintain on file consistent with the rules of the Federal government all testing results which shall be open to inspection by the Town Cable Committee. The Grantee shall, upon request, inform the Town Cable Committee of any audit by an employee of the Federal government together with the name(s) of the employee(s) who conduct such audit. The Grantee shall perform all tests required by the Federal government which are now in effect or which may be required in the future.
- b) Grantee shall keep a record of complaints received and shall make available to the Cable Committee upon request, a compilation of such complaints showing when received and the general nature of the complaint. Individual names will not be used by the Cable Committee in resolving complaints without the permission



of complainant.

#### **Section 5.1.14 Description of System.**

Grantee shall, as part of the acceptance of the franchise, provide a complete description of the cable system in the Town of Oregon, including the possibility of two way capability. Such description shall be updated as additions or changes are made.

#### **Section 5.1.15 Grantee's Use of Town's Rights.**

Grantee, upon acceptance of the franchise, is hereby granted the right to bury, erect, maintain, and operate in the streets, alleys, and utility easements of the Town of Oregon and other public places a cable system. The poles used for such distribution shall be those erected or used by local utilities. The Grantee may erect its own poles if the Town's permission is first obtained.

#### **Section 5.1.16 Method of Installation.**

- a) All installations made by the Grantee shall be made in good, substantial, safe condition and maintained in such condition at all times. The Grantee shall make no excavations in the streets, alleys, and public places without first procuring a written permit from the authorized representative of the Town, and all work of such kind shall be done under the supervision of the Town authorities and so as to meet the approval of the Town authorities. All buried cables allowed to cross paved town roads shall only be done by a bored hole under the road, etc.
- b) The Grantee's transmission and distribution system poles, wires, and appurtenances shall be located, erected, and maintained so as not to interfere with the lives or safety of persons, or to interfere with new improvements the Town may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, or other public property. Removal of poles to avoid such interference will be at the Grantee's expense.
- c) Nothing in this Chapter or any franchise granted hereunder shall relieve the Grantee of the obligation of placing network facilities underground in areas presently served or to be served in the future by underground electric utility facilities. The Grantee shall abide by the requirements of the Town Board in regard to the installation or relocation of such service facilities.
- d) All land shall be restored to the condition which existed prior to the beginning

of construction and/or excavation within thirty (30) days after initial construction and/or excavation.

e) The Grantee shall utilize the easements of other public utilities when possible for said use and the landowner's consent if required by said utility easement. All easements required from subscribers or nonsubscribers shall be on a standard form supplied by the company and approved by the Town Board.

f) In areas where either telephone or electric utility facilities are above ground at the time of installation, the Grantee may install its service above ground. In the event telephone and electric utility facilities are placed underground in the future, then Grantee shall likewise relocate its service underground as soon as reasonably practicable as directed by the Town.

g) Authority to Trim Trees. The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and other public places of the Town so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee. All trimming is to be done under the supervision and direction of the Town and the property owner, and written approval from the Town. The Grantee may contract for such services, however, any firm or individual so retained shall receive Town approval prior to commencing such activity.

#### **Section 5.1.17 Indemnity.**

a) Indemnification. All Grantees shall defend and save the Town and its agents and employees harmless from all claims, damages, losses and expenses including attorney's fees sustained by the Town on account of any suit, judgment, execution, claim or demand whatsoever arising out of:

1. The enactment of this ordinance and the award of a permit hereunder, except as may arise from the process or action or selection of a Grantee for award of a permit as provided herein.

2. The installation, operation, or maintenance of the cable communications system except for acts of the Town, its agents or employees unless said acts are the request of and under the direction or supervision of Grantee.

b) Liability Insurance. All Grantees shall maintain throughout the term of the franchise a general comprehensive liability insurance policy naming as the additional insured the Town, its officers, boards, commissions, agents, and employees, in a company approved by the Town Board and in a form satisfactory to the Town Attorney, protecting the Town, its officers, boards, commissions,

agents, and employees against liability for loss or damage for bodily injury, death or property damage, occasioned by the operations of Grantee under any franchise granted hereunder, in the amounts of:

1. \$250,000.00 for bodily injury or death to any one person within the limit, however, \$500,000.00 for bodily injury or death resulting from any one occurrence; and
2. \$500,000.00 for property damage resulting from any one occurrence.

#### **Section 5.1.18 Franchise Fee.**

- a) The Grantee shall pay to the Town a Franchise Fee of up to five percent (5%) of Grantee's annual revenues from the previous calendar year on or before March 31 of the following year. The Town may retain an independent certified public accountant, at the Town's expense, to conduct an audit of a Grantee's books and records for the purpose of calculating the Franchise Fee. Such audit shall be limited to those books and records necessary for verifying the accuracy of the franchise fee and the certified public accountant shall disclose only that information necessary to inform the Town of the accuracy of the payment.
- b) A Grantee may pass through to subscribers the amount of any increase in a franchise fee unless the Town demonstrates that the rate structure specified in the franchise reflects all the cost of franchise fees and so notifies the Grantee in writing.
- c) In any court action under subsection b), the Town shall demonstrate that the rate structure reflects the cost of the franchise fee.
- d) A Grantee may designate that portion of a subscriber's bill attributable to the franchise fee as a separate item on the bill.

#### **Section 5.1.19 Joint Use.**

The Grantee shall grant to the Town, free of expense, joint use of any and all poles owned by it for any proper municipal purposes, insofar as it may be done without interfering with the free use and enjoyment of the company's own wires and fixtures, and the Town shall hold the Grantee harmless from any and all actions, causes of action, or damage caused by the placing of the Town's wires, or appurtenances upon the poles of the company. Proper regard shall be given to all existing safety rules governing

construction and maintenance in effect at the time of construction.

#### **Section 5.1.20 Unauthorized Connections or Modifications.**

a) Unauthorized Connections Prohibited. It shall be unlawful for any firm, person, group, company, corporation, or government body or agency, without the expressed consent of the Grantee, to make or possess any connection, extension, or division, whether physically, acoustically, inductively, electronically, or otherwise, with or to any segment of a cable communications system for any purpose whatsoever.

b) Removal or Destruction Prohibited. It shall be unlawful for any firm, person, group, company, corporation, or government body or agency to willingly interfere, tamper, remove, obstruct, or damage any part, segment of content of a cable communications system for any purpose whatsoever.

c) Fine. The Town may fine the person violating this section up to five hundred (\$500.00) dollars per occurrence. Each continuing day of the violation shall be considered a separate occurrence.

#### **Section 5.1.21 Removal of Equipment.**

In the event the franchise terminates and neither the Town nor anyone else purchases Grantee's cable system, Grantee shall remove its exposed cables, wires, and appliances from the streets, alleys, public ways, and places within the Town, except any underground cables, appliances, or other appurtenances. If not removed within one (1) year from abandonment or franchise termination, they become the property of the Town.

#### **Section 5.1.22 Acceptance by Grantee.**

The franchise shall take effect and be in force for up to fifteen years commencing with the date of award of the franchise to the Grantee, subject to its passage by the Town Board and the acceptance of the Grantee's "Initial Service Area" and "Extension Policy".

#### **Section 5.1.23 Penalties.**

a) In the event that the Grantee shall fail to comply with any of the provisions of this chapter, the Grantee shall be subject to a penalty in an amount not to exceed

five hundred (\$500.00) dollars, plus costs of prosecution. Each day in which the Grantee remains in violation of the provisions of this ordinance shall be deemed to be a separate violation of this ordinance.

b) Notwithstanding the foregoing, in the event that any reduction or interruption of service, or any violation of the provisions of this chapter, shall be the result of acts of God, strikes, government or military action, or other conditions beyond the control of Grantee, including the lack of material or parts, the Grantee shall not be deemed to be in violation of this ordinance and subject to the provisions of this section until such conditions have ceased.

#### **Section 5.1.24 Creation of Cable Committee.**

The Town of Oregon hereby agrees to the creation of a "Cable Committee" appointed by the Town Board which shall consist of up to five members of which one (1) member is from the Town Board, up to three (3) members are from the service areas, and one (1) member is from the Plan Commission. One representative of any cable operator having a franchise in the Town will also serve on the committee but will have no vote. Said Committee shall adopt rules and regulations for procedures, rules, and regulations subject to the approval of the Town Board. The "Cable Committee" is to act as a liaison between the cable subscribers and the Grantee(s).

#### **Section 5.1.25 Incorporation of Amendments.**

The franchise shall be amended to incorporate all amendments to the statutes, rules, and regulations of the Federal government. Any provisions herein, in conflict with or preempted by said rules and regulations, or statutes, shall be superseded.

#### **Section 5.1.26 Severability.**

Should any word, phrase, clause, sentence, paragraph, or portion of this chapter and franchise be declared to be invalid by a Court of competent jurisdiction, such adjudication shall not affect the validity of this ordinance and franchise as a whole, but shall only affect the portion thereof declared to be invalid; and the Town Board hereby expressly states and declares that it would nonetheless have passed this ordinance and granted this franchise had it known that any word, phrase, clause, sentence, paragraph, or portion of said franchise were invalid.

*Original Ordinance #43 passed on March 6, 1990, posted on March 7, 1990.*

Franchise Agreement

and CATV Permit

The TOWN BOARD OF OREGON, Dane County, Wisconsin hereby grants

(Name of Grantee)\_\_\_\_\_ a permit to construct, erect, operate and maintain in, upon, along, across, above, over and under streets, alleys, public ways and public places now laid out of dedicated and all extension thereof and additions thereto in the town, poles, wires, cables and underground conduits, manholes and other conductors and fixtures necessary for the maintenance and operation in the Town of a cable communications system and a franchise pursuant to Section 5.1.12 of the Town of Oregon CATV Franchise Enabling Ordinance for a period of \_\_\_\_ years up to a maximum of fifteen (15) years subject to the restrictions and conditions now or hereinafter imposed by state of federal regulations, subject to the terms and conditions of the Town of Oregon Ordinances and amendments thereto and subject to the following terms and conditions:

A. SCOPE OF SYSTEM

1. The Grantee shall provide its service to all areas within the limits of the Town subject to its Initial Service Area and Extension Policy for unusual or lengthy installations. Grantee's Definition of Initial Service Area and Extension Policy shall be filed at the time of submission of the franchise for approval by the Town Board. The Town Board shall act upon the franchise and attached Initial Service Area and Extension Policy within thirty (30) days after filing with the Town Board.
2. The Grantee shall not deny cable service to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides.

B. MISCELLANEOUS INFORMATION

1. (Name of Grantee)\_\_\_\_\_ shall deposit  
  
\$\_\_\_\_\_ dollars, equivalent to 1250f the anticipated restoration costs, in an interest bearing account with the (Name of Financial

Institution)\_\_\_\_\_ prior to the start of construction. The Town may use these funds to cover costs of landscaping or other operations required to restore yards, boring locations, etc. to their original condition should (Name of Grantee)\_\_\_\_\_ fail to do so. Said account shall be subject to a separate escrow agreement to be entered into by the parties.

2. (Name of Grantee)\_\_\_\_\_ further agrees to pay an amount not to exceed \$\_\_\_\_\_ dollars towards the attorneys fees and other costs incurred by the Town of Oregon towards securing this franchise.

3. The Grantee shall provide subscribers a toll free phone number which may be used to make compliance and secure information. Failure of (Name of Grantee)\_\_\_\_\_ to comply with the terms of this Franchise Agreement shall be cause for revocation or termination pursuant to Section 2.7(1)(a) of the ordinances.

4. The Grantee shall pay to the Town of Oregon before March 31 of the following year an amount equal to \_\_\_\_\_ Of the gross revenues as defined in Section 12.18.

ISSUED BY AUTHORITY OF THE TOWN OF OREGON

\_\_\_\_\_

Date Town Chairman

\_\_\_\_\_

Date Town Clerk

\_\_\_\_\_

Date Grantee Representative

\_\_\_\_\_

Date Grantee Representative

Attachments:

Grantee's "Initial Service Area"

Grantee's "Extension Policy"

TITLE 6 HEALTH AND SANITATION

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**CHAPTER 1 Health and Sanitation [Reserved for Future Use]**

**CHAPTER 2 Collection, Dumping and Disposal of Garbage, Rubbish, Refuse and**



**Recycling Materials.**

**CHAPTER 3 Solid Waste Disposal Site.**

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**TITLE 6 - CHAPTER 2 Collection, Dumping and Disposal of Garbage, Rubbish, Refuse and Recycling Materials.**

**Section 6.2.1 Purpose.**

**Section 6.2.2 Definitions.**

**Section 6.2.3 Curbside Collection.**

**Section 6.2.4 Town of Oregon Recycling Center (TORC).**

**Section 6.2.5 Separation of Recyclable Materials.**

**Section 6.2.6 Preparation of Recyclable Materials.**

**Section 6.2.7 Requirements for Multi-Family Dwellings.**

**Section 6.2.8 Notification Required.**

**Section 6.2.9 Collection by Unauthorized Entities.**

**Section 6.2.10 Disposal or Dumping Permit.**

**Section 6.2.11 State Law.**

**Section 6.2.12 Severability and Conflict.**

**Section 6.2.13 Fines for Violation.**

### **Section 6.2.1 Purpose.**

The purpose of this ordinance is to regulate the collection, dumping and disposal of garbage, rubbish, refuse and recyclable materials by persons or other entities within the Town of Oregon. Because of the possible danger to the health, safety and welfare of the public and due to a deep concern for the environment, such collection, dumping or disposal within the Town of Oregon, shall only be permitted under the terms and conditions set forth below.

### **Section 6.2.2 Definitions.**

A. Dumping or Disposal - Dumping or disposal includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning or burying waste, garbage, refuse, yard waste, rubbish, or sludge on, into or under any property or lands, whether publicly or privately owned within the Town of Oregon.

B. Waste - Waste is garbage, refuse, rubbish and all other discarded or salvageable material, including waste materials resulting from industrial, commercial and agricultural operations and from domestic and public service activities.

C. Garbage - Garbage means all waste which rots or decomposes.

D. Rubbish - Rubbish means all waste which does not easily rot or decompose, nor is considered recyclable. Rubbish specifically excludes yard waste, heavy objects and noncollectible items.

E. Refuse - Refuse is discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, gravel pit and quarry spoils, toxic and hazardous waste, heavy objects, noncollectible items and material and debris resulting from construction or demolition.

F. Yard Waste - Yard waste consists of three (3) categories defined as follows:

1. Yard Debris - Yard debris is nonwoody plant material, including but not limited to garden waste, weeds, fruits, vegetables, flowers, grass clippings, sod and shrubbery clippings of less than six (6) inches in length.
2. Leaves - Leaves are defined as foliage of deciduous trees.
3. Brush - Brush is woody plant material not greater than four (4)

inches in diameter and not greater than ten (10) feet in length.

G. Sludge - Sludge is sewage treatment residue in any form.

H. Newspaper - Newspaper means printed matter excluding shiny surface paper and bound publications such as books, magazines, catalogs, phone books or similar publications.

I. Heavy Objects - Heavy Objects include, but are not limited to, major appliances, tires (up to four (4) constitute one large item), mattresses, box springs, and auto or machinery parts over ten (10) pounds in weight or two (2) feet in length.

J. Noncollectible Items - Noncollectable items include, but are not limited to, concrete, construction materials, animal droppings, stumps, stones or cement blocks, televisions, fuel tanks of any type and drums larger than twenty gallons.

K. Recyclable Material - Identified material needing preparation standards, and including the following: newspaper, container board, unbroken brown, green and clear glass containers, metal containers, blow-molded HDPE and PETE containers, waste tires, waste oil, lead-acid batteries, magazines, yard waste, office paper and major appliances. "Recyclable materials" further means identified materials meeting preparation standards where economical markets or short-term storage are available, and shall include the following: other paper, HDPE containers that are not blow-molded, PS containers, PVC containers, PP containers, LDPE containers, other resins or multiple resins, bi-metal containers and other materials determined to have economical markets available.

L. Nonrecyclable material - Nonrecyclable material means all material for which the Town of Oregon or its representative collector cannot establish a present reasonable value for its collection as a recyclable.

M. Residential Unit - An independent household capable of individual habitation by a family unit. A single family dwelling shall be considered to be one residential unit. Multi-family dwellings shall be considered to have multiple residential units, with a number of residential units equal to the number of family units to be housed therein. Residential units shall not include commercial housing businesses, such as motels, boarding houses or resorts.

N. Small Business - Small business means a business producing a maximum of four (4) thirty gallon bags of garbage or the equivalent of four (4) thirty gallon bags of garbage per week.

O. Collector - Collector means the person or entity specifically authorized by the Town Board to collect garbage, rubbish and recyclable materials and to dispose of

the same.

P. Lead-acid Batteries - Lead-acid batteries shall mean automotive and related batteries that are comprised of lead plates with an acid electrolyte and does not include nickel-cadmium batteries, dry cell (flashlight) batteries or batteries used in calculators, watches, hearing aids or similar devices.

Q. Tires - Tires for collection purposes shall mean rubber tires, including automobile and light truck tires, whose size is less than 1100 x 24.5.

R. Multi-family dwelling - A dwelling containing four or more residential units, including condominiums, as well as dwelling units occupied seasonally.

S. Bi-metal Container - A container for carbonated or fermented malt beverages that is made primarily of a combination of steel and aluminum.

T. Container Board - Heavy duty Kraft paper packaging material with a corrugated medium between two flat paper liners used in the manufacture of shipping containers and related products, but excluding paper board such as used in cereal or laundry detergent boxes or holders for beverage cans and bottles.

U. Foam Polystyrene Packaging - Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages;
2. Consists of loose particles intended to fill space and cushion packaged articles in shipping containers;
3. Consists of rigid materials shaped to hold and cushion packaged articles in shipping containers.

V. Hazardous Waste/Hazardous Substance - An item which requires special handling to avoid illness or injury to persons or damage to property or the environment, as defined in Wis. Admin. Code Chap. NR 181, as amended from time to time pursuant to Wis. Stats. Section 144.62 (1989-1990), or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials that are hazardous, and further including those solid substances found in household waste.

W. HDPE Plastic - Containers constructed of high density polyethylene, labeled by the SPI Code #2.

X. LDPE Plastic - Containers constructed of low density polyethylene, labeled by the SPI Code #4.

Y. Magazines - Magazines, catalogs, and other material printed on glossy paper.

Z. Major Appliance - A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, refrigerator, microwave oven, oven, stove, water heater, furnace, boiler, dehumidifier, or any other item commonly referred to as "white goods".

AA. Metal Container - Tin-coated steel cans, bi-metal cans and aluminum cans used for food and other non-hazardous materials, but excluding aerosol cans and cans that held paint, paint related products, pesticides or other toxic or hazardous substances.

BB. Office Paper - High grade printing and writing papers from small businesses and other commercial enterprises. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term excludes industrial process waste.

CC. Other Paper - All paper except newspaper, container board, magazines and office paper, but including grades of fiber materials with available markets for recycling.

DD. Other Resins or Multiple Resins - Plastic Materials labeled by the SPI Code #7.

EE. PETE Plastic - Containers constructed of polyethylene terephthalate, labeled by the SPI Code #1.

FF. PP Plastic - Containers constructed of polypropylene, labeled by the SPI Code #5.

GG. PS Plastic - Containers constructed of polystyrene, labeled by the SPI Code #6.

HH. PVC Plastic - Containers constructed of polyvinyl chloride, labeled by the SPI Code #3.

II. Waste Oil - Any contaminated or no longer suitable for use petroleum-derived or synthetic oil including, but not limited to, engine and other mechanical lubricants, hydraulic and transmission fluid, metal working fluid and insulating fluid or coolant. In no even shall waste oil include gasoline.

### **Section 6.2.3 Curbside Collection.**

The Town of Oregon reserves the right to refuse the services of any potential collector

based on price, past performance or lack of prior experience. Acceptable collectors must be willing to provide a phone number to residents to call for clarification of curbside collection rules. Acceptable collectors must also be able and willing to demonstrate, to the Town Board of the Town of Oregon, their adequate understanding of this ordinance.

Curbside collection may be arranged for by an individual resident or a group of residents (subdivision or street). Residential units receiving curbside collection will be subject to all the provisions of this ordinance including those regarding the separation of recyclable materials or prohibition of non-collectible items. Residential units receiving curbside collection will be charged for each bag or can (not to exceed thirty (30) gallons) on non-recyclable materials. The intent is to provide an incentive for residents receiving curbside collection to recycle.

Businesses, commercial enterprises, remodeling and new construction projects, and multi-family dwellings are responsible for the contracting of their own garbage, rubbish and recyclable material collection. Disposal of such waste is specifically banned from the Town of Oregon Recycling Center without the express written permission of the Town Board of the Town of Oregon.

Structures containing more than one and less than three (3) residential units must maintain distinct and separate collection points for each unit which allows the collector to recognize violations or problems in complying with this ordinance by individual residential unit. The collector has the right and responsibility to refuse pickup from those entities violating this ordinance. The collector will provide a printed explanation of why pick up was refused on a particular item by leaving a self adhesive sticker containing an adequate explanation stuck to the item. The sticker will also contain a phone number at the collector's offices where the resident may call for clarification of this ordinance or curbside collection rules.

#### **Section 6.2.4 Town of Oregon Recycling Center (TORC).**

The Town of Oregon will operate a recycling center for the purpose of collecting recyclables, non-recyclables, garbage, rubbish and yard waste for those residents who do not receive curbside collection. Residents who receive curbside collection may voluntarily utilize this facility although this action will not abrogate their financial responsibility to their collector.

Any delivery to the TORC will be enclosed as in a trunk, tarped truck or in sealed containers so as to provide for adequate prevention of litter on roads or in the general vicinity of the TORC. Uncovered loads will be refused at the TORC.

The Town of Oregon will staff the TORC and maintain public hours which, at a minimum, will be two Saturdays each month for eight hours each day it is open. Hours or days of operation may be extended at the Town Board's discretion. The Town of Oregon

also reserves the right to determine separate schedules for receiving certain materials. Under no circumstances will entities other than employees or agents of the Town of Oregon be permitted in the TORC outside of the posted hours of operation without the expressed written permission of the Town Board.

The Town of Oregon Recycling Center will provide, at a minimum, the following facilities:

1. Collection bins for the separation and collection of newspapers, clear glass bottles and jars, brown glass bottles and jars, PETE and HDPE containers, office paper, container board, metal cans and magazines. If technology allows and cost does not prohibit, the Town of Oregon may opt for the intermingling of recyclable materials.
2. A compactor for the collection of nonrecyclable garbage or rubbish for ultimate delivery to a designated Dane County landfill or other disposal site.
3. A compost pile for the disposal of leaves or yard debris.
4. A collection container for waste oil.
5. A burnpad for brush, clean wood, and sawdust. Dumping of any other yard waste, nonrecyclable paper products, metal, plastic, rubber, glass, chemicals, oil, recyclable material or any other material specifically banned from the burnpad will be in violation of this ordinance.
6. A drop point for scrap metal such as metal paint cans, lawn furniture, small appliances or other metal objects which can be easily lifted. Arrangement for disposal of large deliveries of metal or heavy objects should be made with an individual contractor and cannot be delivered to the TORC.
7. A collection point for tires.
8. A collection point for lead-acid batteries.

The Town of Oregon Recycling Center will charge a fee for each container of garbage or rubbish (not to exceed thirty (30) gallons) placed into the compactor. The Town of Oregon will provide a system to charge residents for such usage which will at least equal the operation cost of the TORC. Monies gained from the sale of recyclables or other materials will be used to defray the total operating costs of the TORC.

### **Section 6.2.5 Separation of Recyclable Materials.**

The Town Board of the Town of Oregon mandates that commencing upon the effective date of this ordinance, provided hereinafter, all entities within the Town of Oregon shall separate recyclable materials from garbage, rubbish, yard waste, heavy objects and non-collectible items.

A. Disposition of Recyclables. Residents who receive curbside pick up will use a method for separating recyclable material from other items in conformity with the rules of the collector. Residents using the TORC will separate all recyclables into the appropriate bins provided at the TORC. Residents also have the option of delivering recyclable materials to the recycling center of their choice.

B. Disposition of Yard Waste. Brush, leaves and yard debris. Town of Oregon residents will neither receive curbside pick up of yard waste, nor will these items be accepted on the compactor at the TORC. Residents may either: (a) pay a private contractor for the removal of these materials; (b) transport the materials to a Dane County compost site; (c) transport the leaves and yard debris to the TORC composting site; (d) transport brush to the TORC burn pad; (e) compost the materials on their personal compost pile.

C. Disposition of Heavy and Non-collectible items. Heavy or non-collectible items will not be picked up in curbside service nor will they be accepted at the TORC. Town residents may contact wither the Town Hall or their collector for advise in handling these items. When possible Town residents are urged to arrange pick up of old appliances by the seller of new appliances.

### **Section 6.2.6 Preparation of Recyclable Materials.**

Recyclable materials shall be prepared in the following manner, whether the materials are for curbside collection or delivery to the TORC:

A. Newspapers, office paper and magazines shall be dry and bundled in eight to ten inch bundles, boxed or placed in paper sacks.

B. Glass containers shall be empty, unbroken, rinsed and free of metal caps and rings and other contaminants such as window glass, drinking glass, ceramics, pyrex, light bulbs, mirrors, china and similar material.

C. Metal cans shall be rinsed and have labels removed. Metal food cans should have ends removed and be flattened. Soft drink cans should be crushed.



- D. Container board shall be dry, flattened, free of food debris and other contaminated materials and bundled into eight to ten inch bundles.
- E. Plastic containers shall be rinsed and have metal and plastic rings and tops removed.
- F. Lead-acid batteries shall have all caps firmly attached and be free from leaks.
- G. Waste oil shall be from motor vehicles, free of contaminants, and in tightly sealed, non-leaking containers.
- H. Additional preparation standards may be provided by notice to generators of waste and collectors/haulers, or by amendment to this section of the ordinance when other materials become recyclable depending on available economic markets.

