

TITLE 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.05 Notice of Violation
- 1.06 Enforcement – Citation
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Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010 Adoption
- 1.01.020 Title – Citation – Reference
- 1.01.030 Reference Applies to All Amendments
- 1.01.040 Title, Chapter, and Section Headings
- 1.01.050 Effect of Code on Past Actions and Obligations
- 1.01.060 Effective Date
- 1.01.070 Constitutionality
- 1.01.080 Continuity of Ordinances

1.01.010 Adoption. This Code of Ordinances is adopted pursuant to § 66.0103 of the Wisconsin Statutes.

1.01.020 Title – Citation – Reference. This code shall be known as the “Town of Rubicon Municipal Code” and it shall be sufficient to refer to said code as the “Town of Rubicon Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Town of Rubicon Municipal Code.” Further reference may be had to the titles, chapters, sections, and subsections of the “Town of Rubicon Municipal Code” and such references shall apply to that numbered title, chapter, section, or subsection as it appears in the code.

1.01.030 Reference Applies to All Amendments. Whenever a reference is made to this code as the “Town of Rubicon Municipal Code” or to any portion thereof, or to any ordinance of the Town of Rubicon, Wisconsin, the reference shall apply to all amendments, corrections, and additions made before or after the 7th day of November, 2017.

1.01.040 Title, Chapter and Section Headings. Title, chapter, and sections headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section of this code.

1.01.050 Effect of Code on Past Actions and Obligations. Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the Town of Rubicon shall in any manner affect the prosecution for violations or ordinances, which violations were committed prior to November 7, 2017; nor shall it be construed as a waiver of any license, fee or penalty at said date due and unpaid under such ordinances; nor shall it be construed as affecting any of the provisions relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance. All rights and obligations appertaining to the ordinances of the town shall continue in full force and effect.

1.01.060 Effective Date. This code shall become effective on November 7, 2017.

1.01.070 Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The Town Board declares that it would have passed this code, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional and, if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

1.01.080 Continuity of Ordinances. The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the Town relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments or amendments to existing Ordinances.

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Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010	Definitions
1.04.020	Interpretation of Language
1.04.030	Grammatical Interpretation
1.04.040	Acts by Agents
1.04.050	Unlawful Act -- Interpretation
1.04.060	Computation of Time
1.04.070	Construction
1.04.080	Repeal -- Repealing Clauses -- Repealed Ordinances -- No Effect
1.04.090	Severability
1.04.100	Reference to Wisconsin Statutes

1.04.010 Definitions. The following words and phrases, whenever used in the code of the Town of Rubicon shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. “County” means the County of Dodge.
- B. “Law” denotes applicable federal law, the Constitution and Statutes of the State of Wisconsin, the ordinances of the Town of Rubicon, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- C. “May” is permissive.
- D. “Month” means a calendar month.
- E. “Must” and “Shall” are each mandatory.
- F. “State” means the State of Wisconsin.
- G. “Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the Town of Rubicon which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.
- H. “Town” means the Town of Rubicon, Dodge County, Wisconsin, or the area within the territorial limits of the Town of Rubicon in Dodge County, Wisconsin, or which the Town of Rubicon has jurisdiction or control by virtue of any statutory provision.
- I. “Town Board” means the Town Board of the Town of Rubicon.

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J. “Year” means a calendar year.

1.04.020 Interpretation of Language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

1.04.030 Grammatical Interpretation. The following grammatical rules shall apply to the Town of Rubicon Municipal Code unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine, and neuter genders.

B. Singular and Plural. The singular number includes the plural, and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses, and vice versa, unless manifestly inapplicable.

1.04.040 Acts by Agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

1.04.050 Unlawful Act – Interpretation. Whenever in the ordinances of the Town any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.04.060 Computation of Time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday in which case it shall also be excluded.

1.04.070 Construction. The provisions of the Town of Rubicon Municipal Code and all proceedings under them are to be construed with a view to effect their object and promote justice.

1.04.080 Repeal – Repealing Clauses – Repealed Ordinances – No Effect.

A. The repeal of an ordinance shall not repeal the repealing clause of an ordinance, or revive any ordinance which has been repealed thereby.

B. The repeal, express or implied, or any ordinance already repealed, expressly or by implication, does not constitute or supply a declaration or implication that such ordinance was in force or was valid for any purpose at any time subsequent to such prior repeal.

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1.04.090 Severability. If any ordinance, section, or portion of this Code shall be declared by a court of competent jurisdiction to be invalid, unlawful, unenforceable, or unconstitutional, such decision shall apply only to the specific ordinance, section, or portion thereof directly specified in the decision, and shall not affect the validity of any other ordinances, sections, or portions of this Code. The remainder of the Code shall remain in full force and effect.

1.04.100 Reference to Wisconsin Statutes. Whenever a reference is made in this code to a section of the Wisconsin Statutes, the reference shall be deemed to incorporate all amendments, corrections, and additions to said statutory section. All Wisconsin Statutes referenced are cited to the 2015-2016 Statutes unless otherwise indicated.

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Chapter 1.05

NOTICE OF VIOLATION

Sections:

1.05.010 Issuance of Notice of Violation

1.05.020 Nonexclusivity

1.05.010 Issuance of Notice of Violation. Whenever the Town Board is made aware of a violation of this Code, the Town Board, or any official designated by the Town Board, may order compliance by written notice of violation to the responsible party.

A. The notice of violation shall be personally served on the responsible party.

B. The notice of violation shall describe the alleged violation, including stating which ordinance was allegedly violated, and be signed by the Town Board, or any official designated by the Town Board.

C. The notice of violation shall include a demand that the condition that is alleged to violate this Code be halted or remedied, and a statement that a civil action will commence if remedial action has not occurred within ten (10) calendar days, unless otherwise stated, of receipt of the notice of violation.

D. The Town Board, or official designated by the Town Board, shall provide the responsible party with a copy of said ordinance upon service of the notice of violation.

1.05.020 Nonexclusivity.

A. The adoption and authorization for use of a notice of violation or citation under this Chapter and Code does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

B. The issuance of a notice of violation or citation under this Chapter and Code shall not preclude proceeding under any other ordinance or law relating to the same or any other matter.

C. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a notice of violation or citation under this Chapter and Code.

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Chapter 1.06

ENFORCEMENT - CITATION

Sections:

- 1.06.010 Method Adopted
- 1.06.020 Required Information – Form
- 1.06.030 Schedule of Deposits
- 1.06.040 Issuance of Citation
- 1.06.050 Procedure Adopted by Reference

1.06.010 Method Adopted. Pursuant to § 66.0113 of the Wisconsin Statutes, the Town elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exists.

1.06.020 Required Information – Form.

A. The citation shall contain the following information:

1. The name and address of the alleged violator.
2. The factual allegations describing the alleged violation.
3. The time and place of the offense.
4. The section of the ordinance violated.
5. A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
6. The time at which the alleged violator may appear in court.
7. A statement which in essence informs the alleged violator:
 - (a) That the alleged violator may make a cash deposit of a specified amount to be mailed to the Town Clerk within a specified time.
 - (b) That if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.
 - (c) That if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Wisconsin Statutes Chapter 814 not to exceed the amount of the deposit or

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will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

(d) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the Dodge County Circuit Court may issue a summons or a warrant for the defendant’s arrest or consider the nonappearance to be a plea of no contest and enter judgment under Wis. Stat. § 66.0113(3)(d), or the Town of Rubicon may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814.

(e) That if the Dodge County Circuit Court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the Dodge County Circuit Court may summons the alleged violator into court to determine if restitution shall be ordered under Wis. Stat. § 800.093.

8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subsection 7, above, and shall send the signed statement with the case deposit.

9. Such other information as may be deemed necessary.

1.06.030 Schedule of Deposits.

A. The uniform state schedule for cash bail or deposits for traffic offenses and all ongoing amendments thereto is established pursuant to Wis. Stat. § 345.26(2)(a) is adopted.

B. The following schedule of cash deposits is established for use with citations issued under this ordinance:

<u>Ordinance Number</u>	<u>Title</u>	<u>Deposit</u>	+	<u>Penalty Assessment</u>	+	<u>Costs</u>	=	<u>Total Deposit</u>
3.01	Sale of Fermented Malt Beverages to Minors	55.00	+	8.25	+	10.00	=	73.25
	Sale of Fermented Malt Beverages to Intoxicated Person	55.00	+	8.25	+	10.00	=	73.25
	Improper Conduct on Premises Selling Fermented Malt Beverages	55.00	+	8.25	+	10.00	=	73.25
	Procuring or Furnishing							

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	Fermented Malt Beverages to Minors	55.00	+	8.25	+	10.00	=	73.25
	Restricted Hours of Operation of Bar	55.00	+	8.25	+	10.00	=	73.25
	Providing Intoxicating Liquor to Minor or to Any Person Intoxicated or Bordering on the State of Intoxication	55.00	+	8.25	+	10.00	=	73.25
4.02	Boating Regulations	55.00	+	8.25	+	10.00	=	73.25
4.04.020	All-Terrain Vehicles	55.00	+	8.25	+	10.00	=	73.25
4.06	Parking	5.00	+	0.00	+	0.00	=	5.00
5.01	Resisting an Officer	100.00	+	15.00	+	10.00	=	125.00
5.02	Trespassing	55.00	+	8.25	+	10.00	=	73.25
5.03	Disorderly Conduct	55.00	+	8.25	+	10.00	=	73.25
5.04.010	Littering	55.00	+	8.25	+	10.00	=	73.25
5.04.020	Destruction of Property	55.00	+	8.25	+	10.00	=	73.25
5.05	Battery	100.00	+	15.00	+	10.00	=	125.00
5.06	Theft	100.00	+	15.00	+	10.00	=	125.00
5.07.010	Harassment	55.00	+	8.25	+	10.00	=	73.25
5.07.020	Vagrancy	55.00	+	8.25	+	10.00	=	73.25
5.09	Depositing Rubbish in Roadway – Damaging Roadway	55.00	+	8.25	+	10.00	=	73.25
5.32	Controlled Substances	100.00	+	15.00	+	10.00	=	125.00

1.06.040 Issuance of Citation.

A. Citations authorized under this chapter and the remainder of the Town of Rubicon Municipal Code may be issued by law enforcement officers, the Town Board, or any official designated by the Town Board. Officials granted the authority to issue citations may delegate, with the approval of the Town Board, the authority to employees. Authority delegated to an official or employee shall be revoked in the same manner by which it is conferred.

B. The issuance of a citation by a person authorized to do so under par. (A) above, shall be deemed adequate process to give the appropriate court jurisdiction over the subject matter of the offense for the purpose of receiving cash deposits, if directed to do so, and for the purposes of Section 1.06.050 below.

C. Issuance and filing of a citation does not constitute commencement of an action.

1.06.050 Procedure Adopted by Reference. Section 66.0113(3) of the Wisconsin Statutes relating to violator’s options and procedure on default is adopted and incorporated in this section by reference.

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Chapter 1.08

GENERAL PENALTY

Sections:

1.08.010 Designations

1.08.010 Designations.

A. In any case where there is a violation of any ordinance for which no penalty is provided, the person violating the same shall be subject to a forfeiture of not less than Ten and no/100 (\$10.00) Dollars nor more than One Thousand and no/100 (\$1,000.00) Dollars for each offense, together with the costs of prosecution, and in the event such forfeiture is not paid and where no showing of indigency is made, then by imprisonment in the County Jail for a term of not more than ninety (90) days, except as provided in subsection B of this section.

B. In any case where any ordinance or section of an ordinance of the Town of Rubicon does not provide a greater penalty for a second or subsequent conviction for a violation thereof, any person violating the same who has previously been convicted of a violation thereof shall be subject to a forfeiture of not less than Twenty-five and no/100 (\$25.00) Dollars nor more than Two Thousand and no/100 (\$2,000.00) Dollars for each offense, together with the costs of prosecution, and in the event such forfeiture is not paid and where no showing of indigency is made, then by imprisonment in the County Jail for a term of not more than ninety (90) days; except that where the penalty provided by any such ordinance or section for the first violation thereof is larger than the penalty herein provided, such larger penalty shall be applicable.

C. No violation of any ordinance of the Town of Rubicon shall be or shall be construed to be a misdemeanor or crime, nor shall imprisonment be imposed as a punishment for violation of any ordinance of the Town of Rubicon.

D. In the event of a failure to pay a judgment assessed where no showing of indigency is made, the defendant may be imprisoned for no more than ninety (90) days as the court deems fit, or until such judgment is paid.

TITLE 2

GOVERNMENT, ADMINISTRATION, AND PERSONNEL

Chapters:

- 2.01 Government, Elections, and Notices
- 2.02 Town Board
- 2.03 Town Meeting
- 2.04 Plan Commission
- 2.05 Town Officers and Employees

Chapter 2.01

GOVERNMENT, ELECTIONS, AND NOTICES

Sections:

- 2.01.010 Town Government
- 2.01.020 Election Poll Hours
- 2.01.030 Official Newspaper
- 2.01.040 Election Officials
- 2.01.050 Posting and Publication

2.01.010 Town Government. The Town of Rubicon is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 60 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

State Law Reference: Wis. Const., Art. XI, Sec. 3.

2.01.020 Election Poll Hours. The voting polls in the Town of Rubicon, County of Dodge, State of Wisconsin shall be opened from 7:00 a.m. to 8:00 p.m. for all elections.

2.01.030 Official Newspaper. The official Town newspaper shall be the Watertown Daily Times to be used for the publication of legal or official notices and documents when posting is not utilized.

2.01.040 Election Officials. The Town Clerk shall have the authority to determine, based upon projected size of each election, whether to have three (3), five (5), or seven (7) election workers for each shift. The Town Clerk shall also determine if tabulators are needed to be called in after each election for counting and will call up to four (4) tabulators if needed. The Town Clerk shall have the power to increase the number of election officials or utilize double shifts. The Town Clerk shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the

Wisconsin Statutes and, if such a reduction is so determined, the Town Clerk shall further redistribute duties among the remaining officials.

2.01.050 Posting and Publication.

A. Posting. The Town Clerk shall, pursuant to Wis. Stat. § 60.80 and Wis. Stat. Chapter 985, post ordinances, resolutions and notices which are not legally required to be published in the following places:

1. Rubicon Post Office, W1219 Rome Rd, Rubicon, WI 53078
2. Gehring Sales & Service, Inc., N3731 Cty Rd P, Rubicon, WI 53078
3. Rubicon Town Hall, N3864 Cty Rd P, Rubicon, WI 53078

B. Publication. Ordinances and notices required by law to be published and such other notices as the Town Board or the Plan Commission may direct to be published shall be published in the Watertown Daily Times.

Chapter 2.02

TOWN BOARD

Sections:

2.02.010	Town Board
2.02.020	Supervisors
2.02.030	Town Chairperson
2.02.040	General Powers and Duties
2.02.050	Joint Participation
2.02.060	Internal Powers of the Board

2.02.010 Town Board. The supervisors of the Town shall constitute the Town Board. The Town Board shall be vested with all the powers of the Town not specifically given to some other officer, as well as those powers set forth elsewhere throughout this Code.

State Law Reference: Wis. Stat. §§ 60.20 & 60.22.

2.02.020 Supervisors. The Town of Rubicon shall have three (3) supervisors, including the Town Chairperson, who is a supervisor by virtue of his office as Chairperson. The three (3) supervisors, including the Town Chairperson, shall constitute the Town Board. The two (2) supervisors who are not also the Town Chairperson shall be elected at the annual spring election in odd-number years for a term of two (2) years, commencing on the third Tuesday of April in the Year of their election. Vacancies on the Board shall be filled as provided by statute.

2.02.030 Town Chairperson.

A. Election. The Town Chairperson shall be elected at the annual spring election in odd-numbered years for a term of two (2) years, commencing on the third Tuesday of April in the year of his election.

B. Powers and Duties. The Town Chairperson shall have all powers and duties set forth in Wis. Stat. § 60.24. The Town Chairperson shall by virtue of his office be a Supervisor and preside at all meetings of the Town Board, have a vote as a Supervisor, and sign all ordinances, rules, by-laws, regulations, and commissions adopted or authorized by the Town Board and all orders drawn on the treasury. He shall maintain peace and good order, and see that the Town ordinances are faithfully obeyed.

2.02.040 General Powers and Duties. The Town Board:

A. Charge of Town Affairs. Has charge of all affairs of the town not committed by law to another body or officer or to a town employee.

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B. Charge of Actions. Has charge of any action or legal proceeding to which the town is a party.

C. Village Powers. If authorized under Wis. Stat. § 60.10(2)(c), may exercise powers relating to villages and conferred on village boards under Wisconsin Statutes Chapter 61, except those powers which conflict with statutes relating to towns and town boards.

D. Jurisdiction of Constable. Shall determine the jurisdiction and duties of the town constable. The Town Board may also require the town constable to complete training under Wis. Stat. § 165.85(4m).

E. Pursue Certain Claims of Town. Shall demand payment of penalties and forfeitures recoverable by the Town and damages incurred by the Town due to breach of official bond, injury to property, or other injury. If, following demand, payment is not made, the Town Board shall pursue appropriate legal action to recover the penalty, forfeiture, or damages.

2.02.050 Joint Participation. The Town Board, on behalf of the Town, may cooperate with the State of Wisconsin, counties and other units of government under Wis. Stat. § 66.0301, including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, buildings and facilities for regional projects, whether or not located in the town.

2.02.060 Internal Powers of the Board. The Town Board has the power to preserve order at its meetings. Members of the Town Board shall be residents of the Town at the time of their election and during their terms of office.

Chapter 2.03

TOWN MEETING

Sections:

- 2.03.010 Open Meetings Law
- 2.03.020 Annual Town Meeting
- 2.03.030 Special Town Meeting
- 2.03.040 Presiding Officer at Town Meetings
- 2.03.050 Procedure at Town Meeting
- 2.03.060 Clerk
- 2.03.070 Powers of Town Meeting
- 2.03.080 Town Board and Town Board Meeting

2.03.010 Open Meetings Law.

A. Open Meeting Law Compliance. All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81-19.98.

B. Meetings to Be Open. During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.

C. Closed Meetings. The provisions of this Code do not prohibit the Town Board or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the Town.

2.03.020 Annual Town Meeting.

A. Incorporation of Wisconsin Statutes. Annual town meetings shall be held and conducted in accordance with Wis. Stat. § 60.11. All subsections of Wis. Stat. § 60.11 shall be incorporated herein.

B. Requirement. The Town of Rubicon shall hold an annual town meeting.

C. When Held. The annual town meeting shall be held on the second Tuesday of April at the Town Hall commencing at 8:00 p.m. Provided, however, that the annual town meeting may set a different date for the subsequent annual town meeting if the date is within ten (10) days after the second Tuesday of April.

D. Where Held. The annual town meeting may be held in the Town or in any other town, village, or city in the same county or in an adjoining county. The annual town meeting shall be held at the location of the last annual town meeting unless the location is changed by the

Town Board. If the Town Board changes the location, it shall publish a Class 2 notice under Wisconsin Statutes Chapter 985 stating the location of the meeting, not more than twenty (20) nor less than fifteen (15) days before the date of the meeting.

E. Adjournment. The annual town meeting may be recessed at a time and date certain if the recessed meeting is held within thirty (30) days after the date of the meeting originally scheduled.

F. Notice. No public notice of an annual town meeting shall be required if the meeting is held on the second Tuesday of April. If the meeting is held on a date other than the second Tuesday of April, the Town Clerk shall, not more than twenty (20) nor less than fifteen (15) days before the date of an annual town meeting, publish a Class 2 notice of the meeting under Wisconsin Statutes Chapter 985. The notice shall state the date, time, and location of the meeting. If notice is posted, the same time and content requirements apply.

G. Jurisdiction. The annual town meeting may transact any business over which a town meeting has jurisdiction.

H. Poll List. The annual town meeting may require the clerk of the town meeting to keep a poll list with the name and address of every elector voting at the meeting. If an elector of the town obtains a confidential listing under Wis. Stat. § 6.47(2) and presents an identification card issued under Wis. Stat. § 6.47(3), the clerk shall record the identification serial number of the elector in lieu of the elector's address.

2.03.030 Special Town Meeting.

A. Incorporation of Wisconsin Statutes. Special town meetings shall be held and conducted in accordance with Wis. Stat. § 60.12. All subsections of Wis. Stat. § 60.12 shall be incorporated herein.

B. Who May Convene. A special town meeting may be convened if:

1. Called by a town meeting.
2. A written request, signed by a number of electors equal to not less than ten (10%) percent of the votes cast in the Town for governor at the last general election, is filed with the Town Clerk.
3. Called by the Town Board.

C. Time, Date, and Purpose to be Stated. If a special town meeting is requested or called under subsection A, the time, date, and purpose of the meeting shall be stated in the request or as part of the call.

D. Notice. The Town Clerk shall, not more than twenty (20) nor less than fifteen (15) days before the date of a special town meeting, publish a Class 2 notice of the meeting

under Wisconsin Statutes Chapter 985. The notice shall state the purpose, date, time and location of the meeting. If notice is posted, the same time and content requirements apply.

E. Location.

1. A special town meeting may be held in the Town or in any other town, village, or city in the same county or in an adjoining county.

2. A special town meeting shall be held where the preceding annual town meeting was held, unless the location is changed by the Town Board.

F. Adjournment. A special town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the originally scheduled meeting.

G. Jurisdiction. Any business which may be transacted at an annual town meeting may be transacted at a special town meeting.

2.030.040 Presiding Officer at Town Meeting.

A. Who Presides.

1. If present, the Town Board Chairperson shall chair the town meeting. If the Town Board Chairperson is absent, another Town Board supervisor shall chair the town meeting. If no Town Board supervisor is present, the town meeting shall elect the chairperson of the meeting.

2. If the annual town meeting is held in a year when the office of Town Board Chairperson is filled by election, the person holding the office of the day prior to the date of the election to fill the office shall preside at the annual town meeting and is entitled to receive the per diem which is ordinarily paid to the presiding officer. If such person is absent or refuses to serve as presiding officer, the presiding officer shall be chosen under paragraph 1.

B. Duties. The town meeting chairperson shall conduct the meeting's proceedings in accordance with accepted parliamentary procedure.

C. Enforcement Authority. The town meeting chairperson shall maintain order and decorum, and may order any person to leave a town meeting if the person has conducted himself or herself in a disorderly manner and persisted in such conduct after being directed by the chairperson to cease the conduct. If the person refuses the chairperson's order to withdraw, the town meeting chairperson may order a constable or other law enforcement officer to take the person into custody until the meeting is adjourned.

2.03.050 Procedure at Town Meeting.

A. Incorporation of Wisconsin Statutes. Procedures at all Town Meetings shall be in accordance with Wis. Stat. § 60.14. All subsections of Wis. Stat. § 60.14 shall be incorporated herein.

B. Qualified Voters. Any qualified elector of the Town, as defined by Wisconsin Statutes, may vote at a town meeting.

C. Method of Action; Necessary Votes. All actions of a town meeting shall be by vote. All questions shall be decided by a majority of the electors voting.

D. Order of Business. At the beginning of the town meeting, the town meeting chairperson shall state the business to be transacted and the order in which the business will be considered. No proposal to levy a tax, except a tax for defraying necessary town expenses, may be acted on out of the order stated by the town meeting chairperson.

E. Reconsideration of Actions.

1. A vote of the town meeting may be reconsidered at the same meeting at which the vote was taken if the town meeting votes to reconsider within one (1) hour after the initial vote was taken.

2. No action of a town meeting may be reconsidered at a subsequent town meeting held prior to the next annual town meeting unless a special town meeting is convened under Wis. Stat. § 60.12(1)(b) or (c) and the written request or the call for the meeting states that a purpose of the meeting is reconsideration of the action.

2.03.060 Clerk. The Town Clerk shall serve as clerk of the town meeting. If the Town Clerk is absent, the Deputy Town Clerk shall serve as town meeting clerk. If the Deputy Clerk is absent, the town meeting chairperson shall appoint a clerk for the meeting. The clerk of the town meeting shall keep minutes of the proceedings. The clerk of the town meeting shall keep a poll list if required by the annual town meeting under Wis. Stat. § 60.11(7). The town meeting minutes shall be signed by the clerk of the town meeting and filed in the office of the town clerk within five (5) days after the meeting.

2.03.070 Powers of Town Meeting.

A. Direction Powers. The town meeting shall have the direct powers as set forth in §60.10(1) Wis. Stats. The direct powers of the town meeting shall include:

1. Power to raise money, including levying taxes, to pay for the expenses of the town, unless the authority has been delegated to the Town Board under Wis. Stat. § 60.10(2)(a).

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2. Power to fix compensation of elective town officers under Wis. Stat. § 60.32, unless the authority has been delegated to the Town Board under Wis. Stat. § 60.10(2)(k).
3. Combine the offices of Town Clerk and Town Treasurer under Wis. Stat. § 60.305(2).
4. In a town with a population of 2,500 or more, provide for the appointment by the Town Board of the Town Clerk, Town Treasurer, or both, or of the combined office of Town Clerk and Town Treasurer under Wis. Stat. § 60.305(1), at a level of compensation to be set by the Board that may not be reduced during the term to which the person is appointed.
5. Combine the offices of Town Assessor and Town Clerk under Wis. Stat. § 60.305(2).
6. Establish or abolish the office of Town Constable. Abolition of the office is effective at the end of the term of the person serving the office.
7. Designate the office of Town Clerk, Town Treasurer, or combined office of Town Clerk/Town Treasurer as part-time.
8. Designate Town Board supervisors as full-time officers.
9. Power to adopt a plan under Wis. Stat. § 5.60(6) to elect Town Board supervisors to numbered seats.
10. Provide for a nomination of candidates for elective town offices at a nonpartisan primary election.
11. Authorize acquisition and conveyance of cemeteries under Wis. Stat. § 157.50(1) and (3).
12. Approve agreement to employ an administrator for more than three (3) years under Wis. Stat. § 60.37(3)(d).
13. Power to establish the hourly wage to be paid under Wis. Stat. § 60.37(4) to a town employee who is also elected town officer, unless the authority has been delegated to the Town Board under Wis. Stat. § 60.10(2)(L).

B. Directives or Grants of Authority to Town Board. The town meeting may direct or grant authority to the Town Board. Directives or grants of authority shall designate whether they are general and continuing or may be limited as to purpose, effect, or duration. A grant of authority to exercise village powers shall be general and continuing. A resolution that is continuing remains in effect until rescinded at a subsequent town meeting by a number of electors equal to or greater than the number of electors who voted for the original resolution.

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This subsection does not limit any authority otherwise conferred on the Town Board by law. By resolution, the town meeting may:

1. Authorize the Town Board to raise money, including levying taxes, to pay for expenses of the town.
2. In a town with a population of over 2,500 or more, direct the Town Board to increase the membership of the Town Board under § 60.21(2).
3. Authorize the Town Board to exercise powers of a village board under § 60.22 (3).
4. Authorize the Town Board to issue general obligation bonds in the manner and for the purposes provided by law.
5. Authorize the Town Board to purchase land within the town for present or anticipated Town purposes.
6. Authorize the Town Board to purchase, lease, or construct buildings for the use of the Town, to combine for this purpose the Town's funds with those of a society or corporation doing business or located in the Town and to accept contributions of money, labor, or space for this purpose.
7. Authorize the Town Board to dispose of Town real property, other than property donated to and required to be held by the Town for a special purpose.
8. Authorize the Town Board to adopt town zoning ordinances under Wis. Stat. § 61.35.
9. Authorize the Town Board to engage in watershed protection, soil conservation or water conservation or water conservation activities beneficial to the Town.
10. Authorize the Town Board to select assessors by appointment under Wis. Stat. § 60.307(2).
11. Authorize the Town Board to fix the compensation of elective Town offices under Wis. Stat. § 60.32(1)(b).
12. Authorize the Town Board to establish hourly wage to be paid under Wis. Stat. § 60.37(4) to a Town employee who is also an elected Town officer, other than a Town Board supervisor.

C. Authorization to Town Board to Appropriate Money. The town meeting may authorize the Town Board to appropriate money in the next annual budget for:

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1. Conservation of natural resources by a town or by a bona fide nonprofit organization under Wis. Stat. § 60.23(6).
2. Civic and other functions under Wis. Stat. § 60.23(3).
3. The control of insect pests, weeds or plant or animal diseases within the town.
4. Posting signs and otherwise cooperating with the County in establishment of a rural numbering system under Wis. Stat. § 59.54(4) and (4m).
5. The improvement of the Town cemetery under § 157.50(5).