**Section 6.2.7 Requirements for Multi-family Dwellings.**

- A. Owners of multi-family dwellings shall provide adequate, separate containers for handling and collection of recyclable materials enabling tenants to ensure that recyclable materials meet preparation standards. Owners shall provide containers for the complex or sub-units thereof marked for the collection of recyclable material to be shared in common by occupants of the multi-family dwellings. Such containers need not include provisions for major appliances, lead-acid batteries or used oil.
- B. Owners of multi-family dwellings shall provide sufficient containers to accommodate the collection of the volume of recyclable materials generated by the occupants of the multi-family dwellings. The number of containers shall be sufficient to enable the handling, transportation and processing requirements of the collector or private hauler.
- C. Owners of multi-family dwellings shall clearly mark and designate containers to be used for recyclable materials as required by Town rules and regulations. Such containers shall be maintained in a clean safe and watertight condition.

**Section 6.2.7 Notification Required.**

- A. Owners of rental property shall notify all tenants on move-in, and on a regular basis thereafter at least semi-annually, of Town and Dane County recycling requirements.

B. Owners of commercial, retail, industrial, and governmental facilities will notify all users, including employees, agents and customers, on a regular basis at least semi-annually, of Town and Dane County recycling requirements.

### **Section 6.2.9 Collection by Unauthorized Entities.**

Any recyclable materials placed at curbside for collection or brought to the TORC is the property of the Town of Oregon or the Town's collector or an authorized private collector unless specifically refused by the collector or the TORC. It is unlawful for any person other than those authorized by the Town Board of the Town of Oregon to collect or pick up or cause to be collected or picked up any recyclable materials. Any and each such collection in violation hereof from any recyclable material container shall constitute a separate and distinct offense punishable as hereinafter provided.

### **Section 6.2.10 Disposal or Dumping Permit.**

Except as expressly permitted in this section, no individual or entity shall dump or dispose of waste, garbage, or rubbish within the Town of Oregon unless a permit to engage in such dumping or disposal is first obtained from the Town of Oregon under the conditions prescribed herein.

Exceptions to this requirement are:

- A. Sites used for dumping or disposal of yard waste or garbage from a residential unit or small business providing that such yard waste is placed in suitable composting containers or composted in such a way as not to cause a public or private nuisance.
- B. The use of sanitary privies and what are commonly known as seepage beds or septic tanks, which conform to applicable ordinances of the Town of Oregon or the discharge of waste products into any existing public sewage system located within the Town of Oregon.
- C. A farm on which only animal waste resulting from the operation of the farm are disposed of.
- D. Any dumping operation under the direction and control of the Town of Oregon.

Persons or entities who are permitted by the Town of Oregon to engage in dumping or disposal operations shall do so in a manner which does not constitute a public or private nuisance and in a way so that dust, dirt, and debris will not be carried by the wind across

the boundary of the land parcel on which the said operation is taking place. A suitable covering of gravel or dirt shall be placed within a reasonable time so as to make the dumping site compatible with the surrounding property and not to depreciate property values within the immediate area.

A public hearing will be held on any application for a permit to engage in dumping or disposal operations. The application shall be on file with the Town Clerk at least 30 days before the public hearing and include the name and address of the applicant, an explanation of the nature and purpose of the dumping or disposal and a detailed description of the dumping or disposal plan.

A notice of the public hearing shall be given as a Class 3 notice as described in Wisconsin Statutes 985.07 (1989-1990). The cost of such publication shall be deposited by the applicant in advance.

The Town Board reserves the right to require the applicant to post a bond, the condition of which will be that this ordinance shall be observed, that the dumping or disposal plan shall be carried out and any penalties imposed shall be paid. If any part of this ordinance is violated and after a reasonable time, the violation is not corrected, the town of Oregon reserves the right to correct the violation and to charge the expense to the bond. The applicant in making the application for a dumping or disposal permit grants to the town of Oregon the right to go on to the land to carry out the plan, if the applicant fails to do so in a reasonable time, at the owner's or occupant's expense.

Revocation of a dumping or disposal notice may be accomplished upon a published Class 1 notice by the Town of Oregon.

#### **Section 6.2.11 State Law.**

Nothing contained herein shall be deemed to limit or restrict the application of any State law or Administrative regulation of any State Agency regulating the subject of this ordinance.

#### **Section 6.2.12 Severability and Conflict.**

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Section 6.2.13 Fines for Violation.**

Any person violating this ordinance shall be fined not less than \$25.00 nor more than \$500.00 for each offense. Fines may be levied in addition to payment for reparation of damages created to or clean up required of public or private property. Agents or employees of the Town of Oregon may opt to issue a warning on first offenses in lieu of a fine depending on the severity of the violation and the violator’s willingness to immediately correct violation. Imprisonment in the County Jail can be ordered only for failure to pay fines or reparation expenses and shall be limited to one day of confinement for each \$25.00 of fine or ordered reparation expense.

Any individual, corporation or municipality who places waste, garbage, refuse, yard waste, rubbish, heavy objects, non-collectible items or sludge on either public or private property anywhere within the Town of Oregon limits in a manner not in compliance with this ordinance shall be subject to the fines set forth in this section.

*Original Ordinance #35 approved and passed December 2, 1986, posted December 18, 1986.*

*Ordinance #35 amended by Ordinance #41 February 5, 1991.*

*Ordinance #41 passed February 5, 1991, posted February 6, 1991, published February 14, 1991.*

*Ordinance #41 amended by Ordinance #45 December 20, 1994.*

*Ordinance #45 adopted December 20, 1994, posted December 21, 1994.*

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**TITLE 6 - CHAPTER 3 Solid Waste Disposal Site.**

**Section 6.3.1 Use of Site.**

**Section 6.3.2 Identification of User.**

**Section 6.3.3 Sticker Identification System.**

**Section 6.3.4 Hours of Operation.**

**Section 6.3.5 Sign to be Posted.**

**Section 6.3.6 Penalty.**

**Section 6.3.7 Severability.**

**Section 6.3.1 Use of Site.**

No person shall use or deposit any solid waste or refuse at the solid waste disposal site, hereinafter referred to as the "Facility", operated by the Town of Oregon in the Town of Oregon, Dane County, Wisconsin, unless said person is a resident of the Town of Oregon.

**Section 6.3.2 Identification of User.**

Any user of the facility shall, upon demand by the site attendant, present identification in the form of a valid Wisconsin driver's license showing that said user is a bona fide resident of the Town of Oregon, Dane County, Wisconsin.

**Section 6.3.3 Sticker Identification System.**

The Town Board may require that each Town of Oregon resident who intends to use the facility obtain from the Town Board, at such times as shall be reasonably prescribed by the Town Board, a sticker which the resident shall then attach to the windshield of each vehicle in which he intends to transport solid waste or other refuse to the facility. Any vehicle used to transport solid waste or other refuse to the facility shall have a sticker attached to its windshield.

**Section 6.3.4 Hours of Operation.**

The facility shall be available for use as aforesaid by Town of Oregon residents at such hours as prescribed by the Town Board. No person shall use the facility except during said hours.

**Section 6.3.5 Sign to be Posted.**



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**TITLE 7 LICENSING AND REGULATION.**

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**CHAPTER 1 Licensing of Dogs.**

**CHAPTER 2 Regulation of the Sale of Alcohol Beverages.**

**CHAPTER 3 Operator's Licenses.**

**CHAPTER 4 Mobile Homes.**

**CHAPTER 5 Regulation and Licensing of Fireworks [Reserved for Future Use]**

**CHAPTER 6 Street Use Permits [Reserved for Future Use]**

**CHAPTER 7 Miscellaneous Business Licenses [Reserved for Future Use]**

**CHAPTER 8 Licensees to Pay Local Claims; Appellate Procedures.**

**CHAPTER 9 Cigarette Licenses; Nonintoxicating Liquor [Reserved for Future Use]**

**TITLE 7 - CHAPTER 1 Licensing of Dogs.**

**Section 7.1.1 Dog License Required.**

**Section 7.1.2 Late Fee.**

**Section 7.1.3 Fees.**

**Section 7.1.4 Issuance of License.**

**Section 7.1.5 Incorporation by Reference.**

**Section 7.1.6 Dogs Not to Run at Large.**

**Section 7.1.7 Dogs Prohibited in Certain Locations.**

**Section 7.1.8 Owner's Duty to Remove Refuse.**

**Section 7.1.9 Harboring Certain Dogs Prohibited.**

**Section 7.1.10 Dog Kennels.**



### **Section 7.1.11 Enforcement.**

### **Section 7.1.12 Rabies Quarantine.**

### **Section 7.1.1 Dog License Required.**

Every person residing in the Town of Oregon who owns a dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, on or before the date the dog becomes five months of age, pay the dog license tax and obtain a license therefor.

### **Section 7.1.2 Late Fee.**

The Town shall assess and collect a late fee of at least \$5.00 from every owner of a dog five months of age or over if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a dog of licensed age, or if the owner failed to obtain a license on or before the date the dog reached the licensed age. All late fees received or collected shall not be subject to division with the County Treasurer pursuant to Wis. Stats. Section 174.05(5), (1997-1998). Any late fee in excess of \$5.00 shall be established by the Town Board by resolution.

### **Section 7.1.3 Fees.**

1. The Town Board, by Resolution, shall establish the annual dog license fee on dogs within the Town. The amount of such fee shall be no less than \$3.00 for a neutered male dog or spayed female dog upon presentation of evidence that the dog is neutered or spayed, and \$8.00 for an un-neutered male dog or un-spayed female dog, or one-half these amounts if the dog becomes five months of age after July 1 of the license year. In said Resolution, the total fee shall be greater for un-neutered male dogs and un-spayed female dogs than the fee for neutered male dogs and spayed female dogs.
2. The Town Treasurer shall remit the dog license fee established by County Board Resolution for dog licenses to the County Treasurer at the time settlement is made with the County Treasurer for collection of personal property taxes, in accordance with the procedure set forth in Wis. Stats. Section 174.08(1997-1998).

### **Section 7.1.4 Issuance of License.**

Upon payment to the Town Treasurer of the required fee, and upon presentation of evidence that the animal is currently immunized against rabies, the Treasurer shall issue to the owner a license to keep such dog for one calendar year. The owner shall, upon procuring the license, place upon the dog a collar with the tag furnished by the Treasurer.

### **Section 7.1.5 Incorporation by Reference.**

Wis. Stats. Chapter 174 (1997-1998), pertaining to dogs, is hereby adopted as part of this Ordinance, and incorporated by reference by this action.

### **Section 7.1.6 Dogs Not to Run at Large.**

It is unlawful for any person owning or possessing any dog to permit such dog to run at large. For the purpose of this section, "running at large" means the presence of a dog at any place except upon the premises of the owner and not under the control of the owner or some other person. A dog shall not be considered to be running at large if it is on a leash and under the control of a person physically able to control the dog.

### **Section 7.1.7 Dogs Prohibited in Certain Locations.**

1. No dogs are permitted in any cemetery.
2. Dogs are permitted in Town parks, but must be leashed and under direct control of their owners or keepers.

### **Section 7.1.8 Owner's Duty to Remove Refuse.**

The owner or person in charge of a dog shall immediately remove any solid fecal matter or other excretion expelled by such dog on any public or private property other than that of the owner. This section shall not apply to a person who is visually or physically handicapped.

### **Section 7.1.9 Harboring Certain Dogs Prohibited.**

No person shall own, harbor, or keep any dog which:

1. Habitually pursues any vehicle upon any public street, alley or highway.
2. Assaults or attacks on any person or other animal.
3. Is vicious. A showing that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such dog is vicious.
4. Habitually barks or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy two or more persons in the neighborhood who are of ordinary sensibilities.

### **Section 7.1.10 Dog Kennels.**

The term "dog kennel" as used herein means any establishment wherein dogs are kept for sale, breeding or sporting purposes. An establishment is presumed to be a kennel if more

than three dogs are kept or maintained therein.

1. Kennels are permitted within the Town, with the following conditions:
  - a. No kennel will be maintained within any subdivision, as defined in Wis. Stats. Section 236.02(12), (1997-1998).
  - a. All kennels will comply with all local Ordinances and County Zoning Ordinances.
2. The Town Board, by Resolution, shall establish the minimum annual kennel fee within the Town.
  - a. The amount of such fee shall be no less than \$35.00 annually for a kennel license for up to 12 dogs, plus \$3.00 for each dog in excess of 12 to the maximum of 24 dogs.
3. No more than 24 dogs will be allowed at any established kennel.
4. Kennels shall meet all applicable provisions of Wis. Stats. Chapter 174 (1997-1998).

**Section 7.1.11 Enforcement.**

1. The Town Constable or any Town Supervisor shall, upon complaint, seize and restrain any animal for the keeping of which no license has been issued and for which one is required or, upon complaint, seize and restrain any animal that is running at large, and otherwise enforce the provisions of this Ordinance.
2. The Town Constable is authorized to issue citations for violation of any provision of this Ordinance.
3. The Town Constable or any Town Supervisor, upon restraining any animal running at large, will make all attempts to find the owner and return it. If unable to find the owner, the animal will be turned over to the Dane County Humane Society.

**Section 7.1.12 Rabies Quarantine.**

1. Any person who has possession of a dog or other animal who has reason to believe that the animal has bitten a person, is infected with rabies or has been in contact with a rabid animal shall, upon order of the Town Constable or any Town Supervisor, turn over the animal to the Constable for quarantine. Such animal shall be taken to a secure veterinary medicine establishment, where such animal shall be kept under strict isolation under the supervision of a veterinarian for at least ten days. In the alternative, if the owner of the animal produces a valid

certificate or other evidence conclusively demonstrating that the animal is immunized currently against rabies, the Constable may order the animal to be quarantined on the premises of the owner. At the end of the quarantine period, if the veterinarian certifies that the dog or other animal has not exhibited any signs of rabies, the veterinary establishment or the owner may release said animal from quarantine.

2. The owner of the animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, as well as costs of supervision and examination of the animal by the veterinarian. If destruction of the animal is necessary, the owner shall also be responsible for these costs.
3. If an owner fails to comply with an order to quarantine an animal under this subsection, such owner shall forfeit the sum of \$500.00 for each day such violation continues until surrender of the animal, together with any applicable statutory assessments and costs.
4. If the animal cannot be captured, the Constable may destroy the animal only as a last resort or if the owner agrees. The Constable shall attempt to destroy the animal in a humane manner and in a manner which avoids damage to the animal's head.

*Original Ordinance #2 approved and passed March 4, 1969, effective April 2, 1969.*

*Ordinance #2 repealed by Ordinance #26 June 5, 1979.*

*Ordinance #26 approved and passed June 5, 1979, published June 6, 1979.*

*Ordinance #26 repealed by Ordinance #55 October 5, 1999.*

*Ordinance #55 adopted October 5, 1999, published October 14, 1999.*

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## **TITLE 7 - CHAPTER 2 Regulation of the Sale of Alcohol Beverages.**

### **Section 7.2.1 Purpose.**

**Section 7.2.2 Statutory Authority.**

**Section 7.2.3 Definitions.**

**Section 7.2.4 Licenses and Permits Required.**

**Section 7.2.5 License Classes and Fees.**

**Section 7.2.6 License Requirements and Restrictions.**

**Section 7.2.7 Regulation of Licenses Premises and Licenses.**

**Section 7.2.8 Form and Expiration of Licenses.**

**Section 7.2.9 Transfer of Licenses.**

**Section 7.2.10 Revocation and Suspension of Licenses.**

**Section 7.2.11 Separability of Provisions.**

**Section 7.2.1 Purpose.**

The Town Board of Supervisors of the Town of Oregon, Dane County, Wisconsin finds that it is in the best interests of the public to regulate the sale and use of alcohol beverages within the Town. Further, the adoption of this ordinance for such regulation will promote government and good order of the Town for its commercial benefit, and for the health, safety, welfare and convenience of the public.

**Section 7.2.2 Statutory Authority.**

This ordinance is enacted pursuant to Section 125.10 Wisconsin Statutes (1985-1986), and the general police power of the Town Board.

**Section 7.2.3 Definitions.**

The definitions contained in Section 125.02, Wisconsin Statutes (1985-1986), are hereby adopted and made a part of this ordinance by reference.

#### **Section 7.2.4 Licenses and Permits Required.**

No person except as authorized by this ordinance and Chapter 125, Wisconsin Statutes (1985-1986), shall within the Town of Oregon, serve, sell, distribute, vend, offer or keep for sale at retail or wholesale, deal or traffic in or engage in any other activity for which a license or permit is authorized under this ordinance.

#### **Section 7.2.5 License Classes and Fees.**

There shall be the following classes of licenses, which, when issued by the Town Clerk under the authority of the Town Board after the payment of the appropriate fee hereinafter specified, shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in Chapter 125, Wisconsin Statutes (1985-1986). Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

1. Retail class "A" fermented malt beverage license: \$250.00 per year.
2. Retail class "B" fermented malt beverage license: \$100.00 per year.
3. Class "B" picnic license for fermented malt beverage license for bona fide clubs, state, county, or local fair associations, or agricultural societies, lodges, or societies, etc.: \$10.00 per day.
4. Class "B" fermented malt beverage license for six month period: \$75.00 per six month period.
5. Wholesaler's fermented malt beverage license: \$25.00 per year.
6. Special wholesaler fermented malt beverage license: \$25.00 per year.
7. Operator's license: \$25.00 per year.
8. Manager's license: \$25.00 per year.
9. Retail class "A" intoxicating liquor license: \$500.00 per year.
10. Retail class "B" intoxicating liquor license: \$500.00 per year.
11. Retail class "B" intoxicating liquor license for six month period: \$250.00 per six month period.
12. Pharmacist's license: \$10.00 per year.

#### **Section 7.2.6 License Requirements and Restrictions.**

- a. Application Procedure. All applications for a license authorized under this ordinance and Chapter 125, Wisconsin Statutes (1985-1986), shall be made in writing on forms prescribed by the State Department of Revenue, as approved by the Town Board. The application shall describe the physical premises, including every room and storage space, to be covered by the license. All applications shall be signed and sworn to by the applicant as provided by Section 887.01, Wisconsin Statutes (1985-1986).

- b. Filing of Application. All applications shall be filed with the Town Clerk. At the time of filing, the applicant shall pay to the Town Clerk the cost of publication of the application and the annual fee for the license as established in Section 7.2.5 of this ordinance. All applications must be on file with the Town Clerk at least 15 days before the Town Board may grant or deny the application, except as provided in Section 125.04(3)(f)3, Wisconsin Statutes (1985-1986), applicable to Class "B" "Picnic" licenses.
- c. Qualifications of Applicants.

- 1. All individuals, partners, and all officers and directors of Wisconsin Corporations applying for licenses under this ordinance must meet the following qualifications:

- i. be 21 years of age or older;
    - ii. be a Wisconsin resident continuously for at least one year immediately prior to the date of filing of the application;
    - iii. does not have an arrest or conviction record subject to Sections 111.321, 111.322, and 111.335, Wisconsin Statutes (1985-1986).

- 1. All officers and directors of foreign corporations must meet the qualifications of Subsection 1)i. and iii stated above.

- 1. All corporations must designate an agent pursuant to Section 125.04(6), Wisconsin Statutes (1985-1986). The agent must meet the qualifications of a)i. and iii stated above and must, with respect to character, record, and reputation, be satisfactory to the Department of Revenue or the Town Board, whichever is applicable. Each corporate agent must have full written authority and control of the premises, as provided in Section 125.04(6)(a)2, Wisconsin Statutes (1985-1986).

- d. Alcohol Awareness Training Programs.

- 1. No person, including the licensee, a member of the licensee's immediate family or agent shall on or after July 1, 1987, supervise the sale or service of alcohol beverages on any premises or in any place within the Town for which a license or permit is required under Chapter 125, Wisconsin Statutes (1985-1986), unless such person either holds a valid operator's license or has filed with the Town Clerk proof of successful completion of an approved alcohol awareness training program.
    - 2. Effective for the 1986-87 licensing year, no operator's license shall be issued or renewed unless the applicant presents proof of successful completion of an alcohol awareness training program approved by the State of Wisconsin or any Wisconsin municipality. The Town Clerk shall verify approval and maintain a list of approved alcohol awareness programs on file in the Town office.

- e. Inspection of Application and Premises. The Town Clerk shall notify the Health Officer and Building Inspector of all license and permit applications. These officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be improved. These officials shall furnish to the Town Board in writing the information derived from such investigation. No license or renewal of license provided for in this ordinance shall be issued without an inspection or reinspection of the premises and report as herein required.
  
- a. Health and Sanitation Requirements. No license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor, and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Town.
- b. Delinquent Taxes, Assessments, and Claims. No license shall be granted for any premises for which taxes (real or personal), assessments, or other claims of the Town are delinquent and unpaid, or to any person delinquent in payment of such claims to the Town. In the event of the sale of a premises or transfer of a license during a license year, the Town Board may condition the granting of a license upon payment of real estate or personal property taxes prorated to the date of sale. The Town Treasurer shall estimate the tax rate to be used.
- c. Location of Premises.
  - 1. No retail Class "A" or "B" fermented malt beverage license or liquor license shall hereafter be issued for premises less than 300 feet from any established public or parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the boundary of such school, church, or hospital to the closest entrance to such premises.
  - 2. Issuance for sales in dwellings prohibited - No license shall be issued to any person for the purpose of possessing, selling, or offering for sale any alcohol beverages in any dwelling, house, flat or residential apartment.

### **Section 7.2.7 Regulation of Licensed Premises and Licenses.**

- a. Posting Licenses. Licenses issued under this ordinance shall be posted and displayed as provided by Section 125.04(10), Wisconsin Statutes (1985-1986). Failure to post a license as required therein shall be a presumption of operating without a license.
- b. Gambling and Disorderly Conduct Prohibited. Each licensed premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time or on such premises.



- c. Employment of Minors. No retail Class "B" licensee shall employ any person under 21 years of age to serve, sell, dispense, or give away any alcohol beverage.
- d. Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
- e. Closing Hours. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:
  - 1. If a retail Class "A" license, between 12:00 midnight and 8:00 a.m.
  - 2. If a retail Class "B" license, between 1:00 a.m. and 8:00 a.m., except as provided in this subsection: During that portion of each year for which the standard time is advanced under Section 175.095, Wisconsin Statutes, the closing hours shall be between 2:00 a.m. and 8:00 a.m. and on January 1, the closing hours shall be between 3:00 a.m. and 8:00 a.m. Between 9:00 p.m. and 8:00 a.m., no person may sell fermented malt beverages on Class "B" licensed premises in an original package, container or bottle or for consumption away from the premises.
  - 3. Hotels and restaurants whose principal business is furnishing of food and lodging to patrons, bowling alleys and golf courses may remain open for the conduct of their regular business but may not see intoxicating liquors or fermented malt beverages during prohibited hours specified above.
- f. Quotas. The number of persons and places that may be granted a retail "Class B" liquor license under this ordinance in the Town is limited as provided in Section 125.51(4), Wisconsin Statutes (1985-1986).
- a. Violations by Agents and Employees. A violation of this ordinance by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

**Section 7.2.8 Form and Expiration of Licenses.**

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The Town Clerk shall affix his or her affidavit as required by Section 125.04(4), Wisconsin Statutes (1985-1986).

**Section 7.2.9 Transfer of Licenses.**

- a. From Place to Place. Every alcohol beverage license issued by the Town may be transferred to another place or premises within the Town. Transfers shall be

approved by the Town Board upon application on blanks furnished by the State Department of Revenue and the payment of a fee of \$10.00. Proceedings considering such a transfer shall be conducted in the same manner and form as the original application. No retail license is entitled to more than one transfer during the license year.

- b. From Person to Person. Licenses issued under this ordinance may be transferred to another person only under the terms and conditions as provided by Section 125.04(12)(b), Wisconsin Statutes (1985-1986).

### **Section 7.2.10 Revocation and Suspension of Licenses.**

- a. Grounds for Revocation or Suspension. A license issued under this ordinance may be suspended or revoked by the Town Board under the procedures described herein upon the finding of a violation of this ordinance or Chapter 125, Wisconsin Statutes (1985-1986).
- b. Procedure. A license may be revoked or suspended pursuant to Section 125.12(2), Wisconsin Statutes (1985-1986).
- c. Automatic Revocation. Any license issued under this ordinance shall stand revoked without further proceeding upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or violation of Chapter 125 or any other State or Federal alcohol beverage law.
- d. Effect of Revocation of License. When a license is revoked under this section, the revocation shall be recorded by the Town Clerk, and no other license issued under this ordinance may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee for any license so revoked may be refunded.
- e. Repossession of License. Whenever any license under this section shall be revoked or suspended, the licensee shall surrender the license to the Town Clerk. The Town Clerk or Constable shall have the right to take physical possession of the suspended or revoked license wherever it may be found and file it in the Clerk's Office.

### **Section 7.2.11 Separability of Provisions.**

Should any section or provisions of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this ordinance.

*Original Ordinance #36 passed March 3, 1987, posted March 4, 1987.*

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**TITLE 7 - CHAPTER 3 Operator's Licenses.**

**Section 8.3.1 Purpose.**

**Section 8.3.2 Operator's License.**

**Section 8.3.3 Validity.**

**Section 8.3.4 Temporary License.**

**Section 8.3.5 Provisional License.**

**Section 8.3.6 Fees.**

**Section 8.3.7 Severability of Provisions.**

**Section 7.3.1 Purpose.**

The purpose of this ordinance is to authorize the issuance of operator's licenses. This ordinance is enacted in the public interest and pursuant to the powers granted towns and Town Boards by the state of Wisconsin, Wisconsin Statutes, Section 125.17 (1989-1990).

### **Section 7.3.2 Operator's License.**

Operator's licenses may only be issued upon written application. The applicant must appear in person before the Town Board only upon submitting an original application. Renewal of an Operator's License shall only require a written application be submitted to the Town Clerk. An Operator's License will be valid for one year and expire on June 30.

### **Section 7.3.3 Validity.**

Operator's licenses granted by the Town Board and issued by the Town Clerk are valid only within the Town of Oregon.

### **Section 7.3.4 Temporary License.**

A Temporary Operator's License may be issued under the terms of Section 7.3.2 except that:

- a. This license may be issued only to operator's employed by, or donating their services to nonprofit corporations.
- b. No person may hold more than one license of this kind per year.
- c. The license is valid for any period from one day to 14 days, and the period for which it is valid shall be stated on the license.

### **Section 7.3.5 Provisional License.**

The Town Clerk may issue provisional operator's licenses, in accordance with 125.17(5), Wisconsin Statutes (1989-1990).

- a. A provisional operator's license may be issued only to a person who has applied for an operator's license under Section 7.3.2, while they are taking the responsible beverages server training course as required by 125.17(6) Wisconsin Statutes (1989-1990).
- b. A provisional operator's license may not be issued to any person who has been denied a license under Section 7.3.2 by the Town Board.
- c. A provisional operator's license expires 60 days after its issuance or when a license under Section 7.3.2 is issued the holder, whichever is sooner.
- d. The Official who issued the provisional license may revoke the license if he or she discovers that the holder of the license made a false statement on the



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**TITLE 7 - CHAPTER 4 Mobile Homes.**

**Section 7.4.1 Definitions.**

**Section 7.4.2 Regulation of Mobile Homes Outside of Camps.**

**Section 7.4.3 License for Mobile Home Park: Application and Issuance.**

**Section 7.4.4 Inspection and Enforcement.**

**Section 7.4.5 Location of Mobile Home Park.**

**Section 7.4.6 Camp Plan.**

**Section 7.4.7 Water Supply.**

**Section 7.4.8 Service Building and Accommodations.**

**Section 7.4.9 Fire Extinguisher Required.**

**Section 7.4.10 Waste and Garbage Disposal.**

**Section 7.4.11 Management.**

**Section 7.4.12 Applicability of Plumbing, Electrical and Building  
Ordinances.**

**Section 7.4.13 Monthly Parking Permit Fee.**

**Section 7.4.14 Exempt Mobile Homes.**

**Section 7.4.15 Revocation and Suspension.**

**Section 7.4.16 Penalties for Violation of Ordinances.**

**Section 7.4.1 Definitions.**

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

context:

- a. "Licensee" means any person licensed to operate and maintain a mobile home park under this section.
- b. "Licensing Authority" means the Town of Oregon.
- c. "Park" means mobile home park.
- d. "Person" means any natural individual, firm, trust, partnership, association or corporation.
- e. "Mobile Home" is that which is, or was originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of the assessable value of the house trailer.
- f. "Unit" means a mobile home unit.
- g. "Mobile Home Park" means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.
- h. "Space" means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

#### **Section 7.4.2 Regulation of Mobile Homes Outside of Camps.**

- a. Except as expressly otherwise provided herein, no mobile home shall be located, used or occupied by any person at any place outside of a licensed mobile home park in the Town of Oregon.
- b. Exception for parking and storage of an unoccupied mobile home: The parking of only one (1) unoccupied mobile home in an accessory private garage building or in the rear yard of a residential premises is permitted under this ordinance provided that no living quarters shall be maintained and no business practiced in or conducted in or from such mobile home while it is parked or stored at such place.
- c. Exception for mobile home displayed for sale: The placing of a mobile home on any proper non-residential premises in the Town of Oregon solely for the purpose of display and sale is not prohibited by this ordinance provided, however, that such mobile home is not in actual use or occupied for residential purposes and provided further that there be compliance with all applicable codes and ordinances.
- d. Exception for emergency or temporary stopping or parking on public way: Emergency or temporary stopping or parking of a mobile home is permitted on any street, alley, or highway for no longer than one (1) hour subject to other and further prohibitions, regulations, or limitations imposed by traffic and parking

regulations or ordinances for that street, alley or highway.

- e. Exception for present mobile home users: Present users shall be entitled to indefinitely continue to use and occupy the mobile home presently used and occupied by such residential user for residential purposes, conditioned upon compliance with applicable ordinances and regulations of the Town of Oregon and with regulations of the State of Wisconsin; and its agencies, and conditioned further upon payment of the applicable parking permit fee for such mobile home as the same is or may from time to time be established by the Town Board.

All provisions of this ordinance governing mobile homes located in mobile home parks shall, insofar as applicable and not inconsistent herewith, continue to apply to present users and their mobile homes located outside of licensed mobile home parks.

This exception in favor of present users is specifically limited to the presently occupied mobile home of the present user and shall not apply to any replacement mobile home acquired by or intended to be occupied by the present user and shall not apply to any other transferee or tenant of the present mobile home of a present user or to any other occupant thereof and is specifically limited to the specific location in the Town of Oregon where the present mobile home of the present user is now located. Failure of the present user to comply in all respects with requirements of this subsection shall be grounds for revocation of his right to continue to park, occupy or use such mobile home outside of a licensed mobile home park in the Town of Oregon.

- f. Exception for mobile homes occupied by individuals engaged in construction or farming:
  1. The Town Board may issue special written permits allowing the location of a mobile home outside of a mobile home camp for use by an individual or individuals engaged in construction or farming upon the land for which the permit is granted, provided that, in the case of a mobile home used in connection with construction, said permit shall be valid only for a period of one year from the commencement of work, and that, in the case of a mobile home used in connection with farming, said permit shall be valid only for a period of eleven months from the date of issue.
  2. The person to whom such permit is granted shall be subject to the parking permit fee as provided in Section 13 of this ordinance.
  3. The permit shall be granted only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued.
  4. No more than one trailer shall be granted a permit to locate on anyone premise outside a trailer camp.
  5. Application for the permit shall be made to the Town Clerk and shall be accompanied by an inspection fee of Five Dollars (\$5.00) and shall state the names and permanent addresses of the occupants of the mobile home and the license number of their mobile home and towing vehicle, place of



last stay, intended purpose to stay at requested location, whether the occupants are non-resident tourists, whether any occupant is employed in this state; the exact location of the premises, the name of the owner and the occupants of any dwelling on the premises, and the owner and occupant's permission to locate said mobile home; a statement of the nature and location of sanitary facilities and the permission of the occupant of the dwelling house for their use; and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner. The application must show that a safe water supply and toilet facilities are available within two hundred (200) feet of the proposed location of the mobile home; and a statement of permission from the owner for their use on a twenty-four (24) hour basis.

6. All occupants of any trailer located outside of a trailer camp shall register with the Town Clerk as provided in Section 7.4.11 of this ordinance.
  7. All provisions of this ordinance governing the location, use and sanitation of trailers located in a licensed mobile home camp shall, so far as they are applicable apply to any mobile home located outside of such mobile home camp.
  8. No person shall make any electrical connection from any mobile home to any building or a source of electricity without permit and approval of the electrical inspector or such other person or agency as may be designated by the Town Board.
  9. The permit issued for each application complying with the provisions of the ordinance shall be posted on the mobile home for which it is issued.
- g. Exception for mobile homes occupied by disabled or elderly parent of landowner or landowner's spouse.
1. The Town Board may issue special written permits allowing the location of the mobile home outside of the mobile home camp in rural and unplatted portions of the Town of Oregon for use by the mother or father of the landowner or the landowner's spouse, provided that the said mother or father is disabled or 62 years of age or older, and provided that the mobile home is located within 150 feet of the house occupied by the landowner or landowner's spouse as a home.
  2. The person to whom such permit is granted shall be subject to the parking permit fee as provided in Section 7.4.13 of this ordinance.
  3. All occupants of any mobile home located outside a mobile home park shall register with the Town Clerk as provided in Section 7.4.11 of this Ordinance.
  4. All provisions of this ordinance governing the location, use, and sanitation of mobile homes located in a licenses mobile home park shall, so far as they are applicable, apply to any mobile home located outside of such mobile home park.
  5. No person shall make any electrical connection from any mobile home to any building or a source of electricity without permit and approval of the

electrical inspector or such other person or agency as may be designated by the Town Board.

### **Section 7.4.3 License for Mobile Home Park: Application and Issuance.**

- a. It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him, a mobile home park within the limits of the Town of Oregon, without receiving the approval of the Town Board and without first securing a license for each such camp from the Town Board pursuant to this ordinance. Such license shall expire one year from the date of issuance, but may be renewed under the provisions of this ordinance for additional periods of one year.
- b. The application for such license or the renewal thereof shall be in writing, signed by the applicant, and shall be accompanied by the annual license fee of Fifty (\$50.00) Dollars for each Fifty (50) spaces, or fraction thereof, within each mobile home park operated by the applicant and a surety bond in the sum of Five Thousand (\$5,000.00) Dollars, which bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in Section 7.4.13 and the payment of such fees to the Town Treasurer, the payment by the licensee of any forfeiture including legal costs, imposed upon or levied against said licensee for a violation of the ordinances of said Town pursuant to which said license is granted, and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person, firm or corporation who may be injured or damaged by reason of the licensee violating the provisions of this ordinance. Nothing in this subsection shall invalidate license fees paid or required to be paid prior to the effective date of this ordinance.
- c. Transfer of License: Upon application for a transfer of license the Town Clerk, after approval of the application by the Town Board, shall issue a transfer upon the payment of a Ten (\$10.00) Dollar fee.
- d. The application for a license or renewal thereof shall include the name and address of the owner in fee of the park a duly verified statement by such owner that the applicant is authorized by him to construct or maintain the mobile home park and make the application, and such a legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by two (2) copies of the mobile home park plan showing the following, either existing or as proposed:
  1. The extent and area used for mobile home park purposes;
  2. Roads and driveways;
  3. Location of units for mobile homes;
  4. Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of units;
  5. Method and plan of sewage disposal;

6. Method and plan of garbage disposal;
7. Plan for water supply;
8. Plan for electrical lighting of units.

If the existing or proposed camp is designed to serve non-dependent mobile home units, such plans shall clearly set forth the location of all sewer and water pipes and connections.

- e. Expiration: Licenses shall expire on the 30<sup>th</sup> day of June of each year.

#### **Section 7.4.4 Inspection and Enforcement.**

No mobile home park license shall be issued until the Town Clerk shall notify the chief of police, health officer, chief of the fire department, and building inspector or their authorized agents of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the application and the premises on which mobile homes will be located comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Town Board in writing the information derived from such investigations and a statement as to whether the application and premises meet the requirement of the department for whom the officer is certifying. No license shall be renewed without re-inspection of the premises. For the purpose of making inspections and securing enforcement, such officials or their authorized agents shall have the right and are hereby empowered to enter on any premise on which a mobile home is located, or about to be located, and to inspect the name and all accommodations connected therewith at any reasonable time.

#### **Section 7.4.5 Location of Mobile Home Parks.**

No occupied mobile home within the limits of the Town of Oregon shall be located less than forty (40) feet from the street or highway nor less than ten (10) feet from any building or other mobile home or from the boundary line of the premises on which located; excepting, however, a one hundred (100) foot side yard shall be required where the camp adjoins any residential district or area not used for a similar purpose.

#### **Section 7.4.6 Camp Plan.**

- a. Every mobile home or mobile park shall be located on a well drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home or mobile home park shall be located in any area that is situated so that drainage or other sources of filth can be deposited in its

location.

- b. Mobile home spaces shall be clearly defined and consist of a minimum of Two Thousand (2000) square feet and a width of not less than Twenty (20) feet. The mobile home park shall be so arranged that all spaces shall face or abut on a driveway of not less than Twenty (20) feet in width, giving easy access from all units to a public street. Such a driveway shall be graveled or paved and maintained in good condition, have neutral drainage, be well lighted at night, and shall not be obstructed at any time.
- c. The mobile home park shall be so laid out that no dependent unit shall be located farther than Two Hundred (200) feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be graveled or paved and well lighted at night.
- d. Every mobile home space shall be furnished with an electrical outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than Thirty (30) amperes capacity, and a heavy duty outlet receptacle. Electrical outlets shall be weatherproof and no power lines shall be less than Fifteen (15) feet above ground.
- e. No mobile home unit shall be parked in a camp outside of a designated space.

#### **Section 7.4.7 Water Supply.**

- a. An adequate supply of pure water, furnished through a pipe distribution system connected directly with the public water main, with supply faucets located not more than Two Hundred (200) feet from any dependent mobile home shall be furnished for drinking and domestic purposes in all mobile home parks.
- b. Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of such units. Such system shall be adequate to provide Twenty (20) pounds pressure per square inch and capable of furnishing a minimum of One Hundred Twenty-Five (125) gallons per day per space.
- c. No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.
- d. Every mobile home park serving dependent units shall provide hot water at all reasonable hours, adequate for bathing, washing and laundry facilities.

#### **Section 7.4.8 Service Building and Accommodations.**

- a. Every mobile home park designed to serve dependent units shall have erected thereon suitable buildings for housing toilets, lavatories, showers, slop sinks and laundry facilities as required by this ordinance, such buildings to be known as "service buildings". Service buildings shall be located not more than Two Hundred (200) feet from any mobile home space. Such buildings shall be of

- permanent construction and adequately lighted, screened, and ventilated.
- b. There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in ratio of one toilet for each Eight (8) dependent units or fraction thereof, and shall have separate compartments. Every male toilet room shall also contain One (1) urinal for each Sixteen (16) dependent units, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one lavatory to every two or less water closets.
  - c. Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least Four (4) feet square, for each Eight (8) dependent units or fractions thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least Twelve (12) feet square.
  - d. Laundry facilities shall be provided in the ratio of One (1) double tray unit and One (1) conventional type working machine, or One (1) automatic washing machine, with electric outlet, for each Eight (8) units. Sufficient drying facilities shall be available.
  - e. Slop sinks for disposal of liquid wastes originating in the units shall be provided in a separate room of the service building in the ratio of One (1) slop sink for each Sixteen (16) dependent units.
  - f. The above accommodations shall be based on the total of mobile home park capacity according to accepted plans.
  - g. Floors of toilets, showers and the laundry shall be of concrete, tile, or similar material impervious to water and easily cleaned and pitched to a floor drain.
  - h. Every service building within a mobile home park shall be provided with sufficient fire extinguishers of the type and capacity as shall be approved by the Town of Oregon Fire Department.

#### **Section 7.4.9 Fire Extinguishers Required.**

- a. Each mobile home as a place of human habitation under any of the provisions of this ordinance shall be equipped with a fire extinguisher, conveniently attached thereto; such extinguisher to be of one unit of fire protection capacity, an approved by the Town of Oregon Fire Department.
- b. The use of liquid petroleum gas in occupied mobile homes shall conform in every particular to the laws, rules and regulations of the State of Wisconsin governing such use.

#### **Section 7.4.10 Waste and Garbage Disposal.**

- a. All liquid waste from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system extended from and connected with the public

sewer system.

- b. Every space designed to serve a non-dependent unit shall be provided with sewer connections which shall comply with the state plumbing code. The sewer connection shall be provided with suitable fittings so that water tight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor free condition.
- c. All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby declared unlawful.
- d. Each faucet shall be equipped with facilities for drainage of waste and excess water.
- e. Every mobile home unit shall be provided with a substantial flytight, watertight metal garbage depository from which the contents shall be removed and disposed of in a sanitary manner by the park custodian at least weekly.

#### **Section 7.4.11 Management.**

- a. In every mobile home park there shall be located the office of the attendant or person in charge of said park. A copy of the park license and this ordinance shall be posted therein and the mobile home park register shall be at all times kept in said office.
- b. It is hereby made the duty of the attendant or person in charge, together with the licensee, to:
  1. Keep a register of all guests, to be open at all times in inspection by state and federal officers and the Town Board, which shall for all guests:
    - A. Names and Addresses.
    - B. Number of children of school age.
    - C. State of legal residence.
    - D. Dates of entrance and departures.
    - E. License numbers of all mobile homes and towing or other vehicles.
    - F. States issuing such licenses.
    - G. Purpose of stay in mobile home park.
    - H. Place of last location and length of stay.
    - I. Place of employment of each opponent.
  1. Maintain the mobile home park in a clean, orderly and sanitary condition at all times.
  1. Insure that the provisions of this ordinance are complied with and enforced and reported promptly to the proper authorities any violations of this ordinance or any other violations of the law which comes to his

attention.

2. Report to the health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
3. All mobile homes and mobile home parks shall be opened to inspection at all reasonable hours by the representatives of the Board of Health and local health officers.
4. Collect the monthly parking fee provided for in Section 7.4.2 of this ordinance. A book shall be kept showing the names of the persons paying said service charges and the amount paid.
5. Prohibit the lighting of open fires on the premises.

#### **Section 7.4.12 Applicability of Plumbing, Electrical and Building Ordinances.**

All plumbing, electrical, building and other work on or at any mobile home park licenses under this ordinance shall be in compliance with the ordinances of the Town of Oregon and the requirements of the state plumbing, electrical and building codes and the regulations of the State Board of Health. Licenses and permits granted under this ordinance grant no right to erect or repair any structure, to do any plumbing work, or to do any electrical work.

#### **Section 7.4.13 Monthly Parking Permit Fee.**

- a. In addition to the license fee, the Town of Oregon shall collect from each occupied mobile home occupying space of lots in a mobile home park in the Town of Oregon a monthly parking permit fee computed as follows: Beginning May 1, 1970, the Town Assessor shall determine the total fair market value of each occupied mobile home in the Town of Oregon subject to the monthly parking permit fee. The fair market value, minus the tax exempt household furnishings thus established, shall be equalized to the general level of assessment on other real and personal property in the Town of Oregon. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding May 1 assessment of general property. The total annual parking permit fee thus computed shall be divided by 12 and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to occupied mobile homes moving into the Town of Oregon any time during the year.
- b. It shall be the full and complete responsibility of each licensee of a mobile home park to collect the proper fee from the owner or occupant of each occupied mobile home occupying space in a mobile home park. Said licensees shall pay to the town treasurer such parking permit fees on or before the 10<sup>th</sup> of the month following the month for which such fees are due in accordance with the terms of this ordinance and such regulations as the town treasurer may reasonably

- promulgate.
- c. The licensee of a mobile home park shall furnish information to the Town Clerk and the Town Assessor on occupied mobile homes added to his park within five days after their arrival on forms prescribed by the Wisconsin Department of Revenue. As soon as the assessor receives the notice of an addition of an occupied home to a park, he shall determine its fair market value and notify the Town Clerk of his determination. The Town Clerk shall equalize the fair market value established by the Town Assessor and shall apply the tax rate for that year, divide the annual parking permit fee thus determined by 12 and notify the mobile home park licensee of the monthly fee to be collected.
  - d. For mobile homes permitted to be located outside of a licensed mobile home park, the monthly parking permit fee shall be paid by the owner of the mobile home, the occupant thereof or the owner of the land on which it stands, the same as and in the manner provided for mobile homes located in mobile home parks, and the owners of such land are required to comply with the reporting requirements of subsection (c) of Section 7.4.13 and the collecting requirements of subsection (b) of Section 7.4.13.
  - e. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. The valuation established shall be subject to review as are other values established under Chapter 70 of the Wisconsin Statutes (1967-1968).
  - f. The Town of Oregon shall retain 100% of the monthly parking permit fees collected in each month to cover the cost of administration and shall pay to the school district in which the mobile home park or mobile home is located, within 20 days after the end of each month, such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the Town of Oregon.
  - g. Failure to timely pay the monthly parking permit fee shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74 of the Wisconsin Statutes.

#### **Section 7.4.14 Exempt Mobile Homes.**

No mobile home shall be exempt from the monthly parking permit fee herein provided, unless the occupants thereof are non-resident tourists or vacationists or the mobile home is accompanied by an automobile and both the mobile home and the automobile bear licenses issued by states other than Wisconsin; provided, however, that there shall be no exemption from the monthly parking permit fee when one or more persons occupying the mobile home are employed in this state and no mobile home shall be exempt from said monthly parking permit fee if such mobile home has been used as a dwelling within the Town of Oregon for more than Sixty (60) days in any Twelve (12) months.



**Section 7.4.15 Revocation and Suspension.**

The Town Board is hereby authorized to revoke any license or permit issued pursuant to the terms of this ordinance in accordance with Section 66.058 of the Wisconsin Statutes (1967-1968).

**Section 7.4.16 Penalties for Violation of Ordinance.**

Any person violating any provisions of this ordinance shall upon consideration thereof forfeit not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars and the costs of the prosecution. Each violation shall constitute a separate offense.

*Original Ordinance #3 approved and passed March 18, 1969, posted April 18, 1969.*

*Ordinance #3 amended by Ordinance #6 September 8, 1970.*

*Ordinance #6 approved and passed September 8, 1970.*

*Ordinance #3 amended by Ordinance #7 September 7, 1971.*

*Ordinance #7 approved and passed September 7, 1971, posted September 8, 1971.*

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**TITLE 8 MOTOR VEHICLES AND TRAFFIC**

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**CHAPTER 1 Traffic Code.**

**CHAPTER 2 Speed Limits.**

**CHAPTER 3 Operator's License.**

**CHAPTER 4 Bicycles [Reserved for Future Use]**

**CHAPTER 5 Snowmobiles [Reserved for Future Use]**

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**TITLE 8 - CHAPTER 1 Traffic Code.**

**Section 8.1.1 State Traffic Laws Adopted.**

**Section 8.1.2 State Administrative Code Provisions Adopted.**

**Section 8.1.3 Registration Record of Vehicle as Evidence.**

**Section 8.1.4 School Bus Warning Lights.**

**Section 8.1.5 Penalties.**

**Section 8.1.6 Enforcement.**

**Section 8.1.1 State Traffic Laws Adopted.**

- a. Statutes adopted. Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 340 to 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of only imprisonment or exclusively State charges, are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 to 348 incorporated herein are intended to be made part of this Code in order to secure to

the extent legally practicable uniform State-wide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Town of Oregon, Dane County, Wisconsin, violate any provision of any statute incorporated herein by reference shall be deemed guilty of an offense under this Section.

- b. Other State Laws Adopted. There also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Code shall be as provided in Chapters 340 to 348 of the Wisconsin Statutes, and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided:
  - 1. 941.01 Negligent Operation of Vehicle Off Highway;
  - 2. 941.03 Highway Obstruction;
  - 3. 943.11 Entry into Locked Vehicle;
  - 4. 943.23 Operating Motor Vehicles Without Owner's Consent;
  - 5. 947.045 Drinking in Motor Vehicle on Highway.
- c. Statutes Specifically Incorporated by Reference. Whenever this Code incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes 1995-96, as from time to time amended, repealed or modified by the Wisconsin Legislature, and shall include subsequent session laws.
- a. General References. General references in this (Traffic) Code to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

### **Section 8.1.2 State Administrative Code Provisions Adopted.**

- a. Administrative Regulations Adopted. The following administrative rules and regulations adopted by the Secretary of the Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.
  - 1. Wis. Admn. Code - TRANS 146 Vehicle Registration and Fuel Trip Permits  
  
[Penalties of Wis. Stats. Secs. 341.04(3) and  
  
341.45(b) apply]

1. Wis. Admn. Code - TRANS 302 Vehicle Marking

1. Wis. Admn. Code - TRANS 305 Standards for Vehicle Equipment
2. Wis. Admn. Code - TRANS 328 Motor Carrier Safety Requirements for

Intrastate Transportation of Hazardous

Material

1. Wis. Admn. Code - TRANS 300 Transportation of School Children

1. Wis. Admn. Code - TRANS 304 Slow Moving Vehicle Emblem

b. Non-compliance prohibited. No person shall operate or allow to be operated on any highway, street or alley within the Town of Oregon a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Wis. Stats. 110.075 and Chapter 347, incorporated by reference in Section 8.1.1 of this Code.

a. Owner's Liability. Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation of the same as if he or she had operated the vehicle. The provisions of Wis. Stats. Section 347.04 relating to non-applicability of demerit points shall apply to owners convicted of a violation of this Section.

b. Safety Checks.

1. Operators to Submit to Inspection. When directed to do so by a law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.

2. Authority of Officer. Any law enforcement officer is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.

3. Vehicle to be Removed from Highway. Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders

may be in the form prescribed by the Secretary of the Department of Transportation under Wis. Stats. Section 110.075(5), and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the Department of the issuing officer within the time specified in the order.

- e. Penalty. Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in the provisions of Wis. Stats. Section 110.075 and Wis. Stats. Chapter 347, and as provided in subsection (c) of this Section, together with the costs of the prosecution and applicable penalty assessment.

### **Section 8.1.3 Registration Record of Vehicle as Evidence.**

When any vehicle is found upon a street or highway in violation of any provision of this Code regulating the stopping, standing or parking of vehicles, and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other State, shall be deemed to have committed the violation for purposes of enforcement of this code, and specifically Section 8.1.1, and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Wis. Stats. Section 346.485(5)(b) shall be a defense for an owner charged with such violation.

### **Section 8.1.4 School Bus Warning Lights.**

Notwithstanding the provisions of Wis. Stats. Section 346.48(2)(b)2., adopted by reference in Section 8.1.1 to the contrary and except as provided in Wis. Stats. Section 349.21(2), school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

### **Section 8.1.5 Penalties.**

- a. Forfeiture Penalty. The penalty for violation of any provision of this Code shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Wis. Stats. Sections 814.63(1) and (2) or 814.65(1), the penalty assessment and the jail assessment for moving traffic violations and the driver improvement surcharge imposed by Wis. Stats. Sections 165.87, 302.46, and 346.655, respectively, where applicable. Payment of the judgment and applicable court

costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Code may, upon order of the Court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.