2.03.080 Town Board and Town Board Meeting.

A. Powers and Duties. The Town Board shall have all powers and duties as set forth in Wis. Stat. §§ 60.22 and 60.23. The Town Chairperson shall have all powers and duties as set forth in Wis. Stat. § 60.24.

B. Membership. The Town Board consists of the supervisors of the Town. The board shall be designated the “Town Board of Rubicon.” There shall be three (3) supervisors on the Town Board, including the Town Chairperson, who is a supervisor by virtue of his office as Chairperson.

C. Supervisors. The two (2) supervisors who are not also the Town Chairperson shall be elected at the annual spring election in odd-numbered years for a term of two (2) years, commencing on the third Tuesday of April in the Year of their election. Vacancies on the Board shall be filled as provided by statute.

D. Quorum. There shall be three (3) supervisors on the Town Board. Two supervisors constitute a quorum.

E. Meetings. The Town of Rubicon shall hold a Town Board meeting. Meetings of the Town Board shall be held in the Town Hall.

1. When Held. The Town Board meeting shall be held on the first Tuesday of every month at the Town Hall commencing at 8:00 p.m. Provided, however, that the annual town meeting may set a different date for the subsequent Town Board meeting if the date is within ten (10) days after the first Tuesday of the month.

2. Adjournment. The Town Board meeting may be recessed at a time and date certain if the recessed meeting is held within thirty (30) days after the date of the meeting originally scheduled.

3. Notice. No public notice of a Town Board meeting shall be required if the meeting is held on the first Tuesday of April. If the meeting is held on a date other than

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the first Tuesday of the month, the Town Clerk shall, not more than twenty (20) nor less than fifteen (15) days before the date of a Town Board meeting, publish a Class 2 notice of the meeting under Chapter 985. The notice shall state the date, time, and location of the meeting. If notice is posted, the same time and content requirements apply.

4. Jurisdiction. The Town Board may transact any business over which a town board has jurisdiction.

F. Powers of Town Board. As stated in Section 2.03.080(A) of this Code, the Town Board shall have all powers and duties as set forth in Wis. Stat. §§ 60.22 and 60.23. Also by reason of the restatement of the adoption of Village Powers on the 10th day of April, 2012 by the annual town meeting, the Town Board shall have all the powers of a village board under § 60.10(2)(c).

Chapter 2.04

PLAN COMMISSION

Sections:

- 2.04.010 Membership
- 2.04.020 Officers
- 2.04.030 Meetings and Proceedings
- 2.04.040 Powers and Duties

2.04.010 Membership. A Plan Commission shall be established. The Plan Commission shall consist of not less than five (5) members, including one (1) Town Supervisor. The appointments to the Plan Commission shall be made by the Town Chairperson, subject to approval of the Town Board, at the annual meeting of the Town Board. A member of the Plan Commission shall serve for a three (3) year term.

2.04.020 Officers. The Plan Commission shall hold an annual organizational meeting in May at which time it shall elect from among its members a Chairperson, a Vice Chairperson, and Secretary.

2.04.030 Meetings and Procedures. The Plan Commission shall meet monthly or at the call of the Chairperson.

A. Quorum. Three members of the Plan Commission shall constitute a quorum.

B. Records. The Secretary shall keep a written record of the proceedings of the Plan Commission and the original thereof shall be filed with the Town Clerk.

C. Compensation. The Town Board shall, from time to time, fix the compensation of the Plan Commission members.

2.04.040 Powers and Duties. The Plan Commission shall be responsible for developing plans and making recommendations to the Town Board relating to the development of a Town land use plan; land use classifications and standards; and other matters relating to the proper use and development of lands within the Town. In addition, the Plan Commission shall have the powers and duties granted by Wis. Stat. § 62.23, and such other powers and duties as shall be vested in it from time to time by the Town Board, the Town Land Division Ordinance contained in Title 11 of this Code, and other applicable laws.

Chapter 2.05

TOWN OFFICERS AND EMPLOYEES

Sections:

- 2.05.010 Elections, Duties, Compensation, and Requirements
- 2.05.020 Town Clerk
- 2.05.030 Town Treasurer
- 2.05.040 Town Road Supervisor
- 2.05.050 Town Building Inspector
- 2.05.060 Town Assessor
- 2.05.070 Police Chief
- 2.05.080 Official Oath and Bond
- 2.05.090 Hiring of Personnel
- 2.05.100 Purchasing Procedures
- 2.05.110 Ethics Code
- 2.05.120 Exemption from Treasurer's Bond

2.05.010 Elections, Duties, Compensation, and Requirements. The provisions of Wis. Stat. §§ 60.30-60.37 shall govern and control the election, duties, compensation, and other requirements regarding Town officers and employees.

2.05.020 Town Clerk. The Town shall have one (1) Town Clerk. The Town Clerk shall be elected in odd-numbered years for a term of two (2) years. The Town Clerk shall have the duties as stated in Wis. Stat. § 60.33.

2.05.030 Town Treasurer. The Town shall have one (1) Town Treasurer. The Town Treasurer shall be elected in odd-numbered years for a term of two (2) years. The Town Treasurer shall have the duties as stated in Wis. Stat. § 60.34.

2.05.040 Town Road Supervisor. The Town shall have one (1) Town Road Supervisor. The Town Road Supervisor shall be appointed by the Town Chairperson, subject to the approval by the Town Board. The Town Road Supervisor's term shall be indefinite. The Town Road Supervisor shall be a full-time employee of the Town.

2.05.050 Town Building Inspector. The Town shall have one (1) Town Building Inspector. The Town Building Inspector shall enforce the Town's building and housing codes and all other ordinances, laws, and orders of the Town and State, which relate to building construction, alteration, and repair. The Town Building Inspector shall be appointed by the Town Chairperson, subject to approval by the Town Board. The Town Building Inspector's term shall be indefinite.

2.05.060 Town Assessor. The Town shall have one (1) Town Assessor. The Town Assessor shall be elected in odd-numbered years, if required, for a term of two (2) years, unless, pursuant to Wis. Stat. § 60.10(2)(j), the Town Board is authorized to select an assessor by

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appointment. If the Town Board is authorized to select an assessor by appointment, the assessor shall be appointed by the procedure set forth in Wis. Stat. § 60.307(3), as may be amended from time to time. If the Town Assessor is appointed by the Town Board and not elected, the Town Assessor shall be appointed to a term not to exceed three (3) years.

2.05.070 Police Chief. The Neosho/Rubicon/Ashippun Police Chief shall be appointed by agreement between the Neosho Village President, the Rubicon Town Chairperson and the Ashippun Town Chairperson and confirmed by the respective Village and Town Boards. The Police Chief's term shall be indefinite.

2.05.080 Official Oath and Bond. Every elected or appointed Town officer shall comply with Wis. Stat. § 60.31.

2.05.090 Hiring of Personnel. Employees of the Town shall be hired by the Town Board. The compensation, terms and conditions of employment of Town employees shall be established from time to time by the Town Board.

2.05.100 Purchasing Procedures.

A. The purchase of materials and supplies, which are budgeted and the anticipated costs of which is under Five Hundred and no/100 (\$500.00) Dollars, may be made by the Town Clerk without the approval of the Town Chairperson or any other Town Board members. "Materials and supplies" include paper, stationary, postage, office supplies, cleaning materials and supplies, maintenance materials, equipment repairs, and other like and similar items. Such purchases shall be approved by the Town Clerk for fund/budget availability prior to the purchase.

B. The purchase of materials and supplies, permanent personal property and services, which are budgeted and the anticipated costs of which is between Five Hundred and no/100 (\$500.00) Dollars and Two Thousand Five Hundred and no/100 (\$2,500.00) Dollars, shall be authorized by the Chairperson and purchases over Two Thousand Five Hundred and no/100 (\$2,500.00) Dollars shall be approved by the Town Board.

(i) "Permanent personal property" includes furniture, furnishings, typewriters, computers, calculating equipment, small machines, parts, tools, and equipment for any other property which customarily has a use life of more than one year.

(ii) Purchases under this subsection may be made on the open market and directly from a dealer or supplies without obtaining sealed quotations, but such purchases shall be made, when possible, after multiple quotations of proposals have been obtained.

C. The purchase of materials and supplies or permanent personal property, the anticipated cost of which is greater than Ten Thousand and no/100 (\$10,000) Dollars, shall be made by the Town Board after obtaining, whenever possible, at least three (3) quotations.

D. Public contracts and competitive bidding for the Town shall comply with Wis. Stat. § 60.47.

2.05.110 Ethics Code.

A. Ethical Standards of Public Officials. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people. The purpose of this section is to establish ethical standards of conduct for all such officials and to direct disclosure by such officials of private financial or other interests in matters affecting the Town. The officials and employees of the Town, whether elected or appointed, are “public officials and employees” within the meaning and intent of this section.

B. Responsibilities of Public Office. Public officials and employees are bound to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest shall be their primary concern. Their conduct in both their official and private affairs shall be above reproach. Public officials are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out, impartially, the law of the United States, State of Wisconsin, and Town of Rubicon.

C. Dedicated Service. Public officials and employees shall not exceed their authority or breach law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

D. Use of Public Property. No public official or employee shall request, use or permit the use of Town of Rubicon-owned motor vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

E. Obligation of Citizens. No public official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

F. Conflict of Interest. No Supervisor or other public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public judgment or will tend to impair his independence or judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

G. Sanctions. Violation of any provision of this section should raise conscientious questions for the Supervisors and any other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the Town.

Violation may constitute a cause of suspension, removal from office or employment, or other disciplinary action.

2.05.120 Exemption from Treasurer’s Bond.

A. Town Treasurer Exempt from Providing Bond. The Town Treasurer is hereby exempted from giving the bond to the County Treasurer specified in Wis. Stat. § 70.67(2).

B. Town’s Obligation to Pay State and County Taxes. In the event the Town Treasurer shall fail to do so, the Town of Rubicon shall be obligated to pay all state and county taxes which said Town Treasurer is required to pay to the County Treasurer.

C. Town Board May Require Treasurer’s Bond. The Town Board may require the Town Treasurer to give a bond to the Town for such payment if demand therefore shall be made by the Town Board, but the Town, if it shall demand such a bond, shall pay the premium for such fidelity or surety bond. Such bond shall run to the Town Board and shall be delivered to the Town Clerk.

D. Full Force and Effect. This ordinance shall be and remain in full force and effect until the same is repealed and a certified copy of the repealing ordinance has been filed with the County Clerk and County Treasurer of the County of Dodge, in the State of Wisconsin.

E. Enabling Statute. This ordinance is enacted and passed pursuant to Wis. Stat. § 70.67(2).

TITLE 3

ALCOHOLIC BEVERAGES

Chapters:

- 3.01 Regulations Regarding Fermented Malt Beverage and Liquor License in the Town of Rubicon

Chapter 3.01

REGULATIONS REGARDING FERMENTED MALT BEVERAGE AND LIQUOR LICENSES IN THE TOWN OF RUBICON

Sections:

- 3.01.010 State Statutes Adopted
- 3.01.020 Definitions
- 3.01.030 Licenses, Permits, Authorization Required
- 3.01.040 Classes of Licenses and Fees
- 3.01.050 Operator's Licenses
- 3.01.060 License Applications
- 3.01.070 License – Public Hearing – Issuance – Fee –Recorded Data
- 3.01.080 License Restriction
- 3.01.090 Form and Expiration of Licenses
- 3.01.100 Transfer of Licenses
- 3.01.110 Posting and Care of Licenses
- 3.01.120 Regulation of Licensed Premises and Licenses
- 3.01.130 Closing Hours
- 3.01.140 Revocation and Suspension of Licenses
- 3.01.150 Nonrenewal of Licenses
- 3.01.160 Violations by Agents and Employees
- 3.01.170 Penalty for Violations

3.01.010 State Statutes Adopted. The provisions of Wis. Stat. Ch. 125, and all amendments thereto, defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violations of such statutes, are adopted and made a part of this chapter by reference. A violation of any such provision of state statutes constitutes a violation of this section.

3.01.020 Definitions. The terms used in this Chapter shall have the same meaning as set forth in Wis. Stat. § 125.02.

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3.01.030 Licenses, Permits, Authorization Required.

A. When Required. No person, except as provided by Wis. Stat. § 125.04, shall within the Town of Rubicon serve, sell, manufacture, brew, or engage in any activity for which this chapter or Chapter 125, Wis. Stats. requires a license, permit, or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. (See Wis. Stat. § 125.04(1))

B. Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each stand, enclosure, location, or premises which is in direct connection or communication or contiguous to each other where intoxicating liquor or fermented malt beverages are stored, sold, or offered for sale. (See Wis. Stat. § 125.04(9))

3.01.040 Classes of Licenses and Fees. The following classes and denominations of licenses may be issued by the Town Clerk under the authority of the Town Board after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcohol beverages as provided in Wis. Stat. §§ 125.17, 125.25, 125.26, 125.28, and 125.51. The full license fee shall be charged for the whole or fraction of any year.

A. Class “A” Fermented Malt Beverage Retailer’s License. Fee of Seventy-Five and no/100 (\$75.00) Dollars per year. (See Wis. Stat. § 125.25) The fee for a license for less than twelve months shall be prorated according to the number of months or fraction thereof which the license is issued. The fee for a license for less than twelve months shall be prorated according to the number of months or fraction thereof which the license is issued.

B. Class “B” Fermented Malt Beverage Retailer’s License. Fee of One Hundred and no/100 (\$100.00) Dollars per year. (See Wis. Stat. § 125.26) The fee for a license for less than twelve months shall be prorated according to the number of months or fraction thereof which the license is issued.

C. Picnic Licenses. (See Wis. Stat. § 125.26(6))

1. Fee shall be Ten and no/100 (\$10.00) Dollars per day.

2. The Town Clerk shall have the authority to issue a picnic license upon proper application.

D. Wholesaler’s Fermented Malt Beverage License. Fee of Two Thousand Five Hundred and no/100 (\$2,500.00) Dollars per year or fraction thereof. (See Wis. Stat. § 125.28)

E. Liquor Licenses.

1. Retail “Class A” Liquor License. Fee shall be Two Hundred and no/100 (\$200.00) Dollars per year. (See Wis. Stat. § 125.51(2))

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2. Retail “Class B” Liquor License. Fee shall be Two Hundred and no/100 (\$200.00) Dollars per year. (See Wis. Stat. § 125.51(3))

3.01.050 Operator’s Licenses.

A. Required. Operator’s licenses shall be required as set forth in Wis. Stat. §§ 125.32(2) and 125.68(2). Operator’s licenses may be granted to individuals by the Town Board for the purpose of complying with said sections.

B. Application and Fee. An operator’s license shall be granted only as follows:

1. A written application shall be filed with the Town Clerk stating the name and residence of the applicant together with such additional information as the Town Clerk and Wisconsin Statutes may require. The application shall be referred to the Neosho/Rubicon/Ashippun Police Department for a report.

2. No operator’s license shall be issued to a person who does not meet the requirements set forth in Wis. Stat. § 125.04(5).

3. Operator’s licenses shall be issued for a one (1) year term and shall expire on the 30th day of June.

C. The fee for a one (1) year operator’s license shall be Twenty and no/100 (\$20.00) Dollars per year or fractional part thereof.

3.01.060 License Applications.

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

B. Application to be Notarized. Applications shall be signed and sworn to by the applicant as provided by Wis. Stat. § 887.01.

C. Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the Town Clerk to the State Department of Revenue.

D. Publication Costs. An application for the sale of intoxicating liquor shall be accompanied by the costs of publications thereof as provided by Wis. Stat. § 125.04(3) (g).

E. Time of Filing. All applications for licenses except for operator’s licenses, shall be filed at least fifteen (15) days prior to the granting of the license. (See Wis. Stat. § 125.04(3)(f))

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3.01.070 License – Public Hearing – Issuance – Fee – Recorded Data.

A. Opportunity shall be given by the Town to any person to be heard for or against the granting of any license.

B. Upon the approval of the application by the Town Board, the Town Clerk shall, upon the payment to the Town of the required license fee, issue to the applicant a license. Such license fee shall be paid to the Town Clerk who shall transfer the fee to the general Town fund.

C. 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 the issuance, the fee paid and the name of the licensee, and shall expire on the 30th day of June thereafter.

3.01.080 License Restrictions.

A. Statutory Requirements. Licenses shall be issued only to persons eligible therefor under Wis. Stat. § 125.04 and other applicable Wisconsin Statutes.

B. Health and Sanitation Requirements. No retail “Class A” or “Class B” license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Town.

C. License Quota. The number of persons and places that may be granted to retail Class “B” liquor license under this section is limited as provided in Wis. Stat. §125.51(4).

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

E. Age Requirement. No license hereunder shall be granted to any person who has not reached the legal drinking age as defined in Wis. Stat. § 125.02(8m).

F. Effect of Revocation of License. Whenever any license has been revoked, twelve (12) months shall elapse before another license shall be granted to the person whose license was revoked.

G. Delinquent Taxes, Assessments, and Claims. No license shall be granted for any premises for which taxes, assessments, or other claims of the Town are delinquent and unpaid or to any person delinquent in payment of such claims to the Town.

H. 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.

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I. Issuance of Retail Class “B” Liquor License Restricted. No retail “Class B” liquor license shall be issued to any person who does not have or to whom is not issued a “Class B” retailer’s license to sell fermented malt beverages. (See Wis. Stat. § 125.51(3)(f))

3.01.090 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 30th thereafter except as otherwise provided. All licenses shall be signed by the Town Clerk.

3.01.100 Transfer of Licenses. No license shall be transferable as to person or as to place except as provided by Wis. Stat. § 125.04(12).

3.01.110 Posting and Care of Licenses. Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Wis. Stat. § 125.04(10). Each license shall be posted in a conspicuous place in the room or place where alcoholic beverages are drawn or removed for service or sale. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

3.01.120 Regulation of Licensed Premises and Licenses.

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

B. Employment of Individuals Under Legal Drinking Age. No licensee shall employ any person under the legal drinking age as defined in Wis. Stat. § 125.02(8m) to serve, sell, dispense, or give away any alcoholic beverage.

C. Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

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. Sales in Restaurants. Alcohol shall be sold in restaurants only at tables and to seated customers.

F. Nudity in Licensed Premises.

1. No licensee, agent of a licensee, or person holding a Town of Rubicon operator’s license under Chapter 125 of the Wisconsin Statutes shall knowingly permit or allow any person on licensed premises to expose to view any portion of his or her pubic

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area, genitalia, or anus, nor knowingly permit or allow any female on licensed premises to expose to view any portion of her nipple or areola.

2. The prohibition set forth in Section 1. shall not apply to:
 - a. private residences;
 - b. the normal use of public restroom;
 - c. the normal use of privately rented hotel/motel rooms and campsites;
 - d. any child under ten (10) years of age;
 - e. any female exposing a breast to breastfeed
 - f. medical examinations or demonstrations, or
 - g. dramatic performances of serious artistic merit.

3. Any licensee who violates this Ordinance shall be subject to a forfeiture not to exceed One Thousand and 00/100 (\$1,000.00) Dollars for each offense, together with the costs of prosecution.

4. Any licensee who violates this Ordinance shall be subject to revocation, suspension, or refusal to renew the license as set forth in Wis. Stat. § 125.12, and the procedures in such section shall govern.

5. If any section or portion of this Ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections or portions shall not be affected.

3.01.130 Closing Hours. The closing hours set forth in Wis. Stat. § 125.32(3) are incorporated as follows:

A. No premises for which a “Class B” license is issued may remain open between the hours of 2:00 a.m. and 6:00 a.m., except as provided in this paragraph and paragraph D., below. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. except that, on the Sunday that daylight saving time begins as specified in Wis. Stat. § 175.095(2), the closing hours shall be between 3:30 a.m. and 6:00 a.m. On January 1, premises operating under a Class “B” license are not required to close.

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

C. “Class A” premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 9:00 p.m. and 8:00 a.m.

D. Hotels and restaurants the principal business of which is the furnishing of food or lodging to patrons, bowling center, indoor horseshoe-pitching facilities, curling clubs, golf

TITLE 3 – ALCOHOLIC BEVERAGES

courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified in paragraph A., above.

3.01.140 Revocation and Suspension of Licenses. Whenever the holder of any license under this section violates any portion of this Chapter or when due cause exists to revoke or suspend such license, proceedings for the revocation or suspension of such license may be instituted in the manner under the procedure established by Wis. Stat. § 125.12, and the provisions therein relating to granting a new license shall likewise be applicable.

3.01.150 Nonrenewal of Licenses. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any changes or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Town Board. The procedure as set forth in Wis. Stat. § 125.12 shall be followed.

3.01.160 Violations by Agents and Employees. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

3.01.170 Penalty for Violations.

A. Any violation of this Chapter for which a specific penalty is not provided for herein or by Wisconsin Statutes, shall be punishable by a fine of not more than One Thousand and no/100 (\$1,000.00) Dollars, together with the costs of prosecution, or, in the event such payment is not made and where no showing of indigency is made, then by imprisonment in the County Jail for a term of not more than ninety (90) days; and the license issued to such offender shall be subject to suspension and revocation pursuant to the terms of this chapter.

B. If a person is convicted of a second or subsequent offense to which paragraph A applies in the same license years as a prior conviction to which paragraph A applies, in addition to the penalties provided for offense under paragraph A, any license or permit issued to the person under this Chapter shall be forfeited. (See Wis. Stat. § 125.11(1))

TITLE 4

VEHICLES AND TRAFFIC

Chapters:

- 4.01 General Provisions
- 4.02 Boating Regulations on Neosho Pond
- 4.03 Speed Limits
- 4.04 Snowmobiles and All-Terrain Vehicles
- 4.05 Bicycles
- 4.06 Parking
- 4.07 Use of Motor Vehicles on Neosho Pond
- 4.08 Implements of Husbandry

Chapter 4.01

GENERAL PROVISIONS

Sections:

- 4.01.010 State Laws Adopted
 - 4.01.020 Forfeiture – Conformance to State Offenses
 - 4.01.030 Uniform Traffic Citation and Complaint
-
- 4.01.010 State Laws Adopted.

A. Except as otherwise specifically provided in this chapter, all provisions of Chapters 340 through 348 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are adopted and made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated is required or prohibited by this chapter. Any future amendments, revisions, or modifications of statutes incorporated herein are intended to be made a part of this ordinance in order to secure uniform State-wide regulation of traffic on the highways, streets, and alleys of the State of Wisconsin.

4.01.020 Forfeiture – Conformance to State Offenses. The penalty for violation of any provisions of this Chapter shall be a forfeiture which conforms to the forfeiture under Wisconsin Statutes for violation of the comparable State offense together with the costs of prosecution.

4.01.030 Uniform Traffic Citation and Complaint. The uniform traffic citation promulgated under Wis. Stat. § 345.11 shall be used for all traffic violations under this Title.

Chapter 4.02

BOATING REGULATION ON NEOSHO POND

Sections:

4.02.010 Boating Regulations

4.02.010 Boating Regulations.

A. Intent. The intent of this regulation is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

B. Applicability and Enforcement. The provisions of this ordinance shall apply to the waters of the Neosho Pond within the jurisdiction of the Town of Rubicon. The provisions of this ordinance shall be enforced by the officers of the Neosho/Rubicon/Ashippun Police Department.

C. State Boating and Water Safety Laws Adopted. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and safety in the Wisconsin Statutes are hereby adopted and by reference made a part of this ordinance.

D. Definition. “Slow-no-wake” means that speed at which a boat moves as slowly as possible while still maintaining steering control.

E. Restrictive Area. To protect the public health, safety and welfare of the following area shall be designated as a slow-no-wake restricted area: All of the Neosho Mill Pond west of a line commencing at the point of intersection of the eastern corporate boundary of the Village of Neosho with the northern shore of the Neosho Mill Pond thence south along the eastern corporate limit of the Village of Neosho across said pond to the southern shore of the Neosho Mill Pond at the eastern most edge of the corporate limits of the Village of Neosho.

F. Markers. Said restrictive area shall be clearly marked by placement of regulatory markers as approved by the Department of Natural Resources.

G. Penalties. Any person violating any provision of this section shall incur the penalties provided in Wis. Stat. § 30.80, including amendments thereto; such penalties shall be deemed forfeitures and not fines.

H. Severability. This ordinance shall be deemed severable and portions held unconstitutional, inapplicable, or otherwise incapable of enforcement shall not affect the balance of the provisions which shall be deemed to remain in full force in effect.

TITLE 4 – VEHICLES AND TRAFFIC

Chapter 4.03

SPEED LIMITS

Sections:

4.03.010 Speed Limits

4.03.010 Speed Limits. The speed limits on the following designated streets shall be as follows:

- A. Badger Drive in Kelly Hills Subdivision: 25 m.p.h.
- B. Mary's Court in Kelly Hills Subdivision: 25 m.p.h.
- C. Kelly Drive in Kelly Hills Subdivision: 25 m.p.h.
- D. Jefferson Road from the intersection of Highway NN and Jefferson Road south to the intersection of Jefferson Road and Adam Road: 35 m.p.h.
- E. Rome Road from the intersection of Rome Road and Highway 60 North to the intersection of Rome Road and Highway P: 35 m.p.h.
- F. Resthaven Road between the intersection of Resthaven Road and Paine Road to the intersection of Resthaven Road and Saylesville Road: 45 m.p.h.
- G. Rolling Hills Drive: 25 m.p.h.
- H. High Pointe Circle: 25 m.p.h.
- I. High Pointe Drive: 25 m.p.h.
- J. Taylor Road: 45 m.p.h.
- K. Pond Road, except that portion located adjacent to the Village of Neosho, (that portion of Pond Road located in the NW 1/4 of the SW 1/4 of Sec. 20, T 10 N, R 17 E.): 45 m.p.h.
- L. Pond Road, located adjacent to the Village of Neosho, (that portion of Pond Road located in the NW 1/4 of the SW 1/4 of Sec. 20, T 10 N, R 17 E.): 25 m.p.h.
- M. Grant Road from the intersection of Highway P west to Highway 67: 45 m.p.h.
- N. Butler Road from the intersection of Highway P west to Highway 67: 45 m.p.h.
- O. Oaklawn Road: 45 m.p.h.

Chapter 4.04

SNOWMOBILES AND ALL-TERRAIN VEHICLES

Sections:

- 4.04.010 Snowmobiles
- 4.04.020 All-Terrain Vehicles

- 4.04.010 Snowmobiles.

A. Adoption of State Statutes. Except as otherwise specifically provided in this ordinance, the statutory provisions in Chapter 350 of the Wisconsin Statutes describing and defining the regulations with respect to snowmobiles for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by reference is required or prohibited by this ordinance. Any future amendments, revisions, or modifications of statutes incorporated herein are intended to be made a part of this ordinance in order to secure uniform State-wide regulation of snowmobiles.

B. This section shall also be interpreted to adopt Section 346.02(10) of the Wisconsin Statutes by reference. This is intended to include the rules of the road therein enumerated which are as follows: 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.215(3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51 through 346.55, 346.87 through 346.91, 346.92(1), and 346.94(1) and (9).

- 4.04.020 All-Terrain Vehicles.

A. Adoption of State Statutes. Except as otherwise specifically provided in this ordinance, the statutory provisions in Section 23.33 of the Wisconsin Statutes describing and defining the regulations with respect to all-terrain vehicles for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by reference is required or prohibited by this ordinance. Any future amendments, revisions, or modifications of statutes incorporated herein are intended to be made a part of this ordinance in order to secure uniform state-wide regulation of all-terrain vehicles.

- B. Rules of Operation. No person may operate an all-terrain vehicle:
1. In any careless way, so as to endanger the person or property of another.
 2. While under the influence of an intoxicant to a degree which renders him or her incapable of safe operation of an all-terrain vehicle.
 3. While the person has an alcohol concentration of 0.08 or more.

TITLE 4 – VEHICLES AND TRAFFIC

4. While the person has a detectable amount of restricted controlled substance in his or her blood.
 5. If a person has not attained the age of 19 and has an alcohol concentration of more than 0.0 but not more than 0.08.
 6. On the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for all-terrain vehicle use.
 7. On public property that is posted as closed to all-terrain vehicle operation or on which the operation of an all-terrain vehicle is prohibited by law.
 8. On Indian lands without the consent of the tribal governing body or Indian owner. Failure to post Indian lands does not imply consent for all-terrain vehicle use.
 9. With any firearm in his or her possession unless it is unloaded and enclosed in a carrying case or unless the firearm is a handgun, as defined in Wis. Stat. § 175.60(1)(bm), or any bow unless it is unstrung or enclosed in a carrying case.
 10. To drive or pursue any animal except as part of normal farming operations involving the driving of livestock.
 11. When within 150 feet of a dwelling at a speed exceeding 10 miles per hour.
 12. On the frozen surface of public waters within 100 feet of a person not in or on an all-terrain vehicle or motor vehicle or within 100 feet of a fishing shanty at a speed exceeding 10 miles per hour.
 13. At a speed exceeding 15 miles per hour when it is being operated on a roadway or adjacent to a roadway with a snow removal device attached, if it is more than 150 feet from a dwelling.
 14. At a speed exceeding 5 miles per hour when it is being operated on a sidewalk or driveway with a snow removal device attached, regardless of its proximity to a dwelling.
 15. In a manner which violates rules promulgated by the Department of Natural Resources.
 16. On a highway except as permitted in Wis. Stat. § 23.33.
- C. Age Restrictions. The age restrictions shall be as set forth in Wis. Stat. § 23.33.