- b. Other Sanctions.
  - 1. By Court. Nothing herein shall preclude or affect the power of the sentencing Court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
  - 2. By Municipality. Pursuant to Wis. Stats. Section 66.117, no person who has been convicted of a violation of any provision of this Code shall be issued a license or permit by the Town until the forfeiture imposed for such violation and any assessments, court costs, fees or surcharge are paid.
- c. Forfeitures for Violation of Uniform Moving Traffic Regulations. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 8.1.1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Code for any offense described in Wis. Stats. Chapters 341 to 348, for which an imprisonment penalty or fine may be imposed upon the defendant.
  - a. Forfeitures for Parking Violations.
    - 1. Forfeitures for Uniform State-Wide Parking, Stopping and Standing Offenses. Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 8.1.1 as described in Wis. Stats. Chapters 341 to 348 shall be found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
  - e. Other Violations. Any person who shall violate any provision of this Code for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00).

#### **Section 8.1.6 Enforcement.**

a. Enforcement Procedures.

1. How enforced. This Code shall be enforced in accordance with the provisions of Wis. Stats. Sections 66.12, 345.20 to 345.53 and Chapter 800.
2. Applicable Court Proceedings. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in Circuit Court or the Town or Oregon Municipal Court.
3. Authority of Law Enforcement Officers. Law enforcement officers authorized to enforce the provisions of this Code shall include any person employed by the Town of Oregon as a law enforcement officer or any person employed as a law enforcement officer by a municipally authorized to provide police services in the Town of Oregon pursuant to an Inter-municipal Agreement with the Town of Oregon.

b. Citations.

1. Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Code except those provisions which describe or define non-moving traffic violations.
2. Parking Citations. The Town's Attorney shall recommend a citation for use in enforcing the non-moving traffic offenses in this Code. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Code, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by the reference in Section 8.1.1, and all provisions regarding non-moving traffic violations in this Code. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by the Town Constable.

c. Deposits and Stipulations.

1. Uniform Traffic Offenses.
  - A. Who May Make. Persons arrested or cited for violation of moving traffic offenses created by this Code shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Code in accordance with Wis. Stats. Section 66.12(1)(b) whenever the provisions of

Wis. Stats. Section 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Wis. Stats. Section 345.11, and may be accepted within ten (10) days of the date of the alleged violation. Stipulations may be accepted by the Municipal Court.

- B. Delivery or Mailing of Deposit and Stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Wis. Stats. Section 345.26 or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Municipal Court. Deposits may be brought or mailed to the Municipal Court within ten (10) days of the issuance of the citation in lieu of a court appearance. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator, and shall deliver the deposit and stipulation, and a copy of the receipt, within seven (7) days to the Municipal Court.

1. Non-Moving Traffic Offenses.

- A. Direct Payment of Penalty Permitted. Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Town Clerk or the Municipal Court the minimum forfeiture specified for the violation. If not forwarded, the penalty may be discharged by forwarding within sixty (60) days of the date of citation. When payment is made as provided in this paragraph, no court costs shall be charged.
- B. Failure to Pay or Appear in Court. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Town may pursue the remedies available under Wis. Stats. Sections 345.28 and 345.34 to 345.47.
- C. Deposits Returned to Town. Persons receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the Town Treasurer within seven (7) days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.
- D. Bond. Any person authorized to accept deposits under Wis. Stats. Section 345.26 or this Section shall qualify by taking the oath prescribed by Wis. Stats. Section 19.01.

1. Notices and Receipts. Every person accepting a forfeited penalty or money



deposit under this Section shall comply with Wis. Stats. Section 345.26. Every person accepting a stipulation under the provisions of this Section shall comply with the applicable provisions of Wis. Stats. Sections 343.28, 345.26 and 345.27, and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Wis. Stats. Section 345.11.

1. Registration Suspension Program.

- A. The Town shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Wis. Stats. Section 345.28 and Wis. Adm. Code Trans. 128, and all amendments or changes thereto.
- B. The Town Board shall designate a delegated authority for purposes of Wis. Stats. Sections 85.13 and 345.28 and Wis. Adm. Code Trans. 128 to perform, on behalf of the Town, all functions required of a local authority under said statutes and Code including, but not limited to:
  - i. Preparing and completing all forms and notices and notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
  - ii. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
  - iii. Determining the method by which the Town will pay the Wisconsin Department of Transportation for administration of the program and establishing the effective date for participation; and
  - iv. Taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- A. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Wis. Stats. Section 345.28(4)(d). Such costs include the prepayment required by the Department of Transportation under Wis. Stats. Section 85.13, as well as a Fifteen Dollar (\$15.00) fee for the Town's administrative costs in preparing the notices required by Wis. Stats. Section 345.28(3). The authority designated by the Town Board may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence,

are paid.

- A. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Town's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

*Original Ordinance #8 approved and passed August 7, 1972, posted August 15, 1972.*

*Ordinance #8 repealed by Ordinance #49 February 4, 1997.*

*Ordinance #49 adopted February 4, 1997, published March 20, 1997.*

*Ordinance #49 amended by Ordinance #52 October 15, 1997.*

*Ordinance #52 adopted October 6, 1997, published October 15, 1997.*

## **TITLE 8 - CHAPTER 2 Speed Limits.**

### **Section 8.2.1 Speed Limits within the Town of Oregon.**

#### **Section 8.2.1 Speed Limits within the Town of Oregon.**

1. The speed limit on Netherwood Road (formerly known as Catholic Church Road), in the Town of Oregon, Dane County, Wisconsin, is as follows:
  - a. Twenty-five (25) miles per hour from its intersection with CTH "MM" (North Main Street), westerly for a distance of 0.3 of a mile.
  - b. Thirty-five (35) miles per hour from a point 0.3 of a mile west of its intersection with CTH "MM" (North Main Street), westerly to a point 1.3

- miles west of its intersection with CTH "MM" (North Main Street).
- c. Fifty (50) miles per hour from a point 1.3 miles west of its intersection with CTH "MM" (North Main Street), westerly to its intersection with CTH "D".
2. The speed limits on the following portions of roadways in the Town of Oregon, Dane County, Wisconsin, are twenty-five (25) miles per hour for all vehicles:
    - a. On French Glen from C.T.H. "A" northwest to Oregon Trail.
    - b. On Oregon Trail from C.T.H. "MM" west to the intersection with French Glen and French Court and from the intersection of French Glen and French Court southwest 0.08 miles.
    - c. On French Court from Oregon Trail northwest 0.04 miles.
    - d. Sheil Drive from Hillcrest Lane east 0.51 miles.
    - e. Della Road from Sheil Drive south 0.15 miles.
    - f. Ralph Road from Della Drive west 0.12 miles.
    - g. Wesley Road from Sheil Drive north 0.05 miles.
    - h. Jean Circle from Sheil Drive southwest 0.24 miles.
    - i. Marie Road from Jean Circle south 0.07 miles.
    - j. Twin Oaks Court from Partridge Hill Drive northwest 0.03 miles.
    - k. Grey Owl Court from Partridge Hill Drive northeast 0.15 miles.
    - l. Quail Court from Partridge Hill Drive east 0.09 miles.
    - m. Ravenoaks Trail from Sun Valley Parkway to Knollwood Drive.
    - n. Ahwahnee Court from 0.05 miles west to Ravenoaks Trail to 0.11 miles north of the north intersection with Ravenoaks Trail.
    - o. Knollwood Drive from the south intersection with Ravenoaks Trail to 0.11 miles north of the north intersection with Ravenoaks Trail.
    - p. Trail Ridge Court from Blue Heron Way northeast 0.13 miles.
    - q. Blue Heron Way from Ravenoaks Trail to Partridge Hill Drive.
    - r. Owentsia from Knollwood Drive to Partridge Hill Drive and from Partridge Hill Drive west 0.02 miles.
    - s. Union Road from its intersection with Lincoln Road, northerly to its end.
    - t. Lincoln Road from a point 0.30 of a mile west of its intersection with Union Road, easterly to its intersection with Union Road.
  3. Signs consistent with these speed limit declarations shall be erected at appropriate intervals on such Town highways in conformity with the Manual on Uniform Traffic Control Devices.
  4. Penalties. Any person operating a vehicle in excess of the fixed speed limits set forth in this Ordinance shall be required to pay a forfeiture calculated in accordance with Wis. Stats. Section 346.60(2)(a) or (3m)(a) (1997-1998), whichever is applicable, together with all applicable statutory assessments and court costs.

*Original Ordinance #12 passed and posted September 4, 1973.*

*Ordinance #12 amended by Ordinance #19 September 7, 1976.*

*Ordinance #12 and #19 amended by Ordinance #27 February 5, 1980.*

*Ordinance #27 passed February 5, 1980, posted February 6, 1980.*

*Ordinance #27 amended by Ordinance #54 October 5, 1999.*

*Ordinance #54 adopted October 5, 1999, published October 14, 1999.*

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**TITLE 9 OFFENSES AND NUISANCES.**

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**CHAPTER 1 State Statutes Adopted. [Reserved for Future Use]**

**CHAPTER 2 Offenses Against Public Safety and Peace.**

**CHAPTER 3 Offenses Against Property. [Reserved for Future Use]**

**CHAPTER 4 Offenses Involving Alcoholic Beverages. [Reserved for Future Use]**

**CHAPTER 5 Offenses by Juveniles.**

**CHAPTER 6 Public Nuisances. [Reserved for Future Use]**

**CHAPTER 7 Regulation of Lewd and Sexually Explicit Conduct. [Reserved for  
Future Use]**

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**TITLE 9 - CHAPTER 2 Offenses Against Public Safety and Peace.**

**Section 9.2.1 Malicious Injury to Property.**

**Section 9.2.2 Cruelty to Animals.**

**Section 9.2.3 Molesting Birds or Animals.**

**Section 9.2.4 Noxious Weeds.**

**Section 9.2.5 Writing on Walls, etc.**

**Section 9.2.6 Concealed Weapons Prohibited.**

**Section 9.2.7 Trespass.**

**Section 9.2.8 Disorderly Conduct.**

**Section 9.2.9 Minors Under 17 Not to be Allowed on the Streets After  
Certain Hours.**

**Section 9.2.10 Destruction of Property Prohibited.**

**Section 9.2.11 Fraud on Hotel or Restaurant Keeper.**

**Section 9.2.12 Drunkenness.**

**Section 9.2.13 Animals Not to be Permitted to Run at Large.**

**Section 9.2.14 Prohibition of Noises Disturbing the Public Peace.**

**Section 9.2.15 Storage or Abandonment of Vehicles Prohibited.**

**Section 9.2.16 Sale and Discharge of Fireworks Restricted.**

**Section 9.2.17 Storage of Junk, etc. Regulated.**

**Section 9.2.18 Indecent Conduct and Language Prohibited.**

**Section 9.2.19 Obedience to Officers.**

**Section 9.2.20 Open Cisterns and Excavations.**

**Section 9.2.21 False Fire or Police Reports.**

**Section 9.2.22 Littering Prohibited.**

**Section 9.2.23 Penalty.**

**Section 9.2.24 Severability.**

**Section 9.2.1 Malicious Injury to Property.**

No person shall willfully and unlawfully break or damage any street lamp, street improvement, building, windows or other public or private property in the Town of Oregon, or shall willfully and unlawfully destroy or injure any lawn, garden, shrub, tree or other property in the Town.

**Section 9.2.2 Cruelty to Animals.**

No person shall cruelly beat, strike, cut, maim, or injure any animal within the Town of Oregon; or keep, feed, or house in a cruel manner any animal within the Town of Oregon.

**Section 9.2.3 Molesting Birds or Animals.**

No person shall molest any birds, birds' nests, birds' eggs, squirrels, or other animals, or kill any birds, squirrels or other animals within the Town of Oregon. No person shall throw stones, or shoot, or use any implement with the intention of killing or frightening any birds or animals within the Town of Oregon, except as permitted under rules and regulations regulating hunting during authorized hunting seasons.

**Section 9.2.4 Noxious Weeds.**

The statutory provisions in Sections 94.20, 94.21, and 94.22 of the Wisconsin Statutes (1969-1970), which set forth the duty of every person owning, occupying, or controlling any land to destroy the noxious weeds growing thereon, the appointment and duties of weed commissioners, and the entry of weed cutting costs on the tax roll are adopted as a portion of this code and made a part of this section so far as applicable to towns.

#### **Section 9.2.5 Writing on Walls, Etc.**

No person shall write, draw, or post any obscene or indecent language, pictures, or drawings on any fence, wall, sidewalk or other surface contiguous to any public streets, alleys, or sidewalks or on any floor, ceiling, inner or outer wall, or other part of any tavern, filling station, church, school, or other building open to or frequented by patrons or the public within the Town of Oregon.

#### **Section 9.2.6 Concealed Weapons Prohibited.**

No person, except a sheriff, constable, police officer, or other deputy, shall carry or wear concealed about his person, any pistol, slingshot, brass-knuckles, black-jack, bowie-knife, dirk-knife or dagger, or other deadly weapon within the limits of the Town.

#### **Section 9.2.7 Trespass.**

1. No person shall trespass upon the property or buildings belonging to another person within the Town of Oregon without the permission of the lawful owner or occupant.
2. No person shall permit any animal belonging to him, or under his control, to trespass upon the property belonging to another person within the Town of Oregon without the permission of the lawful owner or occupant.

#### **Section 9.2.8 Disorderly Conduct.**

No person, in a public or private place, shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.



**Section 9.2.9 Minors Under 17 Not to be Allowed on Streets After Certain Hours.**

1. It shall be unlawful for any person under the age of 17 years to be upon the streets or alleys or other public places in the Town of Oregon between the hours of 10:00p.m. and the following 4:00a.m. unless accompanied by his or her parent or guardian, provided, however this section shall not apply to minors returning home from functions authorized by the governing body of any school or from their places of employment.
2. It shall be unlawful for a parent or guardian to permit any person under his or her control, if such person is under the age of 17 years, to be upon the streets, alleys or other public places in the Town of Oregon between the hours of 10:00p.m. and the following 4:00a.m., unless accompanied by his or her parent or guardian, or unless such minor is returning from an approved school function as provided in (1).

**Section 9.2.10 Destruction of Property Prohibited.**

No person shall willfully injure or intentionally deface, destroy, or unlawfully remove, take, or meddle with any property of any kind or nature belonging to the Town of Oregon or its departments, or to any private person, without the consent of the owner or proper authority.

**Section 9.2.11 Fraud on Hotel or Restaurant Keeper.**

No person shall, having obtained any food, lodging or other service or accommodation at any hotel, motel, boarding or lodging house, or restaurant, intentionally abscond without paying for it.

**Section 9.2.12 Drunkenness.**

No person shall within the Town of Oregon be drunk or intoxicated so as to disturb the good order and quiet of the Town or be found at any place within the Town in such a state of intoxication that he is unable to care for his own safety or for the safety of others.

**Section 9.2.13 Animals No to be Permitted to Run at Large.**

No owner or keeper of any animal shall permit the same to run at large in the Town of Oregon except upon his own property. Any animal shall be deemed to be at large unless

under the control of a person by means of a chain, rope, or cord of sufficient strength to control the action of such animal, or such other personal presence and attention as will reasonably control the conduct of said animal.

#### **Section 9.2.14 Prohibition of Noises Disturbing the Public Peace.**

1. 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 the continuing of same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.
2. No person, firm or corporation 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.

#### **Section 9.2.15 Storage or Abandonment of Vehicles Prohibited.**

1. No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property in the Town of Oregon, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Pursuant to Section 342.40, Wisconsin Statutes (1969-1970), whenever any vehicle has been left unattended without the permission of the property owner for more than twenty-four (24) hours, the vehicle is deemed abandoned and constitutes a public nuisance.
2. Any vehicle in violation of this section shall be impounded until lawfully claimed and disposed of under subsection (3) except that if a law enforcement officer or Town Supervisor determines the cost of towing and storage charges for the impoundment will exceed the value of the vehicle, the vehicle may be junked prior to expiration of the impoundment upon determination that the vehicle is not wanted for evidence or other reason.
  - a. Any law enforcement officer of the Town of Oregon who discovers any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property in the Town of Oregon which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle, the officer shall notify the Town Board of the abandonment and of the location of the impounded vehicle.
  - b. The owner of any abandoned vehicle except a stolen vehicle is responsible for the abandonment and all costs of impounding and disposing of the vehicle plus any

forfeiture imposed hereunder. Costs not recovered from the sale of the vehicle may be recovered in a civil action against the owner.

- c. Any abandoned vehicle which is determined by a law enforcement officer or Town Supervisor to have a value in excess of \$100.00 shall be retained in storage for a period of 14 days after certified mail notice has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. After the expiration of said 14 days, the vehicle shall be sold at public auction with notice of said sale to be given by publication of a Class 1 notice at least one week prior to the sale.
- d. Any abandoned vehicle which is determined by a law enforcement officer or Town Supervisor to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.
- e. Within five (5) days after the sale or disposal of a vehicle as provided in subsections (c) or (d), the Town shall advise the State of Wisconsin, Department of Motor Vehicle, of the sale or disposition on such forms as supplied by the division.

#### **Section 9.2.16 Sale and Discharge of Fireworks Restricted.**

Section 167.10 of the Wisconsin Statutes (1969-1970), regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this Chapter as though set forth in full.

#### **Section 9.2.17 Storage of Junk, etc., Regulated.**

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, which tends to substantially depreciate property values in the neighborhood, except in an enclosure which houses such property from public view, or upon permit issued by the Town 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.

#### **Section 9.2.18 Indecent Conduct and Language Prohibited.**

No person shall use an indecent, vile, profane or obscene language or conduct himself in

any indecent, lewd, lascivious or obscene manner within the Town of Oregon.

**Section 9.2.19 Obedience to Officers.**

No person shall resist or in any way interfere with an officer of the Town of Oregon while such officer is doing any act in his official capacity and with lawful authority, or shall refuse to assist any officer in carrying out his duties when so requested by the officer.

**Section 9.2.20 Open Cisterns and Excavations.**

No person, persons or corporation being the owner or occupant of any lot, part of lot or parcel of land within the Town of Oregon, shall leave open and not securely guarded any cistern, well or other dangerous excavations on such lot or part of lot or parcel of land in this Town.

**Section 9.2.21 False Fire or Police Reports.**

No person within the limits of the Town of Oregon shall intentionally falsely report in any manner directly or indirectly, to any police officer or any town officer or officer or member of the fire department for the purpose of misleading any such officer or fire department member that a crime or a violation of this code of ordinances has been or is being committed or that there is any fire in the Town or any territory protected by said fire department.

**Section 9.2.22 Littering Prohibited.**

No person shall throw or deposit any glass, refuse, or waste, filth, or other litter upon the streets, alleys, highways, public parks, or other property of the Town of Oregon, or upon any private property within the Town of Oregon.

**Section 9.2.23 Penalty.**

Any person violating any provision of this Chapter shall, upon conviction thereof, be subject to a forfeiture of not to exceed Two Hundred (\$200.00) Dollars together with the

costs of prosecution.

**Section 9.2.24 Severability.**

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

*Original Ordinance #9 approved and passed August 7, 1972, posted August 15, 1972.*

*Ordinance #9 amended by Ordinance #25 February 6, 1979.*

*Ordinance #25 approved and passed February 6, 1979, posted February 13, 1979.*

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**TITLE 9 - CHAPTER 5 Offenses by Juveniles.**

**Section 9.5.1 Statutes Adopted.**

**Section 9.5.2 Statutes Specifically Incorporated by Reference.**

**Section 9.5.3 Town Jurisdiction Over Juveniles.**

**Section 9.5.1 Statutes Adopted.**

Except as otherwise specifically provided in this Code, the following sections of the Wisconsin Statutes are hereby adopted by reference:

125.07(4) Underage Alcohol Violations;

125.085(3) Falsification of Identification by Underage Person;

125.09 Possession of Alcohol Beverages on School Grounds or at  
School Related Activities;

938.343 Disposition of  
Juvenile Adjudged to Have  
Violated a Civil Law or  
Ordinance;

938.344 Disposition; Certain Intoxicating Liquor, Beer and Drug  
Violations;

938.355(6)(d)2. Sanctions for  
Violation of an Order:  
Suspension of Operating  
Privileges;

938.355(6)(d)4. Sanctions for  
Violation of an Order:  
Supervised Work Program or  
Community Service;

961.573(2) Possession of Drug a Paraphernalia by Underage Person;

961.574(2) Manufacture or  
Delivery of Drug  
Paraphernalia by Underage  
Person;

961.575(2) Delivery of Drug Paraphernalia by Underage Person.

### **Section 9.5.2 Statutes Specifically Incorporated by Reference.**

Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1995-1996, as from time to time amended, repealed or modified by the Wisconsin Legislature, and shall include subsequent session laws.

### **Section 9.5.3 Town Jurisdiction Over Juveniles.**

- a. Adoption of State Statutes. Wis. Stats. Section 938.17(2) is hereby adopted and by



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TITLE 10 LAND USE  
REGULATIONS.

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**CHAPTER 1 Building Code.**

**CHAPTER 2 Uniform Dwelling Code.**

**CHAPTER 3 Addition of Land to the Town of Oregon, Dane County.**

**CHAPTER 4 Electrical Code [Reserved for Future Use]**

**CHAPTER 5 Plumbing Code - [Reserved for Future Use]**

**CHAPTER 6 Gas Code - [Reserved for Future Use]**

**CHAPTER 7 Residential Property Maintenance Code. [Reserved for Future Use]**

**CHAPTER 8 Commercial/Industrial Property Maintenance Code. [Reserved for  
Future**

Use]

**CHAPTER 9 Grievances by Handicapped Persons Regarding Access to Public  
Buildings.**

**[Reserved for Future Use]**

**CHAPTER 10 Land Division and Subdivision Code.**



**Section 1 General Provisions.**

**Section 2 Definitions.**

**Section 3 Land Suitability Requirements.**

**Section 4 Plat and Land Division Review and Approval Procedure.**

**Section 5 Technical Requirements for Plats and Certified Surveys.**

**Section 6 Required Improvements.**

**Section 7 Park and Public Land Dedication.**

**Section 8 Condominium Developments.**

**Section 9 Variances; Penalties and Violations.**

**CHAPTER 11 Land Zoning and Use Code. [Reserved for Future Use]**

**CHAPTER 12 Fair Housing. [Reserved for Future Use]**

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**TITLE 10 - CHAPTER 1 Building Code.**

**Section 10.1.1 Title.**

**Section 10.1.2 Purpose.**

**Section 10.1.3 Scope.**

**Section 10.1.4 Building Inspector.**

**Section 10.1.5 Building Permits and Inspections.**

**Section 10.1.6 Construction Standards.**

### **Section 10.1.7 Sanitation.**

### **Section 10.1.8 Private Garages.**

### **Section 10.1.1 Title.**

This Chapter shall be known as the Building Code of the Town of Oregon.

### **Section 10.1.2 Purpose.**

The purpose of this Chapter is to provide minimum regulations, provisions and requirements in the Town of Oregon to insure safety to persons and property, safe and stable design, good workmanship in the methods of construction and uses of materials in any building constructed, enlarged, altered, repaired, moved, converted to other uses or demolished; to regulate the equipment, maintenance, condition, use, occupancy and safety of all buildings in the Town and to promote public health, safety and general welfare. This chapter shall apply in the Town to new structures and to alterations and additions to existing structures.

### **Section 10.1.3 Scope.**

New buildings hereafter erected in the Town of Oregon shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this Chapter was enacted. The term "new building" shall not include a building used exclusively for agricultural purposes or a temporary building or shed used exclusively for construction purposes, not exceeding two stores in height, and not used for living quarters. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Dane County Zoning Ordinance. This Chapter in no way supersedes or nullifies such laws and ordinances.

### **Section 10.1.4 Building Inspector.**

- a. The Town Board shall appoint a building inspector who shall have the power and duty to enforce the provisions of this ordinance and the provisions of all other

ordinances, laws and orders of the State of Wisconsin which relate to building construction.

- b. The building inspector may pass upon any question arising under the provisions of this Chapter relating to buildings, subject to conditions contained herein.
- c. The building inspector may, at all reasonable times in performance of his duties, enter upon any public or private premises and make inspections thereof and require the production of the building permit for any building, permanent building equipment, electrical or plumbing work.
- d. If the building inspector shall find at any time that the ordinances, laws, order, plans or specifications are not being complied with, he shall revoke the building permit and written notice of such action shall be posted at the site of the work. When any such permit is revoked, no further work shall be done upon such building until the permit is reinstated, excepting such work as the building inspector shall be written order require to be done as a condition precedent to the re-issuance of the permit.
- e. Whenever the building inspector shall find that any building or structure, or any part thereof, is dangerous to life, or adjoining property, by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he shall order the owner or tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the building inspector may be necessary; and he shall also affix a notice of such order in a conspicuous place on the outside wall of the building and no person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered. Where the public safety requires immediate action, the building inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or be removed, and the expense of such work may be recovered by the Town in an action against the owner or tenant.
- f. The building inspector shall by personal, oral or written notice, require the owner or occupant of any premises within the Town to remove therefrom and dispose of, within a reasonably stated time, any unsightly articles or material visible to the public, and which he reasonably finds detrimental to the appearance, neatness and cleanliness of the neighborhood or the Town in general. Any such owner or occupant failing to comply with written notice aforesaid shall be subject to a forfeiture as provided by the Town Board.
- g. Any person feeling himself aggrieved by any order or ruling of the building inspector may appeal from such order to the Town Board, such an appeal to be in writing. As to building permits for dwellings, appeal may be made to the Town Board when the building inspector does not issue a permit because of the use of materials and method of construction not specified in this code. The Town Board, in its discretion as evidenced by a majority vote of the members present, may approve alternative materials and methods if the Board is satisfied the alternative materials and methods are consistent with the purposes of this code, as specified in Section 10.1.2 hereof, and generally accepted in the building profession as adequate and reasonable for the purposes intended.

- h. With the consent of the Town Board, the building inspector may appoint one or more persons as deputy building inspectors, and may delegate to them the above mentioned powers and duties.

### **Section 10.1.5 Building Permits and Inspection.**

- a. No new building or structure or any part thereof, as defined in Section 10.1.3, shall hereafter be erected, enlarged, altered, moved, demolished or used within the Town of Oregon, except as herein provided, until a permit therefor shall first have been obtained from the building inspector, by the owner or his authorized agent.
- b. Application for a building permit shall be made in writing upon a form furnished by the building inspector and shall state the name and address of the owner of the land, the name and address of the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the building inspector may require.
- c. With such application there shall be submitted a complete set of plans and specifications covering the proposed building, alterations, or improvements, including a dimensioned plan of the tract showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the state building code shall bear the stamp of approval of the Department of Industry, Labor, and Human Relations. Such plans and specifications shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided, the other set shall remain on file in the office of the clerk. All plans and specifications shall be signed by the designer.
- d. If the building inspector finds that the character of the structure and work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs, moving, provided the cost of such work does not exceed \$2,000.00.
- e. If the building inspector determines that the building will comply in every respect with all ordinances of the Town of Oregon and all applicable laws and orders of the County of Dane and of the State of Wisconsin, he shall officially approve and stamp one set of the plans, return it to the owner, and issue a building permit therefor which shall state the use to which said building is to be put. Said permit shall be kept and displayed at the site of the proposed building in a conspicuous place unobstructed from public view. After being approved, the plans and specifications shall not be altered in any respect which involves the safety of the building or the occupants except with the written consent of the building inspector. If adequate plans are presented to the building inspector, he may at his discretion issue a permit for a part of the building before receiving the plans and specifications for the entire building.
- f. The building inspector may authorize in writing minor repairs or alterations valued at less than Two Hundred (\$200.00) Dollars which do not change the

occupancy, area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued. However, such repairs or alterations shall not be made until written authorizations from the building inspector is obtained.

g. The following fees shall be paid for building permits:

1. New buildings, additions, or alterations  
First \$500.00 or less \$2.00  
Above \$501.00 \$1.50  
Per \$1,000.00 or fractional part thereof  
Plus: The sum of \$75.00 in the event the new building is subject to Chapter IND 22 (Energy Conservation) of the Wisconsin Administrative Code.
2. Repair work \$2.00
3. Open sheds \$2.00
4. Fire escapes \$2.00
5. Re-shingling and re-roofing \$2.00  
For every \$1,000 or fractional part thereof
6. Maximum fee \$500.00
7. Wrecking of a building \$5.00
8. Certificate of Occupancy

- A. New buildings \$1.00
- B. Change in use or occupancy  
in existing buildings \$2.00

#### 9) Installation of elevator

- h. Building permits shall lapse and be void unless the work authorized thereby is commenced within six(6) months from the date of issue thereof. In the event of construction after one (1) year from date of issue thereof, a new building permit must be obtained pursuant to all the requirements of this code then in force. The fees for such new building permit shall be based upon the cost of the construction remaining to be done.
- a. Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules and orders applicable thereto. After inspection, the building inspector shall issue a certificate of compliance, or prescribe any changes necessary to such compliance, upon the making of which changes the certificate shall be issued. After the issuance of such certificate, no structural part of said building shall be changed.
- b. Buildings shall have a final inspection before occupancy, except as herein provided. If, on final inspection by the building inspector, no violation of this or any other ordinance, law or order be found, the fact shall be so certified by the building inspector who shall thereupon issue a certificate of occupancy, stating

the purpose for which the building is to be used, also the maximum load and the maximum number of persons who may be accommodated on each floor of buildings to be used for public purposes. No building or part thereof shall be occupied until such certificate has been issued, except with the written consent of the building inspector; nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate.

### **Section 10.1.6 Construction Standards.**

- a. State Code Adopted.
  1. Chapters IND 50-64 of the Wisconsin Administration Code, so far as applicable, are adopted by reference and made a part of this Code.
  2. Application to Dwellings. The following provisions of the Wisconsin Administration Code. In addition to the other provisions of this Section, shall apply to dwellings occupied by 2 or less families. Chapter IND 65 (Fire Prevention) and Chapter IND 22 (Energy Conservation).
- b. Definition: the term "dwelling" as used herein includes every building occupied in whole or in part as a residence by not more than two families. The building terms used herein shall have the meaning given them in the Wisconsin Administration Code. Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice.
- a. Excavations: No excavation in excess of 6 inches below the adjacent grade shall be permitted on any lot or parcel of land within the Town except for the erection of a building or for other legitimate purpose; and no such excavation made for the erection of a building or other purpose shall be permitted to remain longer than deemed necessary by the Building Inspector for the accomplishment of such purpose; and in no case shall an excavation remain longer than three (3) days without being protected with snow fencing or other approved barricades.
- b. Foundations:
  1. The exterior walls of all dwellings shall have foundations which extend below the frost line and have suitable provision at the bottom to keep load distribution within the carrying capacity of the soil.
  2. Strength - Foundation walls of all dwellings shall be of adequate strength and thickness to resist lateral pressures from adjacent earth and to support their vertical loads; but the thickness shall be not less than the thickness of walls supported by them and in no case less than 8 inches.
  3. Thickness - If built of rubble stone, the thickness of foundation walls of all dwellings shall be not less than 18 inches. If built of brick, concrete hollow blocks, or solid blocks, the thickness shall be not less than 10 inches, with the exception that when such walls of buildings not exceeding

35 feet in height do not extend more than 5 feet below the adjacent ground level, the minimum thickness of solid brick or concrete walls shall be 8 inches, and the minimum thickness of hollow walls of brick and walls of hollow block or solid block shall be 10 inches. Poured concrete foundations of 8 inch thickness may be used for one story wood frame structures.

4. Masonry Foundations - In masonry unit foundation walls the top course shall be of solid masonry units or solid masonry material and shall not be less than 4 inches thick.
5. Height - Foundation walls for frame construction shall extend at least 8 inches above the adjacent ground surfaces after filling is complete.
6. Ventilation of Crawl Spaces - Except for slab on ground floors, cross ventilation shall be provided for crawl spaces enclosed by foundation walls whether it be excavated or not, with a minimum opening of 2 square feet for each 25 feet of exterior wall.
7. Floating Mat - Footings for other than small frame structures not exceeding one story in height and 1250 square feet in area shall be located on permanently undisturbed soil; except that a continuous foundation mat of reinforced concrete or other approved construction may be used when floated directly on the ground provided with a layer of broken stone not less than 6 inches thick, or other adequate means of subsoil drainage. The reinforcement shall be in addition to any piping installations for radiant heat purposes and the structural slab shall be not less than 4 inches thick of approved concrete. The requirements governing ventilation of crawl spaces shall not nullify the use of floating slab foundations provided adequate provision is made for damp-proofing and waterproofing when required by soil conditions.

e. Frame Walls

1. In frame wall construction all structural parts are of wood or are dependent upon a wood frame for support. This includes walls with facing or veneer other than wood, such as brick, tile, stone, and stucco.
2. Wall studs shall be not less than two inches by four inches, sixteen inches center to center.
3. Where exterior walls or parts thereof are sheathed, the sheathing shall not be less than one nominal inch in thickness of lumber, or of three quarters inch thick composition sheathing board. If no sheathing is used, diagonal let-in bracing shall be used at all corners. This shall consist of one-by-fours let into the outside face of studding at approximately forty-five degrees and extended from plate to sill wherever possible. When openings occur near the corner, knee braces shall be installed from the corner post to the sill and to the top plate, extending over at least three stud spaces.
4. All sheathing shall be covered with water-resistant building paper of saturated asphalt felt, except when composition sheathing is used which is impregnated or coated with a moisture-resisting material and which is

provided with tongued and grooved or shiplap joints. Each lap shall be not less than four inches, with at least a four-inch lap around openings. Vapor-resistant building material shall not be allowed outside of the studding.

5. Ledger or ribbon boards used to support joints shall not be less than one by four inches, shall be cut into the studs, and securely nailed with not less than two ten-penny nails to each stud. When ledger boards are used, the outside walls shall be completely fire stopped with not less than two-inch material.

f. Masonry Veneer on Frame Construction:

1. masonry veneer applied to the walls of frame structures shall rest directly upon the foundations of the structure and shall not be less than three and five-eighths inches in thickness. Such veneer shall be backed up with waterproof building paper or saturated felt which shall extend down and under the bottom course of veneer.
2. Flashing shall be installed where necessary to prevent moisture from penetrating behind the wall.
3. The masonry veneer shall be securely attached to the frame structure at intervals of not more than twenty-four (24) inches horizontally and sixteen (16) inches vertically with corrugated, galvanized metal ties.
4. Sheathing shall be securely attached to the framework of the structure back of the masonry veneer by properly nailing to each stud with not less than two-eight penny nails.

g. Stucco on Frame Construction:

1. Flashings or other measures adequate to prevent penetration of moisture behind the stucco surface shall be used at horizontal and vertical intersections of stucco with other material.
2. Back plastering shall be required where sheathing or its equivalent is omitted.
3. Where stucco is used over frame construction it shall be on expanded metal lath weighing not less than 3.4 pounds per square yard or wire fabric not lighter than nineteen gauge.

h. Wood Framing Caps:

1. All wooden members shall be so framed, anchored, tied and braced together as to develop the maximum strength and rigidity adequate for the purpose for which they are used. All members shall be sound and free from knots and shakes which would impair their strength and shall be dry and well seasoned. All framing lumber or board lumber for subflooring, roofboarding, sheathing, shingle, lath, etc., shall be No. 2 common or better.
2. All wooden members shall be of sufficient size and strength to carry the



load safely without exceeding the allowable working stresses of the material. The strength of timber shall be determined from actual dimensions and not from nominal dimensions.

- A. The maximum spans for wood floor joists, ceiling joists and rafters shall be as listed in Table A.
- B. All sills and all bearing plates for roof-rafters framing into masonry walls shall be bolted to the masonry walls with one-half inch bolts imbedded firmly into the masonry and spaced not more than eight feet apart.

i. Chimneys:

- 1. Sections 52.10, 52.11, and 52.12 of Rules of Department of Industry, Labor and Human Relations, Wisconsin Administrative Code, are incorporated herein.
- 2. Solid and Liquid Fuel-Fired Equipment - IN lieu of masonry chimneys in one and 2-family dwellings for solid and liquid fuel-fired equipment, chimney assemblies of approved acid, weather and heat-resisting materials may be constructed as herein provided. Such assemblies shall be designed and constructed so as to prevent a temperature greater than 250° F on the exterior exposed surface. All combustible construction shall be maintained with a clearance of not less than 2 inches from the outside surface of the installation. Chimney assemblies tested and approved by accredited authoritative agencies which meet the requirements of this chapter shall be accepted for use with solid and liquid fuel-fired equipment.
- 3. Gas Fuel-Fired Equipment - In lieu of masonry construction chimneys in one and 2-family dwellings for flues and vents from gas-fired appliances may be constructed with a lining of approved corrosion-resisting metal. The enclosure shall be so constructed and designed as to prevent a temperature greater than 250° F on the exterior exposed surface. Clearances shall be maintained from combustible construction as provided in paragraph (a). Flue assemblies which have been tested and approved by accredited authoritative agencies and which meet the requirements of this code shall be accepted for use with gas-fired heating equipment.
- 4. One-family and Multiple-Family Dwellings - In one-family and multiple-family dwellings which are not more than 2 stories and attic in height, alternate chimney construction as herein described may be supported on concrete-filled pipe columns or may be hung from attic or ceiling joists of adequate strength protected with component materials to afford a fire resistance of not less than    hour, provided all clearances are maintained as specified in this code and the vents are supported on corrosion-resistive metal brackets of not less than No. 16 U.S. Gage.

j. Size of Rooms:

1. Each unit shall provide space of not less than the floor areas indicated below, for each of the following purposes:

- A. Living, Dining and Cooking Square Feet

- Living, dining & cooking -when in one room 220

- Living, dining - when in one room 160

- Living only in one room -when dining space is provided in kitchen or in a separate room 140

- Kitchen - cooking only 60

- Each additional room for living purposes - when provided 70

- B. Sleeping

- Major bedroom 100

- Additional bedrooms 70

- C. Bathing

- Bathroom - sufficient for installation of water closet, lavatory and tub or shower

1. Ceiling Heights - In all dwellings or dwelling units the average ceiling height shall be 7 feet 6 inches for the entire first floor area with a minimum ceiling height of 7 feet 0 inches. The minimum ceiling height shall be 7 feet 6 inches for all floor areas above the first floor except under sloping roof where the minimum shall be 7 feet 6 inches for not less than 50 percent of the floor area.

1. Basement Rooms - Every basement room used for living or sleeping quarters shall be at least 7 feet 6 inches high, from finished floor to finished ceiling. The exterior wall shall be damp-proof. The damp-proofing treatment shall be continuous from the top of the footing to the finished grade and according to reasonably accepted methods in the profession.

### **Section 10.1.7 Sanitation.**

- a. Toilet Rooms and Washing Facilities: In every single family or two family dwelling, each dwelling unit shall be provided with a separate kitchen sink. A complete bath with lavatory, water closet and tub or shower shall be provided for each dwelling unit. All sinks, lavatories, wash tubs, bathtubs and showers shall be provided with hot water from a heater capable of supplying adequate hot water. Rooms with private water closets shall not be considered in counting either the

number of rooms or the number of fixtures. All concealed water pipes, storage or flushing tanks, and all exposed pipes or tanks subject to freezing temperatures shall be satisfactorily protected against freezing. All piping and appliances shall be so installed as to drain by gravity or by approved bleeds.

- b. Repairs: Every building of this classification, and all parts thereof, shall be kept in good repair and the roof shall be maintained to prevent leakage. All rainwater shall be so drained and conveyed therefrom as to prevent dampness in the walls and ceilings. All exterior wood surfaces shall be reasonably protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner. Plumbing equipment shall be maintained so as to be impervious to water and heating equipment and incinerators shall be maintained in good order and repair.
- c. Cleanliness: Every building shall be kept clean, and shall also be kept free from vermin and any accumulation of dirt, filth, rubbish, garbage or other objectionable matter in or on the same or in the yards, courts, passages, areas or alleys connected with or belonging to the same. Interior surfaces shall be as nearly impervious to water and joints between surfaces as tight as is reasonably practical. Floors of toilet and bathrooms shall be of impervious surfaces and made of non-absorbent material.
- d. Windows: The outside of windows in every sleeping or living room shall have a total sash area of at least 10 percent of the floor area of the room, but not less than 12 square feet. The top of at least 1 such window shall be not less than 6 \_ feet above the floor, and at least 50 percent of the required window area must be open. The outside windows in all basement areas shall have a total sash area of at least 1 percent of the floor area. All attics shall have windows or louvers with a sash area of 1 percent of the floor area for ventilation purposes. Windows in each habitable room, bathroom windows and all door opening to the exterior of the dwelling shall be provided with screen of no less than No. 16 wire mesh which will effectively prevent the entrance of flies and mosquitoes. Every dwelling or residence building having basement windows or exterior basement door shall have screens of not less than NO. 16 wire mesh on all doors 500f windows, when open. All windows shall be so constructed and maintained to eliminate excessive draft and infiltration.

Exception - The provisions of the requirement for basement windows may be waived for single-family dwellings if provisions are made for proper artificial lighting, and if ventilation is provided in accordance with the Heating, Ventilation and Air Conditioning Code as set for in Wisconsin Administrative Code, Chapter 59. A 16 inch by 16 inch square opening must be provided for fire equipment if artificial ventilation is provided.

### **Section 10.1.8 Private Garages.**

- a. Classification

1. An attached private garage shall mean a private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or vestibule, or private garage so constructed as to form an integral part of the principal building.
  2. A detached private garage shall mean a private garage entirely separated from the principal building.
  3. Definition of "Fire Protected" shall mean as follows:
    - A. 4 inch brick or stone
    - B. Metal lath or perforated lath and \_ inch plaster for one vertical side or the under side of the ceiling.
    - C. 5/8 inch fire rated sheetrock for one vertical side or the under side of the ceiling.
- b. Footings and Foundations: Footings and foundations as regulated in this chapter shall be provided for all garages, except that private garages of frame or noncombustible from construction may be provided with foundation walls of concrete or masonry not less than 3 feet 6 inches below the adjoining grade, including over-head door openings, or with an approved continuous floating foundation slab of concrete not less than 4 inches in thickness for detached garages. Such walls and exterior wall curbs shall be not less than 8 inches above the adjoining grade and 8 inches in thickness.
- a. Floor Surface: The floor in all private garages shall be of approved noncombustible material. No openings or pits in the floor shall be permitted, except for drainage.
- b. Construction: Private garages shall be constructed as follows:
1. Load bearing foundation walls, masonry walls, and partitions shall be constructed as required herein except as stated above.
  2. Detached private garages of wood frame construction shall be constructed as regulated in this chapter with the following exceptions:
    - A. Studs may have a maximum spacing of 24 inches on centers. Doubling of studs shall not be required at jambs of openings less than 40 inches.
    - B. Diagonal corner bracing may be applied on the inside surface of studs.
    - C. Corner posts may consist of 2-2x4 studs or a single 4x4 stud.
    - D. Top plates may be single, provided the rafters are placed over the studs and plates are lapped to provide ties.
    - E. Horizontal bracing and collar beams may be 2x4's with a maximum spacing of 6 feet on centers.
    - F. All framing walls shall be securely anchored to the foundation with \_ inch by 6 inch bolts placed 4 feet on center.

- e. Attached Private Garages: Private garages may be attached to or made part of residence buildings when in compliance with the following regulations:
  - 1. Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this Code.

*Original Ordinance #5 adopted May 6, 1969, posted May 1969.*

*Ordinance #5 amended by Ordinance #24 February 6, 1979.*

*Ordinance #24 approved and passed February 6, 1979, posted February 7, 1979.*

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## **TITLE 10 - CHAPTER 2 Uniform Dwelling Code.**

**Section 10.2.1 Purpose.**

**Section 10.2.2 Wisconsin Uniform Dwelling Code Adopted.**

**Section 10.2.3 Building Permit Required.**

**Section 10.2.4 Building Permit Fees.**

**Section 10.2.5 Penalties.**

**Section 10.2.6 Severability.**

**Section 10.2.7 Effective Date.**

**Section 10.2.1 Purpose.**

The purpose of this ordinance is as follows:

- a. To exercise jurisdiction over the construction and inspection of new one-family and two-family dwellings, multi-family dwellings and commercial buildings, as well as additions that increase the physical dimensions of dwellings and commercial buildings, alterations to building structure or alterations to a

- building's heating, ventilating, air conditioning, electrical or plumbing system;
- b. To provide plan review and on-site inspections performed by persons or agencies certified by the Department of Commerce (DCOMM);
- c. To establish and collect fees to defray the cost thereof; and
- d. To provide remedies and penalties for violations of this chapter.

### **Section 10.2.2 Wisconsin Uniform Dwelling Code Adopted.**

- a. The following chapters of the Wisconsin Administrative Code, as adopted and effective as of the effective date of this Ordinance, together with all amendments thereto, are hereby adopted and by reference made a part of this Ordinance as if fully set forth in this section. Any act required to be performed or prohibited by an Administrative Code provisions incorporated by reference in this section is required or prohibited by this section. Any future amendments, revisions or modifications of the Administrative Code provisions as incorporated in this subsection are intended to be made part of this article to secure uniform Statewide regulation of the construction regulated under these Administrative Code provisions. The Administrative Code provisions included in this incorporation by reference are as follows:

Wis. Admin. Code, Chapters 17 and 19, Electrical Code;

Wis. Admin. Code, Chapters COMM 20 through 25, Uniform Dwelling Code;

Wis. Admin. Code, Chapters 50-64, Building and Heating, Ventilating and Air Conditioning Code;

Wis. Admin. Code, Chapter COMM 66, Uniform Multi-Family Dwelling Code;

Wis. Admin. Code, Chapter COMM 69, Barrier Free Design;

Wis. Admin. Code, Chapter COMM 70, Historic Building Design;

Wis. Admin. Code, Chapters COMM 75 - 79, Existing Building Code;

Wis. Admin. Code, Chapters COMM 80 - 86, Uniform Plumbing Code.

- b. The Building Inspector, as certified by DCOMM, is hereby authorized and directed to administer and enforce all of the provisions of the Wisconsin Uniform Dwelling Code and other Administrative Codes adopted by the Town.
- c. Any existing Town Ordinances pertaining to the construction of new dwellings which conflict with the Wisconsin Uniform Dwelling Code are hereby repealed.

### **Section 10.2.3 Building Permit Required.**

Prior to commencing any of the following work, the owner or agent shall obtain a valid permit from the Town Building Inspector:

- a. New buildings;
- b. Additions that increase the physical dimensions of a building, including decks;
- c. Any alterations to the building structure, or alterations to the building's heating, electrical or plumbing systems;
- d. Replacement of major building equipment, including furnaces and central air conditioners. Water heater replacements shall require a permit if the plumbing, venting, electrical or gas supply systems are altered.
- e. Restoration or repair of an installation to its previous code compliant condition as determined by the Building Inspector is exempted from permit requirements. Re-siding, re-roofing and finishing interior surfaces, and installation of cabinetry shall be included in permit requirements. However, unless structural calculations are provided, no more than two layers of roofing shall be installed on a roof.
- f. No building permit is required for repairs performed for maintenance or replacement purposes in an existing building which does not involve the structural portions of the building or structure or which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection and which does not increase a given occupancy or use.

### **Section 10.2.4 Building Permit Fees.**

The building permit fee shall be determined from time to time pursuant to resolution adopted by the Town Board.

### **Section 10.2.5 Penalties.**

The enforcement of this chapter and all other laws and ordinances relating to building shall be by means of the withholding of building permits. In addition, whoever violates any provision of this chapter shall upon conviction thereof forfeit not less than \$25.00 nor more than \$500.00 for each violation. Each day that such violation continues constitutes a separate offense.

### **Section 10.2.6 Severability.**

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

*Original Ordinance #40 passed December 18, 1990, posted December 20, 1990.*

*Ordinance #40 amended by Ordinance #56 October 5, 1999.*

*Ordinance #56 adopted October 5, 1999, published October 14, 1999.*

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**TITLE 10 - CHAPTER 3 Addition of Land to the Town of Oregon, Dane County.**

**Section 10.3.1 Detachment of Land from Village; Annexation to Town.**

**Section 10.3.1 Detachment of Land from Village; Annexation to Town.**

Whereas the Village Board of the Village of Oregon unanimously adopted a Detachment Ordinance on the 19<sup>th</sup> day of June, 1978, detaching from the Corporate Limits of the Village of Oregon the following described real estate, to wit:

The Northwest \_ of the Northeast \_ of Section Fourteen (14), Township 5 North, Range 9 East, Town of Oregon, Dane County, Wisconsin.

And the Town Board of the Town of Oregon having no objection to the detaching of said lands from the Village of Oregon and the annexation thereof to the Town of Oregon;

The Town Board of the Town of Oregon, Dane County, Wisconsin, do ordain as follows:

The Detachment Ordinance adopted by the Village Board of the Village of Oregon detaching the above described territory from the Village of Oregon and the annexation thereof to the Town of Oregon are hereby accepted.

This ordinance shall take effect on the day after passing an posting in accordance with the requirements of law.



*Original Ordinance #23 adopted July 5, 1978, posted July 6, 1978.*

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**TITLE 10 - CHAPTER 10 Land Division and Subdivision Code.**

**TITLE 10 – CHAPTER 10 - Section 1 General Provisions.**

**Section 10.10.1-1 Purpose.**

**Section 10.10.1-2 General Provisions.**

**Section 10.10.1-3 Interpretation and Conflicts.**

**Section 10.10.1-4 Severability.**

**Section 10.10.1-5 Repeal.**

**Section 10.10.1-6 Title.**

**Section 10.10.1-7 Certification.**

**Section 10.10.1-8 Effective Date.**

**Sections 10.10.1-9 - 10.10.1-15 Reserved for Future Use.**

**Section 10.10.1-1 Purpose.**

The purpose of this Ordinance is to promote the public health, safety and general welfare of the community, and the regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic, and other danger; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to minimize the public impact from the subdivision of large tracts into smaller parcels of land; and to facilitate the implementation of the goals, objectives and policies as stated in the Town of Oregon Land Use Plan.

Section 10.10.1-2 General Provisions.

- a. Compliance. No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or replat, and no such subdivision, land division or replat shall be entitled to be recorded, without compliance with all requirements of this Ordinance and the following:
  1. The provisions of Wis. Stats. Ch. 236 and 80.08 (1995-1996).
  2. All other Town Ordinances.
  3. Applicable provisions of the Land Division and Subdivision Regulations of Dane County, Wisconsin, Chapter 75 of the Dane County Code of Ordinances, and all other applicable provisions of the Dane County Code of Ordinances.
  4. Master plans, Town of Oregon Land Use Plans or components of such plans prepared by state, regional, county or municipal agencies when duly adopted by the Town Board.
  5. The provisions of Wis. Admin. Code Chap. 1LHR 83 and 85 for subdivisions, land divisions or replats not served by public sanitary sewer.
  6. The provisions of Wis. Admin. Code Chap. Hy. 33 for subdivisions, land divisions or replats which abut a state trunk highway.
  7. The provisions of Wis. Admin. Code Chap. NR 116 relating to floodplain management.
  8. All other applicable state statutes and administrative rules.
  