TITLE 4 – VEHICLES AND TRAFFIC

D. Equipment Requirements. The equipment requirements shall be as set forth in Wis. Stat. § 23.33 including, but not limited to the following:

1. An all-terrain vehicle operated during hours of darkness or operated during daylight hours on any highway right-of-way is required to display a lighted headlamp and tail lamp.
2. The headlamp on an all-terrain vehicle is required to display a white light of sufficient illuminating power to reveal any person, vehicle, or substantial object at a distance of at least 200 feet ahead of the all-terrain vehicle.
3. The tail lamp on an all-terrain vehicle is required to display a red light plainly visible during hours of darkness from a distance of 500 feet to the rear.
4. Every all-terrain vehicle is required to be equipped with at least one brake operated either by hand or by foot.
5. Every all-terrain vehicle is required to be equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the U.S. forest service.
6. An all-terrain vehicle may not be modified so that its maximum width exceeds 50 inches.
7. An all-terrain vehicle may not be operated with tires other than low-pressure tires.
8. A person who operates an all-terrain vehicle with a snow removal device attached as authorized under Wis. Stat. §23.33(4)(f) is required to display at least one or more flashing or rotating amber or yellow lights, and at least one of these lights shall be visible from every direction.

E. Noise Limits. No person may manufacture, sell, rent, or operate an all-terrain vehicle that is construed in such a manner that noise emitted from the all-terrain vehicle exceeds 96 decibels on the A scale as measured in the manner prescribed under rules promulgated by the department.

F. Accidents. The requirements regarding accidents shall be as set forth in Wis. Stat. § 23.33 which state in part as follows:

1. If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident to a conservation warden or local law enforcement officer as soon as possible and shall file a written report of the accident with the department on the form provided by it within 10 days after the accident.

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2. If the operator of an all-terrain vehicle is physically incapable of making the report required by this subsection and there was another witness to the accident capable of making the report, the witness may make the report.

G. Stopping for Law Enforcement Officers. No person operating an all-terrain vehicle may refuse to stop after being requested or signaled to do so by a law enforcement officer, or a commissioner warden, as defined in Wis. State. § 939.22(5).

H. Penalties. Any person who violates this section shall forfeit not more than Two Hundred Fifty and no/100 (\$250.00) Dollars, together with the costs of prosecution.

TITLE 4 – VEHICLES AND TRAFFIC

Chapter 4.05

BICYCLES

Sections:

- 4.05.010 Defined
- 4.05.020 Rules of the Road
- 4.05.030 Violation – Penalty
- 4.05.040 Parental or Guardian Responsibility, Violation – Penalty

4.05.010 Defined. “Bicycle” means every vehicle propelled by the feet acting upon pedals and having wheels any two of which are not less than 14 inches in diameter.

4.05.020 Rules of the Road. Whenever a bicycle is operated upon a highway, the following rules shall apply:

- A. All bicycles shall be operated within the Town by the provisions of this title.
- B. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- C. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- D. No person operating a bicycle shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handle bars.
- E. No person riding a bicycle shall attach himself or his bicycle to any vehicle upon a roadway.
- F. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- G. Persons riding bicycles upon a roadway shall ride single-file.
- H. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
- I. No person operating a bicycle upon a public highway shall participate in any race, speed contest, or endurance contest with any other vehicle.
- J. No person shall ride a bicycle upon the sidewalk.

TITLE 4 – VEHICLES AND TRAFFIC

K. No person shall operate a bicycle upon a highway during the hours of darkness or poor visibility unless such bicycle is equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front and with a red reflector or reflector tape on the rear so mounted and maintained as to be visible from all distances from fifty to one hundred feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

L. No person shall operate any bicycle by doing trick riding. “Trick riding,” as used in this subsection means operation without manual control of the handlebars, weaving, jumping and other methods which necessitate the element of unusual and extraordinary skill and involves unnecessary risk voluntarily undertaken.

M. Every bicycle when used upon a highway shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary, or to skid the braked wheel or wheels on dry, level and clean pavement. Such brake shall be maintained in good working order at all times.

N. The operator of a bicycle shall not carry another person on the bicycle when operating it upon any highway in the Town, nor shall the operator of any such bicycle tow or draw any coaster or sled, person on roller skates, tow vehicles or other vehicles on a public highway.

O. It is unlawful for the operator of any bicycle to refuse or fail to comply with any lawful order, signal or direction of a traffic officer; and it is unlawful for any operator of a bicycle upon any street to disobey the instructions of any official traffic laws and Town ordinances.

P. Any person operating a bicycle upon the streets of the Town shall use hand signals indicating turning to the left or right.

4.05.030 Violation – Penalty. Any person who violates any provision of this chapter shall upon determination thereof be punished by having his bicycle impounded by the police department by any officer thereof for a period of not less than five (5) days nor more than thirty (30) days or by forfeiting not more than Fifty and no/100 (\$50.00) Dollars.

4.05.040 Parental or Guardian Responsibility, Violation – Penalty. No person or guardian of any child shall authorize or knowingly permit his child to violate any of the provisions of this chapter, and any such person upon conviction thereof shall forfeit not less than Five and no/100 (\$5.00) Dollars nor more than Five Hundred and no/100 (\$500.00) Dollars together with the costs of prosecution; and, in default of the payment of the forfeiture and costs of prosecution and where no showing of indigency is made, shall be imprisoned in the county jail until such forfeiture and costs are paid but not exceeding ninety (90) days.

TITLE 4 – VEHICLES AND TRAFFIC

Chapter 4.06

PARKING

Sections:

- 4.06.010 All Parking on all Town Roads Prohibited at All Times
- 4.06.020 Violation – Penalty

4.06.010 All Parking on all Town Roads Prohibited at All Times. No person shall park any vehicle on any Town highway in the Town of Rubicon at any time with the following exceptions:

A. Parking is permitted on highways adjacent to churches while church approved activities are in progress on the church premises.

4.06.020 Violation – Penalty. Any person who violates any provision of this chapter shall be subject to a forfeiture of not less than Five and no/100 (\$5.00) Dollars nor more than One Hundred and no/100 (\$100.00) Dollars plus the costs of prosecution.

Chapter 4.07

USE OF MOTOR VEHICLES ON NEOSHO POND

Sections:

4.07.010 Conduct Prohibited

4.07.020 Penalty Provisions

4.07.010 Conduct Prohibited. No person shall use or operate or cause to be used or operated any unlicensed motor vehicle on the ice of the Neosho Pond within the Town of Rubicon. All parts required by law for licensing must remain on the vehicle or the vehicle shall be treated as an unlicensed vehicle.

4.07.020 Penalty Provisions.

A. General Penalty. Except as provided in paragraph B below, any person who violates any of the provisions of this Chapter shall, upon conviction thereon, be punished by a forfeiture of not less than Twenty and no/100 (\$20.00) Dollars nor more than Four Hundred and no/100 (\$400.00) Dollars, plus costs of prosecution and as provided by law.

B. Juvenile Penalty.

1. Definition: Juvenile means a person who is 12 years of age or older, but less than 17 years of age.

2. Penalty. Any juvenile who violates any portion of this Chapter, upon conviction of such violation, shall be subject to imposition of any of the dispositions set forth in Wis. Stat. § 938.343, in accordance with the provisions of those sections. Any juvenile who violates a condition of a dispositional order under Wis. Stat. § 938.343, upon adjudication of such violation, shall be subject to imposition of any of the sanctions set forth in Wis. Stat. § 938.355(6)(d) in accordance with the provisions of that section.

Chapter 4.08

IMPLEMENTS OF HUSBANDRY

Sections:

- 4.08.010 Weight Limit
- 4.08.020 Permit
- 4.08.030 Category B Implement
- 4.08.040 Legal Effect
- 4.08.050 DOT Website

4.08.010 Weight Limit. Pursuant to Wis. Stat. § 348.15(9)(f), all implements of husbandry may not exceed the weight limits imposed by Wis. Stat. § 348.15(3)(g). This includes, but is not limited to, “Category B” implements as defined in Wis. Stat. § 340.01(24)(a)(1)(b).

4.08.020 Permit. A person wishing to exceed the Weight Limit as imposed by sub (A) may apply to the Town of Rubicon for a no fee permit to do so.

4.08.030 Category B Implement. Pursuant to Wis. Stat. § 348.27(19)(b)(4m)(a), if a no fee permit under sub (B) above is applied for to allow a “Category B” implement to exceed the Weight Limit, the Town of Rubicon shall provide an approved alternate route for the implement. The approved alternate route may include highways that are not under the jurisdiction of the Town of Rubicon, if prior approval for the travel of Category B implements has been obtained from the other jurisdictions which the approved route passes through.

4.08.040 Legal Effect. This Chapter 4.08 shall remain in effect until rescinded by further action of the Town of Rubicon.

4.08.050 DOT Website. A copy of this Chapter 4.08 shall be provided to the Wisconsin Dept. of Transportation to be posted on the Wisconsin Dept. of Transportation website.

TITLE 5

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 5.01 Resisting an Officer
- 5.02 Trespass
- 5.03 Disorderly Conduct
- 5.04 Littering and Destruction of Property
- 5.05 Battery
- 5.06 Theft Prohibited
- 5.07 Harassment and Vagrancy
- 5.08 Impoundment of Vehicles
- 5.09 Depositing Rubbish in Roadway – Damaging Roadway – Other Obstructions in Roadway
- 5.10 Regulating Junk Dealers Including Dealers in Junk Motor Vehicles
- 5.11 Prostitution
- 5.12 Junked Personal Property
- 5.13 Shoplifting
- 5.14 Live Public Nudity Prohibited
- 5.15 Fermented Malt Beverage or Intoxicating Liquor in Public
- 5.16 Fireworks
- 5.17 Curfew
- 5.18 Obstructing Firefighting
- 5.19 Injury to Public Property
- 5.20 Discharge of Firearms and Other Weapons
- 5.30 Dogs
- 5.31 Cruelty Against Animals
- 5.32 Controlled Substances
- 5.33 Recycling Ordinance
- 5.34 Adult Oriented Establishments
- 5.35 Sex Offender Residency

Chapter 5.01

RESISTING AN OFFICER

Sections:

- 5.01.010 Resisting or Obstructing an Officer – Penalty
- 5.01.010 Resisting or Obstructing an Officer – Penalty.

TITLE 5 – PUBLIC PEACE, MORALS AND WELFARE

A. No person without reasonable excuse, shall refuse or fail, upon command, to aid any person known by the person to be a peace officer. This section does not apply if under the circumstances the officer was not authorized to command such assistance.

B. No person shall knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority. In this section, “obstruct” includes, without limitation, knowingly giving false information to the officer with intent to mislead him in the performance of his duties, including the service of any summons or civil process. The term “officer” means a peace officer or other public officer or public employee having the authority by virtue of his office or employment, to take another into custody.

C. Any person who violates this section shall be punished by a forfeiture of not less than Five and no/100 (\$5.00) Dollars nor more than One Thousand and no/100 (\$1,000.00) Dollars, plus the costs of prosecution, and, in default of payment of such forfeiture and costs and where no showing of indigency is made, shall be committed to the County Jail for not more than ninety (90) days.

Chapter 5.02

TRESPASS

Sections:

5.02.010 Trespassing Prohibited

5.02.020 Penalty

5.02.010 Trespassing Prohibited.

A. Whoever does any of the following is guilty of trespassing:

1. Enters any enclosed, cultivated, or undeveloped land of another, other than open land specified in paragraphs 5. or 6. below, without the express or implied consent of the owner or occupant.

2. Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.

3. Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises. This paragraph does not apply to a licensee or out-of-state licensee if the owner's or occupant's intent is to prevent the licensee or out-of-state licensee from carrying a firearm on the owner's or occupant's land.

4. a. While carrying a firearm, enters or remains at a residence that the actor does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence has notified the actor not to enter or remain at the residence while carrying a firearm or with that type of firearm. In this subdivision, "residence," with respect to a single-family residence, includes the residence building and the parcel of land upon which the residence building is located, and "residence," with respect to a residence that is not a single-family residence, does not include any common area of the building in which the residence is located or any common areas of the rest of the parcel of land upon which the residence building is located.

b. While carrying a firearm, enters or remains in a common area in a building, or on the grounds of a building, that is a residence that is not a single-family residence if the actor does not own the residence or does not occupy any part of the residence, if the owner of the residence has notified the actor not to enter or remain in the common area or on the grounds while carrying a firearm or with that type of firearm. This subdivision does not apply to a part of the grounds of the building if that part is used for parking and the firearm is in a vehicle driven or parked in that part.

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c. While carrying a firearm, enters or remains in any part of a nonresidential building, grounds of a nonresidential building, or land that the actor does not own or occupy after the owner of the building, grounds, or land, if that part of the building, grounds, or land has not been leased to another person, or the occupant of that part of the building, grounds, or land has notified the actor not to enter or remain in that part of the building, grounds, or land while carrying a firearm or with that type of firearm. This subdivision does not apply to a part of a building, grounds, or land occupied by the state or by a local governmental unit, to a privately or publicly owned building on the grounds of a university or college, or to the grounds of or land owned or occupied by a university or college, or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of a building, grounds, or land used as a parking facility.

d. While carrying a firearm, enters or remains at a special event if the organizers of the special event have notified the actor not to enter or remain at the special event while carrying a firearm or with that type of firearm. This subdivision does not apply, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the special event grounds or building used as a parking facility.

e. Enters or remains in any part of a building that is owned, occupied, or controlled by the state or any local governmental unit, excluding any building or portion of a building under Wis. Stat. § 175.60 (16)(a), if the state or local governmental unit has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. This subdivision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.

f. Enters or remains in any privately or publicly owned building on the grounds of a university or college, if the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. This subdivision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.

5. Enters or remains on open land that is an inholding of another after having been notified by the owner or occupant not to enter or remain on the land.

6. Enters undeveloped private land from an abutting parcel of land that is owned by the United States, this State or a local governmental unit, or remains on such land, after having been notified by the owner or occupant not to enter or remain on the land.

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B. A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted under this paragraph under either of the following procedures:

1. If a sign at least 11 inches square is placed in at least two conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word “owner” if the person giving the notice is the holder of legal title to the land and by the word “occupant” if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facia proof that the premises to be protected were posted as herein provided.

2. If markings at least one foot long, including in a contrasting color the phrase “private land” and the name of the owner, are made in at least 2 conspicuous places for every 40 acres to be protected.

5.02.020 Penalty. Any person who violates this section shall be punished by a fine of not more than One Thousand and no/100 (\$1,000.00) Dollars plus the costs of prosecution and, in default of payment of such fine and costs and where no showing of indigency is made, shall be committed to the County Jail for not more than ninety (90) days.

Chapter 5.03

DISORDERLY CONDUCT

Sections:

- 5.03.010 Disorderly Conduct Prohibited
- 5.03.020 Offenses Against State Laws Subject to Forfeiture

5.03.010 Disorderly Conduct Prohibited.

A. Any person who does any of the following shall be found guilty of disorderly conduct:

1. Engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct in a public or private place under the circumstances where such conduct tends to cause or provoke a disturbance;
2. Operates a motor vehicle so as to cause the tires thereof to squeal, the horn to blow excessively or the motor to race excessively; or
3. Knowingly or wantonly uses or operates or causes to be used or operated any mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using, or occupying property in the neighborhood are disturbed or annoyed. No person shall make any unnecessary and annoying noise.
4. Defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Town, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways, or elevators of public or commercial buildings, or to indecently expose his person.

B. Any person found guilty of any such acts of disorderly conduct shall forfeit not more than One Thousand and no/100 (\$1,000.00) Dollars and the costs of prosecution and, in default of the payment thereof and where no showing of indigency is made, shall be imprisoned in the County Jail until said forfeiture and costs are paid but not to exceed ninety (90) days.

5.03.020 Offenses Against State Laws Subject to Forfeiture. The following statutes following the prefix “5” defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Town, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Chapter 1.08 of this Code.

- 5.346.62 Reckless Driving

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- 5.346.63 Operating Under Influence of Intoxicant or Other Drug
- 5.940.19(1) Battery
- 5.940.34 Duty to aid victim or report crime
- 5.941.01 Negligent operation of vehicle
- 5.941.10 Negligent handling of burning material
- 5.941.12 Interfering with fire fighting
- 5.941.13 False alarms
- 5.941.20 Endangering safety by use of dangerous weapon
- 5.941.21 Disarming a peace officer
- 5.941.23 Carrying concealed weapon

- 5.941.36 Fraudulent tapping of electric wires or gas or water meters or pipes
- 5.941.37 Obstruction of emergency or rescue personnel
- 5.943.01(1) Damage to property
- 5.943.06 Molotov cocktails
- 5.943.017 Graffiti
- 5.943.11 Entry into locked vehicle
- 5.943.12 Possession of buglarious tools
- 5.943.125 Entry into locked coin box
- 5.943.13 Trespass to land
- 5.943.14 Criminal trespass to dwellings
- 5.943.15 Entry onto a construction site or into a locked building, dwelling or room
- 5.943.20 Theft
- 5.943.21 Fraud on hotel or restaurant keeper
- 5.943.22 Use of cheating tokens
- 5.943.23 Operating vehicle without owner's consent
- 5.943.24 Issue of worthless checks
- 5.943.34 Receiving stolen property
- 5.943.38 Forgery
- 5.943.50 Retail theft
- 5.944.20 Lewd and lascivious behavior
- 5.944.23 Making lewd, obscene, or indecent drawings
- 5.944.30 Prostitution
- 5.944.31 Patronizing prostitutes
- 5.944.32 Soliciting prostitutes
- 5.944.33 Pandering
- 5.944.34 Keeping place of prostitution
- 5.945.02 Gambling
- 5.945.04 Permitting premises to be used for commercial gambling
- 5.946.40 Refusing to aid officer
- 5.946.41 Resisting or obstructing officer
- 5.946.42 Escape
- 5.946.44 Assisting or permitting escape
- 5.946.65 Obstructing justice
- 5.946.69 Falsely assuming to act as public officer or employee or utility employee
- 5.946.70 Impersonating peace officers, fire fighters, or other emergency personnel

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5.946.72	Tampering with public records and notices
5.947.01	Disorderly conduct
5.947.012	Unlawful use of telephone
5.947.013	Harassment
5.947.015	Bomb scares
5.947.06	Unlawful assemblies and their suppression
5.948.21	Neglecting a child
5.948.45	Contributing to truancy
5.948.63	Receiving property from a child
5.951.01 –	
5.951.18	Crimes against animals
5.961.001 –	
5.961.67	Uniform controlled substance act

Chapter 5.04

LITTERING AND DESTRUCTION OF PROPERTY

Sections:

- 5.04.010 Littering Prohibited
- 5.04.020 Destruction of Property Prohibited
- 5.04.030 Penalty

5.04.010 Littering Prohibited. No person shall:

- A. Deposit or discharge any solid waste on or along any highway, in any waters of the state, on the ice of any waters within the Town or on any other public or private property.
- B. Permit any solid waste to be thrown from a vehicle operated by the person.
- C. Fail to remove within 30 days or otherwise abandons any automobile, boat, or other vehicle in the waters within the Town.
- D. Deposit any large item on or along any highway, in any waters of the State, on the ice of any waters of the State, or on any other public or private property.

5.04.020 Destruction of Property Prohibited. No person shall intentionally cause damage to any physical property of another without the person's consent.

5.04.030 Penalty.

A. Any person who litters or damages property of another shall be punished by a forfeiture of not less than Five and no/100 (\$5.00) Dollars nor more than Five Hundred and no/100 (\$500.00) Dollars and in default of the payment thereof and where no showing of indigency is made, shall be committed to the County Jail for not more than ninety (90) days.

B. Any person who deposits any large item on or along any highway, in any waters of the State, on the ice of any waters of the state, or on any other public or private property shall be punished by a forfeiture of not more than One Thousand and no/100 (\$1,000.00) Dollars plus the costs of prosecution, and in default of the payment thereof and where no showing of indigency is made, shall be committed to the County Jail for not more than ninety (90) days.

C. In addition to a forfeiture for damage to property, any person who shall cause damage to physical property of another shall be liable for the cost to replace and repair damage to said property. The parent or parents of any minor child who violates any provision hereunder, may also be held liable for the cost to replace and repair said damage or destroyed property in accordance with Wis. Stat. § 895.035.

Chapter 5.05

BATTERY

Sections:

- 5.05.010 Battery Prohibited
- 5.05.020 Penalty

5.05.010 Battery Prohibited. No person shall cause bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed. An attempt to commit a battery as defined under Wis. Stat. § 939.32 or a conspiracy to commit a battery as defined under Wis. Stat. § 939.31 shall be deemed a prohibited battery.

5.05.020 Penalty. Any person who commits, attempts, or conspires to commit a battery shall be punished by a forfeiture of not less than Five and no/100 (\$5.00) Dollars nor more than One Thousand and no/100 (\$1,000.00) Dollars plus the costs of prosecution, and in default of the payment thereof and where no showing of indigency is made, shall be committed to the County Jail for not more than ninety (90) days.

Chapter 5.06

THEFT PROHIBITED

Sections:

- 5.06.010 State Laws Adopted
- 5.06.020 Penalty

5.06.010 State Laws Adopted. All provisions of Wis. Stat. § 943.20 which prohibit certain acts defined as theft are adopted and made a part of this chapter as if fully set forth herein. Any act prohibited by said statute incorporated is prohibited by this chapter. Any future amendments, revisions, or modifications of said statute incorporated herein is intended to be made a part of this ordinance. Any attempt to commit a theft or a conspiracy to commit a theft as defined by Wis. Stat. §§939.31-32 shall be deemed a theft.

5.06.020 Penalty. Any person who commits a theft, attempts a theft, or conspires to commit a theft, shall be punished by a forfeiture of not less than Five and no/100 (\$5.00) Dollars nor more than One Thousand and no/100 (\$1,000.00) Dollars plus the costs of prosecution, and in default of the payment thereof and where no showing of indigency is made, shall be committed to the County Jail for not more than ninety (90) days.

Chapter 5.07

HARASSMENT AND VAGRANCY

Sections:

- 5.07.010 Harassment Prohibited
- 5.07.020 Vagrancy Prohibited
- 5.07.030 Penalty for Harassment
- 5.07.040 Penalty for Vagrancy

5.07.010 Harassment Prohibited. Whoever, with intent to harass or intimidate another person, does any of the following, is subject to a forfeiture:

A. Strikes, shoves, kicks, or otherwise subjects the person to physical contact or attempts to threaten to do the same.

B. Engages in any course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

5.07.020 Vagrancy Prohibited. Wis. Stat. § 947.02, which defines vagrancy, is adopted and made a part of this chapter. Any action prohibited by Wis. Stat. § 947.02 shall be deemed prohibited by this section and shall subject an individual to a forfeiture.

5.07.030 Penalty for Harassment. Any person who is guilty of harassment shall be punished by a forfeiture of not less than Five and no/100 (\$5.00) Dollars nor more than One Thousand and no/100 (\$1,000.00) Dollars plus the costs of prosecution, and in default of the payment thereof and where no showing of indigency is made, shall be committed to the County Jail for not more than ninety (90) days.

5.07.040 Penalty for Vagrancy. Any person who is guilty of vagrancy shall be punished by a forfeiture of not less than Five and no/100 (\$5.00) Dollars nor more than Five Hundred and no/100 (\$500.00) Dollars plus the costs of prosecution, and in default of the payment thereof and where no showing of indigency is made, shall be committed to the County Jail for not more than ninety (90) days.

Chapter 5.08

IMPOUNDMENT OF VEHICLES

Sections:

5.08.010 Removal of Illegally Parked Vehicles Constituting a Traffic Hazard

5.08.010 Removal of Illegally Parked Vehicles Constituting a Traffic Hazard.
Whenever any police officer finds a vehicle in or upon a street illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard or obstruction, blocks the use of a fire hydrant, loading zone, or may obstruct the movement of any emergency vehicle or snow or ice removal equipment, he is authorized to remove or have removed and towed away by commercial towing service such illegally parked vehicle. Any reasonable expense incurred in the removal or in the keeping of such vehicle shall be paid by the operator or owner thereof before such vehicle is released to him. The forfeiture for violation of this section shall be not less than Ten and no/100 (\$10.00) Dollars nor more than Two Hundred and no/100 (\$200.00) Dollars plus the costs of prosecution.

Chapter 5.09

DEPOSITING RUBBISH IN ROADWAY – DAMAGING ROADWAY – OTHER
OBSTRUCTIONS IN ROADWAY

Sections:

- 5.09.010 Depositing Rubbish in Roadway and Disturbing Roadway Without Permit
- 5.09.020 Newspaper Boxes in Roadway Right-of-Way
- 5.09.030 Violation – Penalty

5.09.010 Depositing Rubbish in Roadway and Disturbing Roadway Without Permit.

A. Any person who throws, leaves or deposits any weeds, sod, brush, stones or other waste or rubbish in any highway shall be subject to a forfeiture.

B. Any person who draws, paints, prints, or pastes upon any culvert, bridge, or guard rail shall be subject to a forfeiture.

C. Any person who causes damages to the roadway or roadway right-of-way without a permit shall be subject to a forfeiture. No person shall make any excavation or fill or install any culvert or make any other alteration in any highway or in any manner disturb any highway or bridge without a permit therefor from the Town. Such permit shall contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by the Town and be performed and completed to its satisfaction, and in the case of temporary alterations that the highway or bridge shall be restored to its former condition and that the permittee shall be liable to the Town for all damages which occur during the progress of said work, or as a result thereof.

D. Prohibitions in this section do not apply to highway authorities in the performance of their duties.

5.09.020 Newspaper Boxes in Roadway Right-of-Way. Any and all newspaper boxes located in the road right-of-way shall be located immediately next to and on the same side of the road as the mailbox serving the property. In the event a newspaper box is improperly located, the Town shall give notice to the property owner requiring that the newspaper box be moved. In the event it is not properly moved within ten (10) days after the receipt of said notice, the Town may move the newspaper box and charge the cost of moving the box to the property owner.

5.09.030 Violation – Penalty. Any person violating any of the provisions of this chapter shall be subject to a fine of not less than Five and no/100 (\$5.00) Dollars nor more than Five Hundred and no/100 (\$500.00) Dollars and the costs of prosecution and, on default of the payment of such fine and costs and where no showing of indigency is made, shall be imprisoned in the County Jail until such forfeiture and costs are paid but not to exceed ninety (90) days.

Chapter 5.10

REGULATING JUNK DEALERS INCLUDING DEALERS
IN JUNK MOTOR VEHICLES

Sections:

- 5.10.010 License for Junk Dealer Required
- 5.10.020 State Statutes Adopted
- 5.10.030 Application for License
- 5.10.040 General Restrictions, Reissuance and Approval Procedure
- 5.10.050 Issuance of License
- 5.10.060 License Fee; Renewal
- 5.10.070 General Operation Requirements for Junk Dealers
- 5.10.080 Revocation of License
- 5.10.090 Operation Without License
- 5.10.100 Inapplicable to Existing Junk Dealers

5.10.010 License for Junk Dealer Required. No person or persons, association, partnership, firm or corporation shall hereafter in the Town of Rubicon keep, conduct, or maintain any building, structure, yard, or place of keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually, or for the buying or selling at retail or wholesale or dealing in any old, used, or second hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper, or other metal, furniture, used motor vehicles or the parts thereof, or other article which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classed as junk, whether with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided. One carrying on the aforesaid business shall be referred herein to as “junk dealer.”

5.10.020 State Statutes Adopted. The provisions of §§134.405 and 895.09 of the Wisconsin Statutes are adopted and are made a part of this code as far as applicable, excluding penalty provisions.

5.10.030 Application for License.

A. Every applicant for a license to engage in the business of junk dealer shall file with the Town Clerk a written application signed by the applicant or applicants. Said application shall state:

1. The names and residences of the applicants, if an individual, partnership or firm, or the names of the principal officers and their residences if the applicant is an association or corporation.

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2. The length of time such applicant or applicants, if an individual, firm, or partnership, or the manager or person in charge, if the applicant is a firm or corporation, has or have resided in the Town of Rubicon, his or their places of previous employment.

3. Whether the applicants or officers or manager of applicant had been employed by a junk dealer, or had been a junk dealer.

4. The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold, or otherwise handled.

5. The premises where such business is to be located or carried on.

B. Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended for cause at any time by the Town Board.

C. Every application for a license to engage in the business of junk dealer shall be signed and acknowledged before a notary public or other officer authorized to administer oaths in the Town of Rubicon.

D. Such application shall be accompanied by a bond to the Town of Rubicon, approved as to form by the Town Attorney, in the penal sum of Ten Thousand and no/100 (\$10,000.00) Dollars, with a surety or sureties, or collateral security, approved by the Town Board, conditioned for the due observance during the term of the license of all laws, ordinances, rules and regulations which are now in force or may hereafter be adopted by duly constituted authorities applicable to junk dealing.

5.10.040 General Restrictions, Reissuance, and Approval Procedure.

A. The Town Clerk shall report such application to the Town Board, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules, and regulations. Said premises and all structures thereon shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that thorough inspection may be made at any time by the proper health, fire, building, and police authorities.

B. No building shall be used for the business of junk dealing unless it shall be of fireproof construction.

C. Each of the premises upon which the business of junk dealer is to be carried on shall be enclosed by a proper fence or other structure not less than seven feet in height, constructed so that no dust or other material may pass through. Said enclosure shall be maintained in good condition at all times. No article shall be piled so as to protrude above said enclosure.

D. No premises shall be used for carrying on the business of junk dealing when any building situated within a distance of 1,000 feet is used for residence purposes. Any enclosure or

fence in which such junk shall be kept shall be set back from any town, country road, or state highway at least 1,000 feet and all junk shall be kept at least 1,000 feet from said roadway or highway.

5.10.050 Issuance of License.

A. Upon the filing of the application and the bond, as provided in the preceding section, the Town Board shall, upon their approval of such application, after investigation, and of such bond as to sufficiency or surety or sureties or collateral security, and the payment to the Town of the license fee hereinafter provided, issue to the applicant a license to engage in business as provided in Section 5.10.010. No license shall be refused except for a specified reason. All licenses shall be numbered in the order in which they are issued, and shall state clearly the location of the junk business, the date of issuance and expiration of the license and the name and address of the licensee. No applicant to whom a license has been refused, shall make further application until a period of at least twelve months shall be have elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists.

B. No license as a junk dealer shall be granted to any person, persons, or the members or officers of associations, partnership or corporation, who shall have been convicted within five (5) years of the date of application of a violation of this ordinance.

5.10.060 License Fee; Renewal.

A. Every junk dealer shall pay an annual license fee of Five Hundred and no/100 (\$500.00) Dollars. The first license period is to commence as of the effective date of the ordinance with the annual fee to be pro-rated on a monthly basis; thereafter all licenses shall be issued as of January 1 and shall continue in force until January 1 next succeeding the date of issuance thereof, unless sooner revoked.

B. Whenever a license shall be lost, destroyed without fault on the part of the holder or his agent or employee, a duplicate license in lieu thereof under the original application and bond shall be issued by the Town Clerk upon the filing of an affidavit setting forth circumstances of the loss or destruction and upon the payment of the sum of Five and no/100 (\$5.00) Dollars.

5.10.070 General Operation Requirements for Junk Dealers.

A. Every holder of a junk dealer's license shall at all times keep said license posted while in force in a conspicuous place on the premises described in the application for such license. It shall be unlawful for any person to post such license or to be permitted to post it upon the premises other than those mentioned in the application or knowingly to deface or destroy any such license.

B. Each vehicle kept or used by a junk dealer in the exercise of his license shall be marked on both sides with his or its name, the street, and number of the place of business, the words "Junk Dealer," and the number corresponding to the number of his license in plain letters and figures at least two inches high and of such color as to be plainly read at a distance of sixty

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feet. Every licensed junk dealer shall have and keep a sign on the outside and in front of each of his or its places of business, on which shall be clearly set forth in conspicuous letters his or its name, the words “Junk Dealer,” and the number corresponding to the number of his or its license.

C. Every junk dealer’s license shall designate the place of business in or from which the junk dealer receiving such license shall be authorized to carry on such business. No licensee shall remove his or its place of business from the place designated in the license until a written permit has been secured from the Town Board, and the same shall have been endorsed upon the license.

D. No junk dealer shall carry on the business at or from any other place than the one designated in the license therefore. Nor shall said business be carried on after such license has been revoked or has expired.

E. The contents of the premises of every junk dealer shall be arranged in an orderly manner with all similar things located together so as to facilitate inspection by the proper authorities. The premises of every junk dealer shall be subject to inspection by the proper authorities at any time.

F. The Town Board shall formulate reasonable rules and regulations relating to the conduct or the business of junk dealing which shall protect the health of the community. No junk dealer shall violate any such rule or regulation.

G. Every junk dealer upon being served with a written notice to do so, shall report to the Town law enforcement officer an accurate description of all goods, articles, or things purchased, or received by him in the course of business a junk merchant at such time and during such period of time specified in the notice, stating the amount paid for and the name, residence and general description of the person from whom such goods, articles, or things were received.

H. If any goods, articles, or things whatsoever shall be advertised in any newspaper printed in the Town, as having been lost or stolen, and the same, or any answering the description advertised or any part or portion thereof, shall be or come into possession of any junk merchant or peddler, he or it shall give information thereof, in writing to the Town Board, and state from whom the same was received. Any junk merchant or peddler who shall have or receive any goods, articles or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any police officer.

I. The rules and regulations regarding the sale and purchase of scrap metal in the Town shall be governed by Wis. Stat. § 134.405 and other applicable state statutes, state code regulations, and county and local rules and ordinances.

5.10.080 Revocation of License.

A. Upon complaint being made in writing by any official or resident of the Town to the Town Clerk that any licensee has violated any of the provisions of this ordinance, the Town

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Board shall summon such licensee to appear before them at the time specified in the summons, which shall be not less than three (3) days after the date of service thereof, to show cause why his license shall not be revoked. The Town Board shall proceed to hear the matter and if they find the allegations of said complaint are correct, they shall revoke said junk dealer's license.

B. Whenever any license shall be so revoked, no refund of any unearned portion of the fee therefore shall be made and no license shall be granted to any person, firm, partnership, associate, or corporation whose license has been so revoked within a period of three (3) years from the date of such revocation. Notice of such revocation and the reason or reasons therefore in writing shall be served by the Town Board upon the person, firm, partnership, association, or corporation named in the application by mailing the same to the address given in the application, and upon filing a copy of same with the Town Clerk.

5.10.090 Operation Without License. Any person, persons, firm, association, partnership, or corporation who by himself or itself or by his or its clerk, agent or employee, shall conduct the business of a junk dealer as herein defined without the license required by this ordinance, or shall violate any of the provisions of this ordinance, or who, having had his, its, or their license revoked, shall continue as a junk dealer, may, upon conviction thereof, be subjected to a fine or penalty of not more than Five Hundred and no/100 (\$500.00) Dollars for each day during which said violation shall continue, together with the costs of prosecution, and in default of the payment of such fine and the costs of such prosecution shall be imprisoned in the County Jail for a period not exceeding ninety (90) days. In addition to the penalties imposed, the license of the person, persons, firm, association, partnership or corporation violating the same, shall be cancelled or revoked and the bond upon such license shall be forfeited. Upon such forfeiture, the amount of the bond shall thereupon become due and payable to the Town of Rubicon and the amount thereof may be recovered in a civil action based upon such forfeiture.

5.10.100 Inapplicable to Existing Junk Dealers. The provisions of §§ 134.405 and 895.09 of the Wisconsin Statutes apply to all junk dealers, including those in operation as of the effective date of this ordinance. The remaining provisions of this ordinance shall not apply to junk dealers which are in operation as of the effective date of this ordinance.

Chapter 5.11

PROSTITUTION

Sections:

5.11.010 State Laws Adopted

5.11.020 Violations – Penalty

5.11.010 State Laws Adopted. Sections 944.30 through 944.36 Wisconsin Statutes and any amendments thereto are adopted and incorporated into this section as though fully set forth herein. Any act prohibited by said statutes is prohibited by this section.

5.11.020 Violations – Penalty. Any person who violates any provision of this Chapter shall upon conviction thereof forfeit not more than One Thousand and no/100 (\$1,000.00) Dollars, together with the costs of prosecution, and in default of payment thereof and where no showing of indigency is made, may be imprisoned in the County Jail for a period not exceeding ninety (90) days.

Chapter 5.12

JUNKED PERSONAL PROPERTY

Sections:

- 5.12.010 Open Storage Prohibited
- 5.12.020 Violation – Notification of Owner
- 5.12.030 Violation – Removal
- 5.12.040 Claimed – Claimant’s Cost Responsibility
- 5.12.050 Violation – Penalty

5.12.010 Open Storage Prohibited. No disassembled or inoperable or unlicensed junked or wrecked motor vehicle, boat, refrigerator, appliance, machinery and any and all other types of junked, unusable or inoperable personal property shall be stored, located or allowed to remain in the open upon public or private property within the Town for a period in excess of seven days, except in connection with an automobile sales or repair business enterprise, a sales or service business enterprise selling or dealing in the type of personal property being so stored, or a junkyard located in an area zoned for such business enterprise.

5.12.020 Violation – Notification of Owner. The Neosho/Rubicon/Ashippun police shall cause all personal property stored in violation of Section 5.12.010 to be kept in a junkyard, repair facility or other area designated for storage of such personal property and to be kept in such storage area for a period of thirty days after notice to the owner thereof. Such notice shall be given by personal service of written notice on the owner of the premises where such personal property was stored and, in the event such personal service cannot be made, then by giving a Class 2 notice in accordance with Wis. Stat. §985.07. The notice period shall commence to run from the date of the personal service of the written notice or the date of the last publication of the published notice.

5.12.030 Violation – Removal. The Neosho/Rubicon/Ashippun police shall notify the owner of private property on which personal property is stored in violation of Section 5.12.010 to properly store such personal property or remove the same within seven days after such notice and, if such notice is not complied with in such period, the Town of Rubicon police shall cause such personal property to be removed and proceed in accordance with the provisions of Section 5.12.020.

5.12.040 Claimed – Claimant’s Cost Responsibility. If junked personal property is claimed by any person after removal and storage as provided in Section 5.12.020 and 5.12.030, the claimant shall pay all expenses in connection with such removal and storage.

5.12.050 Violation – Penalty. Any person who violates any of the provisions of this Chapter shall upon conviction thereof be punished by a forfeiture of not less than Twenty-five and no/100 (\$25.00) Dollars nor more than Two Hundred and no/100 (\$200.00) Dollars plus costs of prosecution and, in default of payment of said forfeiture and/or costs of prosecution and

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where no showing of indigency is made, shall be punished by imprisonment in the county jail for a period not to exceed thirty days.

Chapter 5.13

SHOPLIFTING

Sections:

- 5.13.010 State Law Adopted
- 5.13.020 Definition
- 5.13.030 Intentional Concealment
- 5.13.040 Apprehension
- 5.13.050 Violations – Penalty

5.13.010 State Law Adopted. The provisions of Section 943.50 of the Wisconsin Statutes are adopted and are made a part of this code as far as applicable, excluding penalty provisions.

5.13.020 Definition. “Shoplifting” includes whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without his consent and with intent to deprive the merchant permanently of possession or the full purchase price of such merchandise, or while anywhere in the merchant’s store, intentionally removes a theft detection device from merchandise held for resale by a merchant or property of a merchant or uses, or possesses with intent to use, a theft detection shielding device to shield merchandise held for resale by a merchant or property of merchant from being detected by an electronic or magnetic theft alarm sensor or uses, or possesses with intent to use, a theft detection device remover to remove a theft detection device from merchandise held for resale by a merchant or property of a merchant. Any person who shoplifts may be penalized as provided in Section 5.13.050.

5.13.030 Intentional Concealment. The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant’s store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person, or concealed by a person upon the person or among the belongings of another, is evidence of intentional concealment on the part of the person so concealing such goods.

5.13.040 Apprehension.

A. A merchant, merchant’s adult employee, or a merchant’s security agent who has reasonable cause for believing that a person has violated any provision of this chapter in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose of the detention and be permitted to make phone calls, but he shall not be interrogated or searched against his will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. The merchant, merchant’s adult employee, or merchant’s security agent may release the detained person before

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the arrival of a peace officer or parent or guardian. Any merchant, merchant's adult employee, or merchant security agent who acts in good faith in any act authorized under this section is immune from civil or criminal liability for those acts.

B. Compliance with this section entitles the merchant or his employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

5.13.050 Violations – Penalty. If the value of the merchandise does not exceed Two Thousand Five Hundred and no/100 (\$2,500.00) Dollars, any person who violates the provisions of this chapter shall upon conviction be punished by a forfeiture not exceeding One Thousand and no/100 (\$1,000.00) Dollars together with the costs of prosecution.

Chapter 5.14

LIVE PUBLIC NUILITY PROHIBITED

Sections:

5.14.010 Live Public Nudity Prohibited

5.14.010 Live Public Nudity Prohibited.

A. No person within the Town of Rubicon shall knowingly or intentionally appear in a state of nudity in any public place.

B. “Nudity” means: the showing of the human male or female genitalia, pubic area, or anus with less than a fully opaque covering, or the showing of the female breast with less than fully opaque covering of any part of the nipple or areola.

C. “Public Place” includes all outdoor places and all buildings or enclosed places which are owned by or open to the general public, including those limited to specific classes of the general public, such as patrons, members, or adults over a certain age.

D. The prohibitions as set forth in Section A. shall not apply to (a) private residences, (b) the normal use of public restrooms, (c) the normal use of a privately rented hotel/motel rooms and campsites, (d) any child under ten years of age, (e) any female exposing a breast to breastfeed an infant under two years of age, (f) medical examinations or demonstrations, or (g) dramatic performances of serious artistic merit.

E. Any person violating this ordinance shall be subject to a forfeiture not to exceed One Thousand and no/100 (\$1,000.00) Dollars for each offense.

F. If any section or portion of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections or portions shall not be affected.

Chapter 5.15

FERMENTED MALT BEVERAGE OR
INTOXICATING LIQUOR IN PUBLIC

Sections:

5.15.010 Prohibited Acts

5.15.020 Penalty

5.15.010 Prohibited Acts.

A. No person shall use, possess, control, or consume fermented malt beverages or intoxicating liquor upon public streets, alleys, sidewalks, street crossings, bridges, public parking lots, or upon premises held out to the public for use of their motor vehicles in the township except for municipally approved community functions or events where authorized by a specific resolution of the town board.

B. All purchases of fermented malt beverages or intoxicating liquor by the glass or open container shall be consumed in the licensed premises where served and shall not be removed therefrom to the public streets, alleys, sidewalks, street crossings, bridges, public parking lots, or upon premises held out to the public for use of their motor vehicles in the Town.

5.15.020 Penalty. Any person found guilty of any act prohibited by this Chapter shall forfeit not less than Twenty-five and no/100 (\$25.00) Dollars nor more than Two Hundred and no/100 (\$200.00) Dollars and the cost of prosecution and, in default of the payment thereof and where no showing of indigency is made, shall be imprisoned in the county jail until said forfeiture and costs are paid but not to exceed ninety days.

Chapter 5.16

FIREWORKS

Sections:

- 5.16.010 Definition
- 5.16.020 Unlawful Acts
- 5.16.030 Fireworks Stand Prohibited
- 5.16.040 Fireworks Permits
- 5.16.050 Violation – Penalty

5.16.010 Definition. “Fireworks” means anything manufactured, processed or packaged for exploding, emitting sparks or combustion, a cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion, a toy snake which contains no mercury, a sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects, a device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture, a fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture, a device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects, a cylindrical fountain that consists of one or more tubes and that is classified by the federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50, a cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50. See Wis. Stat. § 167.10(1) & (5).

5.16.020 Unlawful Acts. It is unlawful for any person to sell, expose or offer for sale, use, possess, discharge or explode any fireworks, firecrackers, blank cartridges, toy pistols or cannons, toy canes or cannons in which explosives are used, contrivances using explosive caps or cartridges, sparklers, display wheels, the type of balloon which requires fire underneath to propel the same, torpedoes, skyrockets, Roman candles, aerial salutes, American or Chinese bombs or other fireworks containing any explosive or flammable compound; or any tablets or other devices commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other modern explosives, within the Town except as provided in Wis. Stat. §§ 167.10 (2) – (4) for the use of fireworks.

5.16.030 Fireworks Stand Prohibited. It is unlawful for any person to sell or offer for sale any fireworks, firecrackers, blank cartridges, toy pistols or cannons, toy canes or cannons in which explosives are used, contrivances using explosive caps or cartridges, sparklers, display wheels, the type of balloon which requires fire underneath to propel the same, torpedoes, skyrockets, Roman candles, aerial salutes, American or Chinese bombs or other fireworks containing any explosive or flammable compound; or any tablets or other devices commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium,

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antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other modern explosives, within the Town.

5.16.040 Fireworks Permits. Fireworks permits shall be required for all fireworks permitted pursuant to Wis. Stat. § 167.10(2)(a). Fireworks permits shall be granted by the Town Chairperson. All applicants for fireworks permits shall complete an information form to be prescribed by the Town Chairperson. The Town Chairperson may require, prior to the granting of a fireworks permit, that the applicant post an indemnity bond with good and sufficient sureties for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under such permit. Such bond shall be subject to the provisions of Wis. Stat. § 167.10(3)(c). There shall be a fee of Ten and 00/100 (\$10.00) Dollars for a fireworks permit.

5.16.050 Violation – Penalty.

A. Any person who violates any provision of this Chapter shall be fined not less than Twenty-five and no/100 (\$25.00) Dollars nor more than One Thousand and no/100 (\$1,000.00) Dollars plus the costs of prosecution, and in default of payment thereof and where no showing of indigency is made, shall be imprisoned not less than thirty (30) days nor more than six (6) months, or both.

B. Each day on which a violation continues shall constitute a separate and distinct offense.

Chapter 5.17

CURFEW

Sections:

- 5.17.010 Children Under Eighteen – Hours Designated
- 5.17.020 Violation – Penalty

5.17.010 Children Under Eighteen – Hours Designated. No child under eighteen years of age shall loiter, idle or remain or be upon, and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle or remain upon, any of the streets, alleys or public places in the Town between the hours of 11:00 p.m. and 4:00 a.m. for the five nights commencing with Sunday on any given week, and between midnight and 4:00 a.m. on Saturday and Sunday mornings of any given week, unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of the child unless there exists a reasonable necessity therefor.

5.17.020 Violation – Penalty. For violation of this chapter, the child or the parent shall forfeit not less than Twenty-five and no/100 (\$25.00) Dollars nor more than Two Hundred and no/100 (\$200.00) Dollars and the costs of prosecution and, in default of payment of such forfeiture and the costs of prosecution and where no showing of indigency is made, shall be imprisoned in the county jail until the forfeiture and costs of prosecution are paid but not exceeding five days; provided that for a second or subsequent offense, the child shall be dealt with according to the provisions of Chapter 48 of the Wisconsin Statutes.

Chapter 5.18

OBSTRUCTING FIREFIGHTING

Sections:

- 5.18.010 Firemen and Fire Equipment – Prohibited
- 5.18.020 Fire Hydrant – Permission Required
- 5.18.030 Fire Alarm
- 5.18.040 Vehicle Operator
- 5.18.050 Violation – Penalty

5.18.010 Firemen and Fire Equipment – Prohibited. No person shall willfully offer hindrance to any fireman in the discharge of his duties; nor shall any person injure or remove any hose or drive over any hose with any vehicle, or willfully injure any fire equipment in use in the Township.

5.18.020 Fire Hydrant – Permission Required. No person shall obstruct or interfere with the use of any fire hydrant by placing upon or about such fire hydrant any earth, lumber, rubbish, or any other articles or material unless permission therefor is first obtained from the Town Chairperson.

5.18.030 Fire Alarm. No person shall impede the progress of any fire engine, fire truck, or other fire apparatus along the streets or alleys of the Town when the fire department is using such streets or alleys in response to a fire alarm.

5.18.040 Vehicle Operator. No operator of any vehicle other than one on official business shall follow any fire engine, fire truck, or other fire apparatus responding to a fire alarm closer than five hundred feet, or drive into or park any such vehicle within the block where the fire apparatus has stopped in response to an alarm.

5.18.050 Violation – Penalty. Any person violating any of the provision of this chapter shall be subject to a fine of not less than Five and no/100 (\$5.00) Dollars nor more than Five Hundred and no/100 (\$500.00) Dollars and the costs of prosecution and, on default of the payment of such fine and costs and where no showing of indigency is made, shall be imprisoned in the county jail until such fine and costs are paid but not to exceed ninety (90) days.

Chapter 5.19

INJURY TO PUBLIC PROPERTY

Sections:

5.19.010 Violations – Penalty

5.19.010 Violations – Penalty. Any person who willfully or wantonly injures, defaces, mutilates, tears down or destroys any public property within the Town shall be liable for the costs of replacing or repairing such damage or destroyed property. The parents of any unemancipated minor child who violates this ordinance may also be liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Wis. Stat. § 895.035.

Chapter 5.20

DISCHARGE OF FIREARMS AND OTHER WEAPONS

Sections:

- 5.20.010 State Laws Adopted
- 5.20.020 Hunting and Discharging of Weapons Prohibited on Property Owned by the Town or on Property within the Town
- 5.20.030 Carrying Concealed Weapon
- 5.20.040 Exceptions
- 5.20.050 Violation – Penalty

- 5.20.010 State Laws Adopted.

A. Except as otherwise specifically provided in this chapter, all provisions of Sections 941.20 through 941.299 of Wisconsin Statutes describing and defining regulations with respect to weapons, are adopted and made a part of this Chapter as if fully set forth herein. Any act required to be formed or prohibited by any statute incorporated is required or prohibited by this Chapter.

B. Sections adopted shall include, but not be limited, to the following:

- 941.20 Endangering safety by use of dangerous weapons
- 941.21 Disarming a peace officer
- 941.23 Carrying concealed weapon
- 941.235 Carrying firearm in public building
- 941.237 Carrying handgun where alcohol beverages may be sold and consumed

- 941.25 Manufacturer to register machine guns
- 941.26 Machine guns and other weapons used in certain cases
- 941.27 Machine guns
- 941.28 Possession of short-barreled shotgun or short-barreled rifle
- 941.29 Possession of a firearm
- 941.291 Possession of body armor
- 941.295 Possession of electric weapon
- 941.296 Use of possession of a handgun and an armor-piercing bullet during crime
- 941.2965 Restrictions on use of facsimile firearms
- 941.297 Sale or Distribution of imitation firearms
- 941.298 Firearm silencers
- 941.299 Restriction on the use of laser pointers

5.20.020 Hunting and Discharging of Weapons Prohibited on Property Owned by the Town or on Property within the Town. No person shall hunt, in any form or nature, on any property owned by the Town or on any property zoned as residential within the Town. No

person shall fire or discharge any firearm, gun, weapon, or bow and arrow on any property owned by the Town or on any property zoned as residential within the Town.

5.20.030 Carrying Concealed Weapon.

A. Definition. A “weapon” means a handgun, an electric weapon, as defined in Wis. Stat. § 941.295(1c)(a), a knife, or a billy club.

B. Regulated. No person shall carry a concealed and dangerous weapon in the Town of Rubicon except as provided in paragraph C. below.

C. Exception. Effective November 1, 2011, only persons who strictly comply with the criteria and requirements as set forth in Wis. Stat. §§ 175.60, 941.23(2)(a) – (e), other applicable state statutes, state code provisions, or county and local rules and regulations, may carry a concealed and dangerous weapon in the Town.

5.20.040 Exceptions. Unless otherwise indicated, the prohibitions of this Chapter do not apply to any peace officer in the performance of their duties, any member of the United States armed forces or the national guard in the performance of their duties, any private security person as defined in Wis. Stat. § 440.26(1m)(h) who meets all of the requirements under Wis. Stat. § 167.31(4)(a)(4), or activities upon any supervised areas designated as shooting ranges by the Town Board.

5.20.050 Violation – Penalty. Any person who violates the provisions of this chapter shall forfeit not less than Twenty-Five and 00/100 (\$25.00) Dollars nor more than Two Hundred and 00/100 (\$200.00) Dollars and the costs of prosecution and, in default of payment thereof and where no showing of indigency is made, shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed sixty (60) days.

Chapter 5.30

DOGS

Sections:

- 5.30.010 Unlawful to Harbor Vicious or Barking Dogs
- 5.30.020 Removing Dangerous Dogs
- 5.30.030 Removal of Barking Dogs
- 5.30.040 Impounding Dogs
- 5.30.050 Dogs and Cats – Running at Large
- 5.30.060 Violation – Penalty

5.30.010 Unlawful to Harbor Vicious or Barking Dogs. It is unlawful for any person knowingly to keep or harbor any vicious dog or any dog which frequently or habitually barks, yelps or howls.

5.30.020 Removing Dangerous Dogs. Whenever any dog, upon the duly written or oral complaint of at least two (2) adult citizens not from the same family, is found to be customarily fierce or dangerous, or in the habit of biting, snapping or threatening any person, or is in the habit of attacking other domestic animals, such dog shall either be removed from the Town or destroyed by the owner within seventy-two (72) hours after service of a written notice by a representative of the police department; or, in the alternative, such dog shall be kept enclosed within an enclosure or wall upon the premises of the owner, which premises shall bear a sign plainly displayed at every point of entrance giving notice of the presence of the dog. It is unlawful to remove such sign while the dog is confined within such enclosure.

5.30.030 Removal of Barking Dogs. Whenever it is found, upon the duly written or oral complaint of at least two (2) adult citizens not from the same family which has been filed with the police department, that any dog habitually barks, howls, yelps, and disturbs the peace, such dog shall be removed from the Town by the owner within seventy-two (72) hours after service of a written notice by the police department; and, upon failure to remove such dog as provided in Section 5.30.020, each day subsequent thereto shall be deemed a separate offense and the owner of such dog shall be subject to the penalties provided in Section 5.30.060.

5.30.040 Impounding Dogs. Wis. Stat. § 174.042 is adopted by reference.

5.30.050 Dogs and Cats – Running at Large.

A. It is unlawful for any person owning or possessing any dog or cat to permit the same to run at large.

B. A dog or cat is considered to be running at large if it is off the premises of the owner and not under the control of the owner or some other person.

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5.30.060 Violation – Penalty. Any person who violates any of the provisions of this chapter shall, upon conviction, forfeit not less than Five and no/100 (\$5.00) Dollars nor more than Five Hundred and no/100 (\$500.00) Dollars together with the costs of prosecution and, in default of payment thereof and where no showing of indigency is made, shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed ninety (90) days. Each violation and each day a violation continues or occurs shall constitute a separate offense.

Chapter 5.31

CRUELTY AGAINST ANIMALS

Sections:

- 5.31.010 State Laws Adopted
- 5.31.020 Violations – Penalty

5.31.010 State Laws Adopted.

A. Except as otherwise specifically provided in this chapter, all provisions of Chapter 951 of the Wisconsin Statutes describing and defining regulations with respect to the treatment of animals, are adopted and made a part of this Chapter as if fully set forth in this Chapter. Any act required to be performed or prohibited by any statute incorporated is required or prohibited by this Chapter.

B. Sections of Chapter 951 of the Wisconsin Statutes adopted shall include, but not be limited to, the following:

- 951.01 Definitions
- 951.015 Construction and application
- 951.02 Mistreating animals
- 951.025 Decompression prohibited
- 951.03 Dognapping and catnapping
- 951.04 Leading animal from motor vehicle
- 951.05 Transportation of animals
- 951.06 Use of poisonous and controlled substances
- 951.07 Use of certain devices prohibited
- 951.08 Instigating fights between animals
- 951.09 Shooting at caged or staked animals
- 951.095 Harassment of police and fire animals
- 951.097 Harassment of service dogs
- 951.10 Sale of baby rabbits, chicks, and other fowl
- 951.11 Artificially colored animals; sale
- 951.13 Providing proper food and drink to confined animals
- 951.14 Providing proper shelter
- 951.15 Abandoning animals
- 951.18 Penalties

5.31.020 Violations – Penalty.

A. Any person who violates any of the provisions of this chapter shall, upon conviction, forfeit not less than Five and no/100 (\$5.00) Dollars nor more than Five Hundred and no/100 (\$500.00) Dollars, together with the costs of prosecution and, in default of payment thereof and where no showing of indigency is made, shall be imprisoned in the county jail until

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such forfeiture and costs are paid, but not to exceed ninety (90) days. Each violation and each day a violation continues or occurs shall constitute a separate offense.