- b. Jurisdiction. These regulations shall apply to all lands divided within the political boundaries of the Town. These regulations shall not apply to:
  1. Transfers of interests in land by will, succession or Court Order;
  2. Leases, mortgages and easements;
  3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created, or if the effect of the sale or exchange on existing lots does not reduce their size below minimum sizes required by this Ordinance or other applicable laws.
  
- c. Building Permits. The Town shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division or replat originally submitted to the Town on or after the effective date of this Ordinance until the applicant has complied with all of the provisions and requirements of this Ordinance.
  
- a. Applicability to Condominiums. The Ordinance is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Wis. Stats. Section 703.27(1) (1995-1996). For purposes of this Ordinance, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

### **Section 10.10.1-3 Interpretation and Conflicts.**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Oregon and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where the requirements of this Ordinance conflict with the requirements of other Town Ordinances or the requirements of another governing body or agency with authority to approve or object to a land division or Plat, the land division or Plat shall comply with the most restrictive requirements.

### **Section 10.10.1-4 Severability.**

The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one (1) or more provisions may be declared invalid. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

### **Section 10.10.1-5 Repeal.**

All other Ordinances or parts of Ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

### **Section 10.10.1-6 Title.**

This Ordinance shall be known as, referred to, or cited as the "Town of Oregon Land Division and Subdivision Ordinance."

### **Section 10.10.1-7 Certification.**

- a. Town Board Certification. The Town Board is an approval body for all land divisions and subdivisions within the jurisdictional limits of the Town. No Certified Survey Map or Final Plat shall be recorded at the Dane County Register of Deeds unless such Certified Map or Final Plat contains a Certificate in substantially the following form:

b. Town Board Approval Certificate:

Approved for recording per Oregon Town Board action of (month and day), (year).

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Oregon Town Clerk

**Section 10.10.1-8 Effective Date.**

This Ordinance shall take effect and be enforced from and after its passage and publication as provided by law.

**Sections 10.10.1-9 -- 10.10.1-15 Reserved for Future Use.**

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**TITLE 10 – CHAPTER 10 - Section 2 Definitions.**

**Section 10.10.2-1 Definitions.**

**Section 10.10.2-1 Definitions.**

- a. Certified Survey Map. A map of land division, not a subdivision, prepared in accordance with Section 236.34 of the Wisconsin Statutes (1995-1996), and in full compliance with the applicable provisions of this Chapter. A Certified Survey Map has the same legal force and effect as a subdivision Plat.
- b. Commission. The Town of Oregon Plan Commission.
- c. Condominium Development. A real estate development in which the condominium form of ownership pursuant to Wis. Stats. Chap. 703 (1995-1996) is utilized.
- d. Cul-de-sac Roads. Roads closed at one (1) end with turnarounds which are less than one thousand (1,000) feet in length.

- e. Dead-end Roads. Roads closed at one (1) end without turnarounds.
- f. Development Plan. A total site plan of an areas of land thirty-five (35) acres or more in size all under the control of a subdivider or subdividers at the time of submission for review. Any Development Plan shall specify and clearly illustrate the location, relationship and nature of all primary and secondary uses, public and private easements, public and private streets, pedestrian paths and common open spaces.
- g. Extraterritorial Plat Approval Jurisdiction. The unincorporated area within three (3) miles of the city limits of a city of the first, second, or third class if the city has a Subdivision Ordinance or official map, or within one and one half (1 ½) miles of the corporate limits of a city of the fourth class or a village, if the city or village has a Subdivision Ordinance or Official Map.
- h. Ground Water Recharge Area. An Area within the Town, as depicted in the Land Use Plan, where significant ground water recharge occurs, and therefore, appropriate measures are needed to protect water quality. Density limitations have been established to address this necessary protection.
- i. Land Disturbing. The following definitions relate to classification of land disturbing activities:
  - 1. Existing Grade. Elevation of the ground surface prior to commencing excavation or fill activities.
  - 2. Excavation. Removal or quarrying of organic or inorganic soil or rock.
  - 3. Fill. Deposition or placement of organic or inorganic soil or rock..
  - 4. Grading. Altering the elevation of the ground surface by excavating and/or filling.
- j. Land Divider. Any person, firm, corporation or other entity requesting review or action on a land division.
- k. Land Division. A division of a lot or parcel of land for the purpose of transfer of ownership or building development which is not a subdivision where the act of division creates four (4) or less lots, parcels or building sites of fifteen (15) acres each or less in area, regardless of whether the act of division also creates one (1) or more lots, parcels or building sites of fifteen (15) acres or more.
- l. Land Use Plan. A plan for guiding and shaping the use of the land in the Town that has been adopted by the Town Board. For purposes of this Chapter, it is the intent of the Town Board that the Land Use Plan is a "Master Plan" for purposes of regulating land division decisions.
- m. Lot. A land area of thirty-five (35) acres or less intended for a building site.
- n. Official Map. A map indicating the location, width and extent of existing and proposed streets, highways, parkways, parks and playgrounds adopted by the Town in accordance with Section 62.23(6) of the Wisconsin Statutes (1995-1996).
- o. Parcel. Contiguous lands under the control of a subdivider or subdividers not separated by streets, highways or railroad rights-of-way.
- p. Plat. A map of a subdivision.
- q. Shoreland Area. All lands within three hundred (300) feet of the shoreline of navigable rivers or streams, and/or within one-thousand (1,000) feet of the

shoreline of navigable lakes and ponds or flowages to the landward side of the flood plain, whichever is greater. For the purposes of this Ordinance, the term "navigable waters" applies to all nonintermittent streams indicated on the 7.5 minute series of the United Geological Survey Quadrangles, all lakes and all ponds over fifteen (15) acres in surface area as listed in the "Surface Water Resources of Dane County" published by the Wisconsin Conservation Commission, 1961.

r. Storm Water Definitions.

1. Storm Water Runoff. That portion of rain water which is not captured by structures and vegetation or infiltrated into the ground which flows over the surface of the ground.
2. Storm Water Runoff Model. Storm water runoff calculations shall be based on the most recent version of U.S. Soil Conservation Service Technical Release 20 or 55.
3. Design Storms. The design storms for drainage facilities shall be the two (2), five (5), ten (10), and twenty-five (25) year, twenty-four (24) hour storms as defined in NRCS Technical Releases 55 or 20.
4. Storm Water Facilities. Man-made or modified features used to store or transport storm water runoff. These features may include conduits, pipes, channels, ditches, culverts, streams, roadways, ponds, lakes, and pumping stations.
5. Closed Watershed. A natural drainage basin or watershed which does not discharge storm water runoff resulting from a two (2) year, twenty-four (24) hour storm occurring over the drainage basin or watershed with the land in a predeveloped condition.
6. Open Watershed. A natural drainage basin or watershed which discharges storm water runoff resulting from a 2-year, 24-hour storm occurring over the drainage basin or watershed with the land in a predeveloped condition.
7. Pass-Through Drainage. Storm water runoff from a watershed or portion of a watershed which drains through the proposed development.
8. Storm Water Runoff Discharge Type. A description of the nature of the discharge. Storm water discharge type is generally described as a point discharge such as a ditch or a pipe, or a diffuse discharge such as sheet flow or shallow concentrated flow.
9. Storm Water Discharge Peak Flow Rate. The maximum volumetric rate of discharge expressed in cubic feet per second or acre-feet per day.
10. Storm Water Discharge Velocity. The speed of the discharge in feet per second.
11. Storm Water Discharge Volume. The volume of storm water runoff released from an area during a rain event.
12. Ground cover. Vegetation or structures which provide a stable, non-eroding surface over the soil.

s. Subdivider. Any person, firm, corporation or other entity requesting review or

action in a subdivision.

- a. Subdivision. A division of a lot or parcel of land for the purpose of transfer of ownership for non-agricultural uses or of building development where:
  1. The act of division creates five (5) or more lots, parcels or building sites of less than fifteen (15) acres in area.
  2. Five (5) or more lots, parcels, or building sites of less than fifteen (15) acres in area are created by successive land divisions within any period of five (5) years.
  3. The five or more lots, parcels or building sites include any parcel retained that is developed and any adjacent parcel that is fifteen (15) acres or less in area excluding right-of-ways.
  4. Exemption: If the property or parcel is purchased for agricultural purposes and is used for agricultural purposes for a period of five (5) years from the date of purchase, the parcel is not considered a building site in the subdivision.

All area calculations are exclusive of any dedications, rights-of-way, easements or reservations. The term "subdivision" shall include resubdivision of a parcel of land and when appropriate to the context shall relate to the process of subdividing or to the land subdivided, regardless of change of ownership.

- u. Subdivision, Type I. A subdivision located outside of an Urban Service Area, sanitary district or a utility district, or a subdivision located within an Urban Service Area or such district in which sanitary sewer facilities will not be available within two (2) years from the date of the submission of the final Plat.
- a. Subdivision, Type II. A subdivision located within an Urban Service Area, sanitary district or utility district in which public sanitary sewer facilities are available or will be available within two (2) years from the date of submission of the Final Plat.
- b. Substantial Income From a Farm Operation. An amount of income deemed necessary for a farm residence to qualify as a permitted use in the Agriculture-Exclusive District pursuant to Section 10.123 of the Dane County Zoning Code.
  1. For a Primary Farm Residence, "substantial income from a farm operation" for a farm owner or operator shall be no less than five hundred dollars (\$500.00) per month in gross farm income, averaged over a three (3) year period. Gross farm income of eighteen thousand dollars (\$18,000.00) is required over a three (3) year period.
  2. For a Secondary Farm Residence, "substantial income from a farm operation" for at least one (1) occupant of the residence shall mean at least twenty percent (20%) of his or her total net income shall come from farm

operations.

Any person who certifies the earning of substantial income from a farm operation for purposes of compliance with Dane County requirements shall utilize the then-current certification form required by the Dane County Zoning Office.

- x. Town. The Town of Oregon, Dane County, Wisconsin.
- y. Town Board Classification Definitions.
  - 1. Arterial Road: Town roads serving traffic moving through the Town, connecting generators and destinations such as trade or business areas, or primary high capacity roads. Provides limited access to abutting property.
  - 2. Collector Road: Town roads serving traffic from an area such as a subdivision or section of the Town to an arterial road or rural community. Main road or entrance for a subdivision. Provides access to abutting property.
  - 3. Local Roads: Town roads serving local residences and providing access to property. Does not provide connection to high capacity roads, or trade or business areas.
  - 4. Cul-de-sac Roads: Roads closed at one (1) end with a circular turnaround. Limit of one thousand (1,000) foot maximum length.
  - 5. Dead-end Roads: Roads closed at one (1) end without turnaround.
- z. Utility Easement. An easement to place, replace, maintain or move utility facilities.

Additional definitions may be found in the Dane County Zoning Ordinance.

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**TITLE 10 –CHAPTER 10 - Section 3 Land Suitability Requirements.**

**Section 10.10.3-1 Suitability Requirements Applicable to All Land Divisions.**

**Section 10.10.3-2 Groundwater Recharge Area.**

**Section 10.10.3-3 - 10.10.3-9 Reserved for Future Use.**



### **Section 10.10.3-1 Suitability Requirements Applicable to All Land Divisions.**

- a. Land Suitability. No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Town Board, upon the recommendation of the plan Commission, for reasons of flooding, inadequate drainage, incompatible surrounding land use, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or land division of the community. The Town Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider or land divider an opportunity to present evidence regarding such unsuitability if the subdivider or land divider so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.
- b. Existing Flora. The subdivider or land divider shall make every effort to protect and retain all existing trees, shrubs, vines, grasses, and other non-noxious plants not actually lying in public roadways, drainageways, building foundation sites, private driveways, waste disposal areas, paths, and trails. The subdivider, land divider or developer of individual lots shall protect and preserve such trees and other flora during construction in accordance with sound conservation practices (such as the possibility of preserving trees by well islands or retaining walls), whenever abutting grades are altered. If a lot is wooded prior to development, the owner developing the lot may clear no more than a maximum of one (1) acre of existing flora as a part of the construction process.
- c. Lot Size. Lots shall not be smaller than two (2) acres. Lots containing long, narrow means of access shall not be approved unless the lot contains at least two (2) suitable sites for placement of private waste disposal drainfields.
- d. Special Density Restrictions – Ground Water Recharge Area. The maximum residential density allowed in the Ground Water Recharge Area is one (1) dwelling unit per twenty (20) acres of contiguous land owned with a minimum lot size of eight (8) acres. Parcels zoned Agriculture-Exclusive or Agriculture-Transition (A-3) within the Ground Water Recharge Area must meet the thirty-five (35) acre ratio requirement of one (1) land division per thirty-five (35) acres. If outside an Urban Service Area, such development shall only be allowed on soils that have no limitations for conventional and mound type on-site septic systems. In order to prevent the occurrence of multiple land divisions by successive land owners, this residential density limitation shall run with the land; shall be cumulative; and shall apply to those persons or entities owning land within the Town on the adoption of this provision, and to their grantees, heirs, successors and assigns.
- e. Deed Restrictions and Covenants. The Town may, as deemed necessary, require deed restrictions or covenants to be recorded by the land divider or subdivider, and/or may require similar notations to be included on Plats and Certified Survey Maps.

- f. General Restrictions. The following shall apply to all land divisions and subdivisions:
1. No development will be allowed in resource protection areas, as defined by the Land Use Plan or by the Dane County Regional Planning Commission.
  2. The site design shall address soil characteristics and subsurface geological conditions. Development is prohibited in areas of shallow bedrock, or areas of silty or sandy soils or on slopes steeper than twelve percent (12%).
  3. The Town Board finds that steep and/or wooded slopes (greater than twelve percent (12%)) are extremely sensitive environmental features that are vital to the Town. Development, including roadways, driveways and buildings on steep slopes is prohibited to minimize soil erosion, disruption of important wildlife habitat and to keep maintenance costs for foundations, roads, utilities and waste disposal systems to a minimum.
  4. Existing vegetation shall be recognized in the site design process. The preservation of mature plant species, hedge rows, and woodlots should be encouraged to preserve the rural character of the Town.
  5. Building form and siting shall respond to the topography and significant landforms on the site. When building on a hillside, the architectural form of the structure shall reflect the underlying topography and retain the integrity of the natural slope.
  6. Building placement and lot layout shall be designed to provide a functional relationship to the site's topography, existing vegetation and other natural features. Natural land features shall be recognized and integrated into the site design to minimize their disruption.
  7. Structures shall be sited to take advantage of solar and wind efficiencies where possible. North facing slopes reduce solar access and increase exposure to winter winds. South facing slopes provide the benefits of solar orientation and wind protection.
  8. The site of buildings shall take advantage of stream, lake, and agricultural views. Site design shall also consider the impact of new structures on views from off-site.
  9. The Town will require all proposed public recreational development to conform to all of the policies and performance standards in the Town of Oregon Land Use Plan, particularly those aimed at protecting the agricultural character and farm vitality of the community.
  10. During construction, site disturbance shall be minimized to prevent soil erosion by action of wind or water, and sediment transport and deposition due to storm water runoff. Permanent ground cover shall be selected to prevent soil erosion after construction. Soil erosion control measures shall be per the Construction Site Erosion and Stormwater Design Manual of Practice by the Wisconsin Department of Natural Resources, and shall be approved by Dane County.
  11. New lots shall be created by dividing land along natural boundaries such

- as hills and woods whenever possible.
12. When dividing a parcel of land, road access to the remaining parcel shall not be cut off.
  13. The Town may retain the services of professional consultants (including planners, engineers, architects, landscape architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Town's review of a proposed land division or subdivision coming before the Plan Commission. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Town Clerk shall not execute an approved Certified Survey Map or Plat until all such charges for professional review are paid by the Petitioner.
  14. Driveways. The design and location of driveways shall conform with the Town Driveway Ordinance.
  15. It is recognized that airstrip facilities currently exist in the Town of Oregon. New residential development shall not encroach on existing airstrip operations in the Town.

### **Section 10.10.3-2 Groundwater Recharge Area.**

The Town Board recognizes that the Town has a unique opportunity to protect the groundwater resources used by the residents and businesses in the Town. The study by the Wisconsin Geological and Natural History Survey and University of Wisconsin-Extension, titled Groundwater Recharge Areas in the Town of Oregon, Wisconsin (May 1993) explains that groundwater recharge occurs primarily on hilltops, hillsides and bluffs, as well as in wetlands, lowlands and ponds. The Town of Oregon Land Use Plan establishes special standards for development in the Groundwater Recharge Area. Accordingly, Section 4 C. of the Town of Oregon Land Use Plan is hereby adopted by reference. Such standards are deemed to be portions of this Ordinance. In addition, the following shall apply to development within the Groundwater Recharge Area:

1. Land disturbing shall be minimized in this area. Excavating, filling, grading or compacting the ground can reduce the infiltration of groundwater.
2. The volume of runoff generated from the design storm or any smaller storm shall not be increased if possible.
3. Runoff discharge routed down the hillsides or bluffs shall be discharged to the hillside or bluff as sheetflow to maximize the opportunity for infiltration.
4. Runoff discharged from impervious areas such as roofs or paved driveways shall be drained over a lawn or natural landscape to promote infiltration and allow sediment and other pollutants to settle out.

**Sections 10.10.3-3 – 10.10.3-9 Reserved for future use.**

**TITLE 10 – CHAPTER 10 - Section 4 Plat and Land Division Review and Approval Procedure.**

**Section 10.10.4-1 Preliminary Review.**

**Section 10.10.4-2 Submission of a Preliminary Plat.**

**Section 10.10.4-3 Preliminary Plat Review and Approval.**

**Section 10.10.4-4 Final Plat Review and Approval.**

**Section 10.10.4-5 Certified Survey Map Procedure.**

**Section 10.10.4-6 Administrative Forms and Fees.**

**Section 10.10.4-7 Replats.**

**Section 10.10.4-8 Other Divisions of Land.**

**Section 10.10.4-9 Development Agreements.**

**Section 10.10.4-10 - Section 10.10.4-14 Reserved for Future Use.**

**Section 10.10.4-1 Preliminary Review.**

Pre-application Consultation. Before filing a Preliminary Plat or application for a land division by Certified Survey, the subdivider or land divider is encouraged to consult with the Plan Commission for advice regarding general land subdivision requirements. The subdivider or land divider may obtain information on meeting dates, agenda deadlines and filing requirements from the Town Clerk. The subdivider or land divider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider or land divider of the purpose and objectives of these regulations, the other Ordinances and planning rules of the Town and to otherwise assist the subdivider or land divider in planning the development. In so doing, the subdivider or land divider and Plan Commission may reach mutual conclusion

regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider or land divider will gain a better understanding of the subsequent required procedures. The Town shall charge no fee for this preliminary consultation.

#### **Section 10.10.4-2 Submission of a Preliminary Plat.**

- a. Preliminary Plat Review and Approval.
  1. Submission. Before submitting a Final Plat for approval, the subdivider or land divider shall submit a Preliminary Plat prepared in accordance with Section 10.5.1 or proposed or proposed Certified Survey Map and an Application for Land Division or Subdivision on the form prescribed by the Town of Oregon. The subdivider or land divider shall submit twelve (12) copies of the Preliminary Plat, prepared in accordance with this Ordinance. The Town Clerk shall submit copies of the Preliminary Plat to the Plan Commission and to the Town Engineer for review. The Engineer shall promptly submit to the Plan Commission a written report of the Engineer's recommendations and reactions regarding the proposed Plat.
  2. Supplementary Data Filed with Preliminary Plat. The subdivider or land divider shall also file the following materials with the Preliminary Plat:
    - A. Preliminary Layout of Public Improvements. The subdivider or land divider shall file four (4) complete sets of engineering reports and preliminary plans for the construction of any public improvements required by this Ordinance, specifically addressing stormwater drainage facilities (size and location), traffic patterns, typical roadway and drainageway cross sections, erosion control measures, pavement design, grading plan (existing contours, proposed grades and limits of grading) and other improvements necessary in the subdivision or land division.
    - B. Preliminary Street and Drainageway Plans and Profiles. The subdivider or land divider shall provide street and drainageway layout and profiles showing existing ground surface and proposed street and drainageway grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. Such plans and profiles shall also address modifications to existing roads. The subdivider or land divider shall provide details for any drainage or other structures included in the proposed improvements. All elevations shall meet the approval of the Town Board.
    - C. Soil Testing. The subdivider or land divider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision or land division, their effect on the subdivision or land

division and a proposed soil testing and investigation program. Pursuant to the land suitability concerns described in Sec. 10.3.1, the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the proposed subdivision or land division will not be served by public sanitary sewer, the subdivider or land divider shall comply with Wis. Admin. Code Chap. ILHR 85, delineating areas with three (3) foot and six (6) foot ground water and bedrock levels.

- D. Use Statement. A statement of the proposed use of lots stating the type of residential buildings with number of proposed dwelling units; types of business or industry intended to reveal the effect of the development on traffic, fire hazards and congestion of population.
- E. Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the area, including dimensions.
- F. Area-Wide information. The subdivider or land divider shall provide an area map to the Town with the following information:

- i. Existing upland watersheds and internal watersheds;
- ii. Existing route and discharge points of pass-through drainage and site-generated drainage;
- iii. Proposed drainage route, including description of drainage facilities;
- iv. Potential extensions for any proposed temporary cul-de-sacs; and
- v. Where the subdivider or land divider owns property adjacent to that proposed to be divided, the Plan Commission or Town Board may require the subdivider or land divider to submit a Preliminary Plat for the remainder of the property owned to show the possible relationship between the proposed division and future subdivisions.

- A. Erosion Control and Stormwater Management. A Preliminary Erosion Control Plan and Stormwater Management Plan.

- A. Development Report. The land divider shall include the following information in the development report:

- i. Analysis and design calculations for proposed drainage system, including analysis of pass-through drainage and site-generated drainage, and impacts on downstream lands receiving drainage directly from proposed development;
- ii. Maps showing areas used in calculations and analysis in (i); and
- iii. Pavement design (if applicable).

- I. Affidavit. The surveyor preparing the Preliminary Plat shall certify

on the face of the Plat or land division that it is a correct representation of all existing land divisions and features and in full compliance with the provisions of this Ordinance.

### **Section 10.10.4-3 Preliminary Plat Review and Approval.**

a. Submission and Referral.

1. Submission. The Town Clerk shall be the only official authorized to accept submission of a subdivision or land division. Upon receiving a completed Application for Subdivision or Land Division and supporting documents from a subdivider or land divider, the Town Clerk shall examine the materials submitted to see whether they appear to comply with the requirements of Section 10.4.2(a) or with Section 10.4.4. If the documents do not appear complete, the Town Clerk shall return the submission to the subdivider or land divider, identifying the necessary additional documents needed before the subdivision or land division is deemed submitted. If the documents appear complete, the Town Clerk shall fill in the date of submission on the application.
2. Referral. Pursuant to Wis. Stats. Section 236.12(6) (1995-1996), the Town elects that the land divider or subdivider shall be responsible for referring copies of the Preliminary Plat to each of the state agencies authorized to object to the land division or Plat, as well as the other governing bodies with approval jurisdiction over the Plat or land division. Prior to the Plan Commission's action on the land division of Preliminary Plat, the land divider or subdivider shall certify in writing to the Town Clerk full compliance with these referral requirements.
3. Within twenty (20) days of the date of receiving the copies of the Plat, any state or county agency having authority to object under Section 10.4.3(a)(2) shall notify the subdivider or land divider and all approving or objecting authorities of any objection based upon failure of the Plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections are satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The Plat shall not be approved or deemed approved until any objections are satisfied. Any sanitary district within the Town may file objections with the Plan Commission or Town Board at any time prior to, and including, the Board's public hearing on the land division.
4. Timing of Documents Related to Town Approvals. The Town may not approve a Plat or Certified Survey Map unless all required documents have been submitted by the developer and reviewed by objecting agencies. The Plan Commission or Town Board may request extensions of time for the review of the documents. If the developer refuses to agree to an extension of the time for review of Plat or Certified Survey Map, the

Town Board shall reject the Plat or Certified Survey Map.

- b. Plan Commission Review; Public Hearing; Board Approval.
  1. Following submission of the Preliminary Plat or land division and referral to the authorized review agencies, the Town Clerk shall schedule a public hearing on the Preliminary Plat or land division before the Plan Commission. The Town Clerk shall give notice of the Plan Commission's review and public hearing on the Preliminary Plat or land division by listing it as an agenda item in the Plan Commission's meeting notice published in the official Town newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. The Town Clerk shall mail written notice of the public hearing to all property owners within one thousand (1,000) feet of the proposed Plat or land division. The Subdivider or land divider shall pay the Town's cost of such notification.
  2. Public Hearing. A public hearing shall occur not less than thirty-one (31) days after the deemed submission of the Preliminary Plat or land division. At the public hearing, the Plan Commission shall consider the input of the public and any consultants retained by the Town to review the proposed Preliminary Plat or land division, and shall negotiate with the subdivider or land divider on any changes deemed advisable and the kind and extent of necessary public improvements. Following the public hearing, the Plan Commission shall recommend to the Town Board the approval, conditional approval or rejection of the Preliminary Plat or land division.
  3. Board Action. The Town Board may schedule a further public hearing before the Town Board if deemed appropriate for the particular subdivision or land division proposed. After review of the Plan Commission's recommendation and any further negotiation with the subdivider or land divider deemed necessary, the Town Board shall, within ninety (90) days of the deemed submission date of the Preliminary Plat or land division, approve, approve conditionally or reject the Plat or land division. The Town Clerk shall provide written notice to the subdivider or land divider of any conditions for approval or the reasons for rejection. Failure of the Town Board to act within ninety (90) days of the deemed submission of the subdivision or land division shall constitute approval of the Preliminary Plat or land division, unless an objecting agency files an objection or unless the review period is extended by agreement with the subdivider or land divider.
- c. Effect of Preliminary Plat Approval. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval or conditional approval, conforms substantially to the Preliminary Plat layout and meets the conditions of Preliminary Plat approval, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be



deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.