B. This section shall not preclude the Town from maintaining any appropriate action to prevent or remove a violation of any of the provisions of this chapter.

Chapter 5.32

CONTROLLED SUBSTANCES

Sections:

- 5.32.010 Possession of Marijuana Prohibited
- 5.32.020 Possession of Synthetic Cannabinoid Prohibited
- 5.32.030 Violation – Penalty

5.32.010 Possession of Marijuana Prohibited.

A. For the purpose of this section, the following definitions shall apply:

1. “Marijuana” means all parts of the plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinols. It does include the mature stalks of the plant if mixed with other parts of the plant, but does not include, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

2. “Practitioner” means:

(a) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Town.

(b) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Town.

B. It is unlawful for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale, or attempt to sell, give, or barter marijuana, unless the marijuana was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by Chapter 961, Wisconsin Statutes.

5.32.020 Possession of Synthetic Cannabinoid Prohibited.

A. For the purpose of this section, the following definitions shall apply:

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1. For the purposes of this Chapter, “Synthetic Cannabinoid” includes the common street or trade names of “Spice”, “K2”, “Genie”, “Yucatan Fire”, or “fake” or “new” marijuana, or by any other name, label, or description.

2. For the purposes of this Chapter, “Synthetic Cannabinoid” includes, but is not limited to the following structural analogs:

i. 1-Pentyl-3-(1-naphthoyl)indole (Some trade or other names: JWH-018) – Synthetic Cannabinoid in Herbal Products.

ii. 1-Butyl-3-(1-naphthoyl)indole (Some trade or other names: JWH-073) – Synthetic Cannabinoid in Herbal Products.

iii. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthol)indole (Some trade or other names: JWH-200) – Synthetic Cannabinoid in Herbal Products.

iv. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (Some trade or other names: CP 47, 497 and homologues) – Synthetic Cannabinoid in Herbal Products.

v. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (Some trade or other names: cannabicyclohexanol; CP 47, 497 C8 homologue) – Synthetic Cannabinoid in Herbal Products.

vi. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c] chromen-1-ol] (Some trade or other names: HU-210) – Currently a Schedule I controlled substance and purported ingredient of “Spice”, but not limited thereto.

vii. Any similar structural analogs.

3. “Practitioner” means:

(a) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Town.

(b) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Town.

B. It is unlawful for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale, or attempt to sell, give, or barter synthetic cannabinoid, unless the synthetic cannabinoid was obtained directly from, or pursuant to a valid prescription or order of a

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practitioner while acting in the course of his professional practice, or except as otherwise authorized by Chapter 961, Wisconsin Statutes.

5.32.030 Violation – Penalty. Any person who violates any of the provisions of this chapter shall, upon conviction, forfeit not less than Five and no/100 (\$5.00) Dollars nor more than One Thousand and no/100 (\$1,000.00) Dollars together with the costs of prosecution and, in default of payment thereof and where no showing of indigency is made, shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed ninety (90) days. Each violation and each day a violation continues or occurs shall constitute a separate offense.

Chapter 5.33

RECYCLING ORDINANCE

Sections:

- 5.33.010 Title
- 5.33.020 Purpose
- 5.33.030 Statutory Authority
- 5.33.040 Abrogation and Greater Restrictions
- 5.33.050 Interpretation
- 5.33.060 Severability
- 5.33.070 Applicability
- 5.33.080 Administration
- 5.33.090 Effective Date
- 5.33.100 Definitions
- 5.33.110 Separation of Recyclable Materials
- 5.33.120 Separations Requirements Exempted
- 5.33.130 Care of Separated Recyclable Materials
- 5.33.140 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste
- 5.33.150 Preparation and Collection of Recyclable Materials
- 5.33.160 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings
- 5.33.170 Responsibility of Owners or Designated Agents of Non-Residential Facilities and Properties
- 5.33.180 Prohibitions on Disposal or Recyclable Materials Separated For Recycling
- 5.33.190 Enforcement

5.33.010 Title. This ordinance may be referred to as Recycling Ordinance for the Town of Rubicon.

5.33.020 Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stat. § 287.11, and Chapter NR 544, Wis. Code.

5.33.030 Statutory Authority. This ordinance is adopted as authorized under Wis. Stat. § 287.09(3)(b).

5.33.040 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

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5.33.050 Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Admin. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect of the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

5.33.060 Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

5.33.070 Applicability. The requirements of this ordinance apply to all persons within the Town of Rubicon, Dodge County, State of Wisconsin.

5.33.080 Administration. The provisions of this ordinance shall be administered by the Town of Rubicon Town Board.

5.33.090 Effective Date. The provisions of this ordinance shall take effect immediately on publication. The Town Clerk shall properly post or publish this ordinance as required under Wis. Stat. §§ 66.0103 and 60.80.

5.33.100 Definitions. For the purpose of this ordinance:

A. “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

B. “Container board” means corrugated paper or other containerboard used in the manufacture of shipping containers and related products.

C. “Foam polystyrene packaging” means 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 the packaged article in a shipping container.
3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

D. “Glass Container” means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes,

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oven ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.

- E. “HDPE” means high density polyethylene, labeled by the SPI code # 2.
- F. “LDPE” means low density polyethylene labeled by the SPI code # 4.
- G. “Magazines” means magazines and other materials printed on similar paper.
- H. “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- I. “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
- J. “Newspaper” means a newspaper and other materials printed on newsprint.
- K. “Non-residential facilities and properties” means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- L. “Office paper” means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- M. “Other resins or multiple resins” mean plastic resins labeled by the SPI code # 7.
- N. “Person” includes any individual, corporation, partnership, association, local government unit (as defined in Wis. Stat. § 66.0131 (1)(a)), state agency or authority or federal agency.
- O. “PETE” or “PET” means polyethylene terephthalate, labeled by the SPI code # 1.
- P. “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- Q. “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. § 289.01(17).
- R. “PP” means polypropylene, labeled by the SPI code # 5.

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S. “PS” means polystyrene, labeled by the SPI code # 6.

T. “PVC” means polyvinyl chloride, labeled by the SPI Code # 3.

U. “Recyclable materials” includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

5.33.110 Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- A. Lead acid batteries
- B. Major appliances
- C. Waste oil
- D. Yard waste
- E. Aluminum containers
- F. Bi-metal containers
- G. Corrugated paper or other container board
- H. Foam polystyrene packaging
- I. Glass containers
- J. Magazines
- K. Newspaper
- L. Office paper
- M. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- N. Steel containers
- O. Waste tires

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5.33.120 Separation Requirements Exempted. The separation requirements of section 5.33.110 do not apply to the following:

A. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in section 5.33.110 from solid waste in as pure a form as is technically feasible.

B. Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplement fuel.

C. A recyclable material specified in section 5.33.110.A through O. for which a variance has been granted by the Department of Natural Resources under Wis. Stat. § 287.11(2m), or Wis. Admin. Code § NR 544.14.

5.33.130 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with section 5.33.110 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

5.33.140 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

A. Lead acid batteries shall be recycled at a retailer or commercial installer of motor vehicle batteries which must accept used lead acid vehicle batteries from individuals during normal business hours, according to Wis. Stat. § 287.18. This service is free to customers who purchase a new battery when a used one is brought in. Customers may be charged a fee of up to \$3 if they bring in a used battery without purchasing a new one. Retailers may charge a deposit of up to \$10 when a customer purchases a new battery without turning in a used one. The deposit is refunded when the customer returns to the same retailer with a used battery and proof that the deposit was paid.

B. Major appliances shall be disposed of at the transfer station in the proper containers, as directed by station attendants. There is a \$25 fee to dispose of appliances such as freezers, refrigerators, and air conditioners, and \$10 fee to dispose of dehumidifiers, which must be recycled at a location authorized to properly dispose of chemicals associated with refrigerants. Disposal fees are approximate and are subject to increase by the attendant depending on the particular item presented for disposal.

C. Waste Oil shall be disposed of at the Town of Rubicon Transfer Station.

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D. Yard waste shall be mulched and/or composted if possible. Wisconsin State Law has banned yard waste from landfills and most incinerators. Backyard burning is not recommended as it pollutes the air, creates a fire hazard, and may be a nuisance to neighbors. The Town of Rubicon Transfer Station shall not accept yard waste in any dumpsters.

5.33.150 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in section 5.33.110.E. through O.:

- A. Aluminum containers shall be rinsed clean, labels removed and flattened if desired. Aerosol paint cans cannot be recycled.
- B. Bi-metal containers shall be rinsed clean, labels removed and flattened if desired. Aerosol paint cans cannot be recycled.
- C. Corrugated paper or other container board shall be flattened.
- D. Foam polystyrene packaging shall be disposed of at the Town of Rubicon Transfer Station as garbage or disposed of at a landfill or incinerator until such time as the Wisconsin Department of Natural Resources determines that such material is not subject to a variance under Wis. Stat. § 207.11(2m) and Wis. Admin. Code § NR 544.14.
- E. Glass containers shall be rinsed clean with lids removed. Labels may stay on.
- F. Magazines, newspaper and office paper shall be bagged for easier handling.
- G. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins shall be rinsed clean.
- H. Steel containers shall be disposed of in the proper dumpster at the station site.
- I. Waste tires shall be disposed of at a business that accepts such items or at the Town of Rubicon Transfer Station subject to applicable posted disposal fees.

5.33.160 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in section 5.33.110.E. through O.:
 - 1. Provide adequate, separate containers for the recyclable materials.
 - 2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to the recycling facility.
4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
5. The requirements specified in 1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in section 5.33.110.E. through O. from solid waste in as pure a form as is technically feasible.

5.33.170 Responsibility of Owners or Designated Agents of Non-Residential Facilities and Properties.

A. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 5.33.110.E. through O.:

1. Provide adequate, separate containers for the recyclable materials.
2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

B. The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in 5.33.110.E. through O. from solid waste in as pure a form as is technically feasible.

5.33.180 Prohibitions on Disposal or Recyclable Materials Separated for Recycling.
No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in 5.33.110.E. through O. which have been separated for

recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

5.33.190 Enforcement.

A. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of The Town of Rubicon Transfer Station may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collections area of multi-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Rubicon Transfer Station who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

B. Any person who violates a provision of this ordinance may be issued a citation by a member of the Neosho-Rubicon-Ashippun Police Department to collect forfeitures. The issuance of a citation shall not preclude proceedings under any ordinance or law to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

C. Penalties for violating this ordinance may be assessed as follows:

1. Any person who violates section 5.33.180 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.

2. Any person who violates a provision of this ordinance, except section 5.33.180 may be required to forfeit not less than \$10 or more than \$1,000 for each violation.

Chapter 5.34

ADULT ORIENTED ESTABLISHMENTS

Sections:

- 5.34.010 Purpose
- 5.34.020 Definitions
- 5.34.030 General Requirements
- 5.34.040 Characteristics
- 5.34.050 Sign Limitation
- 5.34.060 Accessory Uses
- 5.34.070 Adult Oriented Establishments, Categories

- 5.34.010 Purpose

A. The purpose of the code provisions that regulate Adult Oriented Establishments are to promote the health, safety, and general welfare of the citizens of the Town of Rubicon, and to establish reasonable and uniform regulations for Adult Oriented Establishments within the Town of Rubicon. The Adult Oriented Establishment Provisions of this Code have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the purpose nor effect of these regulations to restrict or deny access by adults to sexually orientated materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

5.34.020 Definitions.

A. “Sexually orientated device” means any three (3) dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breasts, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

B. “Specified anatomical areas” means:

1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region; or
 - b. Showing the areola or nipple of a female breast.
2. Human male genitals in a discernible turgid state, even if opaquely covered.

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C “Specified sexual activities” means simulated or actual:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus;
3. Fondling or erotic touching of human genitals, public region, or areola or nipple of a female breast;
4. Excretory functions, as part of or in connection with any activities set forth in subsections 1 through 3 above.

5.34.030 General Requirements

A. No person shall cause, allow, or permit the operation of an Adult Orientated Establishment without a permit issued by the Town Board.

Moreover, no such permit shall be issued when the premise for such use, activity, business, or operation is located beyond the Extensive Commercial, C-2, District in the Town of Rubicon, subject to the restrictions in paragraph B of this section:

B. Distance Limitations. Adult Oriented Establishments, as defined in this Code, will be prohibited in all areas in the Town of Rubicon within any area circumscribed by a circle which has a radius consisting of the following distances from the outer perimeter of the premises where Adult Oriented Establishment uses, activities, business, or operations are to occur and shall not:

1. Be located within 1000 feet of the outer perimeter of any residential zone.
2. Be located within 1000 feet of the outer perimeter of any school premises.
3. Be located within 1000 feet of the outer perimeter of any church or religious institution premises.
4. Be located within 1000 feet of the outer perimeter of any nursing home or day care center premises.
5. Be located within 1000 feet of the outer perimeter of any public park.
6. Be located within 1000 feet of the outer perimeter of any group home premises.
7. Be located within 1000 feet of the outer perimeter of any hospital or clinic premises.

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8. Be located within 1000 feet of the outer perimeter of any residence except the residence of the owner or occupant of the Adult Orientated Establishment.

9. Be located or maintained so that there are more than two (2) such Adult Orientated Establishments within 2500 feet as measured by the radius from each establishment;

10. Be located within 1000 feet of any public library or any public parking recreational site.

C. Same Use Restrictions. No Adult Oriented Establishment shall be located in the same building or upon the same property as another such use.

5.34.040 Characteristics.

A. Adult Oriented Establishments shall include, but is not limited to, “adult bookstores,” “adult motion picture theaters,” “adult mini-motion picture establishments,” or “adult cabarets” and any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purpose of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for profit, direct or indirect.

5.34.050 Sign Limitation.

A. Notwithstanding any other provision of this Code, an Adult Oriented Establishment shall not be permitted more than one (1) sign advertising its business, which shall be an on-premise or building sign only. All such signs shall meet the following criteria:

1. Have no merchandise or pictures of the products or entertainment on the premises displayed in window areas or any area where they can be viewed from the sidewalk in front of the building;
2. No sign shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only;
3. No sign shall contain any flashing lights, moving elements, or mechanically changing messages;

B. In order to allow currently operating Adult Oriented Establishments to recover their financial investment in current signage, any currently operating Adult Oriented Establishment shall bring its signage into conformity with the provisions of this section within one year from the date of passage of this ordinance.

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5.34.060 Accessory Uses. Accessory uses may include offices and parking.

5.34.070 Adult Oriented Establishments, Categories.

The Adult Oriented Establishments category includes the following specific uses:

A. Adult Bookstores. An “adult bookstore” means a retail establishment that has:

1. A substantial or significant portion of its business the sale or rental of, or a substantial or significant portion of its stock in trade for sale or rental of:
 - a. Publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this Code; or
 - b. Sexually orientated devices, as defined in this Code.
2. As used in this definition, publications include by way of illustration, books, magazines, other periodicals, movies, videos, and other products offered in photographic, electronic, magnetic, digital, or other imaging medium.
3. Any of the following shall be indicia that an establishment has one of its principal business purposes the sale or rental of: (1) publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this Code, or (2) sexually oriented devices, as defined in this Code.
 - a. The business advertises the sale or rental of adult publications including but not limited to “x-rated” movies or sexually oriented devices;
 - b. Access by persons under eighteen (18) years of age to the business establishment or portions of the business establishment is restricted;
 - c. Signs or notices are posted outside or inside the business establishment indicating that the material offered for sale or rental might be offensive;
 - d. The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the buildings to materials displayed within for sale or rental;

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- e. The above factors shall be considered along with all other factors and available information;
4. Notwithstanding the foregoing, a general circulation video store that does not offer for sale any sexually oriented devices shall not constitute an “adult bookstore” even though it offers for sale or rental video media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specific anatomical areas or specified sexual activities, as defined in this section, so long as;
 - a. Such described videos are stockpiled and displayed in a room separate from the area of business establishment where general circulation videos are stocked and displayed;
 - b. Access by persons under eighteen (18) years of age to the room where such videos are stocked and displayed is restricted;
 - c. The square footage of the separate room where such described videos are stocked and displayed is no more than ten (10) percent of the square footage of the area where general circulation videos are stocked and displayed; and
 - d. The general circulation videos portion of the business establishment offers a quantity and selection of new release general circulation videos that is typical of a general circulation video store and offers a quantity and selection of other general circulation video tapes that are organized and displayed in a manner that is typical of a general video store.

B. Adult Cabaret. An “Adult Cabaret” means an establishment that regularly features dancers or other entertainers who provide live entertainment, including but not limited to floor shows, exotic dancing, male or female impersonators, or similar entertainment and engage in a private performance, act as private models, display or expose any specified anatomical area(s) to a patron or customer, or wear or display to a customer any covering, tape, pastie, or other device which simulates or gives the appearance of the display or exposure of any specified anatomical area(s).

C. Adult Entertainment. “Adult entertainment” means any exhibition of any motion picture, live performance, display or dance of any type, which is distinguished or characterized by an emphasis on any actual or simulated performance of “specified sexual activities” or exhibition and viewing of “specified anatomical areas,” as defined in this Code, appearing unclothed, or the removal of articles of clothing to reveal “specified anatomical areas” as defined in this Code.

D. Adult Mini-Motion Picture Theater. “Adult mini-motion picture theater” means a commercial establishment with one or more adult motion picture booths where:

1. A substantial or significant portion of business is the presentation and viewing in viewing booths of still or motion pictures that are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Code, for observation by patrons therein; or

2. A substantial or significant portion of the stock of still or motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Code.

3. Any of the following shall be indicia that a business establishment has one of its principal business purposes the presentation and viewing in viewing booths still or motion pictures which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “special sexual activities” or “special anatomical areas,” as defined in this Code;

- a. Restricted access to the business establishment or portions thereof where viewing booths are located by persons under eighteen (18) years of age;
- b. Posted signs or notices either outside or inside the business establishment, or both, indicating that the material offered for presentation and viewing in the viewing booths might be offensive;
- c. The above factors shall be considered along with other available information;

E. Adult Motion Picture Theater. “Adult motion picture theater” means an enclosed building in which a substantial or significant portion of business involves presenting material having as its dominant theme, or distinguished, or characterized by an emphasis on, matters depicting, describing, or relating to “specified sexual activities,” or “specified anatomical areas” for observation by patrons therein.

F. Adult Oriented Establishments Serving Alcoholic Beverages. Adult Oriented Establishments serving beverages for consumption on or off the premises shall be required to obtain the required approvals for business establishments that serve alcoholic beverages.

Chapter 5.35

SEX OFFENDER RESIDENCY

Sections:

- 5.35.010 Recitals
- 5.35.020 Purpose
- 5.35.030 Definitions
- 5.35.040 Residency Restriction
- 5.35.050 Residency Restriction Exceptions
- 5.35.060 Safety Zones
- 5.35.070 Safety Zone Exceptions
- 5.35.080 Original Residency Restriction
- 5.35.090 Rental of Property for use by Sex Offenders
- 5.35.100 Enforcement
- 5.35.110 Severability
- 5.35.120 Rules of Construction

5.35.010 Recitals. The Wisconsin Statutes, including Chapters 940, 944, and 948 thereof, govern the punishment of individuals who commit sex crimes. The Wisconsin Statutes also govern the release into the community of such individuals. The Town is responsible to maintain the public health, safety, and welfare and finds that sex offenders have high recidivism rates that threaten the public health, safety, and welfare, especially that of children.

5.35.020 Purpose. The purpose of this Ordinance is to protect the public health, safety, and welfare in the Town of Rubicon by regulating the residency of sex offenders.

5.35.030 Definitions.

- A. Sex Offender. A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a Sexually Violent Offense or a Crime Against Children.
- B. Sexually Violent Offense. Shall have the meaning set forth in Wis. Stat. § 980.01(6).
- C. Crime Against Children. Shall mean any of the following offenses set forth in the Wisconsin Statutes, as may be amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

- Wis. Stat. § 940.225(1) First Degree Sexual Assault.
- Wis. Stat. § 940.225(2) Second Degree Sexual Assault
- Wis. Stat. § 940.225(3) Third Degree Sexual Assault
- Wis. Stat. § 940.22(2) Sexual Exploitation by Therapist

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Wis. Stat. § 940.30 False Imprisonment – Victim was Minor and Not Offender’s Child
Wis. Stat. § 940.31 Kidnapping – Victim was Minor and Not Offender’s Child
Wis. Stat. § 944.02 Rape (prior statute, now Wis. Stat. § 940.225)
Wis. Stat. § 944.06 Incest
Wis. Stat. § 944.10 Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02)
Wis. Stat. § 944.11 Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02)
Wis. Stat. §944.12 Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07)
Wis. Stat. § 948.02(1) First Degree Sexual Assault of a Child
Wis. Stat. § 948.02(2) Second Degree Sexual Assault of a Child
Wis. Stat. § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child
Wis. Stat. § 948.05 Sexual Exploitation of a Child
Wis. Stat. § 948.055 Causing a Child to View or Listen to Sexual Activity
Wis. Stat. § 948.06 Incest with a Child
Wis. Stat. § 948.07 Child Enticement
Wis. Stat. § 948.075 Use of a Computer to Facilitate a Child Sex Crime
Wis. Stat. § 948.08 Soliciting a Child for Prostitution
Wis. Stat. § 948.095 Sexual Assault of a Student by School Instruction Staff
Wis. Stat. § 948.11(2)(a) or (am) Exposing a Child to Harmful Material
Wis. Stat. § 948.12 Possession of Child Pornography
Wis. Stat. § 948.13 Convicted Child Sex Offender Working with Children
Wis. Stat. § 948.30 Abduction of Another’s Child
Wis. Stat. § 971.17 Not Guilty by Reason of Mental Disease or an Included Offense
Wis. Stat. § 975.06 Sex Crime Law Enforcement

D. Residence. A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

5.35.040 Residency Restriction.

A. Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 2,000 feet of any real property upon which there exists any of the following uses:

1. A school for children.

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2. A public park, park facility, or pathway.
 3. A daycare licensed by the State of Wisconsin.
 4. A public library.
 5. A public playground.
 6. A public athletic field used by children.
 7. A residential care center for children.
 8. A public swimming pool.
- B. For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the Sex Offender's residence is located to the closest boundary line of the real property of the applicable use.
- C. To the extent this Ordinance is preempted by Chapter 980 of the Wisconsin Statutes., as amended by 2015 Act 156 and as may be amended in the future, the provisions of Chapter 980 apply.
- D. The provisions of Section 980.08 of the Wisconsin Statutes are hereby adopted by reference and made a part of Section 5.34.040 of this Ordinance as if set forth fully herein. The Town shall retain the right to enforce the residency restrictions contained in Section 980.08 of the Wisconsin Statutes against individuals subject to the provisions of that Section.

5.35.050 Residency Restriction Exceptions.

A Sex Offender residing within an area otherwise prohibited by Section 5.34.040 does not commit an offense if any of the following apply:

- A. The person is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.
- B. The person had established a Residence, as defined in Section 5.34.030 above, at the location prior to the effective date of this Ordinance.
- C. The use enumerated in Section 5.34.040 was established after the Sex Offender established a residence at the location and registered that residence as required by law.
- D. The Sex Offender is a minor or ward under guardianship.

5.35.060 Safety Zones.

No Sex Offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

- A. A school for children.
- B. A public park, park facility, or pathway.
- C. A daycare licensed by the State of Wisconsin.
- D. A public library.
- E. A public playground.
- F. A public athletic field used by children.
- G. A residential care center for children.
- H. A public swimming pool.

5.35.070 Safety Zone Exceptions.

A Sex Offender present in an area otherwise prohibited by Section 5.34.060 does not commit an offense if any of the following apply:

- A. The property supporting a use enumerated in Section 5.34.060 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:
 - 1. Entrance and presence on the property may occur only during hours of worship or other religious program or service.
 - 2. The person may not participate in any religious education programs that include individuals under the age of 18.
- B. The property supporting a use enumerated in Section 5.34.060 also supports a use lawfully attended by the Sex Offender's natural or adopted child or children, which child's use reasonably requires the attendance of the Sex Offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.
- C. The property supporting a use enumerated in Section 5.34.060 also supports a polling location in a local, state, or federal election, subject to the following conditions:

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1. The Sex Offender is eligible to vote.
 2. The polling location is the designated polling location for the Sex Offender.
 3. The Sex Offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.
- D. The property supporting a use enumerated in Section 5.34.060 also supports a school lawfully attended by the Sex Offender as a student, provided that the Sex Offender may only remain on the property at such times that are reasonably required for his or her educational purposes.
- E. The property supporting a use enumerated in Section 5.34.060 also supports a police station, Town Hall, or other governmental building, provided that the Sex Offender vacates the property immediately after completing the activity that required his or her presence at the property.

5.35.080 Original Residency Restriction. In addition to the other residency restrictions set forth herein and subject to the limitations in Section 5.34.050, no Sex Offender may establish a residence in the Town of Rubicon unless he or she was a resident of Dodge County at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a Sex Offender. This limitation shall not apply to the establishment of a residence at a dwelling that is owned by a member of the Sex Offender's family at the time the Sex Offender establishes residence therein. For purposes of this section, a member of a Sex Offender's family means the Sex Offender's mother, father, brother, sister, child, or grandparent.

5.35.090 Rental of Property for use by Sex Offenders. No person may rent any place, structure, or part thereof with knowledge that it will be used as a residence by any Sex Offender that is prohibited from establishing residence therein by this Ordinance.

5.35.100 Enforcement. A person violating this Ordinance shall be subject to forfeitures in an amount of not less than \$200 nor more than \$500 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this Ordinance are also deemed public nuisances, and the Town may bring an action in circuit court to enjoin or abate any violation.

5.35.110 Severability. The terms and provisions of this Ordinance are severable. Should any term or provision of this Ordinance be found invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect, or, to the extent permitted by law, the court is authorized to substitute an alternative term or provision for the invalid term or provision.

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5.35.120 Rules of Construction. In the construction of this Ordinance, references to the singular include the plural. References to “person” extends to natural persons, firms, corporations, partnerships, limited liability companies, or other entities.

TITLE 6

WORK RELIEF

This title has been repealed.

TITLE 7

BUILDING CODE OF THE TOWN OF RUBICON

Chapters:

7.01 Building Code of the Town of Rubicon

Chapter 7.01

BUILDING CODE OF THE TOWN OF RUBICON

Sections:

7.01.010 Title
7.01.020 Purpose
7.01.030 Scope
7.01.040 State Codes Adopted
7.01.050 Building Inspector
7.01.060 Building Permits and Inspection
7.01.070 Permit Fees
7.01.080 Unsafe Buildings
7.01.090 Non-Assumption of Liability
7.01.100 Penalties and Violations

7.01.010 Title. This Chapter shall be known as the “Building Code of the Town of Rubicon” and shall be referred to in this Chapter as “this Code”.

7.01.020 Purpose. This Code provides certain minimum standards, provisions, and requirements for safe and stable design, methods of construction and uses of materials in buildings or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use, and occupancy of all such buildings or structures. Its purpose is to protect and foster the health, safety, and well being of persons occupying or using such buildings, and the general public.

7.01.030 Scope.

A. New buildings hereafter erected in, or any building hereafter moved within or into the Town shall conform to all the requirements of this Code except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a “new building” to the extent of such change. Any existing building shall be considered a “new building” for the purposes of this Code whenever it is used for dwelling, commercial, or

industrial purposes unless it was being used for such purpose at the time this Code was enacted. The provisions of this Code supplement the laws of the State of Wisconsin pertaining to construction and use and in no way supersede or nullify such laws.

B. Farm Buildings Exempt. The provisions of this Code do not apply to buildings used exclusively for farm operations such as barns.

7.01.040 State Codes Adopted.

The Wisconsin Uniform Dwelling Code, Wis. Adm. Code ATCP 93, and Wis. Adm. Code SPS Chs. 320 through 325, and all amendments thereto are hereby made a part of this Chapter by reference and shall apply to all new and existing one and two family dwellings and all alterations and additions thereto. A copy of said Code is on file in the office of the Building Inspector.

7.01.050 Building Inspector.

A. Appointment. The Building Inspector shall be appointed by the Town Chairperson, subject to approval by the Town Board. The Town Building Inspector's term shall be indefinite.

B. Qualifications.

1. The Building Inspector shall have the necessary qualifications required by the State of Wisconsin to determine compliance with applicable State and local Building Codes relating to the construction of buildings.