#### **Section 10.10.4-4 Final Plat Review and Approval.**

a. Final Plat Review and Approval.

1. The subdivider or land divider shall file twelve (12) copies of the Final Plat within six (6) months of the approval date of the Preliminary Plat. If the Final Plat is not submitted within said six (6) months, the Preliminary Plat approval is deemed void. The following additional items shall be filed with the Final Plat:
  - A. A certified abstract of title or title insurance commitment current to within one (1) week prior to filing, showing title or control in the subdivider or land divider. The Town Attorney may require further title evidence as deemed necessary.
  - B. Four (4) copies of the final plans and specifications of public improvements required by this Ordinance.
  - C. If the subdivider has changed any of the information submitted pursuant to Section 10.4.2(a)(2), or if the Plan Commission or Town Board has conditioned approval of the Preliminary Plat upon modification of such supplementary data, the subdivider or land divider shall file all such information with the Final Plat.
  
1. The subdivider shall, within two (2) days of filing, transmit copies as required for Preliminary Plats under Section 10.4.3(a)(2). The Town Clerk shall also refer the Final Plat to the Town Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or title insurance commitment shall be referred to the Town Attorney for examination and report. The Town Clerk shall also refer the final plans and specifications of public improvements to the Town Engineer for review. The recommendations of the Plan Commission and Town Engineer shall be made within thirty (30) days of the filing of the Final Plat. The Town Engineer shall examine the Plat and final Plans and specifications of public improvements for technical details and, if found satisfactory, shall so certify in writing to the Plan Commission. If the Plat or the plans and specifications are unsatisfactory, the Town Engineer shall return them to the subdivider or land divider and so advise the Plan Commission.
  
1. The objecting agencies shall, within twenty (20) days of the date of

receiving their copies of the Final Plat, notify the subdivider or land divider and all other approving and objecting agencies of any objections in the same manner noted for Preliminary Plats under Section 10.4.3(a)(3) of this Ordinance.

2. If the Final Plat lies within one thousand (1,000) feet of any incorporated municipality, the Town Clerk shall give at least fifteen (15) days prior written notice to such municipality of the meeting at which the Final Plat is scheduled for final action by the Town Board.
3. The Town Board shall, within sixty (60) days of the date of filing of the Final Plat with the Town Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons sent to the subdivider by the Town Clerk. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met. Failure of the Town Board to act within sixty (60) days of submission, unless the time has been extended and/or unsatisfied objections have been filed, shall be deemed approval of the Plat.
4. If the original of the Final Plat has been filed with another approving authority, the subdivider may file a true copy of such Plat in lieu of the original. However, before approval of the Town Board will be inscribed on the original of the Final Plat, the surveyor or the subdivider shall certify the respects in which the original of the Final Plat differs from the true copy, and all modifications must first be approved.
5. After the Town Board approves the Final Plat and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall execute the certificate inscribed upon the Plat attesting to such approval and return the Plat to the subdivider for recording with the County Register of Deeds.

#### **Section 10.10.4-5 Certified Survey Map Procedure.**

- a. Land Division – Certified Survey Procedure.
  1. When an owner proposes to divide land into two (2) or no more than four (4) lots or parcels, any one (1) of which is less than fifteen (15) acres, or when an owner proposes to divide a block, lot or outlot into not more than four (4) lots or parcels within a recorded Plat without changing the boundaries of said block, lot or outlet, the owner or land divider may subdivide by use of a Certified Survey Map, prepared in accordance with Wis. Stats. Section 236.34 (1995-1996) and this Ordinance.
  2. Submission and Review. The land divider is encouraged to first consult

with the Plan Commission regarding the requirements for Certified Surveys before submission of the final map. Following consultation, twelve (12) copies of the final map in the form of a Certified Survey shall be submitted to the Town. The Certified Survey shall be reviewed, approved or disapproved by the Plan Commission pursuant to the procedures used for Preliminary Plats in Section 10.4.3(b), including notice and hearing requirements.

#### **Section 10.10.4-6 Administrative Forms and Fees.**

- a. Forms. The Subdivider or Land Divider shall complete and sign the forms furnished by the Town Clerk relating to the proposal submitted. These forms include:
  1. Preliminary Parcel Division Inquiry
  2. Land Division Record
  3. Submittal Requirements
  4. Agreement for Services
  5. Submittal form letter
  6. Other forms as adopted by the Town and attached hereto.
  
- b. Fees for Review of Plats, Replats and Certified Surveys.
  1. General. The subdivider shall pay the Town all fees required herein and at the times specified. In the event fees are not timely paid, the Town shall not be required to take any further action with respect to the Plat or Certified Survey Map. Non-payment of fees shall be deemed sufficient cause for rejection of the Plat or Certified Survey Map.
  2. Engineering Fee. The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the Plat or Certified Survey Map, including inspections required by the Town. The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and Ordinances of the Town or any other governmental authority. Subdivider shall pay the fee within fifteen (15) days of each billing by the Town Clerk.
  3. Administrative Fee. The subdivider shall pay a fee equal to the cost of any legal, other consultant, administrative or fiscal work which may be undertaken by the Town in connection with the Plat or Certified Survey Map.
  4. Escrow for Fees and Administrative Charges. At such time as the subdivider submits a Preliminary Plat or Certified Survey Map for review by the Plan Commission and Town Board, it shall deposit with the Town,

in escrow, the sum required by the following schedule to guarantee the timely payment of all the Town's fees:

- A. Minor Subdivision (Certified Survey Map): Three hundred dollars (\$300.00).
- B. Subdivisions – including Condominiums: On Thousand dollars (\$1,000.00) for each five (5) lots or units, up to a maximum of five thousand dollars (\$5,000.00).

In the event the amount deposited with the Town falls below twenty-five percent (25%) of the amount required to be deposited, the Plan Commission or the Town Board shall have the option of requiring the subdivider to replenish the escrow to the original amount required hereunder. In the event subdivider withdraws his Plat or minor subdivision, or same is approved, and money remains in escrow over and above the Town's fees, the excess shall be refunded to subdivider. The escrow account shall not draw interest for the benefit of subdivider. The Town Clerk, with the approval of the Town Board, shall have the right to draw upon the escrow to reimburse the Town for the fees it has incurred in reviewing the minor subdivision or subdivision on a periodic basis. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to subdivider periodically. In the event the subdivider defaults in establishing or replenishing the escrow, the Town shall not be required to act further upon the subdivider's request. Failure to replenish the escrow shall be sufficient cause to reject the minor subdivision or subdivision.

5) Preliminary Plat/Certified Survey Map Review Fee.

- A. The subdivider shall pay a fee of one hundred dollars (\$100.00) plus ten dollars (\$10.00) for the second and each subsequent lot or authorized dwelling unit within the Preliminary Plat or Certified Survey Map to the Town at the time of first application for Preliminary Plat or Certified Survey Map approval to assist in defraying the cost of review.
- B. The subdivider shall pay a reapplication fee of fifty dollars (\$50.00) to the Town at the time of reapplication for approval of any Preliminary Plat which has previously been filed.

1. Final Plat Review Fee.

- A. The subdivider shall pay a fee of fifty dollars (\$50.00) plus ten

dollars (\$10.00) for the second and each subsequent lot or authorized dwelling unit within the Final Plat to the Town at the time of first application for Final Plat approval of said Plat to assist in defraying the cost of review.

- B. The subdivider shall pay a reapplication fee of ten dollars (\$10.00) to the Town at the time of reapplication for approval of any Final Plat which has previously been reviewed.
  - 1. Condominium Development Review Fee. The developer shall pay a fee of twenty-five dollars (\$25.00) plus two dollars (\$2.00) for each unit shown on a condominium Plat, less two dollars (\$2.00) for each lot shown on a Preliminary Plat or Certified Survey Map for the same project.

#### **Section 10.10.4-7 Replats.**

- a. Replat Procedure.
  - 1. Except when an Assessor's Plat is ordered pursuant to Wis. Stats. Section 70.27(1) (1995-1996), when it is proposed to replat a recorded subdivision, or part thereof, so as to alter areas dedicated to the public, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Wis. Stats. Sections 236.40 through 236.445 (1995-1996). The subdivider or land divider, or person wishing to replat, shall then proceed as specified in Sections 10.4.3 of this Ordinance.
  - 2. The Town Clerk shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a replat of lands within the Town is filed, and shall mail notices of the proposed replat and public hearing to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within one thousand (1,000) feet of the exterior boundaries of the proposed replat.

#### **Section 10.10.4-8 Other Divisions of Land.**

- a. Parcel Division Inquiry. Any land divider who shall divide land in the Town resulting in a subdivision, land division or which is otherwise exempt from municipal regulation pursuant to Wis. Stats. Section 236.45(2)(a)1., 2., and 3. (1995-1996) shall comply with the following procedure:
  - 1. The land divider shall prepare a Preliminary Parcel Division Inquiry which shall be submitted to the Plan Commission for review. The Inquiry shall include all required submittal requirements pursuant to Section 10.4.6(a).
  - 2. Upon approval of the Preliminary Land Division Inquiry by the Plan Commission, the land divider shall submit to the Plan Commission a

Preliminary Plat, Certified Survey Map or land survey prepared by a registered surveyor. If the proposal results in a Preliminary Plat or Certified Survey Map, the land divider shall comply with all regulations required for such a division. If the division results in a transaction which is otherwise exempt from a municipal regulation pursuant to Wis. Stats. Section 236.45(a)1., 2., and 3. (1995-1996), the survey shall include an accurate legal description of the parcel(s) to be created, the acreage of each proposed parcel, locations of all proposed driveways, locations of public road frontage, locations of natural waterways or other topographic features, locations of proposed public or private easements, and descriptions of intended uses.

3. Upon the recommendation of the Plan Commission, the Town Board shall approve, approve conditionally, or reject the division based on a determination as to its conformance with the provision of this section and other applicable Town Ordinances.
4. No building permit shall be issued for construction on a parcel created by a division which does not comply with the provisions of this section.

#### **Section 10.10.4-9 Development Agreements.**

- a. Contract. Prior to installation of any required improvements and prior to approval of the Final Plat or Certified Survey Map, the subdivider of land divider shall enter into a written contract with the Town requiring the subdivider or land divider to furnish and construct said improvements at the subdivider's or land divider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include a provision for inspection of public improvements by the Town Engineer prior to acceptance of the improvements.
- b. Financial Guarantees.
  1. The agreement shall require the subdivider or land divider to furnish security to the Town in an amount equal to one hundred twenty-five percent (125%) of the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. In the sole discretion of the Town Board, the subdivider or land divider may furnish such security in the form of a performance bond, escrow deposit or an irrevocable letter of credit issued by a national or state chartered financial institution running to the Town of sufficient duration to assure the completion of installation of the improvements.
  2. On request of the subdivider or land divider, the agreement may provide for completion of part or all of the improvements covered prior to acceptance of the Plat. In such event the amount of the deposit, bond or letter of credit shall be reduced in sum equal to the estimated cost of the improvements so completed prior to acceptance of the Plat only. If the required improvements are not completed within the specified period, the

Town shall demand performance from the party furnishing the security and may apply any security held to the cost of the required improvements. Any balance remaining after completion of such improvements shall be returned to the subdivider or land divider. The Town Board, at its option, may extend the security for additional periods not to exceed two (2) years each.

3. The time for completion of the work and the several parts thereof shall be determined by the Town Board, upon recommendation of the Town Engineer after consultation with the subdivider or land divider. The completion date shall form part of the agreement.

**Section 10.10.4-10 -- Section 10.10.4-14 Reserved for Future Use.**

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**TITLE 10 – CHAPTER 10 - Section 5 Technical Requirements for Plats and Certified Surveys.**

**Section 10.10.5-1 Technical Requirements for Plats and Certified Surveys.**

**Section 10.10.5-2 Technical Requirements for Final Plats.**

**Section 10.10.5-3 Technical Requirements for Certified Surveys.**

**Section 10.10.5-4 - Section 10.10.5-10 Reserved for Future Use.**

**Section 10.10.5-1 Technical Requirements for Plats and Certified Surveys.**

a. Preliminary Plats.

1. General. The Preliminary Plat shall be based upon a survey by a registered Land Surveyor and the Plat prepared on mylar, tracing cloth or paper of good quality at a scale of not more than one (1) inch equals one hundred 100 feet (1" = 100') and shall show correctly on its face the following information:

- A. Title under which the proposed subdivision is to be recorded, which shall not duplicate the name of any Plat recorded in Dane

County.

- B. Location of proposed subdivision by government lot, recorded private claim, quarter-quarter section, section, Town, range, county and state noted immediately under the name of the proposed subdivision.
- C. Date, scale and north point referenced to a magnetic, true or otherwise identifiable direction and related to either the nearest exterior line, east-west quarter line or north-south quarter line of a section in which the subdivision is situated.
- D. Names and addresses of the owner, subdivider and land surveyor preparing the Plat.
- E. Entire area contiguous to the Plat owned or controlled by the owner or subdivider, even if only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.

1. Plat Data. All Preliminary Plats shall show the following:

- A. Exact location of the proposed subdivision indicated by distances and bearing with reference to the nearest exterior line, north-south quarter line or east-west quarter line of a section in which the subdivision is situated and a corner established in U.S. Public Land Survey that establishes one (1) end of this line.
  - i. A description of the material of which the corner marker is composed.
  - ii. Exact distances and bearing of the exterior boundaries and the total acreage encompassed thereby.
  - iii. At least two (2) permanent benchmarks shall be located in the immediate vicinity of the Plat.
- A. Existing contours at vertical intervals of not more than two (2) feet. Elevations shall be marked on such contours based on the U.S.G.S. datum.
- A. High water elevation of all lakes, streams, ponds, flowages, and wetlands at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum, within the exterior boundaries of the Plat or located within one hundred (100) feet therefrom.
- B. Location, right-of-way width and names of all existing streets, alleys or other public ways (showing existing traffic pattern), easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the Plat or



immediately adjacent thereto.

- C. Location and names of any adjacent subdivisions, parks, and cemeteries, and owners of record of abutting unplatted lands.
- D. Type, width and elevation of any existing street pavements within the exterior boundaries of the Plat or immediately adjacent thereto together with any legally established centerline elevations, all to U.S.G.S. datum.
- E. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch-basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the Plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.
- F. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, trees greater than six (6) inches in trunk diameter, heavily wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- G. Location width and names of all proposed streets and public ways, depicting proposed traffic pattern.
- H. Approximate dimensions and area in square feet of all lots together with proposed lot and block numbers.
- I. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public or nonpublic uses not requiring lotting.
- J. Approximate radii of all curves.
- K. Existing zoning on and adjacent to the proposed subdivision.
- L. Town and corporate limit lines within the exterior boundaries of the subdivision or immediately adjacent thereto.
- M. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- N. Any proposed lake and stream improvement or relocation, and notice of application for Department of Natural Resources approval, where applicable.
- O. Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the Plat or within one hundred (100) feet therefrom.
- P. Soil types and their boundaries, as shown on the operational soil

survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.

Q. Proposed phases of development, if applicable.

### **Section 10.10.5-2 Technical Requirements for Final Plats.**

a. Final Plat.

1. General. A Final Plat prepared by registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. Section 236.20 (1995-1996) and this Ordinance.
2. Additional Information. The Final Plat shall also show the following information correctly on its face:
  - A. Exact length and bearing of the center line of all streets.
  - B. Exact street width along the line of any obliquely intersecting street.
  - C. Railroad rights-of-way within and abutting the Plat.
  - D. Setbacks or building lines required by the Town Board.
  - E. All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat.
  - F. Special restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips.
  - G. Exact location and description of street lighting and lighting utility easements.
  - H. Drainage arrows at all lot lines showing the direction of all drainage upon final grading of the land.
1. Supporting Documents. The subdivider shall submit the following documents when filing the Final Plat:
  - A. Covenants and Restrictions. All restrictive covenants and deed restrictions for the proposed subdivision.
  - B. Property Owners Association. The legal instrument(s) creating a property owners association for the ownership and/or maintenance of common lands in the subdivision.
  - C. Joint Maintenance Agreements. The legal instrument(s) allocating maintenance responsibilities for any facilities owned jointly by more than one (1) lot owner, including but not limited to joint well or driveway agreements.
  - D. All certificates required by Wis. Stats. Section 236.21 (1995-1996); in addition, the surveyor shall certify full compliance with

all of the provisions of this Ordinance.

1. Survey Requirements.

- A. Examination. The Town Engineer shall examine all Final Plats within the Town and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of drawing.
- B. Maximum Error of Closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one (1) part in ten thousand (1:10,000), nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- C. Street, Block and Lot Dimensions. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the Plat greater than the ratio of one (1) part in five thousand (1:5,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
- D. Plat Location. Where the Plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the tie required by Wis. Stats. Section 236.20(3)(b) shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- E. Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Wis. Stats. Section 236.15 (1995-1996).

### **Section 10.10.5-3 Technical Requirements for Certified Surveys.**

#### **a. Certified Survey Map.**

1. General. When a subdivider proposes a land division, the subdivider shall submit a Certified Survey Map prepared by a registered land surveyor in accordance with Wis. Stats. Section 236.34 (1995-1996) and this Ordinance.
2. Additional Information. The Certified Survey Map shall also show the following information correctly on its face:
  - A. All existing buildings and other features pertinent to proper division.
  - B. Existing water courses and drainage ditches showing existing drainage patterns onto, through and from the mapped parcel. Drainage paths shall be indicated by arrows showing the direction of drainage. Closed watersheds shall be labeled accordingly.
  - C. Setbacks or building lines required by the Town Board.
  - D. All lands reserved for future acquisition.
  - E. Date of Map.
  - F. Graphic scale.
  - G. Name and address of the owner, subdivider and surveyor.
  - H. Existing zoning on, and adjacent to, the proposed land division.
  - I. Square footage for each lot or parcel.

1. Supplementary Drainage Data. If the land divider proposes to change existing drainage onto, through or from the parcel, the land divider shall depict the proposed changes on the Certified Survey Map.

#### **1. Certificates.**

- A. The surveyor shall certify, on the face of the Map, full compliance with all the provisions of this Ordinance. The Plan Commission, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- B. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagees' certificate in substantially the same form as required by Wis. Stats. Section 236.21(2)(a) (1995-1996).

1. Recordation. The subdivider shall record the Map with the Dane County Register of Deeds within thirty (30) days of its approval by the Town Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the Map by the Town Board.

#### **b. Subdivision Created by Successive Land Divisions. When it is not practicable to**

require that a Final Plat of a subdivision created by successive divisions be filed in accordance with this Section, the Town Board may in lieu thereof order an Assessor's Plat to be made under Wis. Stats. Section 70.27 (1995-1996), and may assess the cost thereof as provided in such section, or to the subdivider. Regardless of the type of Plat filed, any such subdivision shall comply with all provisions of this Ordinance to the extent that they may reasonably apply.

**Section 10.10.5-4 – Section 10.10.5-10 Reserved for Future Use.**

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**TITLE 10 – CHAPTER 10 - Section 6 Required Improvements.**

**Section 10.10.6-1 General Requirements.**

**Section 10.10.6-2 Erosion Control.**

**Section 10.10.6-3 Design and Construction.**

**Section 10.10.6-4 Streets – Design and Construction.**

**Section 10.10.6-5 Drainage – Design and Construction.**

**Section 10.10.6-6 Final Inspection and Acceptance.**

**Section 10.10.6-7 - Section 10.10.6-26 Reserved for Future Use.**

**Section 10.10.6-1 General Requirements.**

- a. Private Contracts. The developer shall engage one (1) or more general contractors whose qualifications have been approved by the Town Board for one (1) or more of the major phases of the construction such as site preparation, grading and surfacing of roads.
- b. Scheduling. All scheduling of the contemplated improvements shall be approved by the Town Board. Developer shall submit a written construction schedule for proposed improvements prior to the start of construction. The Town Board may require a written update for the construction schedule at weekly or monthly intervals. Construction shall not proceed until all approvals and conditional

requirements are satisfied.

c. General Layout.

1. Pedestrian Corridors.

- A. Pedestrian pathways may be required by the Town Board through the center of a block.
- B. Sidewalks. Paved sidewalk shall be required along both sides of proposed and modified streets unless otherwise directed by the Town Board.

1. Streets.

- A. Compliance with Statutes. In laying out a subdivision, the subdivider shall conform to the provisions of Wis. Stats. Chap. 236 (1995-1996) and all applicable Town regulations. All streets and roads shall comply with Wis. Stats. Section 86.26 (1995-1996). In all cases where the requirements of this Ordinance are different from the requirements of Chapter 236 or Section 86.26, the more restrictive provision shall apply.
- B. Dedication. The subdivider shall dedicate land and improve streets as provided in this Ordinance. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land used and public convenience and safety.
- C. Compliance with Land Use Plan. The arrangement, character, extent, width, grade and location of all streets shall conform to any Town Land Use Plan and to this Ordinance and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-of of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivision shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- D. Continuation of Streets. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. All proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall extend to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board, such extension is unnecessary for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts.

- E. Private Roads. Private roads shall be allowed for access to multi-family and condominium lot developments. Cul-de-sac length restrictions shall apply.
  - i. All private roads shall be platted as outlots. Every outlot designated as for a private road shall have deed restrictions recorded with the County Register of Deeds, giving enforcement powers to the Town, before a building permit will be issued for a structure on any property served by said private road.
  - ii. The deed restriction shall require the land owners served by the private road to provide for maintenance of the road.
  - iii. If the property owners fail to fulfill their obligations, then the deed restrictions shall give full authority to the Town to fulfill those conditions, and then assess all costs associated with said action, including legal fees, if any, to the property served by the road.
  - iv. Each property served by a private road shall have deed restrictions recorded indicating their responsibility for the private road and outlot.
  
- A. Lot Access. Each proposed lot shall have direct access to a private or public roadway by an individual or shared driveway.
  
- A. Street names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the name of the remainder of the street. Street names shall be subject to approval by the Plan Commission and the Town Board.

1. Easements.

- A. Utility Easements. The Town Board, on the recommendation of appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Ordinance to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- B. Drainage Easements. Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
  - i. The subdivider shall provide a storm water easement or drainage way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section;

or

- ii. The watercourse, drainage way, channel or stream may be relocated in such manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
- iii. Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.

- A. Easement Locations. Such easements shall be at least twelve (12) feet wide, or wider where recommended by the Town Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished to the Town Board that easements and any easement provisions incorporated in the Plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

#### 1. Drainage and Surface Water.

- A. Existing Drainage Patterns. Existing drainage patterns, including discharge rate and type, shall be maintained to the fullest extent feasible.
- B. Drainage from Upstream. Drainage from upstream areas shall be passed through the proposed development. The existing drainage patterns, including discharge rate and type, shall be maintained to the fullest extent possible.
- C. Closed Watersheds and Existing Ponding Areas. Closed watersheds or sub-watersheds shall not be filled or drained. Existing ponding areas, including small areas which temporarily pond water, shall not be filled or drained. These areas are a significant source of ground water recharge.
- D. Wooded Slopes and Bluffs. Drainage may be directed over or down wooded slopes and bluffs in a diffuse sheet flow pattern. Pipes, ditches or other methods of channelization shall not be



allowed.

1. Sanitary Sewerage System.

- A. The subdivider shall make adequate sewage disposal system sites available to each lot within the subdivision or land division. All systems shall be privately owned.
- B. Private sewage disposal systems shall comply with Wis. Admin. Code Sections ILHR 83.09, 85.06 and with the Dane County Sanitation Ordinance.

1. Water Supply Facilities.

- A. The subdivider shall make adequate water supply sites or facilities available to each lot within the subdivision or land division. All systems shall be privately owned.
- B. Private water supply systems shall comply with Wis. Admin. Code Sections ILHR 83.09, 85.06 and with Dane County Sanitation Ordinance.

1. Other Utilities.

- A. The subdivider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate services available to each lot in the subdivision or land division. All new electrical distribution, television cables and telephone lines from which lots are individually served shall be underground unless the Town Board specifically allow overhead poles for the following reasons:
  - i. Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable; or
  - ii. The lots to be served by said facilities can be served directly from existing overhead facility.

1. Signs and Parking.

- A. The subdivider shall install a street name sign designed to meet Town specifications at the intersections of all streets proposed to be dedicated.
- B. The subdivider shall design all residential or other lots to provide adequate off-road parking.

1. Fencing Regulations.

- A. Before the Final Plat of a subdivision or a Certified Survey is approved, the developer shall erect, and thereafter keep and maintain, at his own cost, a partition fence of at least the standards of a legal fence, as specified in Wis. Stats. Section 90.02 (1995-1996), between the land included in the subdivision or Certified Survey and adjoining lands which are used for grazing livestock. A covenant shall be included on the face page of the Final Plats or Certified Survey binding the developer, his successors and assigns to so erect, keep and maintain the partition fence.
- B. Where the land included in the Plat or Certified Survey adjoins undeveloped land which is not presently used for grazing livestock, the developer, for himself, his successors, and assigns to so erect, keep and maintain the partition fence.
- C. Where the land included in the Plat or Certified Survey adjoins undeveloped land which is not presently used for grazing livestock, the developer, for himself, his successors, and assigns shall so erect, keep and maintain a partition fence, as specified in (1) above, when and if the adjoining lands becoming used for grazing livestock. A covenant so stating shall be included on the face of the Final Plat or Certified Survey.