2. The Building Inspector shall be certified by the Wisconsin Department of Commerce to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code.

C. General Powers and Duties. The Building Inspector shall enforce the provisions of this Chapter and of all other Ordinances and laws and orders of the State of Wisconsin which relate to building construction and for that purpose may at all reasonable times enter buildings and premises. He may pass upon any questions arising under the provisions of this Chapter. No person shall interfere with the Inspector while in the performance of the duties prescribed in this Chapter.

D. Records. The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in the order of issuance. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. He shall keep a record of all inspections made and of all removal and condemnation of buildings. He shall make an annual report to the Town Board on the above matters.

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E. Appeals. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may appeal from such order or ruling to the Town Board. The appeal shall be in accordance with the procedure set forth in Wisconsin Statutes Chapter 68.

7.01.060 Building Permits and Inspection.

A. Permit Required. No building of any kind shall be moved within or into the Town and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, or used within the Town, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.

B. Application. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector.

C. Plans. With each application, there shall be submitted a complete set of plans and specifications, including a plot plan 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 Wisconsin Department of Safety and Professional Services, if necessary. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one and two family dwellings shall comply with the provisions of Wis. Adm. Code SPS 320.09(4).

D. Plat of Survey Required. A plat of survey prepared by a registered land surveyor shall be submitted to the Building Inspector showing the location, boundaries, dimensions, elevations, uses and size of the following:

1. The subject site.
2. The existing and proposed structures.
3. The existing and proposed easements, streets, and other public ways.
4. Off-street parking, loading areas, and driveways.
5. The existing highway access restrictions.
6. The existing and proposed street, side and rear yards.

In addition, the plat of survey shall show the location, elevation and use of any abutting lands and their structures within sixty (60) feet of the subject site. The Building Inspector may waive any portion or all of the requirements of this Subsection.

E. Approval of Plans. If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Town and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the submittal and approval of revised plans.

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In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building. The finished grade adjacent to all new construction shall be at least one (1) foot above the finished or proposed grade of the centerline of the adjacent street unless approval is given by the Building Inspector for a properly designed site plan which adequately addresses drainage and the effect on adjacent properties.

F. Waiver of Plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.

G. Grant or Denial of Permit. After the receipt of an application and plans required by this Section, the Building Inspector shall grant or deny the application within ten (10) business days.

H. Minor Repairs and Alterations. The Building Inspector may authorize minor repairs or alterations 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. Generally the criteria will be that properties with no structural or exit change do not require permits if less than Five Hundred and no/100 (\$500.00) Dollars in value in any twelve (12) month period.

I. Inspection of Work. The permittee, or an authorized representative shall, in writing or orally, request inspections by the Building Inspector at the appropriate times required for the enforcement of this Code. The Building Inspector shall perform the requested inspection within forty-eight (48) hours after notification, except the final inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if inspection has not taken place within forty-eight (48) hours of notification, excluding Saturdays, Sundays and holidays, unless otherwise agreed upon between the permittee and the Building Inspector.

J. Permit Lapses. A building permit shall lapse and be void unless building operations are commenced within six (6) months, or no significant process has been made within two (2) construction sessions, from the date of issuance thereof. In any event, all permits shall lapse two (2) years from the date of issuance.

K. Revocations. If the Building Inspector shall find at any time that applicable Ordinances, laws, orders, plans, and specifications are not being complied within, and that the holder of the permit refused to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical, or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety.

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L. Report of Violations. The designated Town law enforcement officer or other Town officers shall report at once to the Building Inspector any construction which is being carried on without a permit as required by this Chapter.

7.01.070 Permit Fees. The permit fees shall be as set forth by the Town Board by resolution from time to time.

7.01.080 Unsafe Buildings. Whenever the Building Inspector finds that any buildings or part hereof within the Town to be, in his judgment, so dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be uneconomical to repair the same, he shall order the owner to raze and remove it at the owner's expense. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in Wis. Stat. § 66.0413. 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 buildings or structure to be made safe or to be removed, and the expenses of such work may be recovered by the Town in an action against the owner or tenant.

7.01.090 Non-Assumption of Liability. This Chapter shall not be considered as assuming any liability on the part of the Town or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any plumbing or electrical wiring or equipment.

7.01.100 Penalties and Violations. Any building or structure hereafter erected, enlarged, altered, repaired, or moved, or any use hereafter established, in violation of the provisions of this Chapter, shall be deemed an unlawful building, structure, or use. The Building Inspector shall promptly report all such violations to the Town Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair, or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in Chapter 1.08 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunction order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

TITLE 8

MOBILE HOME PARKS

This Title has been repealed. Pursuant to Wis. Stat. § 101.935, a village, city or county granted agent status shall issue permits and regulate manufactured home communities. No local government who has not been issued such agent status can conduct, maintain, manage or operate a manufactured home community. Wis. Stat. § 101.935.

TITLE 9

REQUIREMENTS FOR DEDICATION OF ROAD AND FOR PLATTING

Chapters:

- 9.01 Roads and Plats in Township
- 9.02 Certified Survey Maps and Plats in the Town of Rubicon

Chapter 9.01

ROADS AND PLATS IN TOWNSHIP

Sections:

- 9.01.010 Road Construction
- 9.01.020 Acceptance of Roads by Town
- 9.01.030 Acceptance of Plats

9.01.010 Road Construction. The final approval of a plat shall not constitute the acceptance of the roads in the plat by the Town. All new roads in the Town of Rubicon, regardless of whether such streets are part of a new subdivision or land division, shall be constructed in accordance with this code and the "State of Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction" (2017 Edition), whichever is more restrictive, and shall be in conformity with good road construction practices and shall meet the following requirements:

A. Right-of-Way. All roads shall be a minimum of 66 feet in width.

B. Road Standards.

1. All roads shall be surfaced with 9" of 3/4" crushed gravel to a width of 24 feet and tapered even 4 feet on each side.

2. All roads shall be graded from lot line to lot line, with a minimum of 44 feet between ditches, the backslope in cuts shall be not less than a four and one-half foot to one foot slope.

3. All ditch slopes shall be covered with black ground and seeded to grass. Jute matting or blacktop shall be used in steep grade ditches.

4. All roads, after being surfaced with crushed gravel, shall be covered with two 1½" compacted layers of bituminous material (total 3") to a width of 24' and in addition thereto, on each side an additional four feet of 3/4" gravel tapered to zero inch thickness. The bituminous material (black top) shall be asphalt-type A C in the penetration grades 85-100 or 120-150 as designated by the Town. The gravel to be used

TITLE 9 – REQUIREMENTS FOR DEDICATION OF ROAD AND FOR PLATTING

in the bituminous material shall be gradation No. 2 as set forth in Section 401.2.5 of the State of Wisconsin Department of Transportation Standard Specifications for Highway Structure and Construction.

5. No grade shall exceed seven (7%) percent.

6. Cul-de-sacs shall have a diameter of 150 feet.

7. The subdivider or owner shall submit to the Town Board written street plans and profiles showing existing ground surface, proposed and established street grades, and the size and location of drainage structures.

8. The center of the roadbed is to be the center of the land dedicated for street and highway purposes.

9. Remove top soil or other undesirable material in roadbed before application of gravel.

C. Culverts.

1. No construction shall commence on any lot until the culvert, if required, has been installed.

2. The size and type of culvert shall be subject to approval of the Town Board.

9.01.020 Acceptance of Roads by Town.

A. Inspection. After construction of roads, the owner shall request an inspection of same by the Town Board or their designated representative. After inspection, the Town Board may request such other information as it deems necessary. If all requirements of this ordinance and any applicable state or county statutes, codes, or ordinances have been met, the Town Board shall accept the said roads.

B. That at the time of filing of the petition for the acceptance of roads, the owner shall deposit with the Town Clerk a sum of money based on 30 cents per foot for the lineal feet of roads or streets to be accepted by the Town, said sum to be held by the Town to assure and guarantee the roads that the Town is accepting. The said sum shall be held by the Town for a period of twelve (12) months from the date of acceptance of the roads or streets by the Town and the Town shall use such portions of the money deposited as the Town shall deem necessary to repair, maintain and complete and correct any defects in the roads and streets during the twelve (12) month period. At the expiration of twelve (12) months from the date of acceptance by the Town of the roads or streets, all unused money shall be returned to the depositor.

9.01.030 Acceptance of Plats. The Town Board shall have authority to accept streets for public use prior to the time the surface material is applied if the subdivider or owner

TITLE 9 – REQUIREMENTS FOR DEDICATION OF ROAD AND FOR PLATTING

furnishes a cash bond or surety bond executed by a professional surety company in the amount required to be paid to a contractor pursuant to an attached construction contract providing for the paving of said streets. The bond is to be executed on the condition that if either the subdivider or the contractor fails to perform in accordance with the construction contract, the Town Board may use the bond funds to secure performance, either by said contractor, or by some other contractor who is willing and able to do the surfacing job.

Chapter 9.02

CERTIFIED SURVEY MAPS AND PLATS IN THE TOWN OF RUBICON

Sections:

9.02.010 Compliance Requirements

9.02.010 Compliance Requirements. Any division of land within the Town which results in a subdivision as defined by Chapter 236, Wis. Stats. or a Certified Survey Map which requires the approval of the Town of Rubicon shall comply with the following requirements:

A. Compliance with Title 9 through Title 11 of this Code requiring street improvements.

B. When any plat or certified survey map is proposed for acceptance prior to completion of the required improvements, including streets, there shall be filed with the Town Clerk an escrow agreement when the subdivider has deposited with an approved local bank, a sum equal to One Hundred (100%) percent of the remaining costs or required improvements as determined by the Town Board, providing for, but not limited to, the following:

1. A final completion date approved by the Town Board.
2. Payment of balance of escrow to the Town in event completion date is not met.
3. Any other provisions that the public interest or the unique character of the subdivision requires.

TITLE 10

ADOPTION OF EQUAL RIGHTS STATUTE

Chapters:

10.01 Adoption of Wisconsin Statute by Reference Regarding Equal Rights

Chapter 10.01

EQUAL RIGHTS

Sections:

10.01.010 Adoption of Wisconsin Statute by Reference Regarding Equal Rights

10.01.010 Adoption of Wisconsin Statute by Reference Regarding Equal Rights. All provisions of Section 106.50 of Wisconsin Statutes, also known as the State of Wisconsin Fair Housing Law, including the penalties therein imposed, are adopted and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by said statute incorporated, is required or prohibited by this Chapter.

TITLE 11

LAND DIVISION ORDINANCE

Chapters:

- 11.01 General Provisions
- 11.02 Definitions
- 11.03 Procedure
- 11.04 Required Information
- 11.05 Standards
- 11.06 Required Improvements
- 11.07 Fees
- 11.08 Town of Rubicon Comprehensive Plan

Chapter 11.01

GENERAL PROVISIONS

Sections:

- 11.01.010 Title
- 11.01.020 Purpose
- 11.01.030 Intent
- 11.01.040 Authority
- 11.01.050 Jurisdiction
- 11.01.060 Abrogation and Greater Restrictions
- 11.01.070 Interpretation
- 11.01.080 Severability
- 11.01.090 Compliance
- 11.01.100 Dedication and Reservation of Lands
- 11.01.110 Land Suitability
- 11.01.120 Disclaimer of Liability
- 11.01.130 Repeal
- 11.01.140 Variances
- 11.01.150 Planned Development
- 11.01.160 Amendments
- 11.01.170 Violations
- 11.01.180 Penalties
- 11.01.190 Appeals
- 11.01.200 Enactment

11.01.010 Title. This ordinance shall be known, referred to, or cited as the “Land Division Ordinance, Town of Rubicon, Dodge County, Wisconsin.”

TITLE 11 – LAND DIVISION ORDINANCE

11.01.020 Purpose. This ordinance is intended to regulate the division of land within the Town of Rubicon in order to promote the public health, safety, prosperity, aesthetics and general welfare of the community.

11.01.030 Intent. The general intent of this ordinance is to:

- Lessen congestion on the roads, highway, land, and waters.
- Secure safety from fire, panic, flooding, and other dangers.
- Provide adequate access to light and air.
- Prevent the overcrowding of land.
- Provide for adequate transportation, water, sewerage, drainage, schools, parks, and other public facilities.
- Limit development beyond the service areas of public facilities and utilities.
- Conserve the value of land, water, air, and improvements.
- Protect the environment for human habitation.
- Recognize the public need for recreation and open space.
- Protect surface and subsurface water quality by preserving shoreland vegetation and preventing erosion and sedimentation.
- Facilitate adequate legal descriptions and survey monumentation.
- Realize development standards set forth in plans, codes, and ordinances adopted by the Town of Rubicon.

11.01.040 Authority. These regulations are adopted under the authority granted by Chapter 236 of the Wisconsin Statutes.

11.01.050 Jurisdiction. Jurisdiction of this Ordinance shall include all land and water within the Town. In no instance shall these provisions apply to:

- Transfers of interests in land by will or pursuant to court order.
- Leases for a term not to exceed ten years, mortgages or easements.
- Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance, the County Zoning Ordinance, or other applicable laws or ordinances.

11.01.060 Abrogation and Greater Restrictions. This Ordinance shall not repeal, abrogate, annul, impair, or interfere with existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to laws. Where this Ordinance imposes greater restrictions than any statute, other regulation, ordinance, or covenant, the terms of this Ordinance shall govern. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this Ordinance, the provisions of such statute, other regulation, ordinance, or covenant shall apply. Notwithstanding anything contained in this section 11.01.060, this Ordinance shall not impose any restrictions or requirements in shorelands with respect to matters regulated by the Dodge County Shoreland Protection Ordinance with respect to the same shorelands, except as provided in Wis. Stat. § 59.692(2)(b).

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11.01.070 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 Wisconsin Statutes.

11.01.080 Severability. If any Chapter, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

11.01.090 Compliance. No person, firm or corporation shall divide any land located within the jurisdictional limits of this ordinance which results in a subdivision, minor subdivision, condominium, or a replat as defined herein; no such division or replat shall be entitled to record and no road shall be laid out or improvements made to land without compliance with all requirements of this ordinance and:

- A. Provisions of Chapter 236, Wisconsin Statutes.
- B. Rules of the applicable state agency regulating lot size and lot elevation if provisions for public sewer service to the land to be subdivided have not been made.
- C. Rules of the Agencies that are empowered to establish rules under Chapter 236, Wisconsin Statutes.
- D. The Town of Rubicon Comprehensive Plan or other plans adopted by the Town Board.
- E. All applicable local and County regulations, including zoning, subdivision, sanitary, building, and official mapping ordinances.

11.01.100 Dedication and Reservation of Lands. The following dedications and reservations of land shall be made at the time of application for final approval and shall be made a part of the plat or certified survey map.

A. Dedication of Lands for Roads and Public Ways. Whenever a tract of land to be subdivided embraces all or any part of an arterial road, drainage way or other public way which has been designated in the comprehensive plan, plan component, or on the official map of the Town, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in this Ordinance.

Where the proposed division abuts an existing State, County or Town road, the subdivider shall dedicate any additional lands abutting the road in accordance with the width required by any officially approved plan in effect within the area. Where it is indicated on any officially approved plan that a new highway is proposed to be located, an adequate amount of land for the highway shall be reserved or set aside to be acquired by the jurisdiction responsible for its construction.

B. Dedication of Lands for Parks, Recreation, and Open Space. Where a development contains land indicated in whole or in part as a site for a public park, recreation area, or open space on an Official Plan of the Town, said land shall be dedicated to the Town if the Town desires the land. The amount of land dedication for parks or recreation purposes under this Chapter shall be roughly proportional to the demand reasonably expected to be created by occupants of the subdivision. However, where such Official Plans call for a larger tract of land than would be set aside if the above standard was applied, the subdivider shall reserve the excess land for acquisition by the Town for a period not to exceed three (3) years. Land to be dedicated or reserved for public acquisition for parks, recreation, and open space shall be retained in its natural condition unless otherwise directed by the Town Board.

Where a development abuts a public use area such as a park, lake, stream, hunting grounds or public recreational area, the subdivider, at the option of the Town, shall provide a pedestrian access easement not less than 20 feet wide connecting such public area with a public road. If it is deemed to be in the public interest by the Town to reserve additional area for public access, the subdivider shall reserve for acquisition by the Town a tract of land adjacent to or elsewhere at the request of the Town. Such tract shall be reserved for a period of three (3) years from the date of recordation of the plat or Certified Survey Map and if not acquired within that time it shall be released for disposal by the owner.

No building development is permitted on sites reserved for public acquisition during the period of reservation. The reservation period shall not be longer than three (3) years unless arranged otherwise with the subdivider. Land so reserved must be shown on the Final Plat or on the Certified Survey Map.

C. Impact Fee in Lieu of Required Dedication. Where the application of the standards would result in an open space or recreation site too small to be usable, or if a plan calls for such recreation site to be located elsewhere, or if a suitable recreation site cannot be properly located in the development as determined by the Town, payment of a fee in lieu of dedication of land shall be required as follows. The determination regarding whether there is to be a dedication of land or a fee rests with the Town Board:

The recreation and park fee in lieu of dedication of land shall be \$350.00 for each new residential lot created. The fee shall be paid prior to Town Board approval of the certified survey map or final plat approval for each phase (Block of Lots) of development.

All payments shall be placed in a separate non-lapsing fund with the Town to be used exclusively for the acquisition and development of land and capital improvements for the Town parks and recreation programs.

11.01.110 Land Suitability. No land shall be subdivided which is held unsuitable for its proposed use by the Board for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the Town. The Board in applying the

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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 an opportunity to present evidence regarding such unsuitability. Thereafter, the Board may affirm, modify, or withdraw its determination of unsuitability.

11.01.120 Disclaimer of Liability. The Town does not guarantee, warrant, or represent that only those areas delineated as flood lands on plats and certified survey maps will be subject to periodic inundation, or that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuited soils within the jurisdiction of this Ordinance; and thereby asserts that there is no liability on the part of the Town Board, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with this Ordinance.

11.01.130 Repeal. All other ordinances or resolutions or parts thereof of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

11.01.140 Variances. Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Such relief shall be granted without detriment to the public good and without impairing the intent and purpose of this Ordinance or the desirable general development of the Town. A majority vote of the Town Board shall be required to grant any modification of this Ordinance, and the reasons shall be entered in the minutes of the meetings thereof. In granting variances and modifications, the Town Board may require conditions to secure the objectives of this Ordinance.

11.01.150 Planned Development. The standards and requirements of these regulations may be modified by the Town Board in the case of a new community, or a neighborhood Planned Unit Development which in the judgment of the Town provides adequate public spaces and improvements for circulation, recreation, light, air and service of the tract when fully developed and populated, and which also assures conformity with the County Land Use Code.

11.01.160 Amendments. The Town Board may amend, supplement or repeal any of these regulations after public notice and hearing and as may be required by Chapter 236 of Wisconsin Statutes.

11.01.170 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, firm, or corporation shall be issued a building permit, authorizing the building on, or improvement of, any subdivision, minor land division or replat within the jurisdiction of this Ordinance not of record as of the effective date of the 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.

TITLE 11 – LAND DIVISION ORDINANCE

11.01.180 Penalties. Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred and 00/100 (\$100.00) Dollars nor more than One Thousand and 00/100 (\$1,000.00) Dollars and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

Recordation improperly made has penalties provided in Section 236.30 of the Wisconsin Statutes.

Conveyance of lots in unrecorded plats has penalties provided in Section 236.31 of the Wisconsin Statutes.

Monuments disturbed or not placed have penalties provided in Section 236.32 of the Wisconsin Statutes.

Assessor's Plat made under Chapter 70.27 of the Wisconsin Statutes may be ordered by the Town at the expense of the Subdivider when a subdivision is created by successive divisions.

11.01.190 Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal there from, as provided in Section 236.13(5) and 62.23(7)(e) 10, 14 and 15 of the Wisconsin Statutes, within thirty (30) days of notification of the action. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

11.01.200 Enactment. This Ordinance shall be effective after a public hearing, adoption by the Town Board and posting as provided by law.

Chapter 11.02

DEFINITIONS

Sections:

11.02.010 Definitions

11.02.010 Definitions. For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

A. Alley. A public way affording only secondary access to abutting properties and not intended for general traffic circulation.

B. Approval Authority. The Town of Rubicon, County of Dodge, and City of Hartford, where applicable, jointly or severally.

C. Arterial Road. A road used, or intended to be used, primarily for fast or heavy through traffic. Arterial roads shall include freeways and expressways as well as standard arterial roads, highways and parkways with access control, channelized intersections, and restricted parking.

D. Board. The Town Board of the Town of Rubicon.

E. Building Setback Line. A line parallel to a lot line and at a distance from the lot line to comply with the County Land Use Code building setback requirement.

F. Certified Survey Map. A map intended to be recorded and prepared in accordance with Chapter 236.34, Wisconsin Statutes.

G. Collector Road. A road used, or intended to be used, to carry traffic from minor roads to the major system or arterial roads including the principal entrance road to residential developments.

H. Comprehensive Plan. The extensively developed plan, also called a master plan, adopted and certified by the Town Board pursuant to the Wisconsin Statutes as may be amended from time to time, including proposals for future land use, transportation, and public facilities. Implementation devices, such as zoning, official map, land division, and setback ordinances and capital improvement programs are considered a part of the comprehensive plan.

I. Condominium. Property subject to a condominium declaration established under the authority of the condominium laws of the State of Wisconsin.

TITLE 11 – LAND DIVISION ORDINANCE

J. Condominium Instrument. The declaration, plats, and plans of a condominium together with any attached exhibits or schedules.

K. County Planning Agency. The Committee created by the County Board of Supervisors pursuant to Chapter 59.97 of the Wisconsin Statutes and authorized to plan land use within the County.

L. Cul-de-sac Road. Minor road closed at one end with a turn-around provided for vehicles.

M. Deep Absorption System. A soil absorption sewage system for disposal of effluent through the bottom and sides of a hole or trench at a depth of more than three (3) feet below the natural undisturbed surface.

N. Division of Land.

1. The transfer of title to less than the entire legal interest in an entire contiguous area land which, before such transfer, was owned by the same legal entity;

2. The transfer of title to the entire legal interest in an entire contiguous area of land, which before such transfer, was owned by the same legal entity, and transfer of title results in different legal entities owning separate areas of the contiguous area of land;

3. The change of the form of ownership (for example, joint tenancy, tenancy in common, marital property, or survivorship marital property) in a contiguous area of land, owned by the same legal entity, and the form of ownership is not changed identically for the entire contiguous area of land;

4. The transfer of a condominium unit when the property described as that condominium unit is less than the entire legal interest in an entire contiguous area of land and all structures located thereon, which, before such transfer, was owned by the same legal entity;

5. The recording of a certified survey map with the Register of Deeds, except when the land described by the certified survey map is already an existing legally created lot.

O. Farm Consolidation. The sale of existing farm buildings to an adjacent farm owner, or a farm owner within an economically efficient distance; or the acquisition of existing farm buildings from an adjacent farm owner or a farm owner within an economically efficient distance.

P. Final Plat. The map or plat which is prepared by the County Register of Deeds.

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Q. Flood Lands. Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data are not available, the maximum flood of record.

R. Frontage Road. A minor road auxiliary to and located on the side of an arterial road for control of access and for service to the abutting development.

S. High-Water Elevation. The average annual high-water level of a pond, stream, river, lake, flowage, or wetland referred to an established datum plane or where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geological or vegetative characteristic.

T. Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

U. Lot. A contiguous and continuous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, persons, or company and having frontage on a public road and sufficient in size to meet the lot width, lot frontage, and lot area requirements of this Ordinance. For land division purposes, tax parcel identification numbers shall not be used in defining a lot. Public roads shall be considered property dividers for land division purposes.

V. Lot Area. The area contained within the exterior boundaries of a lot excluding public roads and highways, and land under navigable bodies of water.

W. Lot, Corner. A lot abutting two or more roads at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

X. Lot, Double Frontage. A lot which has a pair of opposite lot lines along two substantially parallel roads, and which is not a corner lot. On a double frontage lot, both road lines shall be deemed front lot lines.

Y. Major Subdivision. The division of a lot, outlet, parcel or tract of land by the owner or his agent, for the purpose of transfer of ownership or building development, where the act of division creates five (5) or more parcels or building sites immediately, or successive divisions within a five (5) year period, whether done by the original owner or a successor owner. The number five (5) includes the initial or original parcel of land.

Z. Minor Road. A road used, or intended, primarily for access to abutting properties.

AA. Minor Land Division. Any division of land into four (4) or less parcels of land including the original parcel of land.

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BB. Municipality. An incorporated city or village.

CC. Navigable Waters. Any natural inland lakes and all streams, ponds, sloughs, flowages, and other waters which are navigable under the laws of this state. Under Section 281.31(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated there under, Shoreland Ordinances required under Section 59.692, Wisconsin Statutes and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

- Such lands are not adjacent to a natural navigable stream or river;
- Those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history; and
- Such lands are maintained in nonstructural agricultural use.

Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Company, Inc., v. Wisconsin Department of Natural Resources, 70 Wis. 2d. 936 (1975)]. A stream that is navigable by skiff or canoe during normal spring high-water is navigable in fact under the laws of this state, though it may be dry during other seasons.

DD. Parcel. See Lot definition.

EE. Parkway. A continuous or semi-continuous park, open space area or drive, where the land is owned or reserved for public or semi-public purposes.

FF. Plat. The map and related documents, which are intended to be recorded with and referenced, of a subdivision or minor land division, showing the division of land into lots, blocks, out lots, roads, or other required information.

GG. Preliminary Plat. Preliminary drawings or map indicating the proposed manner and layout of roads, lots, blocks and other salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

HH. Property Ownership. A contiguous and continuous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, persons, or company and having frontage on a public road and sufficient in size to meet the lot width, lot frontage, and lot area requirements of this Ordinance and is used to determine the number of new lots allowed to be created under the density standard provisions of the Ordinance. Tax parcel identification numbers shall not be used in defining property ownership. Public roads and navigable bodies of water shall not be considered property dividers for the purpose of determining property ownership in relation to Section 11.05.010 of this Ordinance.

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II. Public Road Frontage. The smallest dimension of a lot measured along the point abutting a public road.

JJ. Public Way. Any public road, street, highway, walkway, drainage way, or part thereof.

KK. Replat. The changing of the boundaries of a recorded plat or part thereof.

LL. Shorelands. Those lands within one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds, and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

MM. Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division or replat.

NN. Subdivision. A division of a lot, out lot, parcel, or tract of land by the owner thereof, or the his agent for the purpose of transfer of ownership or building development, where: the act of division creates 5 or more parcels or building sites initially or by successive division within a period of 5 years, whether done by the original owner or a successor owner. Non-contiguous land parcels under a single ownership may be divided independently of each other for purposes of this ordinance.

OO. Town. The Town of Rubicon.

PP. Town Board. The Town of Rubicon Town Board.

QQ. Town Engineer. As designated from time to time by the Town Board.

RR. Wetlands. Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions, including lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high water table.

SS. Wisconsin Administrative Code. The rules of administrative agencies having rulemaking authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Chapter 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

Chapter 11.03

PROCEDURE

Sections:

11.03.010	General Procedure
11.03.020	Minor Land Division
11.03.030	Preliminary Plat
11.03.040	Final Plat
11.03.050	Replats
11.03.060	Subdivision by Condominium Instrument
11.03.070	Condominium Instruments

11.03.010 General Procedure. Prior to filing an application, a subdivider is encouraged to consult with the Town to discuss required procedures, applicable plans and ordinances, and the general expectations of the Town. The Town may require a subdivider to enter into an agreement for the dedication of land and installation of improvements as a condition of approval. The Town Board may require, as a condition of approval, that no further division of a parcel may occur for a period of five (5) years from the date of recording of a plat.

11.03.020 Minor Land Division. When it is proposed to divide land into not more than four (4) parcels or building sites, the subdivider may subdivide by use of a letter of intent, sketch map and recordable Certified Survey Map or letter of intent, sketch map, and condominium instrument.

A. Letter of Intent. The subdivider shall submit to the Town Clerk or his or her designee a letter of intent on a form provided.

B. Sketch Map. Accompanying the letter of intent, the subdivider shall submit a sketch map at a scale of 1" = 200' or other appropriate scale. More than one sketch map may be used but they shall be at the same scale and no one map shall be larger than 8½" x 14". Each submission shall include all contiguously owned land.

C. Tentative Approval. The letter and sketch map shall be reviewed by the Town Board for conformance with this Ordinance and all ordinances, rules, regulations, and plans which affect it. The Town Board shall, within ninety (90) days from the date of submission of the letter of intent and sketch map, grant tentative approval, conditional approval, or reject the map.