#### **Section 10.10.6-2 Erosion Control.**

- a. Permit Required. The subdivider shall be responsible for obtaining and complying with a permit under Wis. Admin. Code, Chap. NR 216, Wisconsin Pollution Discharge Elimination System. A copy of the application and the permit shall be supplied to the Town.
- b. The subdivider shall be responsible for obtaining and complying with a permit under Subchapter II, Erosion Control System, Chapter 14 of the Dane County Code of Ordinances. A copy of the permit application and approval shall be supplied to the Town.
- c. Town Enforcement. The permanent drainage system for the subdivision shall be designed to prevent erosion after the completion of construction of the subdivision improvements.
- d. The Town reserves the right to enforce erosion control plans as approved by the County or the Wisconsin Department of Natural Resources.

#### **Section 10.10.6-3 Design and Construction.**

- a. The development shall be graded to meet the general layout requirements described above.

- b. Additional considerations for grading include:
1. Proposed grading shall be shown with existing and proposed contours on the Plat. The limits of grading shall be specifically shown.
  2. In addition to grading for streets and drainage ways, the lots, greenways and open space areas shall be graded to eliminate slopes steeper than 3 horizontal: 1 vertical caused by the construction, and to establish the drainage pattern shown by the drainage arrows on the Plat.
  3. Stable vegetated slopes steeper than twelve percent (12%) in the Groundwater Recharge Area shall not be graded, compacted, or disturbed.
  4. Drainage facilities such as ponds and major channels shall be graded and stabilized with vegetation and other erosion control measures during the early stages of construction in order to allow the vegetation to become established and minimize erosion after all drainage facilities are in place and operating.
  5. All graded or disturbed areas shall be stabilized by vegetation or other ground cover.

#### **Section 10.10.6-4 Streets -- Design and Construction.**

- a. Design.
1. Design of streets shall meet the general layout requirements described above.
  2. The subdivider shall meet with the Plan Commission to determine the classification for the proposed roads and any intersecting existing roads. This information shall be used to design the proposed roads and modifications to existing roads.
  3. The Plan Commission may request the Town Board that traffic counts with speeds be performed on existing roads prior to determining classification.
  4. Design standards for each street classification are shown in Table I.
  5. Roadways shall intersect at an angle of 70° to 110° for intersections of proposed roads and for intersections of proposed and existing roads. No more than two (2) roads (including driveways) shall intersect at one (1) point.
  6. New intersections or modified existing intersections shall be located and designed in accordance with Table I. This includes new intersections with existing roads, and new streets added to existing intersections. This may require reconstruction of an existing intersection to meet the design criteria on Table I.
  7. Intersection design shall be in accordance with requirements for at-grade intersections as stated in "A Policy in Geometric Design of Highways and Streets" by the American Association of State Highway and

Transportation Officials. The vision (sight) triangle at each intersection of public and/or private roads shall be shown as an easement on the corner lots with restrictions regarding the height of objects in the triangle. The developer shall clearly state whether intersection shall be controlled or uncontrolled.

8. Vision (sight) triangle easements shall be provided on all corner lots including existing lots adjacent to a new road.
9. Road ditches shall be provided on both sides of new and existing roads within the development.
  - A. The storm water drainage system shall be designed so that surface water drainage shall not cross the road surface during storms of up to an including the twenty-five (25) year storm.
  - B. Road ditches shall meet the requirements of the Drainage – Design and Construction Section of this Ordinance, and shall be considered as part of the drainage facilities for the development.
1. Paved sidewalks shall be provided on both sides of new and existing roads within the development.
  - A. Sidewalks shall follow the longitudinal grade of the road, and shall not be more than one (1) foot lower than the travel lanes of the road.
  - B. Sidewalks shall be located in an easement on the lot adjacent to the property line. No sidewalk shall be located within a street right-of-way or ditch line.

b. Construction.

1. All roadway construction and materials used shall be installed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Ordinance, whichever is more restrictive.
2. Roadway Sub-base. Stable and nonorganic material required. Unstable and organic material must be subcut, removed, and replaced with a suitable granular or breaker-run material approved by the Town Engineer. Sub-base shall be compacted prior to placement of subsequent layers.
3. Roadway Gravel Base Course. Roads shall have a minimum roadway gravel base course thickness of nine (9) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower layer. The top layer of gradation No. 2 shall not be less than three (3) inches deep compacted in place. Each layer of gravel base course shall be compacted prior to placing subsequent layers.

- A. The base course shall be compacted to the extent necessary to produce a condition in which no appreciable displacement of material laterally and longitudinally under heavy construction equipment shall occur and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
  - B. On arterial or collector roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
1. Asphalt Pavement. Roads shall have a minimum thickness of three (3) inches compacted asphalt pavement, placed in two layers - a binder course of one and one-half (1 ½) inches thick and a surface course of one and one-half (1 ½) inches. On arterial or collector roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Town Board shall have the sole discretion in determining the use and construction classification utilized.
- A. The asphalt binder course shall be placed after a satisfactory inspection of the gravel base course.
  - B. The asphalt surface course shall be placed no less than one (1) year and no more than two (2) years after completion of the asphalt binder course. The roadway shall be inspected prior to placing the asphalt surface course, and any deficiencies shall be corrected by the subdivider.
  - C. Materials.
    - i. Asphalt Cement. Asphalt cement shall conform to ASTM D 946, Penetration Grade 85-100. Asphaltic concrete material shall be five (5%) to seven (7%) percent by weight of the composite mixture.
    - ii. Asphalt Surface Course Aggregates. Including mineral filler (when required), shall be sound, angular crushed stone, crushed gravel or sand conforming to the gradation requirements for Gradation No. 3, Subsection 401.25 of the Wisconsin Division of Highways, Standard Specifications for Road and Bridge Construction. Mixtures made in the laboratory with aggregates and asphalt cement proposed for the work shall yield a Marshall stability of not less than one thousand two hundred (1,200), a void content of the compacted mixture between two (2%) and six (6%) percent, and a flow value of not more than eighteen (18).

If the proposed aggregates are primarily crushed limestone, natural sand shall be blended with the crushed stone in such proportions, within the range of gradation, to provide workability of the finished mixture satisfactory to the Engineer.

- iii. Asphalt Base Course Aggregates. Base course aggregates shall conform to the gradation requirements for Gradation No. 1, subsection 401.2.8 of the Wisconsin Division of Highways Standard Specifications for Road and Bridge Construction.
  - A. Compaction. Each layer of asphaltic pavement shall be compacted with a smooth drum roller prior to placing subsequent lifts.
  - A. Asphalt Tack Coat. Asphalt tack coat shall be applied to the asphalt binder course prior to placement of the asphalt surface course. The binder course pavement surface shall be swept clean of dust and debris prior to application of tack coat.
    - i. Tack coat shall consist of asphaltic material of Type RS-1, RS-2, MS-1 or MS-1, emulsified Asphalts diluted as specified in Section 401. This work shall be in accordance with Section 402 of the Wisconsin Division of Highways Standard Specifications.
- 1. Asphalt Shoulders. Asphalt shoulders shall be constructed of three (3) inches of asphalt surface course or a binder course of one and one-half (1 ½) inches thick and a surface course of one and one-half (1 ½) inches. Asphalt shoulders shall be constructed to the same standards as asphalt pavement.
- 1. Gravel Shoulders. Gravel shoulders shall be constructed of a minimum of six (6) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 or No. 2 in the lower layer. The top layer of gradation No. 2 shall not be less than three (3) inches deep compacted in-place. Each layer of gravel base course shall be compacted prior to placing subsequent layers.
- 2. Paved Sidewalks. Sidewalks shall be paved. Materials and construction shall be in accordance with Section 602 of the Wisconsin Division of Highways Standard Specifications.
- 3. Construction Inspection and Testing. Although the Town Representative may conduct inspections as necessary at any state of construction, the subdivider shall contact the Town Engineer for required inspections after the following phases of construction are completed by the subdivider, but prior to placement of subsequent layers:
  - A. Sub-base shall not yield under the action of heavy equipment. The subdivider may elect not to repair yielding areas until completion of the gravel base course. Sub-base shall be inspected no more than seventy-two (72) hours prior to placing gravel base course.
  - B. Gravel base course shall not yield under the action of heavy equipment. The subdivider shall repair any yielding areas and have

those areas re-inspected. This procedure shall be followed until all areas pass. Gravel base course shall be inspected no more than seventy-two (72) hours prior to placing asphalt binder course. In the event of rain after inspection, but prior to paving, the Town Engineer may require another inspection.

- C. Asphalt binder course shall not yield under the action of heavy equipment or displays cracks or potholes. The subdivider shall repair any yielding areas and have those areas re-inspected. This procedure shall be followed until all areas pass. Asphalt binder course shall be inspected no more than seventy-two (72) hours prior to placing asphalt surface course. Asphalt tack coat shall be applied after passing inspection.
  - D. Asphalt surface course and shoulders shall be inspected after completion. The surface shall be smooth and free of cracks or other deficiencies.
1. Certification of Roadway Improvements. The subdivider shall supply certification from a registered engineer or land surveyor that the roadway has been constructed to grades and elevations in accordance with the plans approved by the Town. The Town may also request records including but not limited to survey records showing adequate depth of the layers of pavement structure.
  2. Tests of Materials. The Town reserves the right to obtain a sample of the roadway base material prior to installation in the roadway to determine that the material meets specifications.
  3. Pavement Samples. The Town may take samples of asphalt during pavement construction operations for purposes of determining that the material meets specifications.
  4. Barricades. The subdivider shall construct permanent Class I barricades at the ends of all dead-end roads included in the subdivision.
  5. Traffic signs. The subdivider shall provide and install traffic signs, street signs, striping, culvert posts and other road accessories to promote health and safety, as required by the Town Board.

#### **Section 10.10.6-5 Drainage – Design and Construction.**

##### a. Design.

1. Design of all drainage and surface water facilities shall meet the general layout requirements described above.
2. The drainage system, including the road ditches shall be designed to prevent flooding roads and buildings during the twenty-five (25) year, twenty-four (24) hour storm as defined in the Natural Resource Conservation Service Technical Release 20 or Technical Release 55. The

drainage system shall consist of ditches along roads and lot lines, culverts at road crossings and driveway culverts, drainage swales along lot lines or across lots, and storm water detention ponds.

3. The storm water system shall convey and/or store the runoff generated within the proposed development, and runoff generated upstream and passing through the proposed development during the twenty-five (25) year, twenty-four (24) hour storm as described above.
4. The drainage system design shall include ground cover which will not erode during the any storms up to and including the twenty-five (25) year, twenty-four (24) hour storm.
5. The proposed development shall maintain existing discharge points, discharge rates and discharge types (sheet flow, ditch flow, etc.) for all storms up to and including the twenty-five (25) year, twenty-four (24) hour storm as much as practicable. Existing localized potholes or ponds shall not be filled or drained without the approval of the Town since these are an important source of groundwater recharge.
6. Existing closed drainage basins shall not be altered to drain without the approval of the Town. Drainage of these areas can increase downstream flows, and reduce groundwater recharge.
7. During small storms (less than two (2) inches of rainfall), the drainage system shall allow infiltration as much as practicable.
8. Runoff routed down slopes great than twelve percent (12%) shall be spread over the face of the slope in a diffuse pattern in order to maximize infiltration and minimize erosion on the slope. Ditches or culverts shall not carry drainage down the slope.
9. The Town may request analysis of specific downstream ditches or culverts at road crossings to determine the effects of the development on the existing drainage system or roads.
10. If the storm water system results in a change in the peak rate of discharge, the volume of discharge, or the type of discharge (sheet flow versus channelized flow), and the storm water is not discharged to an existing waterway, pond, lake, stream, storage area, or established drainageway, the subdivider shall be responsible for obtaining drainage easements from the downstream property owner(s) until the discharge reaches an existing waterway, pond, lake, stream, storage area, or established drainageway. The Town shall assist the subdivider with acquiring the drainage easements by eminent domain, If necessary. The subdivider shall be responsible for all costs associated with acquisition of the drainage easements.
11. The developer shall provide to the Town of a copy of the Certified Survey Map or subdivision Plat showing the existing drainage patterns and the proposed drainage patterns after development. Subdivision Plats shall also provide a copy of design calculations to showing the performance of the proposed system in both large and small storms.
12. The one hundred (100) year, twenty-four (24) hour storm shall also be analyzed. Areas which are inundated during the one hundred (100) year



storm shall be deed restricted to prohibit buildings or other structures which could be damaged by flood water. Roadways may be inundated during the one hundred (100) year, twenty-four (24) hour storm.

- b. Changes to Existing Drainage. Changes to existing drainage patterns shall meet the following criteria:
  1. The proposed drainage system, including road ditches, shall be designed to prevent flooding roads and buildings on both the newly created parcels and any other parcels of land.
  2. The proposed drainage system, including road ditches, shall be designed to prevent flooding or ponding on upstream or downstream lands.
- c. Construction.
  1. All construction and materials used for stabilizing drainageways and ditches, and culverts shall be installed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Ordinance, whichever is more restrictive.
  2. Major drainage system components such as main receiving ditches or ponds shall be constructed as early as practicable during construction of the development in order to allow ground cover on these components to stabilize prior to receiving substantial runoff.

#### **Section 10.10.6-6 Final Inspection and Acceptance.**

- a. Final Inspection. The subdivider or representative and the Town Engineer or Representative shall both be present for a final inspection of the public facilities, including, but not limited to the roadways and stabilized drainage facilities. The Town Engineer or Representative shall provide written notice of any deficiencies found at the final inspection. The subdivider shall inform the Town when all deficiencies have been corrected, and the Town Engineer or Representative shall perform a follow-up inspection. This procedure shall be repeated until all deficiencies have been satisfactorily corrected.
- b. Town Acceptance of Public Improvements. After the Town Engineer accepts the public improvements, the Engineer shall notify the developer in writing of this approval. The Town Clerk shall compile a final billing for inspection fees. This bill together with affidavits will be sent to the developer. The developer and all general contractors shall sign the affidavits swearing that there are no claims for damage or injuries as a result of the project nor any outstanding claims for surveyors, construction liens or unpaid wage claims.

1. Release of Security. When the developer has paid the inspection bill, and executed and returned the required affidavits, the Town Board shall permit reduction of the security furnished for the public improvements to an amount equal to one-fourth (1/4) of the anticipated cost of the improvements, which shall remain in force and effect for a period of one (1) year after the completion of the public improvements and acceptance by the Town Board to guarantee the improvements against defects in workmanship or materials. If any defects should appear during the guarantee period, the developer shall replace any improvement, or part thereof, or repair the defective work in an acceptable manner as required by the Town Board. Within ninety (90) days of the expiration of said one (1) year guarantee period, the Town Board will release the security to the developer.

**Section 10.10.6-7 - Section 10.10.6-26 Reserved for Future Use.**

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**TITLE 10 – CHAPTER 10 - Section 7 Park and Public Land Dedication.**

**Section 10.10.7-1 General Park and Public Land Dedication Requirements.**

**Section 10.10.7-2 Land Dedication.**

**Section 10.10.7-3 Reservation of Additional Land.**

**Section 10.10.7-4 Design and Development of Park Area.**

**Section 10.10.7-5 Fees in Lieu of Land.**

**Section 10.10.7-6 - Section 10.10.7-8 Reserved for Future Use.**

**Section 10.10.7-1 General Park and Public Land Dedication Requirements.**

In order that adequate open spaces and sites for public uses may be properly located and reserved, and in order that the cost of providing public areas, such as but not limited to , parks and recreation areas may be equitably apportioned on the basis of additional need created by the subdivision development, each land divider shall be required to dedicate land or Fees in Lieu of Land for park or other public uses.

#### **Section 10.10.7-2 Land Dedication.**

- a. Dedication Calculation. All subdividers shall be required to dedicate developable land to the Town for park, or other public uses, other than streets or drainageways, at a rate of two thousand two hundred (2,200) square feet per dwelling unit. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in the Land Use Plan or Plan component of the Town of Oregon is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Town Board, upon recommendation from the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- b. Number of Dwelling Units. Land dedications shall be based upon the number of dwelling units specified on the Plat or Certified Survey Map, or other land division. The land dedication shall not exceed the maximum number of dwelling units permitted by the Dane County Zoning Ordinance. If the Plat or certified survey does not specify the number of dwelling units, the land dedication or fee in lieu of land shall be based upon the maximum number of dwelling units permitted by Dane County Zoning Ordinance.
- c. Utility Laterals. The subdivider shall provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to adjacent properties.
- d. Access to Dedicated Lands. All lands dedicated under this section shall have at least one hundred (100') feet of frontage on a public street. Public access must be unrestricted.
- e. Adaptability. Any land dedicated as a requirement of this Section, shall be reasonably adaptable for the intended park, recreation or other specified uses, and shall be at a location convenient to the people to be served. Factors used in evaluating adequacy shall include, but not be limited to, size, shape, topography, geography, tree cover, access and location.

#### **Section 10.10.7-3 Reservation of Additional Land.**

When public parks and sites for other public areas as shown on any Land Use Plan or Plan component lie within the proposed area for development and are greater in area than

required by the Town by Section 10.7.2, the owner shall reserve for acquisition by the Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year after Final Plat approval, unless extended by mutual agreement.

#### **Section 10.10.7-4 Design and Development of Park Area.**

- a. General Design. In the design of a land division or subdivision, the developer shall provide suitable sites of adequate area for parks, playgrounds, open spaces, drainageways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, or Certified Survey Map, and shall comply with the Town or Oregon Land Use Plan, or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.
- b. Dedication. When parklands are dedicated, the subdivider is required to:
  1. Properly grade and contour for proper drainage;
  2. Provide surface contour suitable for anticipated use of area; and
  3. Cover areas to be seeded with a minimum of four inches (4") of quality topsoil, seed as specified by the Town, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plantlife, and such topsoil shall neither be excessively acid nor excessively alkaline.
- c. The Town Board may require certification of compliance by the Town Engineer. The costs of such report shall be paid by the subdivider.
- a. Development of parklands is to be completed as soon as ten percent (10%) of the planned lots or dwelling units are sold, or two years, as determined by the Town Board.
- b. If the subdivider fails to satisfy the requirements of this Section, the Town Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholdings of all building permits until such costs are paid, or the assessing of such costs as special charge against the developer's remaining lands pursuant to Wis. Stats. Section 66.60(16) (1995-1996), in the discretion of the Town Board.

#### **Section 10.10.7-5 Fees in Lieu of Land.**

- a. Method of Calculation. Where, in the opinion of the Town Board, there is no land

suitable for parks within the proposed subdivision or the dedication of the land would not be compatible with the Town's Land Use Plan or any park plan, or the Town Board determined that a cash contribution would better serve the public interest, the Board may require the subdivider to contribute cash payment in lieu of land according to the following provisions:

1. The amount of fee imposed in lieu of land shall be six hundred dollars (\$600.00) for each dwelling unit.
  2. The fee per dwelling unit shall be adjusted annually for inflation by using the "Consumers Price Index, National Series (assuming May 1996-100)" for all nonfood items as published by the U.S. Department of Labor, Bureau of Labor Statistics.
  3. Payment shall be in a lump sum prior to the recording of a Final Plat, Certified Survey Map, or land division.
- b. Combination. The Town Board may require the subdivider to satisfy the dedication requirement of this section by combining land dedication with fee payments.
- a. Exemption. Any land divider or subdivider shall be exempted from parkland dedication or payment of Fees in Lieu of Land if the land divider or subdivider records a deed restriction prohibiting the construction of any swelling units on any new parcels created by the land division or subdivision. Such deeds shall be recorded prior to the Town's approval of the Final Plat or Certified Survey Map.
- b. Park Fund. Funds paid to the Town under any Fees in Lieu of Land provision or contributed from other sources for park development and improvements are to be placed in a separate fund designated for park development and improvement projects. The Town Board shall have the final right to approve or reject such projects. Said funds shall be continuing and shall not lapse at the end of the budget period.

**Section 10.10.7-6 -- Section 10.10.7-8 Reserved for Future Use.**

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**TITLE 10 – CHAPTER 10 - Section 8 Condominium Developments.**

**Section 10.10.8-1 Provisions Applicable to Condominiums.**

**Section 10.10.8-2 - Section 10.10.8-9 Reserved for Future Use.**

**Section 10.10.8-1 Provisions Applicable to Condominiums.**

a. Purpose.

1. The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Ordinance to condominium developments. The State Legislature has recognized that Subdivision Ordinances may apply to condominiums, but that Subdivision Ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
2. The factor that makes this Ordinance applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels", with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
3. Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
  - A. Additional population density;
  - B. Possibility of use of particular land in a manner unsuitable to the land's characteristics;
  - C. Additional demands upon Town area parks, recreation areas, utility facilities and schools;
  - D. Additional traffic and street use.

b. Portions of Ordinance Applicable to Condominium Developments. The following sections of this Ordinance shall apply to condominium developments:

1. Section 10.3.1 and 10.6.1 through 10.6.6, relating to land suitability and construction practices;
2. Section 10.4.2 through 10.4.3, relating to Preliminary Plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for Preliminary Plats set forth in Section 10.5.1 of this Ordinance shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. Chap. 703 (1995-1996).

3. Section 10.4.6(b)(1), (2), (3), (4), and (7) relating to fees for review;
  4. Section 10.6.1 through 10.6.6, relating to required improvements and design standards;
  5. Section 10.7.1 through 10.7.4, relating to dedication requirements.
- c. This Ordinance shall not apply to the following condominiums:
1. Any condominium Plat recorded prior to the effective date of this Ordinance;
  2. Any conversion of a structure or structures in existence on the effective date of this Ordinance to a condominium after the effective date of this Ordinance.

**Section 10.10.8-2 – Section 10.10.8-9 Reserved for Future Use.**

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**TITLE 10 – CHAPTER 10 - Section 9 Variances; Penalties and Violations.**

**Section 10.10.9-1 Variances and Exceptions.**

**Section 10.10.9-2 Enforcement and Penalties.**

**Section 10.10.9-3 Interpretation of Ordinance.**

**Section 10.10.9-1 Variances and Exceptions.**

- a. Where, in the judgment of the Town Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter because of exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the Preliminary Plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission and Town Board in the analysis of the proposed project.

- b. The Plan Commission shall not recommend nor shall the Town Board grant variances or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
  - 1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
  - 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
  - 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
  
- c. Any recommendations by the Plan Commission shall be transmitted to the Town Board. The Town Board, if it approves the variance, shall do so by motion or resolution, and instruct the Town Clerk to notify the Plan Commission and the subdivider.

**Section 10.10.9-2 Enforcement and Penalties.**

- a. Enforcement.
  - 1. Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor subdivision, replat or condominium development within the jurisdiction of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.
  - 2. Stop Work Orders. If any person, firm or corporation proceeds with any land dividing or developing activity in violation of this Ordinance, the Town Engineer shall serve a stop work order on the owner of his or her representative and a copy thereof shall be posted on the site. The stop work order shall not be removed except by written permission of the Town Engineer after satisfactory evidence is supplied of compliance with this Ordinance.
  
- b. Penalties. Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to penalties



and forfeitures as provided in Sections 236.30, 236.31, 236.32, 236.335, and 236.35, Wisconsin Statutes (1995-1996). In addition to the foregoing, the Town of Oregon may seek imposition of forfeitures pursuant hereto of not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00) per violation. Each day that a violation continues shall be deemed a separate offense.

### **Section 10.10.9-3 Interpretation of Ordinance.**

- a. Abrogation and More Restrictive Requirements. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- b. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- c. Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or applications.
- d. Repeal of Conflicting Ordinances. All other Ordinances or parts of Ordinances of the Town inconsistent of conflicting with this Ordinance, to the extent of the inconsistency, are hereby repealed.
- e. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.

*Original Ordinance # 10 approved and passed August 14, 1972, posted August 15, 1972.*

*Ordinance #10 amended by Ordinance #11 April 10, 1973.*

*Ordinance #11 passed April 10, 1973, posted April 11, 1973.*

*Ordinance #10 amended by Ordinance #14 December 3, 1974.*

*Ordinance #14 passed December 3, 1974, posted December 4, 1974.*

*Ordinance #10 amended by Ordinance #18 March 2, 1976.*

*Ordinance #18 passed March 2, 1976, posted March 3, 1976.*

*Ordinance #10 amended by Ordinance #20 January 4, 1977.*

*Ordinance #20 passed January 4, 1977, posted January 10, 1977.*

*Ordinance #10 amended by Ordinance #22 July 5, 1977.*

*Ordinance #22 approved and passed July 5, 1977, posted July 11, 1977.*

*Ordinance #18 amended by Ordinance #29 May 6, 1980.*

*Ordinance #29 approved and passed May 6, 1980, posted May 7, 1980.*

*Ordinance #31(temporarily prohibiting subdivision of land) passed March 3, 1981, posted March 4, 1981.*

*Ordinance #22 amended by Ordinance #33 March 5, 1985.*

*Ordinance #10-#33 amended by Ordinance #37 April 7, 1987.*

*Ordinance #37 passed April 7, 1987, posted April 8, 1987.*

*Ordinance #37 amended by Ordinance #39 December 4, 1990.*

*Ordinance #39 passed December 4, 1990, posted December 12, 1990.*

*Ordinance #37 and #39 amended by Ordinance #44 November 1, 1994.*

*Ordinance #44 adopted November 1, 1994, published November 10, 1994.*

*Ordinance #37 and #39 amended by Ordinance #46 February 15, 1995.*

*Ordinance #46 adopted February 15, 1995, published February 23, 1995.*

*Ordinance #37 and #39 amended by Ordinance #47 March 5, 1996.*

*Ordinance #47 adopted March 5, 1996, published March 14, 1996.*

*All previous ordinances repealed by Ordinance #50 November 5, 1996.*

*Ordinance #51 adopted November 5, 1996, published November 26, 1996.*