Tentative approval shall assure final approval if the certified survey map is submitted within six (6) months, is substantially the same plan and all requirements for division are met.

D. Certified Survey. A certified survey map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Chapter 236.34 of the Wisconsin Statutes. The minor land division shall comply with the

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design standards set forth in this Ordinance. Any improvements necessary for proper use of the subject parcels shall be required as specified by this Ordinance.

The subdivider shall submit an adequate number of copies (along with the individual lot wastewater disposal capability information for lots not served by public sewer) to the Town Clerk at least fifteen (15) days prior to the meeting of the Town Board at which action is desired.

The Town Board shall approve, approve conditionally, or reject such Map within ninety (90) days from the date of filing of the Map unless the time is extended by agreement with the subdivider. If the Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the Map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original Map and return the Map to the subdivider.

The chairperson of the Town Board may elect to grant approval and sign the certified survey map if the certified survey map submitted is substantially the same plan as given tentative approval, without obtaining the approval of the Town Board.

The Certified Survey Map shall be recorded with the County Register of Deeds after the certificates of the Town board and the surveyor are placed on the face of the Map. The subdivider shall record the Map within thirty (30) days of its approval by the Town Board.

11.03.030 Preliminary Plat. The subdivider of five (5) or more lots shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Ordinance, and the subdivider shall file an adequate number of copies of the Plat and the application with the Town Clerk. This section shall also apply to any subdivision created by a condominium instrument. The number of copies to be submitted shall be as follows:

- Twelve (12) copies for the Town along with two (2) copies of soil test results.
- Four (4) copies for Dodge County Planning and Development Department along with one (1) copy of soil test results.
- Two (2) copies for the State Department of Administration.
- Two (2) copies for the State Department of Transportation if the plat abuts or adjoins a state trunk highway or connecting highway.
- Two (2) copies for the State Department of Agriculture, Trade and Consumer Protection.
- Two (2) copies for the State Department of Commerce if the plat is not to be served by municipal sewer, along with the original soil test results.
- One (1) copy for each utility company serving the area in which the plat is located.

The Town Clerk shall, within two (2) days after a preliminary plat is submitted, transmit four (4) copies of the plat to the County and two (2) copies for each of the state agencies required to review the plat to the Department of Agriculture, Trade and Consumer Protection.

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Within twenty (20) days of the date of receiving copies of the plat, any agency having objection authority shall notify the subdivider and all approving authorities of any objection which it may have, based upon failure of the plat to comply with the Statutes or rules which it is authorized to cover; if there are no objections, it shall so certify on a copy of the plat and return that copy to the Town. If any objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the plat.

The Board, within ninety (90) days of the date of filing of Preliminary Plat with the Clerk, shall approve, approve conditionally, or reject such Plat unless the time is extended by agreement with the subdivider. Approval shall constitute preliminary acceptance of any dedications of land to the Town of Rubicon. One (1) copy of the Plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One (1) copy of the Plat and letter shall be permanently filed. Failure of the Board to act within ninety (90) days or extension thereof, shall constitute approval.

Approval or conditional approval of a Preliminary Plat shall constitute approval of the Final Plat, if the Final Plat is submitted within six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Chapter 236.11 (1)(b) of the Wisconsin Statutes. Preliminary Plat approval or conditional approval of the layout submitted shall guide the preparation of the Final Plat. Construction may not commence until approval has been granted by all appropriate agencies.

11.03.040 Final Plat. The subdivider shall prepare a Final Plat and a letter of application in accordance with this Ordinance and shall file the same number of copies of the Plat and application as with the preliminary plat with the Town Clerk at least sixty (60) days prior to the meeting of the Board at which action is desired.

The Town Clerk shall, within two (2) days after a final plat is submitted, transmit four (4) copies of the plat to the County; and two (2) copies for each of the state agencies required to review the plat to the Department of Agriculture, Trade and Consumer Protection.

In lieu of this procedure, the subdivider may submit the original plat directly to the Department of Agriculture, Trade and Consumer Protection in accordance with Chapter 236.12(6) of the Wisconsin Statutes.

Within twenty (20) days of the date of receiving the copies of the plat, any objecting agency shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which it is authorized to cover. If an agency fails to act within twenty (20) days from the date of receipt of copies of the plat, it shall be deemed to have no objections to the plat.

The Final Plat may, with Board permission, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time. Approval of a Final Plat for a portion of the preliminary plat shall extend approval for the remaining portion of the preliminary plat for one (1) year from the date of final plat approval.

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The Final Plat may be rejected if it is not submitted within six (6) months of the date of Preliminary Plat approval. Approval cannot be granted until all formal objections of the objecting agencies are satisfied.

The Town Board shall, within sixty (60) days of the date of filing the final plat with the Town Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider. Approval shall constitute acceptance of any dedications of land to the Town. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Board shall inscribe its approval on the Final Plat only after 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 were filed within twenty (20) days or, if filed, have been met. Failure of the Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

A. Recordation. After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds cannot record the Plat unless it is offered within thirty (30) days from the date of last approval and within six (6) months of the first approval.

B. Copies. The subdivider shall submit ten (10) copies of the Final Plat to the Town Clerk for distribution to the approving agencies and other affected agencies for their files.

11.03.050 Replats. When it is proposed to replat all or any part of a recorded subdivision, if it alters areas dedicated to the public, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Chapters 236.36 through 236.445 of the Wisconsin Statutes. The subdivider or person wishing to replat, shall then proceed as specified in Sections 11.03.010 through 11.03.040 of this Ordinance.

The Town Clerk shall schedule a public hearing before the Town Board when a Preliminary Plat of a replat of land 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 two hundred (200) feet of the exterior boundaries of the proposed Replat.

11.03.060 Subdivision by Condominium Instrument. Any subdivision created by condominium instrument shall comply with the requirements of Section 11.03.070 and all other requirements of this section.

11.03.070 Condominium Instruments.

A. A condominium plat shall contain the name of the condominium and town and county in which the property is located on each sheet of the plat. The name of the condominium must not already have been used in the Town and County for this purpose. If the plat contains more than one sheet, each sheet shall be consecutively numbered and show the relation of that sheet number to the total number of sheets.

B. A condominium plat shall contain diagrammatic floor plans of each building located or to be located on the property which show the approximate dimensions, floor area and location of each unit in it. Common elements shall be shown graphically to the extent feasible.

C. All survey maps and floor plans submitted for filing shall be legibly prepared with a binding margin of one and half (1.5) inches on the left side and a one-inch margin on all other sides on durable white paper fourteen (14) inches in length and twenty-two (22) inches in width with nonfading black image or reproduced with photographic silver haloid image on double matt polyester film of not less than four (4) millimeter thickness and fourteen (14) inches long by twenty-two (22) inches wide. The maps and plans shall be drawn to a convenient scale.

D. Each unit shall be designated on the condominium plat by the unit number. Unit numbers may not contain more than eight (8) numerals and must be unique throughout the condominium.

E. A condominium plat shall have attached to or included in it a certificate of a licensed land surveyor, authorized to practice that profession in this state certifying that the plat is a correct representation of the condominium described.

F. If a condominium is merged or consolidated; the declaration of the resultant condominium that includes the merger agreement and an addendum to the condominium plat of the resultant condominium shall be recorded with the register of deeds.

G. If the merger of two (2) or more condominiums would result in the creation of a new plat for the resultant condominium, the property of the preexisting condominiums shall first be removed from any other condominium plat by recording a removal instrument. Furthermore, before a certified survey map, condominium plat, subdivision plat, or other plat may be recorded for the same property; the condominium shall first be removed from any other condominium plat by recording a removal instrument.

H. Any modification or correction of a recorded condominium instrument must refer to the instrument being corrected and any amendments and addenda must be numbered consecutively and bear the name of the condominium as it appears in the declaration.

I. A review of any condominium instrument by the county shall be completed within ten (10) working days after submission of the condominium instrument and if the review is not completed within this period, the condominium instrument shall be approved for

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recording. However, approval for recording shall not constitute approval for any other purposes such as division of land, subdivision control, or zoning purposes.

J. The person performing the review of the condominium instrument shall certify approval for recording in writing, accompanied by his or her signature and title.

Chapter 11.04

REQUIRED INFORMATION

Sections:

- 11.04.010 Certified Survey Map
- 11.04.020 Preliminary Plat
- 11.04.030 Final Plat

11.04.010 Certified Survey Map. A certified survey map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Chapter 236.34 of the Wisconsin Statutes and with the improvement requirements and design standards set forth in this Ordinance.

A. Letter of Intent. The Letter of Intent shall specify:

1. The name and address of the owner of the property and the applicant.
2. The number of years that the land owner has owned the subject property and the total number of acres in the parcel to be divided.
3. The present and intended future use of all the land.
4. The estimated time table for development.

B. Sketch Map. The sketch map shall show the following:

1. North arrow, date, scale, and reference to a section corner or road intersection.
2. Approximate dimensions and areas of the parcels and easements.
3. The location of existing buildings, existing and proposed driveways, watercourses, drainage ditches, and other features pertinent to the division.
4. Setback or building lines required by any approving agency.
5. The uses of the land adjacent to the property and existing roads, easements of record, public access to navigable waters, dedicated areas, and utilities.
6. A Development Concept Plan for all or part of contiguously owned land shall be included with the sketch map even though division is not planned at the time. Such Plan shall include future road locations as well as the location, number and size of potential lots allowed in the future under the Town Land Division Ordinance. A Development Concept Plan is recommended if further development is anticipated. The

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plan will be useful in determining if the current proposed lot layout would be compatible with future lots and if future road rights-of-way need to be reserved.

7. The Town Board may require two-foot contour maps prepared by a registered surveyor or engineer in floodplain areas.

8. The Town Board may require individual lot wastewater disposal capability information where limiting conditions are suspected.

C. Certified Survey. The map shall show correctly on its face, in addition to the information required by Chapter 236.34 of the Wisconsin Statutes, the following:

1. Date of Map and graphic scale.
2. Name and Address of the owner, subdivider, and surveyor.
3. All existing buildings, watercourses, drainage ditches, and other features pertinent to proper division.
4. Names, locations and widths of adjoining roads, highways, parks, cemeteries, subdivisions, surface water, and wetlands.
5. Acreage included in each parcel excluding right-of-way.
6. Floodplain 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 are not available, a vertical distance of two (2) feet above the elevation of the maximum flood or record.
7. Location of individual lot soil tests, as required by Wis. Admin. Code SPS Ch. 383 for all lots not served by public sewer. The results of the tests shall be submitted with the Map.
8. Setbacks or building lines required by any approving or reviewing agency.
9. All lands being dedicated or reserved for future public acquisition.
10. Drainage and utility easements.
11. Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated, the Map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the Map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.

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12. The surveyor shall certify on the face of the Map that he has fully complied with all the provisions of this Ordinance.

13. Where the Town Board finds that it requires additional information to review the Certified Survey Map relative to a particular problem presented by a proposed development, it shall have the authority to request in writing, such information from the subdivider as it feels is required.

11.04.020 Preliminary Plat. A preliminary plat required for all major subdivisions shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face, the following:

1. Title under which the proposed subdivision is to be recorded.
2. Location of the proposed subdivision by government lot, quarter section, township, range, county, and state.
3. Date, scale, and north arrow.
4. Names and addresses of the owner, subdivider, and land surveyor.
5. Entire area contiguous to the proposed plat owned or controlled by the subdivider, even though only a portion of said area is proposed for immediate development. The Town may waive this requirement where it is unnecessary to fulfill the purpose and intent of this Ordinance and undue hardship would result from strict application thereof.
6. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
7. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other significant features within the tract being subdivided or immediately adjacent thereto.
8. Location, right-of-way width and names of all existing and proposed roads, alleys or other public ways, easements, railroad and utility right-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
9. Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.

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10. Type, width and elevation of any existing road pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations.

11. Location, size and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, 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 facilities which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size, and invert elevations.

12. Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.

13. Existing zoning on and adjacent to the proposed subdivision.

14. Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public roads to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where in the judgment of the Board undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.

15. High-water and current elevation of all ponds, streams, rivers, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.

16. Floodplain 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 are 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.

17. Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.

18. Location and results of soil boring tests within the exterior boundaries of the plat conducted in accordance with Wis. Admin. Code SPS Ch. 383 and delineation of areas with three (3) foot and six (6) foot groundwater and bedrock levels where the subdivision will not be served by public sanitary sewer.

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19. Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with Wis. Admin. Code SPS Ch. 383 where the subdivision will not be served by public sanitary sewer.

20. Approximate dimensions of all lots, with proposed lot and block numbers.

21. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic used not requiring lotting.

22. Approximate radii of all curves.

23. Any proposed lake or river with a small drawing clearly indicating the location of the proposed subdivision in relation to access.

24. Any proposed lake or river improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.

25. Where the Town finds that additional information relative to a particular issue presented by a proposed development is needed to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.

A. Construction Plans.

1. Road Plans and Profiles. The Town may require that the subdivider provide road plans and profiles showing existing ground surface, proposed and established road grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon the same datum as above. Plans and profiles shall be approved by the Town.

2. Grading Plan. Grading plans for the lots or other areas in the proposed development shall be prepared and submitted for review and approval prior to the commencement of grading and construction. Grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography. No such activities shall be permitted on lands to be dedicated or held for public acquisition without the written consent of the Town Board or Town Engineer.

3. Drainage and Erosion Control. Storm water drainage and erosion control plans shall be prepared and submitted along with other grading and road construction plans and shall indicate how surface water runoff is to be accommodated on the development and on downstream properties.

4. Soil and Water Conservation. If the Town determines from review of the preliminary plat that the soil, slope, vegetation, or drainage characteristics of the site require substantial cutting, clearing, grading, and other earthmoving operations in developing the subdivision or otherwise entail an erosion hazard, it may require the subdivider to provide storm water management plans, soil erosion and sedimentation control plans and specifications. The Town may also request a review of such plans by the County Land Conservation Department.

5. Commencement of Construction. All plans and profiles as set forth above shall be prepared in accordance with the provisions of this Ordinance and any other appropriate ordinance or standards in force in the Town. All elevations shall be based upon Mean Sea Level Datum, and shall be subject to review by the Town Engineer. No construction of any kind may commence until the Preliminary Plat has been approved by all agencies and until the plans for roads, ditches, erosion and sediment control, and lot grading have been reviewed and approved by the Town Plan Commission and Town Board.

B. Covenants. The Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision. Such covenants shall be attached to each property deed at the time of sale.

C. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

11.04.030 Final Plat. A Final Plat prepared by a registered land surveyor is required for all major subdivisions. It shall comply in all respects with the requirements of Chapter 236.20 of the Wisconsin Statutes. The Plat shall show correctly on its face, in addition to the information required by Chapter 236.20 of the Wisconsin Statutes, the following:

- A. Exact road width along the line of any obliquely intersecting road.
- B. Floodplain 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 are not available, a vertical distance of two (2) feet above the elevation of the maximum flood of record.
- C. Location of individual lot soil tests as required by Wis. Adm. Code SPS Ch. 383 for all lots not served by public sewer. The results of the tests shall be submitted with the Plat.
- D. Railroad right-of-way within the abutting the Plat.
- E. Setbacks or building lines required by any approving or reviewing agency.

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F. All lands reserved for future public acquisition or the common use of property owners within the plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the Plat.

G. Drainage and utility easements.

H. Special restrictions required by the Town Board and other approving or objecting agencies relating to access control along public ways, shorelands, or flood lands.

I. Where the Town finds that additional information relative to a particular issue presented by a proposed development is needed to review the Final Plat, it shall have the authority to request in writing such information from the subdivider.

1. Deed Restrictions. The Town Board may require that deed restrictions be filed with the Final Plat.

2. Survey Accuracy. A qualified person shall examine all Final Plats and field check the accuracy and closure of survey, proper kind and location of monuments and legibility and completeness of the drawing.

3. Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Chapter 236.15 of the Wisconsin Statutes.

4. Relocate Quarter Section Corners. Where the Plat is located within a quarter section, the corners of which have been relocated, monumented, and coordinated by the County, the Plat shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Dodge County coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.

5. Certificates. All Final Plats shall provide all the certificates required by Chapter 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all provisions of this Ordinance.

Chapter 11.05

STANDARDS

Sections:

11.05.010	Number of Lots Allowed
11.05.020	Lot and Block Layout
11.05.030	Public Sites and Open Spaces
11.05.040	Easements
11.05.050	Roads
11.05.060	Road Signs
11.05.070	Drainage Ditches
11.05.080	Public Sanitary Sewerage
11.05.090	Water Supply
11.05.100	Other Utilities
11.05.110	Street Lamps
11.05.120	Erosion and Sedimentation Control
11.05.130	Curb and Gutter
11.05.140	Sidewalks

11.05.010 Number of Lots Allowed. The total number of lots allowed to be created by one land owner for lots not served by public sanitary sewer shall be determined as stated in Section 11.05.010 A. For the purpose of determining the amount of acreage under one ownership, the definition of property ownership as defined in Section 11.02.010 shall apply.

- A.
- Property ownership up to 40 acres – one (1) new lot allowed.
 - Property ownership over 40 acres and up to 80 acres – two (2) new lots allowed.
 - Property ownership over 80 acres and up to 120 acres – three (3) new lots allowed.
 - Property ownership over 120 acres – four (4) new lots allowed.

B. A time restriction of one land division request for every five (5) years of property ownership shall be imposed. If property is owned continuously for ten (10) years or more, then the number of new lots allowed can be doubled up to a maximum of four (4) new lots in a five (5) year period.

Examples:

- Three (3) to thirty-nine (39) acre parcel owned five (5) years, one (1) new lot.
- Twenty (20) acre parcel owned five (5) years, one (1) new lot.
- Twenty (20) acre parcel owned ten (10) years or more, two (2) new lots.
- Fifty (50) acre parcel owned five (5) years, two (2) new lots.
- Fifty (50) acre parcel owned ten (10) years or more, four (4) new lots.
- Eighty-one (81) acre parcel owned five (5) years, three (3) new lots.
- Eighty-one (81) acres parcel owned ten (10) years or more, four (4) new lots.

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After a land division request has been granted, the time ownership restriction resets. Time restriction does not reset if land is transferred through inheritance.

If owned continuously for five (5) years or more prior to the adoption of this Ordinance, land is eligible to be divided upon adoption of this Ordinance. However, if the land division is considered a farm consolidation, then five (5) years of continuous ownership is not required.

C. The Town Board may require that a deed restriction be placed on the lots or a restriction placed on the certified survey map which would not allow any further divisions of the land after the initial division of the property is allowed. The restriction may be placed on lots of ten (10) acres or less in order to avoid the creation of additional residential lots in the future.

D. The right to divide land is not assignable or transferable to other property owners.

E. All land divisions shall be consistent with the Town of Rubicon Comprehensive Plan and the approved Development Concept Plan. Proposed land divisions are also subject to the applicable State and County regulations.

F. A Development Concept Plan may be required by the Town Board for all or part of the subject parent parcel even though further division is not planned at the time. Such Plan shall include future road locations as well as the location, number, and size of potential lots allowed in the future under the Ordinance. A Development Concept Plan is recommended if further development is anticipated. The plan will be useful in determining if the current proposed lot layout would be compatible with future lots and if future road right-of-ways need to be reserved.

11.05.020 Lot and Block Layout. Lot and block layouts shall recognize the capacity of the soil and water resources and shall be designed to least disturb the existing terrain, wildlife habitat and water courses and to meet the requirements of this Ordinance and other applicable Ordinances.

A. Lots. The size, shape, and orientation of lots shall be appropriate for their location and the type of development contemplated, and shall conform to the following lot size and width requirements.

1. Minimum Lot Size

a. Lots served with public sanitary sewer shall be a minimum of eighteen thousand (18,000) square feet with at least ninety (90) feet of width at the building setback line.

b. Lots not served with public sanitary sewer shall be a minimum of one and half (1.5) acres with at least one hundred fifty (150) feet of public road frontage.

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2. Side Lot Lines. Side lot lines shall normally be at right angles to road lines on which the lots face. Lot lines shall not cross municipal boundaries.

3. Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots are prohibited except where necessary to separate development from through traffic or to overcome specific disadvantages of topography and orientation.

4. Depth. Lots shall normally have a minimum depth of one hundred fifty (150) feet. Depth of lots or parcels laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by zoning for the use contemplated.

5. Waterfronts. Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, out lots or public dedications in plats abutting a lake or stream. All lands under option to the subdivider or to which he holds any interest that abut the proposed subdivision and a lake or stream shall also be included.

6. Access. All lots not served by public sanitary sewer must abut a public road for at least one hundred fifty (150) feet, except that dimension may be reduced on cul-de-sacs or sharp curves where the lot lines radiate from the road. However, all lots including those served by public sanitary sewer, shall abut a public road for a distance of at least thirty (30) feet.

In addition, no more than three (3) lots shall share the same driveway access point onto a Town road, County highway, or State highway.

B. Blocks

1. Length and Shape. The length and shape of blocks shall be determined by: provisions for building sites suitable to the type of use contemplated; zoning ordinance lot size and dimension requirements; convenient property access; traffic circulation, traffic safety; and limitation and opportunities of topography. Block lengths shall normally not exceed two thousand (2,000) feet, or be less than six hundred (600) feet.

2. Width. Blocks shall generally have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate development from through traffic.

11.05.030 Public Sites and Open Spaces. In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate size for future public purposes. If designated on the official map, or plans, such areas shall be made a part of the plat as stipulated in Section 11.01.100 of these regulations. If not so designated, the preservation of scenic and

historic sites, stands of trees, marshes, ponds, streams, shore lands, ravines, and other natural features should be considered.

11.05.040 Easements

A. Pedestrian Easements. Pedestrian easements or dedications of not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed necessary by the Town to provide pedestrian walkways.

B. Utility Easements. Utility easements shall be required where deemed necessary by those utility companies having installations in the plat. The utility companies shall review all plats to determine whether easements will be necessary and where they should be required.

C. Drainage Easements. Where a subdivision is traversed by a drainage way or stream, an easement shall be required as deemed necessary by the Town Engineer. The location, width, alignment, and improvement of such drainage way or easement shall be subject to approval by the Town Engineer or the County and parallel roads may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the Town Engineer. The Town or County may require these channels to be enclosed with pipe.

11.05.050 Roads

A. Standards and Specifications. Construction methods and material shall conform to the requirements of the State of Wisconsin Standard Specifications for Highway and Structure Construction, latest edition, except as amended by these standards.

B. Acceptance. Roads will not be accepted by the Town before May 1st or after November 15th. Any costs incurred by the Town for engineering or legal fees as a result of the review of the construction plans or the inspection of improvements are to be paid by the subdivider prior to acceptance of the road(s) by the Town Board. Before final acceptance of a Town road, the subdivider must furnish such proof as the Town may require, that all costs for road construction have been paid by the subdivider.

C. Procedure. A subdivider or owner desiring acceptance of a road by the Town shall submit detailed construction plans prepared by a Registered Professional Engineer or a Registered Land Surveyor and obtain approval of the Town and the Town Engineer of the established grades on all proposed roads prior to proceeding with any grading. Culvert sizes and lengths shall be shown on the plans and are subject to approval by the Town Engineer.

The subdivider shall execute a surety bond or letter of credit to the Town to be approved by the Town Attorney for the entire construction of the proposed improvements. The bond or letter of credit shall include all construction along with all applications as required, and shall be

in an amount determined as adequate by the Town. This bond shall remain in effect until approval of improvements by the Town.

When sub grading operations are completed on any Town road, the subdivider shall furnish the Town Engineer a written certification from the subdivider's Surveyor that the sub grade conforms to the approved construction plans. The Town Engineer shall be notified five (5) days prior to placement of any gravel to inspect the site and determine if placement of base course may begin.

D. Functional Classification of Roads. Road layouts shall conform to arrangements, widths and locations indicated on the official map or plans of the Town. In areas where such plans have not been completed, the road layout shall recognize the functional classification of roads and shall be developed and located in relation to existing and proposed roads, topography, natural features, public convenience and safety, the proposed use of the land to be served by such roads, and to the most advantageous development of adjoining areas.

1. Arterial Roads shall be arranged to provide access to centers of employment, governmental activity, shopping, recreation, and points beyond the boundaries of the Town. They shall be integrated with, and related to, existing and proposed major roads and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned roads with which they are to connect.

2. Collector Roads shall be arranged to collect traffic from residential and rural areas and convey this traffic to the arterial road and highway system and shall be related to traffic generators such as schools, churches, shopping areas and other concentrations of population and to the arterial roads into which they feed.

3. Minor Roads shall be arranged to conform to the topography, discourage use by through traffic, permit efficient storm and sanitary sewerage systems, and to provide safe and convenient access to abutting property. Minor road locations and grades shall be established wherever practicable to avoid excessive grading, removal of trees and general leveling of the topography.

E. Road Width. The width of the paved surfaces (except in cul-de-sacs) shall be thirty (30) feet. Each side of the pavement shall be shouldered for a width of four (4) feet unless curb and gutter is required by the Town Board instead.

Where the proposed subdivision abuts or contains a Town road, mill tax road or other road which the Town deems necessary to preserve as a public or future public right-of-way, additional land shall be dedicated to bring the width of the right-of-way up to Town road standards.

F. Road Grades.

1. Unless necessitated by exceptional topography subject to the approval of the Plan Commission, the maximum centerline grade of any public way shall not exceed

six (6%) percent for arterial and collector roads and ten (10%) percent for minor roads, alleys and frontage roads. The grade of any road shall not be less than one-half of one (0.5%) percent.

2. All roads shall be graded from lot line to lot line according to the Typical Section. (See Diagram A) In no event shall the in slope (from ditch line to road surface) be steeper than a 3:1 slope. If a deeper ditch is required, then the ditch line shall be moved outwardly far enough to maintain an in slope of 3:1. In the event the ditch line is extended outwardly farther than normal, the back slope shall be extended beyond the adjacent property line if necessary. All Town road rights-of-way shall be a minimum of sixty-six (66) feet in width.

3. Road grades shall be established wherever practicable so as to avoid excessive grading, the removal of ground cover and trees, and the general leveling of the terrain. Tree removal within the right-of-way shall be as required by the Town Board and may be required by the County Highway Commission along County Trunk Highways to obtain proper vision or additional pavement width. All changes in road grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for arterial roads, and one-half (1/2) this minimum for all other roads.

G. Adjacent Lands. Proposed roads shall extend to the boundary lines of the tract unless prevented by physical conditions or unless, in the opinion of the Town, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent tracts.

H. Reserve Strips. Reserve strips shall not be allowed on any plat to control access to roads from abutting property except where control of such strips is placed with the Town under conditions approved by the Town Board.

I. Alleys. Alleys may be provided in commercial and industrial districts for off-street loading and service access unless otherwise restricted by the Town Board but shall not be approved in residential districts. Dead-end or crooked alleys shall not be approved, and alleys shall not connect to an arterial road.

J. Cul-de-Sac Roads. Cul-de-sac roads designed to have one end permanently closed shall not exceed one thousand (1,000) feet in length. All cul-de-sac roads shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum outside paved radius of forty-five (45) feet. (See Diagram B) Greater dimensions may be required when the Town deems it necessary. Standard width gravel shoulders shall be constructed completely around the paved turnaround surface unless curb and gutter is required by the Town Board instead. Tee turn-arounds are allowed for temporary use only. When land to be developed adjoins a temporary cul-de-sac, the subdivider shall remove the temporary cul-de-sac and create a continuous roadway. A temporary Tee turn-around shall be twenty-four (24) feet wide and extend at least forty-five (45) feet to each side of the center line of the adjoining road unless modified by the Town Board.

K. Half-Roads. Half-roads which are only a portion of the required width and are usually platted along property lines shall be prohibited.

L. Culverts. All culverts shall be a minimum of fifteen (15) inches in diameter by thirty (30) feet in length. Metal end flared sections shall be installed at each end of all culverts, as directed by the Town Road Supervisor. Town Board approval is required for any alternate culvert end treatment.

Culvert posts shall be placed at the ends of all culverts crossing road surfaces. The posts shall be marker posts prepared and installed as per State Specifications. These posts shall be furnished and installed by the subdivider and located as directed by the Town Engineer. Guard rails, if required by the Town Engineer, shall be furnished and installed by the subdivider.

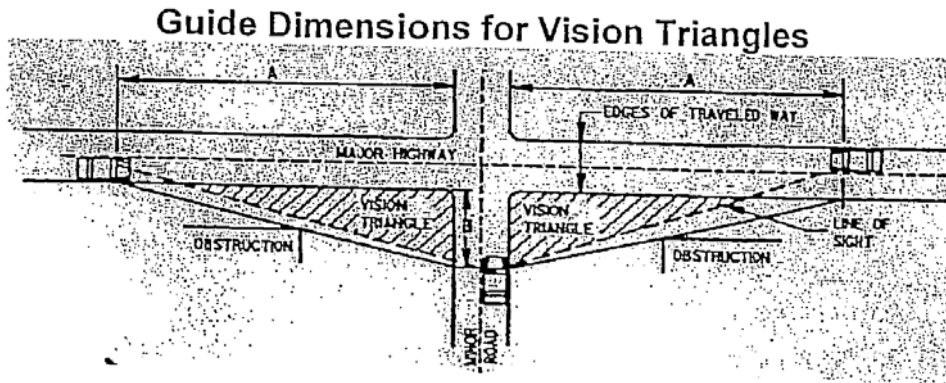
M. Radii of Curvature. When a continuous road centerline deflects at any one point by more than five (5) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Arterial Roads: Five Hundred (500) Feet
Collector Roads: Three Hundred (300) Feet
Minor Roads: One Hundred (100) Feet

A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector roads.

N. Intersection Design.

1. Roads shall intersect at right angles and not more than two (2) roads shall intersect at one point.
2. Intersections must be approached on all sides by grades not to exceed four (4%) percent for a distance of at least fifty (50) feet unless exceptional topography would prohibit these grades.
3. The turning radius at an intersection shall not be less than forty (40) feet.
4. Vision triangles providing unobstructed views in both directions perpendicular to the line of sight shall be maintained at all intersections as follows:



Vision Triangle Distances

<u>Design Speed (MPH)</u>	<u>Distance "A" (feet)</u>	<u>Distance "B" (feet)</u>
40	310	130
50	410	160
55	510	170
60	610	185

No building or obstruction to view above two (2) feet of the ground is permitted in a vision triangle. Appropriate statements regarding those restrictions shall be provided on the plat or survey document.

5. If a proposed road is to enter an arterial and it is deemed a hazardous entrance by the governing body having jurisdiction over the road, it will be the responsibility of the subdivider to correct the potential hazard through an agreement with the governing body or else relocate the proposed entrance to a more suitable location.

6. The following distances between intersections shall be observed:

a. Minor and collector roads may not empty into State and Federal highways at intervals less than one thousand three hundred (1,300) feet and into arterials less than one thousand (1,000) feet. They shall be in alignment with existing and planned roads entering the highways from the opposite side.

b. At intersections on collector roads which are not in alignment, the distance between roads opening up on opposite or the same sides of any existing or proposed roads must be at least five hundred (500) feet measured along the intersecting centerline.

c. At intersections on minor roads which are not in alignment, the distance between roads opening up on opposite or the same sides of any existing

or proposed roads must be at least three hundred (300) feet measured along the intersecting centerline. (See Diagrams C and D)

O. Surface Stabilizing. Topsoil, muck soil, peat and other unstable material shall be removed below the sub grade of roads and replaced with suitable, sound fill materials. Geotextile or stabilizing fabric may be required by the Town Engineer.

P. Sub-Surface. Roads shall be surfaced with ten (10) inches of compacted crushed aggregate base course (either crushed gravel or crushed stone), conforming to Gradation No. 2 of Standard Specifications for Highway and Structure Construction of the State of Wisconsin, latest edition, with the exception that a maximum of ten (10%) percent passing the No. 200 sieve will be permitted by the Town. The costs of all sieve analysis tests required by the Town shall be paid by the subdivider. Compaction of sub grade and base course shall be in accordance with the Standard Specifications, but shall never be less than ninety-five (95%) percent of the maximum density of the material being compacted. The Town Engineer will have five (5) days to check aggregate base course before the first bituminous asphalt pavement application is applied.

Q. Surfacing. The first bituminous asphalt pavement application shall be two (2) inches of bituminous base course, Gradation No. 2 per State Specifications. Along each side of this pavement, a temporary shoulder shall be installed immediately after the completion of the pavement application. The top or surface width of this shoulder shall be three (3) feet and sloped at 1/4" per foot. Shoulder material shall be Gradation No. 3 (crushed gravel). A second application of two (2) inch thick bituminous asphalt surface course, Gradation No. 3 per State Specifications, shall be applied within one (1) year but not before the first application has laid through one (1) winter. The Town Board, at its option, may require the delay of the asphalt surface course for a period not to exceed two (2) years, in which case the subdivider shall file a certified check in an amount equal to the estimated cost of said surface course, said estimate to be made by the Town Board, for the purpose of completing the asphalt surface course. A tack coat, MS-1, SS-1, CSS-1, or asphalt emulsions as approved by DNR and as specified by the Town, shall be applied at a rate of 0.10 gallons per square yard before the bituminous asphalt surface course pavement is applied. Recycled or reground bituminous asphalt is not allowed.

R. Cleanup. Public roads and highways shall to be cleaned of dirt and debris by those responsible for depositing such dirt or debris within twenty-four (24) hours. Final cleanup responsibility and associated costs shall be that of the subdivider and the contractor.

S. Road Names. Road names are required for all proposed public roads and shall not duplicate or be confused with the name of an existing road within the Town. Roads that are extensions, or that are proposed to be aligned with existing name roads, shall bear the name of these roads. The Town Board shall approve all proposed road names.

11.05.060 Road Signs. Road signs shall include one (1) road name sign at all road intersections and all traffic control signs as may be required by the Town Board. Road signs shall be obtained and placed by the Town at the expense of the subdivider.

11.05.070 Drainage Ditches. Drainage Ditches shall conform to the Typical Road Chapter, Diagram A, unless modified by the Town Engineer. Road ditches shall be seeded or sodded as grassed waterways. Where the velocity of flow exceeds four (4) feet per second on soils having a severe erosion hazard, or exceeds six (6) feet per second on soils having less than severe erosion hazard, the subdivider shall install a paved invert or check dams, flumes, or other energy dissipating devices approved by the Town Board, upon the recommendation of the Town Engineer.

11.05.080 Public Sanitary Sewerage. When public sanitary sewerage facilities are available to the plat, the subdivider shall construct sanitary sewerage facilities in such a manner as to make sanitary sewerage service available to each lot within the subdivision. In addition:

A. The Town Board shall require the installation of sewer laterals to the road lot line for residential lots.

B. The size, type, and installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Board, upon recommendation of the Town Engineer. The latest revision of the “Standard Specifications for Sewer and Water Construction in Wisconsin” shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed roads shall be backfilled with granular material meeting the requirements of the “Standard Specifications”; however, upon written approval of the Town Engineer, the trenches may be backfilled with excavated material meeting the requirements of the “Standard Specifications.” If excavated material is allowed for backfill, it shall be compacted by mechanical methods, meeting the approval of the Town Board, upon the recommendation of the Town Engineer.

C. Where a sanitary district has been created pursuant to Section 60.71 or Section 60.72 of the Wisconsin Statutes for the purpose of providing and constructing sanitary sewers, such plans and standard specifications shall further be subject to review and approval by the Sanitary District Commission.

11.05.090 Water Supply. When public water supply and distribution facilities are available to the subdivision plat, or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots, the subdivider shall cause water supply and distribution facilities to be installed in such a manner as to make water service available to each lot within the subdivision. Private water systems, when required by the Town, shall be provided by the subdivider in accordance with the standards of the Wisconsin Department of Health Services. In addition:

A. The Town Board shall require the installation of water laterals to the road lot line.

B. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Board, upon the recommendation of the Town Engineer.

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C. Where a sanitary district has been created pursuant to Section 60.71 or Section 60.72 of the Wisconsin Statutes for the purpose of provided a system, or systems, of water works, such plans and standard specifications shall also be subject to review and approval by the Sanitary District commission.

11.05.100 Other Utilities. The subdivider shall cause gas, electrical power, telephone, and cable television facilities to be installed, where available, in such a manner as to make service available to each lot in the subdivision. Plans indicating the proposed location of all gas lines required to serve the plat shall be approved by the Town Engineer.

11.05.110 Street Lamps. In all subdivisions the Town Board may require hooded street lamps, of a design approved by the Town Engineer, at the intersection of all roads to be dedicated and at such mid-block intervals as may be required by the Town Board.

11.05.120 Erosion and Sedimentation Control.

A. Storm Water Runoff Control. The subdivider shall provide a drainage plan to construct, install, furnish, and provide adequate facilities for storm and surface water drainage for all disturbed areas. If the subdivider chooses to release more runoff than under existing conditions, the subdivider is required to provide adequate outlet facilities downstream to accommodate the increased runoff. Designing facilities and computing runoff shall be based upon standards contained in the Technical Guide for Dodge County and the Engineering Field Manual for Conservation Practices, by the United States Department of Agriculture Natural Resources Conservation Service.

B. Erosion Control. The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected so that erosion, siltation, sedimentation, and washouts are prevented, in accordance with plans and specifications approved by the Town.

Side slopes shall be covered with a minimum of four (4) inches of topsoil, prepared, seeded or sodded, fertilized, watered and maintained for a sufficient period to provide adequate grass cover, prior to acceptance by the Town Board. No greater than five (5) percent weed seeds. Unless otherwise provided by the Town, all slopes steeper than three (3) horizontal to one (1) vertical shall be sodded and staked by the subdivider.

Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.

Tree cutting and shrubbery clearing shall not exceed 50 percent of the lot or tract and shall be conducted so as to prevent erosion and sedimentation; preserve and improve scenic qualities; and during foliation, substantially screen any development. The subdivider shall protect and retain existing trees, shrubbery, vines, and grasses not actually lying in public roadways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. Trees are to be protected and preserved during construction in accordance with

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sound conservation practices, including by well islands or retaining walls whenever abutting grades are altered.

Sediment basins shall be installed and maintained at all drainage ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.

The Town Board may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.

11.05.130 Curb and Gutter. In all subdivisions the Town Board may require the subdivider to construct concrete curb and gutters on both sides of all roads within the subdivision. The construction of all curb and gutters shall be in accordance with plans and standard specifications approved by the Town Board, upon the recommendation of the Town Engineer.

11.05.140 Sidewalks. In all subdivisions the Town Board may require the subdivider to construct a concrete sidewalk on both sides of all roads within the subdivision or a paved and marked bike and pedestrian path along the side of the road. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Town Board, upon the recommendation of the Town Engineer.

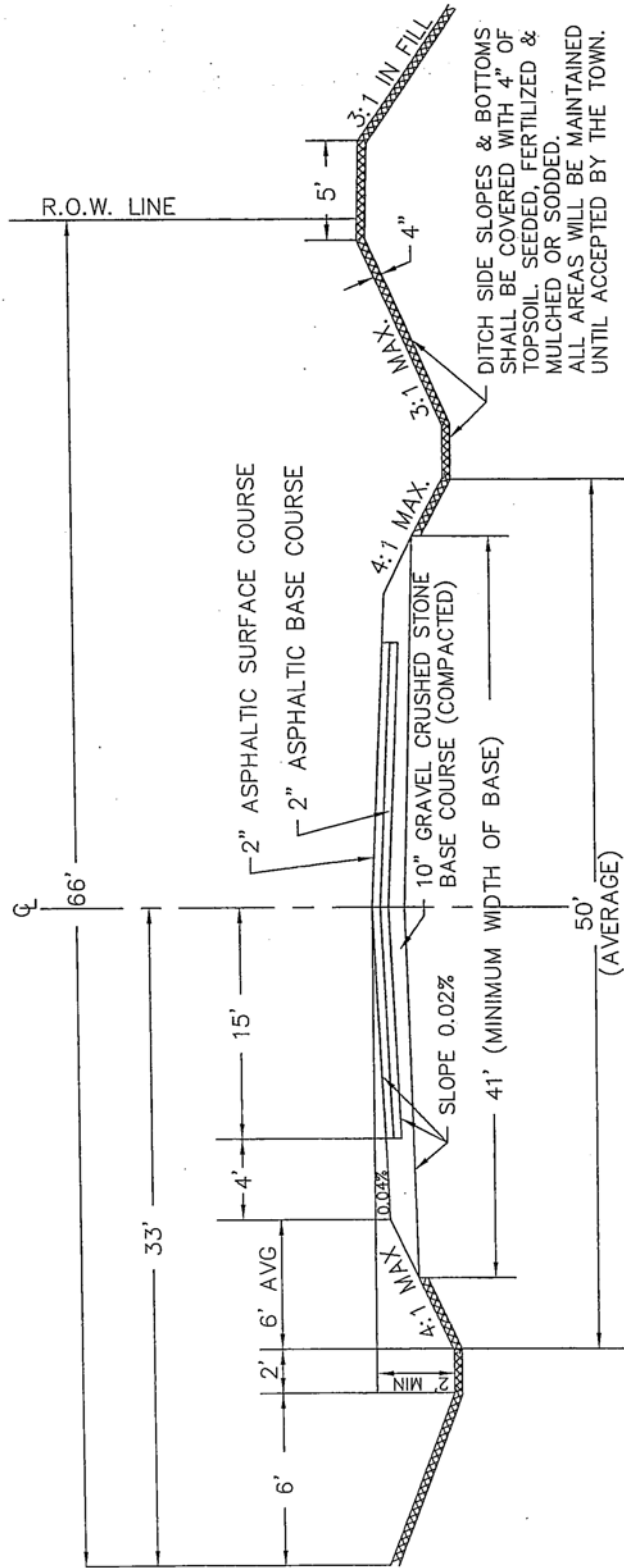


DIAGRAM A
 TYPICAL ROAD SECTIONS
 TOWN OF RUBICON, DODGE COUNTY, WISCONSIN

TITLE 11 – LAND DIVISION ORDINANCE

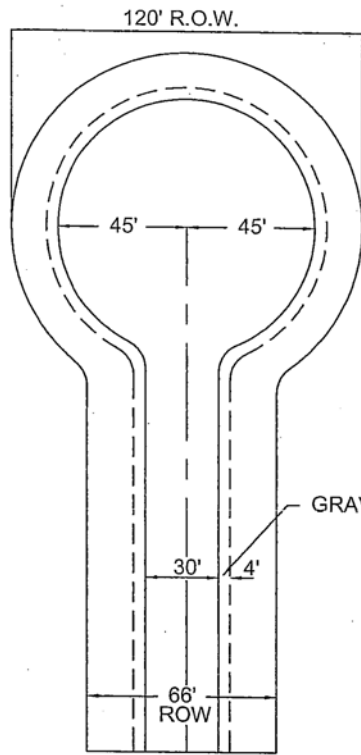


DIAGRAM B
TOWN OF RUBICON
CUL-DE-SAC ISLAND DETAIL

DIAGRAM C

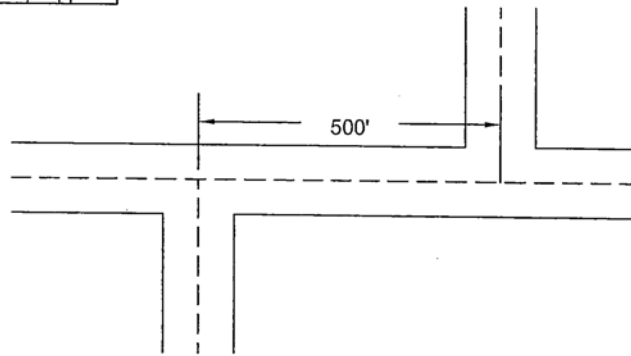
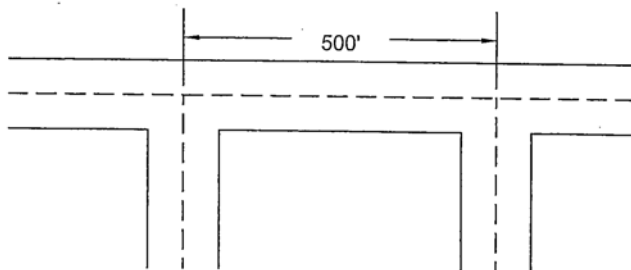


DIAGRAM D



Chapter 11.06

REQUIRED IMPROVEMENTS

Sections:

- 11.06.010 Improvements
- 11.06.020 Required Installation
- 11.06.030 Other Improvements
- 11.06.040 Building or Land Use Permit

11.06.010 Improvements. Before final approval of any plat or map, the subdivider shall install all improvements as herein provided. If such improvements are not installed as required at the time that the final plat or certified survey map is submitted for approval, the subdivider shall, before the recording of such plat or map, enter into a contract with the Town agreeing to install the required improvements and shall file with said contract a certified check in an amount equal to the estimated cost of the improvements, said estimate to be made by the Town Board, as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one (1) year from the date of recording of the plat or map, and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Government units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Chapter.

Contractors and subcontractors who are to be engaged in the construction of improvements on dedicated road right-of-ways shall be subject to the approval of the Town Board.

Before final approval of any plat or map located within the Town, which is also located within a Sanitary District, the subdivider shall furnish written evidence of satisfactory arrangements and co-ordination with the Sanitary District Supervisors, signed by the President of said District.

The adequacy of improvements and their proper installation shall be subject to review by the Town Engineer, and Attorney and approval of the Town Board prior to approval of the Final Plat or Map.

Construction or installation of improvements shall not commence until the Preliminary Plat and the construction plans have been approved by all agencies having authority to review the plat.

Noxious weeds shall be controlled by the subdivider during the entire time of development. The owner of any undeveloped lot is responsible for the control of noxious weeds in the event the subdivider does not control them.

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11.06.020 Required Installation. Prior to Final Plat or Map approval by the Town Board, the subdivider shall provide and dedicate the following improvements all of which must be installed or provided for within the time required by the Town Board:

- A. Survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.
- B. Roads graded and surfaced.
- C. Road signs.
- D. Drainage ditches, culverts, and other facilities necessary to provide for surface water and storm water drainage.
- E. Sanitary Sewer system where available.
- F. Stream or lake shores shall have sixty (60) feet of public access platted to the low-water mark at intervals of no more than one-half mile as required by Section 236.16(3) of the Wisconsin Statutes.
- G. The subdivider shall ensure future long-range availability of water within the subdivision without unreasonable impairment of existing and future water supplies to neighboring property. Upon request of the Town Board, the subdivider shall provide evidence of geographical and exploratory drilling or other evidence of adequate near-surface water supply. The Town Board may, based upon available evidence as to future long-range availability of water in the area, require the subdivider to install and dedicate well and water pumping, holding and distribution facilities.
- H. Facilities for distribution of electric, telephone, and gas utility service located within a subdivision shall be installed underground except where the Town Board finds that conditions make such installation prohibitively expensive or impractical. Transformer junction boxes, meter points, or similar equipment may be installed upon the ground surface. Any landscape screening required for above-ground equipment shall be approved by the utility.

11.06.030 Other Improvements. Prior to final approval by the Town Board, the subdivider shall provide and dedicate any of the improvements listed below which are required by the Town Board. Such improvements must be installed or provided for within the time required by the Town Board:

- A. Road Lighting.
- B. Erosion and sedimentation control measures.
- C. Curb and gutter instead of road shoulders and ditches.
- D. Sidewalks.

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E. The Town Board may require the size of all culverts to be utilized by the future lot owners of the development to be noted on a copy of the Final Plat or Map. This information does not need to be placed on the Final Plat or Certified Survey Map to be recorded.

11.06.040 Building or Land Use Permit. No building or land use permit shall be issued for erection of a structure on any lot not of record until all the requirements of this or another ordinance have been met, or on a lot of record in a new development whose improvements have not been approved and accepted by the Town, unless specifically authorized by the Town Board.

Chapter 11.07

FEES

Sections:

- 11.07.010 General
- 11.07.020 Letter of Intent Fee
- 11.07.030 Preliminary Plat or Certified Survey Map Review Fee
- 11.07.040 Improvement Review Fee
- 11.07.050 Inspection Fee
- 11.07.060 Final Plat Review Fee
- 11.07.070 Public Site Fee
- 11.07.080 Engineering Fee
- 11.07.090 Administrative Fee

11.07.010 General. The subdivider shall pay all fees to the Town Clerk or his or her designee as hereinafter required and at the times specified before being entitled to record a plat or certified survey map.

11.07.020 Letter of Intent Fee. At the time of filing a Letter of Intent, the subdivider shall pay a fee in the amount of \$25.00.

11.07.030 Preliminary Plat or Certified Survey Map Review Fee. At the time of filing a preliminary plat or certified survey map for review, the subdivider shall pay a fee in the amount of \$200.00 plus \$5.00 per lot.

11.07.040 Improvement Review Fee. The subdivider shall pay a fee or present a bond, certified check, or irrevocable letter of credit equal to one (1%) percent of the cost of the required public improvements as estimated by the Town Engineer at the time of the submission of improvement plans and specifications to partially defray the cost of review. The fee may be recomputed, upon demand of the subdivider or Town Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Town Engineer.

11.07.050 Inspection Fee. The subdivider shall pay a fee equal of the actual cost to the Town for such inspections as the Town Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications, and ordinances of the Town.

11.07.060 Final Plat Review Fee. At the time of filing a final plat for review and final approval, the subdivider shall pay a fee in the amount of One Hundred and 00/100 (\$100.00) Dollars plus Five and 00/100 (\$5.00) Dollars per lot in the Final Plat.

11.07.070 Public Site Fee. Fees in lieu of dedication of land for parks, recreation, and open space shall be in accordance with Section 11.01.100(C) of this Ordinance.

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11.07.080 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. Engineering work may include the preparation of construction plans and standard specifications. The Town Engineer may permit the subdivider to furnish all or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

11.07.090 Administrative Fee. The subdivider shall pay a fee equal to the cost of any legal, administrative, or fiscal work undertaken by the Town in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the Town and the subdivider. These fees may also include the cost of obtaining professional opinions from attorneys, engineers, landscape architects, land planners and other professionals, requested by the Town Board in connection with the land division being considered.

Chapter 11.08

TOWN OF RUBICON COMPREHENSIVE PLAN

Sections:

- 11.08.010 Authority
- 11.08.020 Public Hearing
- 11.08.030 Plan Commission Action
- 11.08.040 Comprehensive Plan

11.08.010 Authority. The Town of Rubicon is authorized to prepare and adopt a Comprehensive Plan as defined in Wis. Stat. §§ 62.23(2) & (3), 60.22(3), and 66.1001.

11.08.020 Public Hearing. The Town of Rubicon held a public hearing on a proposed Comprehensive Plan in compliance with the requirements set forth in Wis. Stat. § 66.1001.

11.08.030 Plan Commission Action. The Town of Rubicon Plan Commission, by majority vote recorded in its official minutes, has recommended to the Town Board the adoption of the document titled “Town of Rubicon 2030 Comprehensive Plan” containing the elements required in Wis. Stat. § 66.1001.

11.08.040 Comprehensive Plan. The document entitled “Town of Rubicon 2030 Comprehensive Plan” is hereby adopted pursuant to Wis. Stat. § 66.1001(4)(c) as the Town’s Comprehensive Plan. A copy of the Comprehensive Plan is on file in the office of the Town Clerk.

TITLE 12

EMPLOYEE GRIEVANCE PROCEDURE

Chapters:

12.01 Employee Grievance Procedure

Chapter 12.01

EMPLOYEE GRIEVANCE PROCEDURE

Sections:

- 12.01.010 Purpose
- 12.01.020 Definitions
- 12.01.030 Steps of the Grievance Procedure
- 12.01.040 Grievance Requirements
- 12.01.050 Hearing Officer's Decision
- 12.01.060 Representation
- 12.01.070 Costs

12.01.010 Purpose.

This grievance procedure is adopted pursuant to Wis. Stat. § 66.0509(1m), and is intended to provide a timely and orderly review of disputes regarding: a) employee terminations, b) employee discipline, and c) workplace safety.

12.01.020 Definitions.

"Discipline": means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions, and terminations. The term "discipline" does not include verbal notices or reminders; oral or written reprimands; counselings, meetings, or pre-disciplinary action; performance evaluations or reviews; actions taken to address work performance, including use of a performance improvement plan or job targets; documentation of employee acts or omissions in an employment file; non-disciplinary demotions, transfer or change in job assignment or location; non-disciplinary adjustments to compensation or benefits; actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; terminations, layoffs or workforce reduction activities; documentation of employee acts or omissions in an employment file; actions taken pursuant to an ordinance created under Wis. Stat. § 19.59(1m); or other personnel actions taken by the employer for non-disciplinary reasons.

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"Hearing Officer": means the impartial hearing officer required pursuant to Wis. Stat. § 66.0509(1m)(d)2. The hearing officer shall not be an employee of the Town of Rubicon.

"Termination": means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "termination" does not include: a voluntary quit; completion of seasonal employment; completion of temporary or part-time assignment; completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period; workforce reduction activities; job transfer or demotion; retirement; job abandonment ("no call, no show" or other failure to report to work); termination of employment due to medical condition; lack of qualification or license; death; action take pursuant to an ordinance created under Wis. Stat. § 19.59(1m); or any other cessation of employment not involving involuntary termination.

"Workplace Safety": means any alleged violation of any standard established under state law or rule or federal law or regulation relating to health and safety standards in the workplace.

12.01.030 Steps of the Grievance Procedure.

Employees should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance.

1. Step 1 – Written Grievance Filed with Town Chairperson. The employee must prepare and file a written grievance with the Town Chairperson within five (5) business days of when the employee knows, or should have known, of the events giving rise to the grievance. The Town Chairperson or his/her designee will investigate the facts giving rise to the grievance and will provide the employee with a written response within ten (10) business days of receipt of the written grievance. The Town Chairperson's decision shall be written, state whether the grievance is sustained or denied, and include the rationale for the decision. A copy of the Town Chairperson's decision shall be filed with the Town Clerk. In the event the grievance involves the Town Chairperson, the employee may initially file the grievance with the Town Board, who shall conduct the Step 1 investigation.
2. Step 2 – Impartial Hearing Officer. If the grievance is not settled at Step 1, the employee may request a review by an impartial hearing officer by filing a written request with the Town Clerk within five (5) business days following receipt of the Town Chairperson's decision. The Town shall select the impartial hearing officer and notify the employee of the identity of the hearing officer and the hearing officer's fees within two (2) business days of receipt of the employee's written request for review by a hearing officer. The hearing officer shall not be a Town employee. The Town Clerk shall notify the Town Chairperson and employee's supervisor about the filing of the request for a hearing as soon as practicable. The Town will work with the hearing officer and grievant to schedule a mutually agreeable hearing date. In all cases, the grievant shall have the burden of proof to support the grievance. The impartial hearing officer will determine whether the Town acted in an arbitrary and capricious manner. This process does not

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involve a hearing before a court of law; thus, the rules of evidence will not be followed. However, no factual findings may be based solely on hearsay evidence. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. The hearing officer may require the employee and Town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The impartial hearing officer shall provide a written decision to the employee, the employee's supervisor, and to the Town Clerk for filing in the clerk's office no later than thirty (30) calendar days after the hearing.

3. Step 3 – Review by the Governing Body. If the grievance is not resolved after Step 2, the employee or the Town Chairperson shall request within five (5) business days of receipt of the written decision from the hearing officer a written review by the Governing Body. For all other employees, the appeal shall be filed with the Town Board. The Town Board shall not take testimony or evidence; it may only determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process. The matter will be scheduled for the Town Board's next regular meeting. The Town Board will inform the employee of its findings and decision in writing within ten (10) business days of the Town Board meeting. The Town Board shall decide the matter by majority vote and this decision shall be final and binding. A copy of the Town Board's decision shall be filed with the Town Clerk.

If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days. If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved.

The grievant and Town Board may mutually agree in writing to waive a step or multiple steps within the procedure. Granting the requested or agreed upon remedy resolves the grievance.

An employee must process his/her grievance outside of normal work hours.

12.01.040 Grievance Requirements.

The written grievance must contain:

1. The name and position of the employee filing the grievance;
2. A statement of the issue involved;
3. A detailed explanation of the pertinent facts surrounding the nature of the grievance;
4. A description of the workplace safety rule alleged to have been violated, if applicable;

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5. The date the incident occurred or the date the alleged workplace safety concern was discovered;
6. The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion;
7. The specific remedy requested; and
8. The employee's signature and date.

The hearing officer may require the employee and town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The hearing officer is not given authority to grant in whole or in part the specific request of the grievant. Within thirty (30) days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision.

If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

12.01.050 Hearing Officer's Decision.

The hearing officer's written decision must contain:

1. A statement of pertinent facts surrounding the nature of the grievance.
2. A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
3. A statement outlining the timeline to appeal the decision.

12.01.060 Representation.

Both the employee and the town may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.

12.01.070 Costs.

Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be divided equally between the parties with the employee(s) paying half and the employer paying the other half.